

To: Council
Date: 20 July 2017
Title of Report: Questions on Notice from members of Council and responses from the Board Members and Leader

Introduction

1. Questions submitted by members of Council to the Board members and Leader of the Council, by the deadline in the Constitution are listed below in the order they will be taken at the meeting.
2. Responses are included where available.
3. Questioners can ask one supplementary question of the councillor answering the original question.
4. This report will be republished after the Council meeting to include supplementary questions and responses as part of the minutes pack.
5. Unfamiliar terms may be briefly explained in footnotes.

Questions and responses

Board member for A Clean and Green Oxford

1. From Councillor Brandt to Councillor Tanner

What is the Portfolio Holder going to do to mitigate the reduction in air quality in the City Centre following the Council's decision to back the construction of the Westgate Shopping Centre?

Response

It remains to be seen whether the opening of the Westgate shopping centre will or will not increase pollution. If most shoppers use the bus, cycle or walk there could be an improvement in air quality, especially if traffic is kept moving.

The City Council is supporting the County Council and the developers in finding a clean-air response to the opening of the shopping centre. The City Council recently published its 2016 Air Quality Annual Status Report which found that in the last decade, levels of nitrogen dioxide (NO₂) at the roadside across Oxford have dropped by an average of 36.9 per cent. It was also found that the number of monitoring locations experiencing exceedances of the limit value for NO₂ was reduced from 21 in 2015 to 17 in 2016.

The City Council adopted the Oxford Air Quality Action Plan in 2013 which outlines actions to improve air quality in Oxford.

We are currently working with the County Council on plans to introduce a Zero Emission Zone in the City Centre from 2020 which aims to reduce access for high emitting vehicles. We have also announced plans to install 19 charging points for electric hackney carriages and private hire taxis in the City to enable this part of the fleet to become zero emission.

2. From Councillor Brandt to Councillor Tanner

With an increasing number of developments across the city, from small plots to large new estates, there is growing evidence of piecemeal erosion to wildlife protection within Oxford. Does the portfolio holder agree with me that it's now time to develop and implement a comprehensive wildlife protection strategy for the city?

Response

The City Council continue to assess impacts on biodiversity in line with national planning policy, local policy and legislation for developments coming forward and works to ensure wildlife is enhanced and protected as part of proposals. The City Council adopted its Corporate Biodiversity Action Plan in 2015 which sets out the City Council's actions to improve biodiversity. In addition to this the City Council is currently consulting on a new Local Plan which includes policies and plans which seeks to protect and enhance biodiversity in the city.

3. From Councillor Brandt to Councillor Tanner

Can the portfolio holder provide an update about the artificial sett for badgers in the Barton Park development please?

Response

Barton Oxford LLP are the developers of the site. The works to close a set and open a new artificial sett is something which is undertaken under licence with Natural England rather than the City Council as the Local Planning Authority.

Barton Oxford LLP have confirmed that the construction of the artificial sett in accordance with the requirements of the Badger Strategy was completed in March 2016. In August 2016 the existing sett was closed under licence from Natural England and the licence return provided to Natural England in December 2016. Barton Oxford LLP have continued to monitor badger activity around the artificial sett and the site. In February this year, evidence was collected of use of the new artificial sett. However, in the last 6 weeks there is no evidence that badgers are currently using the sett. Barton Oxford LLP continue to see evidence of badgers using the surrounding areas within the site, particularly along the Bayswater Brook corridor, and are looking at measures to entice them back into the artificial sett.

4. From Councillor Goff to Councillor Tanner

Can the member assure Council that the apparent use by Council contractors of glyphosate-based weedkiller in Lower Wolvercote and presumably elsewhere in the City is not dangerous to people or wildlife?

Response

I am pleased to confirm that following reviews this Spring, the European Chemicals Agency has concluded that glyphosate should not be classified as carcinogenic. Due to this assurance, the Council and its contractors will continue to use it with care. I am satisfied that there is no danger to people or animals.

Board member for Community Safety

5. From Councillor Wilkinson to Councillor Hayes

The 101 non-emergency service is used by both the public and by neighbourhood police team officers, and residents tell us they have waited for 30 minutes and over for a human reply to calls on that number.

Is the Lead Member able to advise what progress has been made by TVP on identifying a more efficient Contact Management Platform and what priority is being given to this?

Response

Thank you for this question about the 101 non-emergency service, as well as our collaborations so far in providing for improved police communication with ward councillors.

I am concerned to hear about the delays that residents have experienced in waiting for a human reply to calls on the 101 non-emergency service. Clearly such delays are frustrating for residents. Ideally, we would see a faster and better response to residents' non-emergency calls.

As I understand the situation, Thames Valley Police, not this authority, would be responsible for identifying these delays as a concern, prioritising a solution, and identifying a change to their IT systems as the most appropriate solution. The City Council has not been made aware of a new process being put in place by Thames Valley Police to monitor, evaluate, and adapt IT systems which deal with calls or how they grade them. This query is best directed to the police and, with Councillor Wilkinson's consent, I will raise the matter directly with relevant police officers and, as soon as I have helpful information, share my findings with her.

