

To: Council
Date: 18 April 2016
Title of Report: Questions on Notice from members of Council and responses from the Board Members and Leader, republished after the meeting to include supplementary questions and responses.

Introduction

1. Questions submitted by members of Council to the Board members, Leader of the Council, by the deadline in the Constitution are listed below in the order they were taken at the meeting.
2. Responses are included.
3. Questioners can ask one supplementary question of the councillor answering the original question.
4. This report is republished as part of the minutes pack after the Council meeting and includes supplementary questions and responses.

Questions and responses

Board member for Climate Change and Cleaner, Greener Oxford

1. From Councillor Wolff to Councillor Tanner

The portfolio holder will no doubt have noticed the appalling state of our streets with many major and minor roads peppered with potholes large enough to put cyclists in danger.

1. What is the portfolio holder doing to improve the performance of the County Council in repairing the major roads for which it is responsible?
2. How quickly are the City Council responding to reports of potholes?
3. What is the portfolio holder doing to improve the performance of the City Council in repairing the minor roads for which it is responsible?

Written response

(1) The revenue budget allocated for pothole repairs by the County Council on major roads has been substantially reduced, therefore the County Council Highway Inspectors are rigorously adhering to the inspection policy. Repairs will only be instigated if they meet the relevant investigatory levels. These levels can be found in the highway inspection policy:-

<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/highwaymanagementpolicy/highwaysafetyinspectionpolicy10feb2011.pdf>

The City Council is continually pressing the County Council to increase the money available for keeping Oxford's main roads in a good state of repair.

(2) The City Council inspects reported potholes and if they meet the appropriate investigatory levels we aim to repair them within either 2 hours, 24 hours (or next working day) or 28 days depending on the severity of the defect and level of risk.

(3) The City Council undertakes the maintenance of minor roads under the Section 42 agreement and the County Council provides the budget for this agreement. This has been significantly reduced as part of their budget reductions. The Direct Services team perform very well within the stringent financial constraints and are regularly exploring alternative repair methods to improve quality and reduce costs.

Supplementary question

Are the roads built to the specification we require?

Response

I share your concern over the roads: the real problem is there is so little money spent on the roads. We will continue to do what we can to press the county council to do more for the city's roads.

2. From Councillor Simmons to Councillor Tanner

No one doubts the value of increased food waste recycling but did the Council do a proper evaluation of bin colours before deciding on the visually intrusive bright red bins that are appearing on our streets?

Written response

The 'Food Waste Recycling for Flats' project was initially devised in 2014. The rationale underlying the distinct bin colour choice was to:-

- Provide service uniformity/consistency at sites across the city;
- Ensure that residents could easily differentiate food waste bins from those for other waste streams (blue for recycling, green for residual waste, brown for organics).

Bin colour choice is limited and whilst black or grey bins may have been an option, these are universally associated with residual waste and were therefore deemed likely to generate confusion and consequent contamination; the latter at significant financial and environmental cost to the council.

It is estimated that 5-10% of food waste bin sites are visible from the highway, with the majority concealed within bin stores.

Supplementary question

Could we have a less obtrusive colour?

Response

I am prepared to review but personally like red.

3. From Councillor Wade to Councillor Sinclair

When is it anticipated that the draft Waterways PSPO (*Public Spaces Protection Order*) will be revised and ready for consultation? When will the public consultation take place? And will the consultation period be extended if it takes place over the holiday period?

Written response

The draft Waterways PSPO amended by the City Executive Board on 17 March is the version that will be used in the consultation. The consultation will begin when the Council's Public Involvement Board (*officer group*) have agreed the approach to consultation. Therefore there is no end date to the consultation at present. It is likely to continue throughout the summer period.

Supplementary question

Will this be a consultation involving notification of boat dwellers and riparian owners and will it continue until mid-September if it covers the school holiday?

Response

Yes, it will be comprehensive and we welcome engagement from the boating community.

4. From Councillor Thomas to Councillor Sinclair

Do you agree that instead of officer time being spent drawing up a poorly worded, half-baked, and impractical Waterways PSPO their time would be better spent working on a 'living waterways' plan prioritising the provision of additional residential moorings to aid the housing crisis in Oxford?

Written response

The draft Order was developed to stimulate a discussion with members and the public on the best way to deal with the issues that have been arising for some time on the waterways and riverbanks.

Supplementary question

This has really created anxiety. When will you publish the timetable of face to face meetings?

Response

The report was not the consultation but to agree the start of the process:

5. From Councillor Thomas to Councillor Sinclair

Will you be cross referencing the Waterways PSPO proposals with existing human rights legislation to ensure there are no breaches?

Written response

Yes. If a PSPO is eventually presented for the consideration of the CEB, the Human Rights Act 1998 and the equalities impact will be taken fully into consideration.

Supplementary question

Will the draft consider the Human Rights Act??

Response

Yes.

