

Minutes of a meeting of the Cabinet on Wednesday 14 June 2023



Cabinet members present:

Councillor Brown	Councillor Turner
Councillor Aziz	Councillor Chapman
Councillor Hunt	Councillor Munkonge
Councillor Rehman	Councillor Linda Smith
Councillor Upton	

Officers present for all or part of the meeting:

Bill Graves, Landlord Services Manager
Caroline Green, Chief Executive
Tom Hook, Executive Director (Corporate Resources)
Nigel Kennedy, Head of Financial Services
Douglas Kerrigan, Interim Development Manager
Emma Lund, Committee and Member Services Officer
Peter Matthew, Interim Executive Director of People and Communities
Nerys Parry, Head of Housing
Malcolm Peek, Property Service Manager
Carolyn Ploszynski, Head of Regeneration and Economy
Gail Siddall, Team Leader, HMO Enforcement Team
Karoline Soisalo de Mendonca, Regeneration Manager
Steve Stansfield, Building Compliance and Safety Manager
Steve Weitzel, Regeneration Manager
Tom Woodhams, Team Leader Lawyer
Ian Wright, Head of Regulatory Services and Community Safety

Also present:

Councillor Dr Hosnieh Djafari-Marbini, Chair of the Child Poverty Review Group
Councillor Lucy Pegg, Chair of Scrutiny

Apologies:

Councillor Railton sent apologies.

1. Addresses and Questions by Members of the Public

None.

2. Councillor Addresses on any item for decision on the Cabinet agenda

None.

3. Councillor Addresses on Neighbourhood Issues

None.

4. Items raised by Cabinet Members

None.

5. Scrutiny reports

The Chair welcomed Councillor Lucy Pegg as Chair of Scrutiny for the 2023/24 Council year.

The Scrutiny Committee had met on 7 June 2023 and the Housing and Homelessness Panel had met on 24 April 2023. Councillor Pegg presented the reports and recommendations from those meetings relating to (i) the Housing Management System Implementation; and (ii) the revised tenancy agreement for Council tenants.

In relation to the Housing Management System Implementation, Scrutiny had had a wide-ranging discussion which had included lessons learned; timescales going forward and whether any further delays or issues were anticipated; procurement; budgets; disaster recovery; and software implementation processes. One recommendation had been made, which related to ensuring that there was a contingency plan when reaching a critical point in future projects, so that project implementation could be reverted back to an earlier 'working' status if issues and/or errors arose. Councillor Nigel Chapman, Cabinet Member for Citizen Focused Services and Council Companies, responded that the recommendation was accepted as a general principle, but commented that it had not been practical to do this in this particular case due to the inter-connectivity with other systems.

In relation to the Tenancy Agreement, one recommendation had been made which related to the Council considering every three years if it would be appropriate to revise the tenancy agreement (rather than every five years as currently). Councillor Linda Smith, Cabinet Member for Housing, responded that the recommendation was accepted.

Councillor Hosnieh Djafari-Marbini, Chair of the Child Poverty Review Group, presented its recommendations. These had initially been brought to Cabinet in June 2022, but had been deferred to allow for further consideration and a more detailed response from Cabinet Members, which was now included.

Councillor Djafari-Marbini drew particular attention to recommendations 16 and 17, which related to the Council producing a Poverty Strategy within the next eighteen months and the Council agreeing (subject to securing funding) to hold a poverty truth commission. Councillor Djafari-Marbini highlighted that these actions would have potential to add value to the work which was currently being undertaken.

In relation to recommendation 11, which related to the Council agreeing a cross-party motion committing to formally adopt the socio-economic duty and using its influence to encourage local partner institutions to do the same, it was noted that a motion to this effect had been passed by Council on 3 October 2022. However, Councillor Djafari-Marbini commented that almost a year had now passed since that original recommendation had been made.