Board member for Culture and Communities

6. From Councillor Simmons to Councillor Sinclair

Will the Portfolio Holder agree to building small business or social enterprise units on the East Oxford Community Centre site (the section of the site proposed to be sold off for housing) instead of Cave Street putting housing on the larger Cave Street site.

This will meet the goals of the emerging Local Plan to prioritise housing over grade 3 commercial uses AND preserve the integrity of the Community Centre site.

Response

We explored this option and for a number of reasons found that building small business or social enterprise units on the East Oxford Community Centre site (section proposed to be used for housing) instead of Cave Street, and instead put housing on the larger Cave Street site, not to be viable option.

The main reason is the need for the East Oxford Community Centre project to be self-funding (capital raised from non-community uses to cover project costs). New build small business units at the EOCC site would not generate anywhere close to residential value: as such this option is not financially viable.

The 'section proposed for housing' at EOCC is also smaller than the Cave Street site, and would be unable to accommodate the quantum of employment floorspace proposed at Cave Street. The Cave Street site is subject to a 'Protected Key Employment Site'; designation in the Local Plan, and as such the employment use of that site must be retained.

Board Member for Customer and Corporate Services

7. From Councillor Thomas to Councillor Brown

Broken down on a yearly basis, over the last 4 years (up to and including the 2016-17 financial year) what has been the underspend in the Discretionary Housing Payment budget in absolute and percentage terms?

Response

The table below summarises the response to this question. Each year, the team have followed the policy set out and agreed by this council in allocating DHP. The aim has been to support people whilst they make changes to their circumstances so that they will not be reliant on additional payments in the future. In other words, it is transitional funding. Because of the excellent support work from the welfare support team, this has been very successful.

It is also worth noting that the council has each year had to use the information supplied by central government about the timetable of the introduction locally of their latest benefit changes and the number of local people affected. Both of these have proven to be somewhat inaccurate indicators.

	Government Grant	Expenditure	Underspend	Expenditure as % of grant
2016/17	376,792.00	379,009.00	-2,217.00	100.59%
2015/16	288,092.00	275,845.00	12,247.00	95.75%
2014/15	£514,496.00	£488,973.00	25,523.00	95.04%
2013/14	£525,369.00	£431,244.10	94,124.90	82.08%

8. From Councillor Wade to Councillor Brown

The new Oxford Lottery was authorized by the City Executive Board on 20 June.

It is a legal requirement that, on each fruit machine or fixed odds betting terminal, the amount of money lost by the customer should be prominently displayed, expressed as the average percentage he will recover from money paid in to the machine. This informs the customer of the true cost of the game he is playing and of the loss to which he is consenting.

The lottery justifies itself by a chance to win, not by the fact that it also raises money for good causes (which would not in itself distinguish the lottery from any other tax).

The chance should be plainly expressed as a cost to the gambler in pence in the pound. Our residents deserve that information.

Will the Board Member ensure that, on each online ticket, in large red lettering, it will be clearly explained that of each pound invested in the lottery the gambler will on average receive only 20 pence in winnings?

Response

The Gaming Machine (Circumstances of Use) 2007 regulations do not apply to local authority run lotteries. The Council's lottery is in the process of being established. It will be an online only lottery, comply with relevant legislation and the odds of winning each level of prize will be clearly displayed on the website.

9. From Councillor Wilkinson to Councillor Brown

Please can the Lead Member provide dates, times and duration in minutes of all instances when any part of the Council's internet service has been down, including access to the Planning Portal, both on and off site, between 1/1/17 and 30/6/17 on:

- a. weekdays
- b. out of hours

Response

During the period between 1st January and 30th June 2017 the Council's main website has been available for 100% of the time.

Individual services within the website are monitored and their availability varies between 99.992% and 97.482% for that same period. It should be noted that these services are periodically "taken down" for planned maintenance, this is usually for very brief durations (typically between 5 and 10 minutes) and normally in the early hours of

the morning. Our website analytics demonstrate that demand for the website is at its lowest between 1 am and 5 am each day.

Our public access to the Planning system has experienced 3 prolonged episodes of down time in the last 6 months. These are:

Dates	Down Time Period	Total Down Time	Comments
Saturday 14 th January	09:00 – 21:00	12 hours	We are presently progressing this with SCC (City Council's infrastructure provider) to understand what this was in respect of.
Thursday 18 th May To Saturday 20 th May	00:20 To 00:45	48 hours and 25 minutes	Intermittent access due to planned maintenance on underlying electronic document management system
Friday 26 th May To Tuesday 30 th May	22:43 To 09:00	82 hours and 17 minutes	Server failed to re-boot after maintenance by SCC over the bank holiday weekend

Please note that any SCC planned maintenance on servers that needs to take place out of hours is now being conducted mid-week. Therefore, if there are any unforeseen issues that arise, the resolution is fixed the next working day and we are not waiting over a weekend. We are also investigating the potential for ICT out of hours support.

Board member for Housing

10. From Councillor Thomas to Councillor Rowley

Over the last four years, can the Portfolio Holder report – on a yearly basis - how many time the Lord Mayor's Deposit Scheme has been applied for and how many times it's been used, and what has been the underspend in absolute terms.

Broken down on a yearly basis, over the last 4 years (up to and including the 2016-17 financial year) what has been the underspend in the Discretionary Housing Payment budget in absolute and percentage terms?