6. From Councillor Thomas to Councillor Sinclair

Will you make the minutes of past meetings of *UMBEG (Unlawfully Moored Boats Enforcement Group)* publicly available, obviously with the exclusion of any references to named individuals?

Written response

Yes, subject to data protection considerations.

Supplementary question (for 6 and 7)

What date will these be available?

Response

I do not have a date but these should be made available soon.

7. From Councillor Thomas to Councillor Sinclair

Will you make Action Plans from UMBEG publicly available, obviously with the exclusion of any references to named individuals?

Written response

Yes, subject to data protection considerations.

8. From Councillor Thomas to Councillor Sinclair

Will the Council make publicly available all correspondence regarding the 2015 consultation on the PSPO with private land owners?

Written response

The discussion with private land owners in 2014-15 sought their views on whether they would support a PSPO to include a schedule of mooring locations and other provisions. This was not the draft PSPO presented to CEB on the 17 March.

Supplementary question

I understand that some paperwork went to riparian landowners. When will this pre-consultation paperwork be made available?

Response

I will consult the council's legal team and if appropriate will make this available to you and the public.

9. From Councillor Benjamin to Councillor Sinclair

Do you find emerging stories of Council representatives telling boaters and waterside rough sleepers 'we will get you when the PSPO comes in' worrying?

Written response

I am not aware of any such comments. There is a procedure for dealing with these matters through our website.

Supplementary question

The point of the question was to make you aware of these concerns. How are you going to make it possible for homeless people to follow this procedure for reporting these matters given they have no computers?

Response

We will make efforts to engage homeless people with the consultation. Thank you for bringing this information to our attention. We encourage individuals to make their complaints so that we can take action. We need evidence about specific inappropriate and comments so they can be followed up.

10. From Councillor Benjamin to Councillor Sinclair

What are your plans for practically enforcing the Waterways PSPO on private land?

Written response

The PSPO is unenforceable on private land, unless there is an implied right of access. The majority of the waterways of Oxford are publicly accessible, therefore there is an implied right of access. The public also has an implied right of access to the tow path, foot paths and some of the riverbank.

Supplementary question

Will a map of who owns all the land along the towpaths be available as part of the consultation to aid the consultation?

Response

I think this was part of the initial paperwork but if not we will see if we can produce one.

11. From Councillor Thomas to Councillor Sinclair

In a recent Oxford Mail article entitled "Softer approach to tackle anti-social behaviour working in the Leys", which opens with "Methods used to deal with anti-social behaviour in Windrush and Evenlode Towers have been successful and should be deployed elsewhere, councillors say." Cllr Linda Smith is quoted as saying "One of the first responses of council officers was to explore the possibility of putting in a PSPO, like the one at Foresters Tower. Councillors in Blackbird Leys and Northfield Brook felt that using the criminal process to deal with young teenagers wasn't the way we wanted to go."

Does the Board Member agree that the City Executive should be following the lead of Cllr Smith and her Blackbird Leys and Northfield Brook colleagues to work pro-actively with people rather than implementing yet another unpopular PSPO which will only alienate and criminalise?

Written response

As the Councillor knows, the Board has approved an extensive consultation process for the draft Waterways PSPO that will involve working closely with the groups and individuals who are most involved in the identified anti- social behaviours that are affecting the city's waterways. That consultation process will allow the officers to consider the merits of all the available approaches to controlling these behaviours.

Supplementary question

Will alternatives to the PSPO be set out in the consultation for the public to judge?

Response

I am sure that other positions and views and ideas will come forward from the consultees and we will look seriously at these.

12. From Councillor Gant to Councillor Sinclair

Why has the dog waste bin on the canal towpath by the Frenchay Road bridge been consistently left unemptied? If Council is proposing to give officers greater powers to make boaters and others look after the waterways, would it not be a good start for council to make sure its officers keep their part of the deal by keeping the living and recreational environment of boaters and other users in an acceptable condition?

Written response

The canal towpath is a popular location for dog walkers. Officers will monitor the situation and take any necessary action.

Supplementary question

I note that the the bin being emptied now and thank you for this. Is the answer to the second question 'yes'?

Response

Yes it is – and yes I agree with the second part.

13. From Councillor Gant to Councillor Sinclair

The city centre PSPO has been in force for some months now.

Could the councillor tell us how many notices have been issued under its provisions?
Of those:

- how many were for each of the behaviours listed in the order;
- how many were issued north of St Giles' church;
- how many were issued inside property owned and managed by the University of Oxford;
- how many were issued inside property owned and managed by Colleges of the University of Oxford?

Written response

for each of the behaviours listed in the order;

- o Aggressive begging – 10 occurrences
- o Alcohol – 3 occurrences
- o Busking – 5 occurrences
- o Cycling in Queen St or Cornmarket – 132 occurrences
- o Dog control – 3 occurrences

issued north of St Giles' church - None

issued inside property owned and managed by the University of Oxford - None

issued inside property owned and managed by Colleges of the University of Oxford – None.

