

MINUTES OF THE SCRUTINY COMMITTEE

Tuesday 7 June 2016



COUNCILLORS PRESENT: Councillors Gant, Azad, Chapman, Coulter, Henwood, Pegg, Simmons, Taylor, Tidball, Wilkinson, Cook and Pressel.

BOARD MEMBERS PRESENT: Councillor Alex Hollingsworth (Planning & Regulatory Services), Councillor Pat Kennedy (Young People, Schools and Skills) and Councillor Dee Sinclair (Community Safety)

INVITEES AND OTHER MEMBERS PRESENT: Councillor Jean Fooks

OFFICERS PRESENT: David Edwards (Executive Director City Regeneration and Housing), Jarlath Brine (OD & Learning Advisor), Patsy Dell (Head of Planning & Regulatory Services), Caroline Green (Assistant Chief Executive), Jennifer Kotilaine, Ian Wright (Service Manager Environmental Health), Andrew Brown (Scrutiny Officer) and Catherine Phythian (Committee Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Fry (substitute Councillor Pressel) and Councillor Hayes (substitute Councillor Cook).

Councillor Azad joined the meeting during minute item 6.

Councillor Cook left at the end of minute item 11.

2. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2016/17

The Committee **resolved to elect** Cllr Andrew Gant as Chair for the Council year 2016/17.

The Chair welcomed the new Committee members and thanked Cllr Simmons for his service as Chair in previous years.

3. ELECTION OF VICE-CHAIR FOR THE COUNCIL YEAR 2016/17

The Committee **resolved to elect** Cllr Tom Hayes as Vice-Chair for the Council year 2016/17.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SCRUTINY COMMITTEE OPERATING PRINCIPLES 2016/17

The Scrutiny Officer presented this report. He said that as the Council's scrutiny function was well established with clearly defined operating principles there was no need for any significant revision to the current arrangements. The paper proposed some minor changes that would formalise existing practices.

The Committee **agreed** the Operating Principles for 2016/17 as set out in the report.

6. WORK PROGRAMME AND FORWARD PLAN

The Chair presented the report.

Work Programme

The Committee **agreed** that the following items would be deleted from the work programme 2016/17:

- Complaints received by the City Council
- Heritage listing process
- Member involvement in HR policy, appeals, hearings
- Public Communications
- Maintenance of roads and pavements

The Committee **agreed** that the following items would be retained on the work programme 2016/17

- Review of Oxford City Council's Tree Management Policy
- Youth Ambition Strategy
- Grant Allocations to Community & Voluntary Orgs
- Planning Annual Monitoring Report
- Waterways PSPO
- Transfer Station for Recycled Material

The Committee **agreed** the long list of suggestions for the 2016/17 scrutiny work programme with the following amendments:

- Remove Cycling and ICT update
- Remove Oxfordshire Growth Board but the Scrutiny Officer should continue to circulate copies of the minutes to Committee members
- Increase the ranking and priority for Workplace Parking Levies

- HMO item to be taken at Housing Panel

The Committee **agreed** the items for the Finance and Housing Standing Panels with the following amendments:

- A Housing Company for Oxford to be considered jointly by both standing panels
- Affordable Housing funding mechanism to be added to the Finance Standing Panel list
- Ethical Policy on Divestment to be added to the Finance Standing Panel list

Review Groups

The Scrutiny Officer explained that the Committee had capacity to undertake 3 review groups during the year and one of these was traditionally allocated to the Council's Budget. In discussion the Committee concluded that Devolution should be the second review topic and that this should be undertaken over the summer.

The Chair, Vice-Chair and Scrutiny Officer undertook to present a scoping document for this review at the next meeting.

Standing Panels

The Committee **agreed** that the following councillors should serve as members of the Finance and Housing Standing Panels in 2016/17:

- **Finance Standing Panel:** Cllrs Fooks, Fry, Simmons and Taylor.
- **Housing Standing Panel:** Cllrs Goff, Henwood, Pegg, Sanders, Thomas and Wade.

The Committee **noted** that the Standing Panel Chairs would be elected at the first meeting of those panels.

Forward Plan

The Committee **agreed** that the Review of the Lord Mayors Deposit Guarantee should be scrutinised by the Housing Standing Panel.

7. PLANNING AND REGULATORY SERVICE PLAN

The Board Member for Planning & Regulatory Services and Head of Planning and Regulatory Services presented the report.

In discussion the Committee considered the following topics:

- how to address current recruitment and retention issues within some key roles and enhance the specialist skills and experience supporting the planning functions
- how to improve resilience and capacity in the enforcement functions and integrate them with other services that had staff working across the city
- how to improve the current resilience and sustainability of the Building Control function

- the need to further improve communications with Council tenants and other community groups including Neighbourhood Forums, especially with regard to HMO enforcement and planning applications

The Committee **noted** the contents of the report and commended the Head of Planning and Regulatory Services on her progress to date in improving the service.