Response

The figures, as requested, on the Lord Mayors Deposit Guarantee Scheme (LMDGS) are:

Year	New Starts Appointments	Live cases supported	Application
13/14	13	107	267
14/15	10	112	217
15/16	8	112	252
16/17	6	105	138

There is no annual approved revenue budget for the LMDGS so no underspend has occurred. Settlements on bonds are funded from contingencies held in reserves, which have, over the years, been topped up from the Lord Mayors charity funding and the Homelessness Prevention Fund. For the past four years these settlements are below:

13/14	£4938
14/15	£2940
15/16	£4250
16/17	£675

11. From Councillor Thomas to Councillor Rowley

Does the Portfolio Holder share my concerns that the antagonism that arisen between residents and the Council along with its contractors during the Tower Block refurbishment programme has been a hindrance in the Council's responding to fears over Tower Block fire safety?

Response

I am unclear what antagonism is being referred to here. The Tower Blocks refurbishment project has proceeded smoothly with good levels of consultation and engagement both before and during the works. Apart from individual issues with a very small number of leaseholders and tenants the works have proceeded without any major issues. In no way has the project hindered our engagement with residents about safety in Tower Blocks.

The Council's response following the Grenfell fire was to work jointly with the Oxfordshire Fire and Rescue Service (OFRS) to engage proactively and immediately with residents to address concerns and fears about the fire safety of our Tower Blocks. This included letters to residents and drop in sessions flat to flat visits by OFRS for all the tower block residents and rapidly following up on individual residents' concerns.

12. From Councillor Gant to Councillor Rowley

When the refurbishment of the council's tower-blocks was undertaken, what products were actively considered for the cladding? Why was the one used chosen? Was non-ACM cladding considered for Evenlode and Windrush, as used at the other towers?

Response

In accordance with the Council's project governance protocol, Council officers are undertaking a review of the contract governance arrangements and procurement process and will report back to members once that review has been completed. Given Government's concern about how their Building Regulations have been interpreted in practice, results of our review will also be fed into national government's review exercise.

13. From Councillor Gant to Councillor Rowley

Does the Councillor have an update on how long the replacement of the cladding on the two tower-blocks will take?

Can he brief Council on the effect of the works on residents, and the estimated cost to the Council in the light of the statement by Damian Green MP that councils will be “the first port of call to pay” for fire safety improvements?

Is John Healey MP, the Labour shadow housing minister, right that councils “will hold back or potentially cut corners because they know they cannot afford to do the work that is required, either to remove or replace cladding or to make the insides fully fire-safety compliant”, and that “[t]his leaves hundreds of thousands of residents in tower blocks around the country uncertain still whether or not their blocks are safe”?

Reference: Commons Statement, Wednesday 12 July 2017

See: <https://www.theguardian.com/uk-news/2017/jul/12/grenfell-fire-councils-to-foot-bill-for-fire-safety-work-in-first-instance>

Response

Initial Government guidance was that all ACM materials that failed its initial tests should be replaced. The Government has subsequently written to councils announcing a new programme of large-scale testing and the appointment of an Expert Panel to advise on testing of cladding materials and additional measures to ensure the fire safety of tower blocks.

The Government’s new position is that ACM cladding could be safe to use on buildings if installed as part of a whole wall system that meets fire safety standards. The Expert Panel has advised a different approach to testing combustibility, which takes these wider fire protection features into account without the need for retesting those ACM samples already checked. Government says it will publish the results of the new tests being undertaken and that further guidance will be issued to councils in the near future.

In the light of changing guidance from Government, and the view of the Oxfordshire Fire and Rescue Service that the fire safety system (including sprinklers and alarms) at the Tower Blocks meets safety criteria, the City Council will await the results of the new tests and further information from the Government’s Expert Panel before making the final decisions around cladding for Windrush and Evenlode. Meanwhile, work is already ongoing with contractors to consider alternative cladding options, put a schedule in place for the works and source materials. We should have this information within the next 3 weeks.

The works will not adversely affect residents; it may however delay the completion of the overall project

Government initially stated that it would cover the costs of work required on Tower Blocks, however they have since back tracked on this commitment. We will be making representations to government on this.

Yes, I think John Healey is likely to be right in that there are Councils that would like to take retrospective safety measures but simply don't have the money. For example, Oxford's five tower blocks were among only 18 in the whole country identified as having had sprinklers retrofitted or being retrofitted before the Grenfell Tower tragedy. In this respect Grenfell is a national disaster and Government must now address the

inadequacies created by defective regulations and guidance and stand by its original commitment to fund required improvements to make Tower Blocks safe.

14. From Councillor Gant to Councillor Rowley

Can the Councillor give Council an update on the materials used in the cladding systems on its tower-blocks, not simply ACM, but also how the complete system is designed, what insulation is used, how the system as a whole relates to current Government regulations, and any possible unwelcome side-effects of removing cladding, for example exposing insulation

Response

Oxfordshire Fire and Rescue Service reviewed the fire safety arrangements at Evenlode and Windrush, and the Chief Fire Officer confirmed the Fire Safety System meets safety criteria.