The city centre PSPO has been in place since February 1 2016. Officers have been addressing anti social behaviours covered by the Order by giving advice and handing out a Frequently Asked Questions leaflet.

Supplementary question

Is the city centre PSPO appropriate; is the extension to University land necessary; and is the behaviour controlled by other legislation?

Response

We are noticing an improvement in behaviour and the success is not in fines but in improved safety in the city centre.

14. From Councillor Gant to Councillor Sinclair

The Microchipping of Dogs (England) 2015 Act comes into legal force on April 6. This requires dog owners to have their pets microchipped and gives responsibility for enforcement to local councils, but, rather unhelpfully, does not specify whether this means county or districts (see provision 2 (Interpretation) sub-section (b), part (i), at <http://www.legislation.gov.uk/ukxi/2015/108/regulation/2/made>). Does the City Council exercise this responsibility, and if so how will it go about it and what are the implications for resources?

Written response

The dog warden service within Direct Services will be taking on the responsibility for enforcing the Microchipping of Dogs (England) Regulation 2015.

To date a template legal notice has been drafted with Legal Services and a formal procedure is being written. Authorisation of relevant officers under the regulations has been requested from Community Services who manage this function following the restructure of regulatory services within the Council.

The Dog Warden service has limited resources (0.5 FTE Dog Warden) and therefore in practical terms the new regulations will be enforced only when stray dogs are collected without microchips.

Owners looking to claim their dogs will be advised it is a legal requirement to chip their dog and we will offer to do so before returning the dog. The cost of chipping is already included in the repatriation fee for the dogs. If the owner refuses this offer then a legal notice will be served requiring chipping to take place within 21 days. The dog warden will follow up on the notice and if it has not been chipped we will take the dog and chip it in default of the notice. The costs of doing so will be recovered from the owner. The owner can then be prosecuted for failing to comply with the notice.

If the stray dogs are not claimed and are rehomed then the dogs will be chipped by the rehoming centre before going to a new owner.

There are no additional resources required by enforcing the new regulations in this way and it will become an extension of the existing stray dog procedures.

It is not anticipated that there will be a high level of enforcement action required.

15. From Councillor Fooks to Councillor Simm

I see that the West Oxford Community Centre has been offered very generous terms for a new lease. Will you assure Council that similarly generous terms, exempting the Association from performance measurement and providing rent-free occupation, will be on offer to other Community Associations in the city?

Written response

We are very supportive of the excellent work undertaken by WOCA and the quality of their operational performance over many years. This is reflected in the terms of the lease and we are currently discussing with them the performance measures that will be used outside the lease itself. We will be agreeing the terms for the remaining four associations with protected leases on an individual basis and in these cases too, the measures will be kept outside the lease itself and negotiated individually to reflect the work of each specific organisation.

Supplementary question

What is the position for those without a protected tenancy?

Response

Other community associations have licenses so are not on the same terms. We do want to support for community associations and will proceed sensitively, but I give no undertakings.

16. From Councillor Gant to Councillor Simm

Can the Councillor give us figures for room hire, gym membership and uptake of medical services at the Rose Hill Community Centre, what percentage of capacity has been achieved, and what proportion of bookings have come from local residents?

Written response

Attendance is building well, the below is the record of visits.

- Jan (18-31) – 1,333
- Feb – 3,950
- March – 5,994
- Total – 11,277

This does not include tenant's numbers

Gym

- Currently has 368 users that have either taken out a membership or been inducted and using on a casual basis
- The vast majority of these are from Rose Hill - 313 (87%)

Capacity

- The capacity has built steadily and we are now at 33%
- Regarding booking split currently nearly all bookings are at the community rate as they are activities run by community residents/ groups or activities run by the community.

17. From Councillor Fooks to Councillor Brown

The problems with lack of email and telephone connection over the weeks surrounding the changeover of the ICT provider have been considerable for staff, councillors and the public. The total loss of some emails can only be described as extremely worrying. What confidence can the public have that the Council has adequate business continuity plans in place in the event of a systems failure in future?

Written response

After 12 months of planning and a very intensive three months of work by staff in ICT they have successfully moved 57 software applications and more than 20 million files across from the County Council's systems to our new ICT platform Sentinel, managed by SCC. With this level of work, it was never likely that it would be completed without some unexpected outages and problems developing. I apologise to members and to staff for the inconvenience, but would also remind Cllr Fooks that we had two occasions of periods of several days last municipal year when the county was managing the service that we had a total IT outage. The problems we have been experiencing are transitional ones as we move to new servers, and use new hardware and software.

The reason for the change was to ensure consistent and improved levels of ICT availability for all customers in the long term. For example, the two major system outages that we experienced in the last six months with the County ICT platform, should not happen with our new provider, as the new backup arrangements mean systems can be switched to maintain service availability. In addition, these new arrangements have saved the Council £150,000 per annum.