8. PLANNING ENFORCEMENT

Deborah Tricker, representing the Divinity Road Area Resident's Association (DRARA) addressed the Committee. A copy of her address is attached to these minutes. The Environmental Health Service Manager undertook to meet with representatives from DRARA outside the meeting to discuss their concerns in more detail. He agreed to circulate the outcome of that meeting to the Scrutiny Committee.

The Board Member for Planning and Regulatory Services introduced the report and suggested that this subject should be a priority topic for the Housing Standing Panel and also a topic for a future Member Briefing.

The Environmental Health Service Manager explained that planning enforcement was a discretionary activity and that a breach of planning was not automatically an offence.

The Committee noted that a comparison of the level of enforcement in Oxford with all the other district councils in England up to December 2015 showed that Oxford City Council ranked 7th out of 201 district councils for overall levels of planning enforcement; and when compared with every local planning authority in England, including London Boroughs and Unitary Councils, Oxford was ranked 37th.

The Environmental Health Service Manager provided detailed responses to questions from the Committee which covered the following issues:

- the different licensing regimes that apply to privately rented HMOs and institutional student accommodation
- the merits of a "triage" system for officers to assess referrals before enforcement action is taken
- resource constraints within the service
- how best to measure the effectiveness of the service in dealing with complaints as case closure timescales were not a particularly subtle or sophisticated measure

The Committee **noted** the content of this report and that a Planning Enforcement Policy would be submitted to the City Executive Board by December 2016. They asked for a further report to come to the Committee in 12 months time.

9. WESTHILL FARM

The Executive Director, Housing and Regeneration submitted a report which briefed the Scrutiny Committee on the proposed demolition of a derelict building at Westhill Farm on the grounds of public safety.

Nick Lunch and Clare Ridley, members of the Westhill Farm Steering Committee addressed the meeting. They explained their involvement with the Westhill Farm project and made the following key points:

- The Westhill Farm project wanted more time to work with OCC to develop an acceptable business plan
- The Westhill Farm project would support demolition of the derelict building but only when outline planning permission had been secured, which they hoped to achieve in partnership with the City Council
- Demolition would limit the opportunities for any proposals for future use of the site not just those of the Westhill Farm project

The Executive Director, Housing and Regeneration presented the report and highlighted the following points for consideration by the Committee:

- The City Council has not given its support to the proposals in the business plan, which include residential use;
- The City Council management policy for its property assets, including parks, is to exclude residential or service tenancies, outside its Council housing;
- Oxford Preservation Trust has advised that it will enforce all the covenants on land use;
- South Oxfordshire District Council (as the local planning authority) has made it clear it would oppose any additional use (for example café, teaching, retailing, corporate events); and
- The County Council Highways Department has advised that access is unsatisfactory for any intensification of use.

The Board Member for Leisure, Parks & Sports said that she had visited the site and met with members of the Westhill Farm Project and she urged the Committee members to do the same.

In discussion the Committee considered whether there were any circumstances in which the Council might be persuaded to consider a residential tenancy and if there was any prospect of the covenants being removed. The Committee considered, but rejected, a proposal that the Council should act to retain residential use at the site prior to demolition.

On balance they concluded that the only course of action was to proceed with the demolition of the derelict building at Westhill Farm.

The Committee **noted** the contents of the report.

10. APPRENTICES

Councillor Fooks addressed the Committee. She welcomed the report, commented on the importance of the scheme and asked whether there was any scope to extend the geographical area of the scheme.

The Board Member, Young People, Schools and Skills and the Organisational Development & Learning Advisor introduced the report.

The Committee heard that the Council was in the process of recruiting 21 apprentices as part of a campaign that focuses on OX1 to OX4 postcode areas and closes on 30 June 2016. The Committee was advised that fifty-nine applications had been received (as of 7 June 2016), with approximately half of these applicants resident in the City. The Committee considered whether the policy of recruiting applicants who were resident in the City reflected the realities of the local labour market, given the very high cost of living in Oxford and the high numbers of workers who commute in to the City.