The features of the Fire Safety system in place in the Tower Blocks with ACM cladding are:

- Non-combustible Rockwool insulation
- Fire breaks within the cladding system
- Upgraded communal area fire doors and flat entrance fire doors
- Automatic venting system to stairwell to remove smoke
- Upgraded fire seals to waste chutes
- Sprinklers in all flats, directly connected to the Fire Service
- Heat and smoke detectors in all flats
- Smoke detectors in all communal areas, directly connected to the Fire Service

In the light of changing guidance from Government, the City Council will await the results of the new tests and further information from the Government's Expert Panel before making the final decisions around cladding for Windrush and Evenlode. Work is also ongoing to consider alternative cladding options and source installation equipment and materials. It does not make sense to remove the existing rain-screen cladding now as that would expose the non-combustible insulation to the elements which could cause it to deteriorate.

15. From Councillor Gant to Councillor Rowley

Will the Councillor please inform council of the sequence of events around the fitting of sprinklers in the council's tower-blocks, including (but not necessarily limited to):

- When the decision was taken to fit them?
- Why had they not been fitted prior to this date?
- Why the sprinklers in Hockmore, Windrush and Evenlode Towers are installed and operational and those in Foresters and Plowman Towers are not?
- The advice given by the Fire and Rescue Service and the Coroner's recommendations referred to in his press release of 14 June and its role in the decision to fit, including any comments from the Fire and Rescue Service about provision prior to the date of its advice
- The advice given to residents before and after about whether they were required

Response

Under the Building Regulations 2010 there is no requirement to retrospectively fit sprinklers to the Towers. The decision to install sprinklers in our Tower Blocks as part of the refurbishment programme was made against the background of the Coroner's recommendation following the Lakanal Fire in 2009 (Coroner's report, 2013). The Council took the advice of the Fire and Rescue Service and decided to fit the sprinkler system as part of the refurbishment of the Tower Blocks. By choosing to install sprinklers in every flat in all of the tower blocks and directly connect their activation to the Fire Service, the Council has gone above and beyond legal requirements. The Chief Fire Officer confirmed at a public meeting on 26th June, that his understanding was that the councils' five Tower Blocks were of only 18 council Tower Blocks identified as having been retrofitted sprinkler systems in the country.

Sprinklers are fitted and commissioned in Evenlode, Windrush and Hockmore. They are being installed in Plowman and Foresters as part of the refurbishment programme.

The Fire Service has visited all 5 towers and has passed them as safe. Tenants have been kept fully informed and have received advice as to what to do in the event of a fire, including an offer of fire safety visits from the Fire Service.

16. From Councillor Wade to Councillor Rowley

Following on from the tragedy at Grenfell Tower, there has been a media report (Mail Online Sunday 9th July) that Kensington and Chelsea Tenant Management Organisation were advised on fire safety of Grenfell Tower by consultant Carl Stokes who had worked for many years for Oxfordshire Fire Service.

Can you confirm whether Carl Stokes ever acted as a consultant for or provided advice to Oxford City Council?

Response

We have no record of Carl Stokes ever acting as a consultant or providing advice to the council.

17. From Councillor Wolff to Councillor Rowley

1. Which agency is responsible for commissioning building works on our social rented properties?
2. Which agency is ultimately responsible for ensuring that such building works carried out are designed and specified (in terms of materials) to be in accordance with current building regulations (including fire safety regulations, structural build quality and thermal insulation performance) and in keeping with recognised 'best practice' within the industry?
3. Which agency or agencies are responsible for inspecting and 'signing off' such works after completion, and which agency is responsible for commissioning/paying these inspectors?
4. Which agency subsequently issues the completion certification guaranteeing that the completed works satisfactorily meet the design and specification?

5. What is the nature of the guarantee, and where does liability lie if it transpires that mistakes have been made :
- a) in design?
 - b) in specification of materials?
 - c) in inspection?
 - d) in certification?

Could the Leader please answer with specific reference to our tower blocks as well as more generally?

Response

1. Oxford City Council via its appropriate officers regarding individual projects.
2. The responsibility for design and specification rests with those engaged to design the scheme. In this case OCC engaged a multi disciplinary firm to act as Project Manager to manage the design and implementations of the whole project on behalf of the Council.

The Project Manager's design team proposed the designs and sought Building Regulation approval. The Building Control service will, where appropriate (as was the case in respect of the tower block proposals) in consultation with the Fire and Rescue Service, confirm whether the proposals met the current regulatory requirements.

There are alternative private sector providers of Building Control services. The Council will always seek to use its in house expertise.

The Council's Building Control service carries out these inspections in conjunction with Housing Services and a Clerk of Works. The completion inspection will be carried out by Building Control, Housing Services and possibly Oxfordshire Fire and Rescue Service.

3. The primary responsibility for ensuring that the works are carried out in accordance with the specification and Building Regulation approvals rests with the building contractor.

On completion the contractor will notify that the building works are complete. The Project Manager's expert advisers will scrutinise the submissions and will advise the client of their view of the completeness of the works.

The project manager or contractor will notify the Building Control provider and request a completion certificate. The provider will scrutinise the information provided and based on evidence from stage and completion inspections will certify that the building has been completed in accordance with the current building regulations.

The inspections are an audit of the quality of the works and are planned on a risk based approach.