Separately, the loss of telephony that the City Council experienced on 23 March was caused by a fault on the BT line that receives data to our systems in the Town Hall where the City Council's telephony server is also housed. This meant that we:

- Lost access to the general ICT networks in the Town Hall;
- Were not able to receive calls into the Council's contact centre;
- Were not able to make or receive calls via our desk phones on the network.

However, I'm glad to say that the business continuity plan for the Contact Centre meant that we were able to deploy some staff to Horspath depot to our emergency contact centre and arrange for the incoming calls to our switchboard number to be diverted by British Telecom. We arranged messaging on our website whilst also keeping our own staff abreast of the situation using email and the intranet. The fault was corrected and we were fully operational again the same day by 4:30pm. I have asked that for the future we look at how our emergency planning can support better communications to members.

I understand that we are currently waiting for an additional two lines to be installed to both the Town Hall and St Aldates Chambers from Vodafone and Virgin Media which will provide additional resilience should this happen in future, as we will be able to switch data to an alternate line.

As part of the migration of Member email accounts to our new ICT infrastructure, ICT moved email accounts from Exchange 2003 to Exchange 2010. This was co-ordinated with also moving Members from their old Blackberry devices to their new LG phones.

This meant that some Members were offline for a period of time. This process was communicated in advance to all members, to try and reduce disruption.

Post migration to our new ICT environment, there have been particular issues with iPads and Citrix that have affected some members. All high priority group email accounts and public folders that members access are now fully operational. ICT have been contacting all members to verify the access that they have via their phones, iPads and laptops to email and mod.gov in particular and are pulling together an action plan to bring full access back to members and sort out any residual problems. I would encourage any councillor who is still experiencing problems to make sure that they are talking to ICT and continuing to report problems.

Supplementary question

Are you aware that the two complete failures of IT earlier in this municipal year were caused by an IBM software fault and a number of emails were lost?

Response

One of the reasons we chose to move supplier was to alleviate these problems as the arrangement with the County Council did not provide us with adequate business continuity.

18. From Councillor Thomas to Councillor Brown

In the last Scrutiny Committee, it was reported that the Council will once again be handing back unspent Discretionary Housing Payment to the Government – at the same time it has spent none of the DHP top-up allocated in the last budget. The same Committee also heard that about one-third of DHP applicants are being refused support. Does the portfolio holder think that this is acceptable?

Written response

Once again the Council has had to plan for a delivery of benefit changes that the government has failed to deliver to the timetable they have suggested. In spite of the fact that we have not seen the number of people affected that we thought we might, we have nearly spent all the DHP this year. This raises concerns about the level of DHP that government are offering as well as their ability to plan. There are no guarantees on the level of DHP offered in future.

In 2013 the Council changed its approach to awarding Discretionary Housing Payments in response to the significant increase in demand caused by the introduction of the Bedroom Tax and Benefit Cap. In line with government policy and advice on the purpose of DHP, and in the light of the frequent reminders that DHP is supposed to be a temporary payment, instead of making awards based solely on an assessment of affordability, awards were made to support the recipient in taking positive steps to improve their financial position.

Alongside the conditionality, the Council invested in more support to those receiving DHPs, assisting them in finding work, alternative accommodation, help with debts and help with a range of other issues including mental health, confidence and self-esteem, skills etc.

The success of the approach is illustrated by the fact that of the 239 households that have been affected by the Benefit Cap to date, only 66 are currently receiving a DHP. We estimate this is due to the support that has been put in to help people gain exemptions from the cap. The exemptions include 76 people having been helped to

find work, 35 having been helped to apply for an exempting benefit, and 19 having been helped to find more affordable accommodation.

Those supported in this way have often had several of the following characteristics: they have tended to be single women with four or more children, with few or no qualifications and no work experience. Supporting people to move off DHPs allows a smaller budget to go much further and support more people. The previous approach of granting money without conditions would have quickly exhausted the DHP budget.

People who have their DHP application turned down are still offered support by the City Council. Although not many take this up, some do. People who are initially turned down, often reapply with a more positive approach to changing their situation, and as a result are successful. The unaffordability of the private rented sector means that it is not practical to use DHPs to top-up rents without doing something to improve the customer's situation. This would just create an ongoing and increasing DHP liability for the Council.

Supplementary question

Is it possible to look at the criteria again?

Response

I would refer you to the written answer.

19. From Councillor Simmons to Councillor Brown

In July 2015, the Council commissioned a report on the City's credit unions which resulted in a series of recommendations for both the credit unions and the City Council. When this report came to light during a recent item on credit unions introduced on the Finance Panel agenda at my request as Chair (following an approach from the Oxfordshire Credit Union), officers could find no formal response from the Council to the report's recommendations. These recommendations seem, on the face of it, to be reasonable and would help the credit unions to address the serious problem of 'loan sharks' or 'pay day loans' – which are estimated to affect around 2,000 households in the City.

Will the portfolio holder agree to fully consider the report, and any subsequent advice from Scrutiny before withdrawing support from the City's credit unions?