The Committee had a wide-ranging discussion which considered the following points:

- broadening the age mix, pay rates and career progression opportunities of Council apprenticeships
- encouraging a more co-ordinated approach with schools to raise awareness of apprenticeships
- particular focus is put on promoting apprenticeships for Black and Minority Ethnic pupils
- the lessons to be learnt from the Change 100 internship programme
- promoting links in with social housing providers and higher education colleges
- the role of the Skills Board in promoting apprenticeships

The Committee **agreed** that a report setting out the following recommendations should be submitted to the City Executive Board:

1. That consideration is given to extending the eligibility criteria for apprenticeships beyond the OX1 to OX4 postcode areas but with a preference for appointing applicants within these postcodes.
2. That consideration is given to broadening the age mix of Council apprenticeships by making more opportunities available to applicants over the age of 21.
3. That a more co-ordinated approach is taken in schools to raise awareness of apprenticeship opportunities.
4. That a particular focus is put on encouraging Black and Minority Ethnic pupils to take up work experience placements and apprenticeships.
5. That the Council considers what can be learnt from the Change 100 internship programme (which is focused on talented disabled students), including their advertising and social media campaigns.
6. That the Council links in with social housing providers and higher education colleges to engage with hard to reach groups.

7. That further consideration is given to defining and promoting the Council's brand and offer to prospective apprentices, including in terms of pay rates and career progression opportunities.
8. That the Council seeks to influence the Skills Board to do more to promote apprenticeship opportunities.

The Committee thanked the Board Member, Young People, Schools and Skills and the Organisational Development & Learning Advisor for an informative report which had generated a robust discussion of the issues. They requested a further report in 12 months time.

11. OXFORD CITY COUNCIL SAFEGUARDING REPORT 2015-2016

The Board Member for Community Safety introduced the report. She said that the Council complied with its statutory responsibilities and was going beyond these in a number of areas. However the context of budget cuts and increased demand meant that the Council could not be complacent and it was important to be pro-active in promoting partnership working.

The creation of a permanent part-time Safeguarding Co-ordinator post, which had previously been recommended by Scrutiny, was a very welcome development and more outward looking community work would be a priority for the year ahead. The Committee welcomed the report including the extension of the annual safeguarding review to include vulnerable adults as well as children, and commended officers on their excellent work in this area.

The Committee commented that neglect was a common form of abuse and that members needed to be sensitive to signs of neglect. The Committee suggested that anonymised case study examples of safeguarding instances would be a valuable element of the safeguarding training that was being offered to members.

The Committee raised concerns about high levels of absence at academy schools and questioned where the responsibility for this lay. The Committee heard that the role of the City Council was limited here but what the Council could do was to signpost effectively and work proactively in partnerships with other agencies to highlight these kinds of issues.

The Committee noted that increased awareness and more effective signposting were leading to more referrals and increased pressure on services. The Committee heard that Officers would appreciate more feedback regarding the outcome of referrals.

The Committee considered issues around language schools in the City and noted that the Council and the Police were beginning to engage with language schools around their safeguarding responsibilities through a new forum. The Committee heard that it was unclear where in the City many language school students were living and in what conditions. The absence of rigorous checking was a concern because these students were potentially vulnerable. The

Committee noted that this lack of rigor contrasted with, for example, the checks around fostering and adoption arrangements, and was a national issue that should be referred up to government. It was suggested that these safeguarding issues should be thought through and discussed with language schools and partner agencies, and that lessons could be learnt from the recent scrutiny review of guest houses.

The Committee also noted that the Council's Houses in Multiple Occupations (HMO) and Private Sector Enforcement teams could have a role to play. It was suggested that these officers should be trained to recognise safeguarding issues relating to language school students and to report any concerns they come across.

The Committee **agreed** the following actions:

1. An item on language schools would be added to the scrutiny work plan for a possible future review;
2. Details of non-compulsory Safeguarding training would be circulated to Committee members;
3. A question about how planning applications for a new category of student housing built by private developers would be dealt with would be referred to Planning Officers.

The Committee **agreed** that a report setting out the following recommendations should be submitted to the City Executive Board:

1. That anonymised case study examples of safeguarding referrals made by the Council are made available to elected members.
2. That the Council continues to work positively and proactively through partnerships to raise awareness of potential safeguarding issues in the City and push for action to investigate and address these issues, including, for example, high levels of absence at particular schools.
3. That the Council continues to request feedback from partner agencies following safeguarding referrals.
4. That the Council looks to make representations to government through appropriate channels about the need for more rigorous safeguarding arrangements for language school students living in private sector accommodation.
5. That potential safeguarding issues around language school students living in the City should be thought through and discussed with language schools, the police and other relevant partner agencies.
6. That Safeguarding training provided to the Council's HMO and Private Sector Enforcement Teams should cover how to recognise and report potential safeguarding issues around language school students living in the private sector.

12. REPORT OF THE EQUALITY AND DIVERSITY REVIEW GROUP

The Committee **agreed** to defer this item until the next meeting.

13. PERFORMANCE MONITORING - 2015/16 QUARTER 4

The Scrutiny Officer presented the report and referred the Committee to the nine performance indicators rated red (outside tolerance). He undertook to provide the Committee with further information in relation to the following performance indicators:

- PC027 – Increase the number of people engaging with the Council's social media accounts
- CS003 – Customers getting through first time on Council's main service lines

The Committee expressed concern about the comments relating to CS003 with regard to the loss of service and move to Business Continuity Procedures in March; and also noted that there had been resident complaints to ward members that night-time calls to the main switchboard were going unanswered. The Scrutiny Officer undertook to take this up with the Service Manager.