There is a fee for Building Regulation approval and inspections. This is usually paid by the Project Manager on behalf of the client.

On larger projects it is good practice for the client to employ direct a Clerk of Works who surveys the works in progress. A Clerk of Works is employed on the tower blocks programme.

4. The Project Manager will certify that the works are complete to the client. The Building Regulation provider will certify that based on the information available the works have been carried out in accordance with the current regulatory requirements.
5. In practice these can in law be complex issues and will depend on the contractual arrangements, however the generality would be
 - a) in design? The design team, in this case employed by the Project Manager.
 - b) in specification of materials? The design team, in this case employed by the Project Manager.
 - c) in inspection? The person or body carrying out the relevant inspection.
 - d) in certification? The person or body providing the relevant certification

The current status of the tower blocks is that they are works in progress and none of the projects have yet achieved final completion for Building Control purposes.

Board member for Leisure, Parks and Sport

18. From Councillor Goff to Councillor Smith

In view of the administration's willingness to invest a sum of almost £1 million in upgrading facilities in Barton, when does it propose to provide proper facilities in the Five Mile Drive playing fields?

Response

We have been working closely with Summertown Stars around various opportunities and trying to link into possible external funding streams. We have also identified an opportunity to convert an existing building on the site that already has toilet provision, to also potentially include some small changing space and kitchenette. We are currently working through the detail of this with the club to ensure that it works for both parties.

The Council, working with Sport England and the Football Foundation recently invested over £800,000 in Summertown Stars home pavilion a short distance away at Cutteslowe Park

19. From Councillor Wilkinson to Councillor Smith

Over the past month, an increasing number of white goods and other items have been dumped in the car park at Shotover. This started with five fridges which were there for a week after the Council was notified, and more fridges started to accumulate. Additional waste was dumped there on 13 July. Residents are calling for CCTV cameras to be installed.

What further action is planned to address this, please?

Response

CCTV would be of little value in the car park at Shotover as there is no lighting (and the dumping occurs at night). However, conversations have already been had with CRT and TVP as to whether it could be placed further down Old Rd where there is

street lighting. This wouldn't catch perpetrators of fly-tipping in the act of dumping but would show the vehicle involved going up with the material on the back of the vehicle and returning without it.

Investigation of the latest dump of material has uncovered some useful evidence which may help to finding the perpetrator. The Shotover car park lies outside the city and comes under the jurisdiction of South and Vale. All details of the case and evidence have been passed to them to progress.

Board member for Planning and Regulatory Services

20. From Councillor Wilkinson to Councillor Hollingsworth

During the temporary pedestrianisation of Queen Street and the completion of the Westgate development, bus stops have been relocated to High Street outside the Covered Market. Queues for buses (particularly the 3 route to Rose Hill), pedestrians, and long lines of visitors including language school students are crowding pavements to such an extent that people are finding it necessary to walk on the carriageway.

Residents tell me they are worried about safety both of pedestrians and cyclists.

Can the Board Member please tell us what advice is being given by Oxford City Council to tour guides and language school co-ordinators on using alternative walking routes through Oxford if their destination is not a bus stop in the High?

Response

The City Council has raised this safety concern with the County Council and has asked them to look into this in their role as Highways Authority. The City Council does not have powers to require Tour Operators to change routes, although personal experience suggests that regular guides are shifting some of their routes to avoid this section of pavement. Looking forwards, the City Council will promote a protocol with Tour Companies in respect of congested areas through our partnership with Experience Oxfordshire.

21. From Councillor Thomas to Councillor Hollingsworth

How can the Portfolio Holder justify allowing just 23% social housing on the Templars Square site?

Response

As the Councillor knows, decisions on planning applications are made by the Council's planning committees, rather than by the Portfolio Holder. All planning applications are judged against national and local planning policies, including policies CS24, HP3 and HP4 on affordable housing. In particular the third paragraph of policy CS24 explains explicitly what should happen if a developer believes that the scheme would be unviable: *"If it can be demonstrated, by open book evidence, that the affordable housing contribution from either residential or commercial development makes a site unviable developers and the City Council will work through a cascade approach until a site is made viable."* This is in line with paragraph 179 of the NPPF, and is amplified by the 'cascade' process outlined in policy HP3 of the Sites and Housing part of the Local

Plan. The procedure for testing viability is laid out in detail in Appendix 3 of the Affordable Housing and Planning Obligations SPD.

In this instance, as the extensive discussion in the officer report to the East Area Planning Committee made clear, the developer produced evidence to support their case. That evidence was tested and accepted by both our own planning officers and external cost consultants, and the policy process laid out in policy CS24 and HP3 was followed. The application of the viability tests and the cascade approach meant that the number of affordable housing units was increased from the 40 originally proposed by the applicant to 51. The members of East Area Planning Committee considered this evidence and voted by a majority to approve the application.

The Local Plan has very carefully considered policies on this issue, with clear and detailed procedures to follow. In this case as in others the Council's officers showed great professionalism and tenacity in ensuring that those procedures were followed to the letter. The recent appeal decision on the former Honey Pot pub in Hollybush Row, which upheld the Council's policies on the viability test, shows the importance of applying properly formulated policies rigorously and fairly.