Written response

A Credit Union is an organisation where members pool their money in order to be able to loan money to each other and provide some other financial services, as agreed by the Membership. They are intended to be a self-sustaining organisation, without reliance on external funding. The Council has provided significant financial support to both Oxfordshire Credit Union (OCU) and Blackbird Leys Credit Union (BBLCU), including providing funding to support a merger which did not then take place. From 2011/12 to 2015/16, £100,000 has been provided to OCU, and £32,000 to BBLCU.

Following the failure of the merger, a year of dialogue followed between the Council and Credit Unions to understand why the merger failed and to consider a way forward. This was largely unproductive and so it was agreed to jointly commission an independent report into the future of Credit Unions in Oxford.

The resulting report made a number of recommendations to both Credit Unions and the Council. These were discussed at a meeting including the Credit Unions, officers and me as the portfolio holder for financial inclusion. We made it clear to both credit unions

that in order for the Council to actively promote them to our staff, regular dividends needed to be paid to savers and reasonable loan rates needed to be available for borrowers and that we needed to be satisfied about their future viability.

I would welcome an opportunity to discuss the report at the Finance Panel. The Council recognise OCU have acted on all the recommendations made specifically for them. A further £12,500 grant was awarded to them last financial year although this should not be seen as a predictor of future grant.

OCU have requested that the Council promote their organisation to Council staff. However, on the basis that a dividend hasn't been provided to investors for some years, concerns over the competitiveness of the loan rates and the fact that the Council has the facility to provide financial support to staff who are experiencing difficulties with money, we have no current plans to promote OCU to staff.

Board member for Leisure, Sports and Events

20. From Councillor Gant to Councillor Lygo

I know members of the executive board will want to join me in congratulating Oxford United on a magnificent performance in the Johnstone's Paint Trophy, despite the disappointing result at Wembley on April 3.

Will the councillor also join me in noting the part played in Michael Appleton's strategy by local players like Callum O'Dowda (Kidlington) and Josh Ashby (Summertown)?

Will he therefore commit the council to continuing its support for local clubs, and in particular:

- Will he confirm where the £1.3 million cost of the new pavilion at Headington Quarry has fallen;
- will he acknowledge that of the £.75 million cost of the bottom pavilion at Cutteslowe, only £150 K has fallen on the council, the rest being raised through match funding due to the hard work of officers and the considerable efforts of the Summertown Stars football club in achieving the FA's top Charter status;
- Will he acknowledge that Summertown Stars have offered to talk to the council about ways of sharing costs of a new facility at Five Mile Drive;
- Will he commit the council to having these talks now with a view to installing a fit for purpose facility at Five Mile Drive as soon as possible?

Written response

The budget for Quarry includes demolishing the old pavilion, professional fees and contingency and pitch improvements and enhancing the park.

Yes our hard work over the past few years with our partners the Football Foundation and Sport England enabled over £480,000 of external funding to be brought into the city. The council has also invested in the upper pavilion, two play areas and range of landscaping improvements at Cutteslowe Park and we have brought in investment for a new café and crazy golf.

We have committed to supporting the Summertown Stars to obtain external funding to purchase a small pavilion for Five Mile Drive.

Board member for Housing

21. From Councillor Simmons to Councillor Rowley

On 22 March I wrote to the Chief Executive passing on an offer from the well-known eco-architect Bill Dunster OBE to build – at no cost to the Council – 24 demonstration affordable housing units above a Council owned car park of the Council's choosing in exchange for a 25-year air lease. This is being offered to other Council's on a first come – first served basis. Can the portfolio holder tell me whether he will be taking up this offer?

Written response

The Council has responded earlier to Councillor Simmons. Two of the three car parks discussed (Seacourt and Peartree park and ride) are already subject to plans to deck the car parking and so are not available. The third car park (Redbridge) has significant adverse ground conditions, being a former landfill site. Members also expressed significant concerns at the interim nature of the housing units and that these were not suitable for households most in need.

Supplementary question

How does this response square with the more enthusiastic response from the Board Member reported recently in the local press?

Response

In the quote in the press I emphasised that 'we would consider any *plausible* proposal' but this did not mean the council would consider anything. The proposals mentioned in the question were not plausible.

Board member for Planning, Transport and Regulatory Service

22. From Councillor Wolff to Councillor Hollingsworth

Can the portfolio holder provide an update to Council on the proposed expenditure on cycle provision – what schemes and projects are planned and by when?

Written response

A total of £70k capital is available for cycle improvements in 2016/17. The projects planned are:

- New Cowley cycle signage scheme due for completion at the end of May 2016.
- Delivery of cycle parking on privately owned land to be delivered by April 2017
- Removal of abandoned bikes across the City throughout the year.
- Dependant on the outcome of a funding application made by the Canal and Rivers Trust; upgrade of Frenchay Road canal towpath in partnership with the Canal and River Trust and Oxfordshire County Council, to be delivered by April 2017.

23. From Councillor Gant to Councillor Hollingsworth

In the light of his earlier promise to keep councillors fully involved and informed about the ongoing review of the local plan, could the councillor give us an update on progress and timescales?