The Committee commented on the on-going ICT problems faced by members and the need for members to have a Service Level Agreement for ICT services.

The Committee **noted** the contents of the report.

14. REPORT BACK ON RECOMMENDATIONS

The Scrutiny Officer presented the report and advised that only one of the recent recommendations had been rejected by the City Executive Board. The Committee noted the reasons given for the rejection.

The Committee **noted** the contents of the report.

15. MINUTES

The Committee resolved to **approve** the minutes of the meeting held on 5 April 2016 as a true and accurate record.

16. DATES OF FUTURE MEETINGS

The Committee **noted** the dates of future meetings and **agreed** that the Scrutiny Committee meetings should start at 6.00pm.

The meeting started at 6.00 pm and ended at 9.00 pm

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Divinity Road Area Residents' concerns on HMO licensing and density issues

Divinity Road has the second greatest number of HMOs in Oxford and the highest density. DRARA residents continue to report the usual concerns related to life in an area with a high density of HMOs, particularly in relation to those occupied by students: poorly managed refuse and front gardens, anti-social behaviour, and the effect on social cohesion and community of a transient population which disappears in summer and changes every year.

In 2015 Oxford City Council renewed the Houses in Multiple Occupation (HMO) licensing scheme for another five years in recognition of the fact that 'a significant proportion of HMOs in the City are being managed ineffectively'. DRARA residents have several ongoing concerns about the licensing procedure. Through undertaking our own audit, DRARA have discovered several anomalies and are concerned that the Council's data does not reflect the reality of our area in terms of HMO density. We also have questions about the application of the licensing process itself.

Concerns

1. There seem to be several exclusions and exceptions from the current licensing rules which make it difficult to track actual numbers of HMOs. The Council website gives an incomplete picture. DRARA has undertaken its own audit of HMOs in the area and it seems clear that there are several houses in the area which have several unrelated occupants but which do not appear to have a licence.
2. The definition of an HMO does not include several kinds of residential arrangements which exist in significant numbers in the DRARA area and have the same effects on the neighbourhood. These include university-managed student accommodation and homes for people receiving care. These houses are not taken into account under the HP7 policy and do not prevent new licences being issued under the 100 metre/20% rule.
3. The literal application of the 100 metre rule by street length does not always reflect the actual density or effect of HMOs in an area; noise travels over gardens and roads, and anti-social behaviour quickly spills out beyond 100 metres. Noise at night of returning partygoers has no boundaries.
4. DRARA residents feel they are having to police the minority of unscrupulous landlords who will try to bend the rules, such as the recent case of a landlord attempting to claim a family house whose tenants had different surnames as an existing HMO. Only the vigilance and local knowledge of DRARA residents prevented the application being approved.

5. We are concerned that developers still continue to move into the area and seek to obtain HMO licences, as in 118 Southfield Road, or that existing landlords seek to convert their properties into even larger HMOs by obtaining planning permission for living /lounge rooms which later become extra bedrooms (eg currently 68 Divinity Road). These are all legal and permitted under the current licensing but are against their spirit of HP7 which is to protect the neighbourhood from further saturation by HMOs.
6. The online licensing system has been broken for weeks which means residents cannot view the details of any licensing applications or licences granted. This has made our audit even more complicated. Residents are also unable to submit comments on licensing applications using the online system.

Questions

There are a number of questions and ambiguities which we would like clarified as far as possible. This will both allay concerns and potentially help to tighten the process.

1. What are the rules of relinquishing HMO status – do they cease by default on rental properties only used by 1 household?
2. What is preventing anyone operating as an HMO and then using this to prove existing HMO rights?
3. How much grace is there between operating as an HMO and securing the licence and planning permission?
4. If a house has an HMO licence or is on the current council list as an HMO but is no longer used as one – would they be able to get a licence as an HMO under CEU?

Re: Council List from November 2015

1. What are the data sources for the licence information and when was it compiled?
2. How complete is this listing?
3. How and how frequently is the data updated?
4. Why are there anomalies/discrepancies across data sets?
5. How do you decide if an HMO licence has lapsed from one year to the next? Eg 17 Div Rd had one in 2015 but not on 14/1/16.
6. What is the duration of an HMO licence? Eg 21 Div Rd didn't have one in 2015 but has one now that expires on 31/1/16.

Universities

1. What role could/should the universities play in HMO debate? How committed are they to moving students into purpose built accommodation as is their stated aim. Eg anecdotally college seems to be maintaining HMO licence for years 'just in case' for homes now rented to families.