The APHO SPD was approved in late 2013: since 2014 there have been 75 Major Planning Applications, only two of which – this one, and the Jericho Boatyard application – have used a viability argument and the process in the APHO SPD to successfully make a case for a reduced proportion of affordable housing.

22. From Councillor Brandt to Councillor Hollingsworth

What measures is the Portfolio Holder taking to prevent the “Westgate Effect” which is seeing Cornmarket and large parts of the city centre drift towards offering only food outlets?

Response

While the opening of the Westgate will inevitably have an impact on the city centre as retailers move premises or change leases, it is not clear that that is the main consequence of any perceived shift towards food outlets. Government policies, allowing changes from A1 to A3 use in smaller units under permitted development rights rather than through the planning process, have significantly undermined the Council's ability to manage the mix of uses in retail areas. Changes in shopping behaviour, with over an eighth of all shopping done online in the UK (Centre for Retail Research Online Retailing Report 2017) and increasing at over 10% a year, is also a major fact in driving a shift in uses.

The Westgate Centre will deliver a substantial increase in A1 retail space in the City Centre, of some 65,00m². In the recent period two A1 units on Cornmarket have moved from A1 to A1/A3 under a planning permission, while another appears to have used PD rights. Another two units elsewhere in the city centre have received permission to move from A1 use. The recent Retail Needs survey identified 152 retailers looking for space in and around Oxford City Centre, indicating very strong demand for A1 use, and rental values in and around Cornmarket are holding up strongly, confirming the continuing demand for space there.

23. From Councillor Simmons to Councillor Hollingsworth

What is the Portfolio Holder doing to ensure that the Westgate Partnership do NOT introduce discounted parking at the Westgate thus undermining the City's parking revenues and increasing city centre congestion?

Response

The Westgate Alliance are allowed to set parking tariffs for their car parks, while taking into account the City Council's existing tariff structures and the policies that underlie them. Members and Officers of this Council have met with the Alliance regularly since the inception of the project, and the Westgate Alliance are well aware of the need for parking tariffs to be set at an appropriate level to manage traffic levels, and balance demand for parking spaces with the limited supply of them. I therefore expect any tariffs set by the Alliance to adopt a similar approach to the City Council's.

24. From Councillor Wilkinson to Councillor Hollingsworth

Can the Board member please confirm what air quality standards were imposed on the new underground car park at the Westgate Centre by the city during the planning process?

Response

Air quality standards in underground car parks are covered by Part F of the Building Regulations, and in supporting guidance. They are therefore not addressed by the planning process per se. The City Council's Building Control team are currently working with the developers to sign off on this part of the Building Control process, and have worked closely with the Council's own specialist environmental health officers in assessing the ventilation systems and thresholds for air quality. While this is ongoing process my understanding is that the information provided by the developers is considered acceptable by officers.

25. From Councillor Wilkinson to Councillor Hollingsworth

What are the arrangements for access, for members of the public and for academics, to historical planning records which pre-date the material available via the City Council website please?

Response

If a member of the public requests, in writing or in person, access to a historic record/decision notice that is in the archive basement storage, the process is that the file is brought from the archive by a member of the application team who then goes through the files and copies it. These requests take around 2 weeks to provide and are free of charge. These files are not on line and there is currently no plan to have them all scanned and uploaded on our system. (Please note that some late 1950s and early 1960s files were lost in a flood in the basement some years ago and are therefore not available.)

26. From Councillor Goff to Councillor Hollingsworth

Could the member explain why a Planning enforcement complaint submitted on 11th January 2017 by a Wolvercote ward resident was still having to be chased by that resident at the end of May 2017 having received no substantive response?

Response

The planning enforcement complaints have been fully investigated and neither was found to be a breach of planning control. The complainants have been advised of the outcome of the investigations. The timing of the original complaints coincided with a period of staff shortages in planning enforcement and an interregnum period where agency staff was covering the work of this part of the service. This issue has now been resolved through permanent recruitment to the Senior Planning Enforcement officer post.

27. From Councillor Goff to Councillor Hollingsworth

Could the member explain why a query to the Planning department about City Council policy on HMOs submitted on 23rd January 2017 by another Wolvercote ward resident was still having to be chased in June 2017 having received no response at all?

Response

The query was responded to in June and the Planning part of the Planning, Sustainable Development and Regulatory service has apologised for the time taken to deal with this matter.

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

28. From Councillor Simmons to Councillor Turner

This year's Q4 outturn figures again show underspends in the annual Revenue, HRA and Capital Budgets. At a time when we have a housing and homelessness crisis, community facilities under threat, as well as many other social and environmental projects that would benefit from funding, will the Portfolio Holder say how he intends to avoid such financial surpluses in the future?

Response

The premise of the question is that over-achieving income, or spending less than budget, is in and of itself a bad thing, and this is something I would question. I might add that our council has not made cuts in the service areas the questioner mentions.

If budget variations arose as a result of poor financial planning, that would of course be something to be addressed. But that is not the case here: for instance, £1.2 million of over-achieved income and fuel savings came from Direct Services, and £400k from over-achieved income in commercial property income. It would be reckless to plan on over-achieving income in such areas every year, and we need to be prudent when allowing, for instance, for rises in fuel costs, a downturn in market conditions, or voids in our commercial properties – such things would be beyond our control.