Written response

The Local Development Scheme, adopted at CEB in January, sets out the work programme for production of the Local Plan 2036. Work on the Local Plan is progressing as anticipated. At present, work is taking place on collecting information to inform the first stage of consultation. The first stage of consultation will be designed to check our vision and that we have identified the right issues and some possible ways to approach them. The first stage of consultation will take place for 6 weeks beginning on the 13th June. All members will be informed at the beginning of the consultation, and help spreading the word will be very welcome. A cross-party meeting has been set up with group leaders on 18 April. This initial meeting will discuss the proposed local plan timetable, member governance and engagement, key stages and issues in delivering a new local plan. Each party was asked to nominate a representative for on-going engagement with the local plan process. Through feedback from this group, members will be kept aware of progress on the Local Plan.

Consultation will be wide-ranging and we will try to reach people at existing events, as well as running workshops and providing simpler ways to contribute. We will aim to publish a summary of the consultation within 2 months of the end of the consultation, although this will be dependent on the amount of responses received.

Supplementary question

In running the consultation, will the Board Member accept councillors' help?

Response

Yes, we have already started discussions with other members on consultation.

24. From Councillor Gant to Councillor Hollingsworth

Will the emerging local plan contain a policy on basements in residential properties?

Written response

A Technical Advice Note, which pulls together the relevant issues and matters that will be taken into account when decisions are being made on any application that includes basement development will be published very soon. This is likely to provide all the advice needed for development of basements.

Preferred policy options for the Local Plan will be consulted on in June/July next year. This current early stage of developing the Local Plan is about identifying key issues and setting a vision. If basements are considered to be a key issue needing policy guidance then policies for that can be developed later.

25. From Councillor Gant to Councillor Hollingsworth

Will the councillor repeat his assurances to trustees and users of the North Oxford Association Community centre that, if the current building is to be replaced, the Association will be provided with a suitable, fully accessible replacement facility both during any building works and afterwards, and that trustees and users will be fully involved in discussions about this?

Written response

Yes. I reiterate what is laid out in the Supplementary Planning Document for Diamond Place, adopted as part of the Local Plan by this Council only last year. “New leisure and community facilities should be multi-functional, with small and large rooms capable of accommodating a large range of uses. Facilities should appeal to all groups in the community and they should be accessible to all. The existing community centre is popular and well used. New community facilities must be available for the existing community association to run. They should be at least equivalent to the size of the existing community centre. There should be a main hall able to accommodate a range of uses and which is suitable for hiring out for functions. It is vital that the existing community association is supported and maintained during construction and that alternative facilities are available in the area.”

While there are no immediate plans for any landowners in the area covered by the Diamond Place SPD to bring forward a planning application, if and when such plans are brought forward it will be a requirement on all involved – including the City Council as landowner – to ensure that the policy and spirit of the clearly stated and unambiguous objectives of the SPD with regard to both the community centre and the North Oxford Association are met. That means the full involvement of the NOA from the earliest possible stage in discussions about both temporary and permanent facilities and their management and operation.

Board member for Young People, Schools and Skills

26. From Councillor Fooks to Councillor Kennedy

The recent financial report to the Executive Board stated that the considerable sum of £195k from the Education attainment budget for 2015/16 had not been spent. Could you explain to Council how this situation has arisen and why you did not think of inviting schools, particularly those with a number of disadvantaged children, to suggest how the funds could be used to raise the attainment of these children?

Written response

The £195K was allocated for the City Council Education Programme and was carried over from an underspend in 2014-15. The intention was to ensure that we coordinated future work on educational attainment with the County Council and to do this we commissioned an independent review of how best to take this work forward. Unfortunately this work has been delayed due to a significant number of changes taking place in the delivery of education services and changes at the County Council. The study is due to go to Scrutiny Committee in June 2016.

There is also £43K allocated to education attainment in the base budget. The City Council has worked closely with schools to identify how best they can be supported and the City Council has used this base budget to:

- Participate in the Oxfordshire Strategic Schools Partnership to coordinate school support and promote educational attainment.
- Provide support through Business in the Community to provide support to schools and to develop links between schools and local businesses.

- Provide support to the University of Oxford, Internet Institute and the Home internet Access Scheme.
- Provide support to Premium School Pupils in Secondary Schools to enable access educational and cultural visits and events.

Supplementary question

Why was this not used for schools but put back into reserves?

Response

As the county council had no firm plans for this funding, it was thought best to return this to reserves rather than use ineffectively for schools.

Deputy Leader of the Council, Board Member for Finance, Corporate Asset Management and Public Health

27. From Councillor Simmons to Councillor Turner

Will recent changes to employers National Insurance (introduced as part of the pensions reforms) impact on the Council wages bill? If so, how is this being managed?

Written response

The introduction of the Single Tier State Pension from April 2016 is accompanied by the ending of contracting out from defined benefit pension schemes.