Moreover, we regularly report on our budget position to CEB, and in some cases have agreed significant carry-forwards (where a timetable has changed and a project continues but needs to be rolled over into next year). We have devoted significant efforts to completing capital works in a timely fashion, and now have a sound record in this regard (with variations in HRA and general fund both under 1% of budget). We have also proposed offering a partnership to address health inequality with a proportion of last year's budget variation, which is something creating and positive I would hope the questioner would welcome.

I would remind the questioner that local government operates in an increasingly risky financial context – in our case, that means relying more on external income from necessarily uncertain sources, and of course being vulnerable to variations in business rate income. That reinforces the need for caution in budget planning.

Of course we are committed to sound financial planning, but that means having appropriately cautious, prudent assumptions. If that means a relatively modest underspend compared to our overall budgets, I am far happier with that than I would be with unachieved savings and cutting services to plug gaps.”

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

29. From Councillor Gant to Councillor Price

On 14 June Councillor Price wrote to residents of the Council's tower blocks that “we have gone above and beyond legal requirements to ensure an enhanced level of fire safety for the families living in these blocks”. Could he give Council details of the legal requirements he is referring to and the ways in which the council has surpassed them?

Response

Under the Building Regulations 2010 there is no requirement to retrospectively fit sprinklers to the Towers. By choosing to install sprinklers in every flat in all of the tower blocks and directly connect their activation to the Fire Service, the Council has gone above and beyond legal requirements.

The Regulatory Reform (Fire Safety) Order 2005 requires a risk assessment to be carried out and the features of the Fire Safety system put in place in our blocks are:

- Non-combustible Rockwool insulation
- Fire breaks within the cladding system
- Upgraded communal area fire doors and flat entrance fire doors
- Automatic venting system to stairwell to remove smoke
- Upgraded fire seals to waste chutes
- Sprinklers in all flats, directly connected to the Fire Service
- Heat and smoke detectors in all flats
- Smoke detectors in all communal areas, directly connected to the Fire Service

30. From Councillor Gant to Councillor Price

On 14 June Councillor Price stated that “the external cladding fitted to these blocks [i.e. all five of the council’s tower blocks] is fire retardant”. On 26 June, following testing, he reported that samples of ACM cladding from Evenlode and Windrush Towers had now been identified as “a risk” and will be replaced with “improved non-combustible material”. On the same day, a Q & A document issued by the council contained the following:

Q. Is the cladding fireproof?

A. No.

Given the importance of and uncertainty around definitions of the properties of materials and the legal status of such definitions, could the Councillor inform Council what technical definition he was using for the term “fire retardant” in his statement of 14 June?

Response

As acknowledged in the question there has been considerable uncertainty about terminology since the Grenfell disaster, not helped by government’s changing interpretation of requirements of building regulations.

It has emerged that the test now being applied is combustibility and that is the terminology that should be used. The ACM on Evenlode and Windrush is O rated as required by building regulations, but as stated in the letter to residents did not pass the government’s test of non-combustibility and was therefore identified as a risk, though the Fire Service have confirmed our whole system to be safe. Government’s most recent guidance suggests that ACM may be acceptable in some circumstances and is now carrying out further tests on whole cladding systems. We are awaiting the outcome of this testing process and clarity on future requirements.

It might it be useful to add that "fire-retardant" isn't the same as "fireproof" - indeed nothing is "fireproof", the aim of compartmentalisation in tower blocks is to hold back fire for 60 mins and our rockwool insulation conforms to that.

31. From Councillor Gant to Councillor Price

In a press release of 26 June, the Council said it was in discussions with the County Council and other employers with large buildings in Oxford to ascertain whether there are any such within Oxford city which should be tested for fire safety.

Were any such buildings identified?

Response

The Council’s Head of Planning, Sustainable Development and Regulatory Services wrote in an advisory capacity to all large employers in the City on the 23rd June to inform dutyholders of the latest Government advice regarding the steps they should be taking to ensure their buildings were safe. No responses to the letter have been received. The Department for Communities and Local Government (DCLG) has written to housing associations and a number of institutional bodies in the Universities and Health sector to provide guidance relating to the testing of composite cladding material used in residential blocks above 18m in height. To date the information provided to us by DCLG does not as yet include any other buildings in the city that have been identified as requiring testing.

32. From Councillor Thomas to Councillor Price

How many decades would it take a typical retail assistant in the Westgate Centre on the current minimum wage to save a sufficient deposit to purchase a house in Oxford?

Response

It is impossible to give a universally accurate response to this question since much will depend on the housing costs that the person concerned is incurring while saving up for a purchase. If they are living with parents or relatives rent free, disposable income would be very substantially higher than if they are renting in the PRS. However, given the average cost of property in Oxford it is highly unlikely that anyone purely dependant on the minimum wage and with no access to other financial resources, will ever be able to afford to buy within the City.

The average house price in Oxford is currently £491,900. This is around 16 times the average annual household income of £29,400 (ref. Centre for Cities 2017). Household income data reflect both single and dual earner situations. Thus, to purchase a 2-bedroom terraced house priced at £365,000 (the median price in Oxford for such properties in 2015), the deposit needed would be £73,000 (at 20%); or £36,500 (at 10%). In the former case, the mortgage required would be £292,000 which would require the person to have an income of circa £65,000 pa gross if they were to secure 4.5 x income to borrow a mortgage of £292,000.

Help to Buy would mean a deposit of 5%. For a house costing £365,000 the 5% deposit would be £18,250. The mortgage would still be £292,000 (income needed would be circa £65,000 pa gross) with the remainder of the deposit being paid by via a government equity loan (no payment due on this for the first 5 years but interest is then charged on the equity loan).

These examples show that while it would be theoretically possible to save up for the required deposit on the minimum wage by living extremely frugally, the likelihood of being granted a mortgage would be negligible due to the requirements of mortgage repayments – even at low interest rates.

33. From Councillor Thomas to Councillor Price

How many retailers in the Westgate Centre have given an undertaking to a) pay the Oxford Living Wage and b) veto the use of zero hour contracts?

Response

The City Council does not have access to this information and the landlord does not seek this type of information from their tenants.

Many of the Westgate retailers are early in the recruitment stage as they gear up for opening in October 2017. We expect to be able to build up a clearer picture in the months following opening, based on information provided by Westgate tenants on a voluntary basis.

34. From Councillor Simmons to Councillor Price

Will the Leader join me in celebrating the fact that, following the General Election, Oxford is now entirely without Conservative Party representation?

Response

Yes. The very substantial increase in the Labour vote in Oxford East and in the Liberal Democrat vote in Oxford West clearly reflected the degree of public hostility towards the Tory Government's austerity policies and their impact on the key public services that are so important for citizen's quality of life. The cuts in education expenditure, the failure to tackle the problems of care in old age and the rising demand for health services, the dreadful cuts in social security that are going to impact the poorest sections of our fellow citizens over the next two years, and the determination to draw red lines which will condemn the UK to a hard Brexit or no Brexit deal at all, were all important features of voters' anger with the current government.

35. From Councillor Thomas to Councillor Price

Will the Leader agree to a meeting (including all Group Leaders) with the City's new MPs to discuss our response to Brexit and how they might best represent our interests in Parliament?

Response

We have regular meeting with the two City MPs. They both understand the City Council's strong opposition to the hard Brexit being pursued by the interim Prime Minister and David Davis (if not all members of the Cabinet) and we keep each other briefed on the issues that are arising as the negotiations get under way. If there is a point at which such a meeting would be useful, I will certainly pull one together.

36. From Councillor Thomas to Councillor Price

Does the Leader agree with me that a target of zero children living in food poverty in Oxford would be a powerful challenge for the city, and will he make achieving this target one of our measures of being a "World Class City"?

Response

Tackling deprivation has been a core theme of Council policy since 2002, and similarly of the Oxford Strategic Partnership. The last Labour Government achieved a marked reduction on child poverty but all that progress has been lost under the regressive tax and benefits policies of the Coalition and Tory governments since 2010. Our community team are working in a number of areas (e.g. through the Healthy Barton project and the Lottery funded project on Rose Hill) to specifically target child food poverty, and this remains one of the key targets for the community team across the whole city.

We are also working with Good Food Oxford and Feeding the Gaps to get a better understanding of food poverty in the City, promote the existing provision to the public and to identify gaps in provision. That has included funding to develop a data base and map of available support which will provide a valuable resource for families and individuals, as well as enabling key workers to give the people that they are working

with up to date food advice and support. We will continue to work together to take this work forward.

37. From Councillor Gant to Councillor Price

Councils in Dorset have submitted plans for two unitary authorities to the Secretary of State. East Dorset District Council was one of three among the nine affected councils to vote against the plan. However, EDDC will take up seats on a joint committee being set up to plan the proposed changes, which will save Dorset taxpayers £108m over six years, or £18m per year.

EDDC will reserve the right to explore other options while sitting on the committee, but Councillor Simon Tong, portfolio holder for change and transformation, said that “members recognise that the interests of East Dorset residents will be best served if our council takes up its seats so that we are able to share in these discussions while we await the decision of the secretary of state”.

Does Councillor Price agree with Councillor Tong’s analysis of how councils should best serve the interests of residents?

See: http://www.bbc.co.uk/news/uk-england-dorset-40566649?utm_source=LGiU+Subscribers&utm_campaign=9daaa37c46-EMAIL_CAMPAIGN_2017_07_12&utm_medium=email&utm_term=0_4e47157211-9daaa37c46-199042461

Response

Of course not.

Cllr Tong was speaking in the context of a particular situation in Dorset, where there have been discussions over more than two years which led to a broad agreement among the Council leaderships in support of dividing the county of Dorset and the two adjacent unitary authorities into two new larger unitaries. This reorganisation did not find favour in their full Council meetings so they are continuing discussions over the details of the agreement to see if the backbenchers can be persuaded. The position in Oxfordshire is that there was broad agreement across all councils on a move to a combined authority, and the councils are continuing to work very effectively together under the aegis of the Growth Board, towards a joint spatial plan and infrastructure strategy as part of the Oxford to Cambridge Growth Corridor, and a joint housing deal. This joint working is serving the interests of the city and county’s residents rather better than engaging in fruitless discussions about local government reorganisation.

This page is intentionally left blank