As a result:

- affected employees will lose their 1.4 per cent rebate and pay NI contributions of 12 per cent from April 2016 instead of the current 10.6 per cent
- affected employers will lose their 3.4 per cent rebate and pay NI contributions of 13.8 per cent from April 2016 instead of the current 10.4 per cent

It is expected that the cost to the council will be in the region of £600k per annum which the Council has provided for within its Medium Term Financial Plan.

28. From Councillor Thomas to Councillor Turner

Can the portfolio holder confirm whether the Council are planning to sell off Lucy Faithful House – until recently a homeless hostel?

Written response

This property is owned by the City Council but subject to a long lease to Riverside Housing Association as a hostel, and therefore the Council is not in a position to take any decisions about the future of this building at the moment. If Riverside decide to surrender their lease then Lucy Faithful House will form part of an options assessment to be presented to councillors, which will require the evaluation of the need for different forms of hostel accommodation and different funding streams to provide this.

29. From Councillor Wade to Councillor Turner

The Civic War Memorial in St Giles commemorates the fallen of the First and Second World Wars. Some of the lettering on the Memorial is so worn as to be almost illegible.

On 1 July 2016, we will be commemorating the centenary of the Somme offensive, in which our Ox and Bucks Light Infantry fought gallantly and suffered terrible losses. Can you ensure that this lettering will be recut before 1 July?

Written response

I thank Cllr Wade for drawing this to my attention. I have asked that the extent of the restoration works be identified and for us to do all that we practically can to carry out the works within the timescale. The Council's Direct Services carried out a major cleaning and restoration works to the war memorial steps and adjacent paths prior to the WW1 centenary Remembrance Day parade

Supplementary question

Would you like details of a suitable stonemason?

Response

Yes. I was sorry to hear that this has taken four months for you to get a response – please escalate queries quickly if you do not get a response.

Leader of the Council, Board Member for Corporate Strategy and Economic Development

30. From Councillor Thomas to Councillor Price

Is the portfolio holder aware that at least one landlord registered under the City Council's Landlord Accreditation Scheme (Chancellors) is offering a 'tenant monitoring service' that offers landlords 'up-to-date [information on a] tenant's financial situation' with the aim of putting landlords in a 'better position to decide whether [to go ahead with a] tenancy renewal' and 'pre-empt payment problems'? Does the portfolio holder think, like me, that this is unacceptable?

Written response

Landlords and letting agents can only run financial background checks on tenants with their permission, so provided that the information provided is reliable and accurate, this seems to be a reasonable precaution.

Supplementary question

Do you think it is acceptable for letting agents to use this threat over tenancies

Response

It is not a threat but a request and if tenants refuse then there is nothing the letting agents can do about this.

31. From Councillor Fooks to Councillor Price

There are an increasing number of ex-Council houses being turned into Houses in Multiple Occupation (HMOs). While of course these houses will be providing some accommodation, the big need in Council estates is for family housing to support the local community.

Are you aware that there is a covenant on any houses being sold under the Right to Buy legislation that stipulates that they should only be used for one-family occupation?

Would you agree that this was a good idea and that it should be enforced to counter the current trend of the conversion of such houses to HMO use?

Written response

The Council does not at present impose such a restriction/covenant on any houses sold under the Right to Buy legislation. There is a restriction/stipulation in all transfers of ex-Council houses in the following terms: 'no trade or business shall be carried on upon the property or any part of the property nor shall it be used except as a private dwellinghouse'.

Paragraph 5 of Schedule 6 to the Housing Act 1985 (which contains the Right to Buy legislation) provides that the conveyance/transfer "may include such [covenants] and conditions as are reasonable in the circumstances". Given that such a restriction as proposed could potentially depreciate the value and adversely affect the future marketability of any property sold under the Right to Buy it is probably unreasonable for the Council to impose a stipulation that the property should only be used for one-family occupation, as desirable as this may be.

If a purchaser challenged the imposition of such a covenant under powers contained in section 84(1) of the Law of Property Act 1925 it is likely that a Lands Tribunal would find that the covenant impeded the reasonable use of the land and did not entitle the local authority (as the legal person entitled to the benefit of the covenant) to any practical benefit of substantial value and would order that the covenant be discharged.

Furthermore, even if the Council decided it would seek to impose this obligation, it would only apply to future disposals and could not be imposed retrospectively; i.e. it would not apply to the thousands of ex-council houses already sold under the Right to Buy legislation.

Supplementary question

Would you agree it is a pity to be losing family homes to HMOs and would you look at implementing the covenant which I have seen in stronger terms than alluded to here?

Response

I do agree it is a tragedy we have lost 50% of these houses to HMOs.

32. From Councillor Thomas to Councillor Price

At a recent meeting (Feb 2016), Full Council agreed to an amended version of a Green Party motion on rent control ('Tackling Oxford's Unaffordable Private Rented Sector'). The amendment had the effect of delaying any action on the motion including wording to the effect that it would consider the ideas proposed in the motion 'in the longer term'. Can the portfolio holder set out his timetable for action?

Written response

Not at the moment.

Supplementary question

Why is there a delay in setting rent controls?

Response

We cannot legally impose rent controls but will address this through our housing company.

33. From Councillor Benjamin to Councillor Price

The list of confirmed occupiers of the new Westgate shopping centre once it is completed, as reported in the local press, includes 6 large clothing stores currently located in other parts of the City Centre. Is the Board Member worried that the relocation of these shops to the Westgate could well blight other parts of the City Centre?

Written response

The new Westgate development can be expected to lead to a period of change in the city centre. Since every retail survey that has been undertaken since the early 1990's has shown that Oxford has been substantially under provisioned, it seems probable that new retailers and other occupiers (cafes, restaurants in particular) will move into the units that are vacated. In the 40 years that I have lived in the city, the character of all the main shopping streets (Cornmarket, Queen St, George St, High St etc) has been constantly changing and I expect them to continue to do so.

34. From Councillor Benjamin to Councillor Price

Given what we currently know about the large chain clothing stores that are relocating to the Westgate once it is completed, the plans for 100 stores as described on the Westgate Oxford website, and the number of chain stores in other parts of the city centre currently limited on what stock they can sell due to lack of retail space, is the Executive Member concerned that the completion of the Westgate could lead to further empty buildings in other parts of the city centre?

Written response

No; it is in the interest of the rentier class to find new occupants.

Supplementary question

Are you aware that landlords don't reduce rents because of the risk that other tenants will demand similar reductions and investors don't want this?

Response

Yes, but as many units are owned by university colleges then they may be more interested in maintaining their income than maintaining rent levels.

35. From Councillor Simmons to Councillor Price

The current devolution proposals provide a once-in-a-generation opportunity to improve the accountability and representativeness of local government. The Government has expressed a preference for an elected mayor – which this Council has, in the Green Group's view, rightly resisted. Will the Leader consider supporting or promoting any other ideas for local electoral reform such as PR as used in local elections in Scotland?

Written response

At present, there are no proposals for changes in local electoral arrangements other than for elected mayors. It is unlikely that Government will be willing to entertain piecemeal voting reform in the context of individual devolution deals. However, if any such proposals do come forward, the City Council would, I feel sure want to consider them seriously.

Supplementary question

Can you look for opportunities to promote electoral reform as this is a rare opportunity to improve local government along the lines of what is happening in Scotland?

Response

Unfortunately our options are limited as we are not in government but if we get a chance we will put suitable options forward.

36. From Councillor Gant to Councillor Price

In their plans for devolved local government, the current leaders of Oxfordshire's district councils have described a strategic authority including the leaders of the new Unitaries to oversee matters of common interest. Presumably this includes housing. Oxford City Council is currently spending up to £400K on legal and other costs challenging South Oxfordshire's approach to housing need. Should the people of Oxford be encouraged by this example of cooperation so far?

Written response

The Coalition Government of 2010- 15, which was propped up enthusiastically by the Liberal Democrat Party, introduced the National Planning Policy Framework. This designates each District Council as sovereign in its area on planning policy, subject to its Local Plan being approved, and to the fulfilment of the Duty to Cooperate. The City Council is working collaboratively with all of the Oxfordshire Districts through the Oxfordshire Growth Board to resolve housing issues and deliver the housing numbers identified in the Oxfordshire Strategic Housing Market Assessment. This includes working together to review the spatial allocation for housing to meet Oxford's unmet need. SODC is currently developing its new Local Plan and the City Council is seeking to make the case for an urban extension south of Grenoble Rd to feature in that Plan. This requires detailed planning support in order to make the case for the housing, and for the use of part of the Oxford Green Belt to meet the city's pressing housing needs. Relations with SODC are cordial and the people of Oxford should certainly be encouraged by the close collaboration that is taking place between all the District Councils in progressing the proposal for a four unitary devolution agreement with the government.

37. From Councillor Gant to Councillor Price

The leader of the Council has said that the proposed new Strategic Authority will be democratically accountable because the elected leaders of the proposed Unitary authorities will be members. However, it will also include unelected representatives. It will not be answerable to a single elected chamber or subject to a single scrutiny function, and the leaders of the unitaries will, as now, be elected by five different electorates on different, local, and presumably potentially opposing prospectuses, rather than by a single "demos" with the power to dismiss the authority if it wishes to do so. How is this democratic?

Written response

The proposed combined authority's voting members will all be elected councillors, whose actions can be scrutinised by their own Councils as well as by any combined scrutiny arrangement that is put in place. They can be recalled/ replaced by their own Council processes, and are subject (of course) to regular elections.

Supplementary question

Would the leader agree that a combined authority would be anomalous as it would not answer to a single electorate and doesn't represent the majority view of a single electorate?

Response

The proposal is not for a separate combined authority, but for a joint committee of the unitary councils whose decisions would then be formally made by the individual authorities and therefore open to their individual scrutiny.

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