Councillor Susan Brown, Leader, acknowledged that it had taken some time to pull together all of the responses, but highlighted that the work which sat behind the responses had been continuing in the interim. It was noted that the Council motion had sought further reports to Cabinet on options to implement the socio-economic duty and options to develop a Child Poverty Strategy which would provide an opportunity for these to be further considered.

Councillor Brown thanked the Child Poverty Review Group for the thorough and detailed work which it had undertaken, which was important in informing the work undertaken by the Council to tackle poverty (and in particular child poverty) across the city. This work was of particular importance given the current cost of living crisis.

6. Review of the Corporate Enforcement Policy

The Head of Regulatory Services and Community Safety had submitted a report to review the Corporate Enforcement Policy and seek approval for an amended policy for a further three years.

Councillor Linda Smith, Cabinet Member for Housing, reported that the policy had operated well since it had last been reviewed in 2019. The updated policy before Cabinet had been reviewed and refreshed, but minimal changes were proposed. These were mainly to include additional detail and clarification. The policy was high level and related to general principles for corporate enforcement: the service area plans and enforcement policies which sat below it contained more detailed procedures.

Ian Wright, Head of Regulatory Services, drew attention to paragraph 1.2 of the policy, which set out that the Council's enforcement approach would take corporate and local priorities into account. This would enable action to be taken which was relevant to the people of Oxford.

Cabinet resolved to:

1. **Approve** the amended Corporate Enforcement Policy (at Appendix 2) for a further three years.

7. Ice Rink Future Car Parking Provision

The Head of Community Services had submitted a report to seek approval for the favoured on-site option for future car parking provision for users of the Oxford Ice Rink when the Oxpens car park was closed permanently for redevelopment.

Councillor Chewe Munkonge, Cabinet Member for Leisure and Parks, highlighted that the report represented the outcome of work undertaken following a previous report to Cabinet in August 2022. The report was forward-looking, and therefore some of the costs outlined could be subject to change.

Councillor Munkonge informed Cabinet that much work had been done with the car park users, which had resulted in the preferred option. It also represented the most cost-effect solution, as the land was owned by the City Council.

Carolyn Ploszynski, Head of Regeneration and Economy reported that the closure of the car park was anticipated to be at least two years away, and so the chosen option would not be implemented immediately. However, the planning permission would likely be sought earlier, to ensure that it was in place as the project progressed.

In response to a question about costs, the Cabinet Member for Leisure and Parks clarified that the expected cost (before adjustment for inflation) was c£320,000 which

was considered reasonable. Due diligence had been undertaken. The budget of £580,000 being sought was therefore higher than the anticipated cost of providing the parking spaces. It was also noted that the car park was income generating, which would likely cover the capital cost associated with borrowing of the £580,000, should this be needed.

Cabinet resolved to:

1. **Grant project approval** for option 1 (car parking at the front of the ice rink) being progressed on the basis of seeking to achieve around 25 spaces in total;
2. **Recommend to Council** to establish a budget of £580,000 within the Council's capital programme, profiled across 2024/25 and 2025/26, to fund the provision of new car parking at the front of the ice rink, subject to OXWED's programme for closing the Oxpens car park, and approve the payback of previously spent feasibility funding of £46,000 into the feasibility budget; and
3. **Delegate authority** to the Head of Community Services, in consultation with the Council's Section 151 Officer, the Head of Law and Governance, the Cabinet Member for Leisure and Parks and the Cabinet Member for Planning and Healthier Communities to finalise the scope of works, undertake the necessary procurements, and negotiate and enter into all contracts for the detailed design, construction works, and all associated professional services, for the new ice rink car park within the agreed budget.

8. Fire Door Replacement Programme

The Executive Director (Communities and People) had submitted a report to seek approval and delegated authority to award works contract(s) to replace all applicable resident front doors in Evenlode, Windrush and Hockmore Towers, Oxford with certificated compliant fire doors.

Councillor Linda Smith, Cabinet Member for Housing, reported that work to replace doors at the other towers had either already been completed or was currently underway. The budget for the works had already been allocated; therefore no new spending was being sought.

It was noted that some issues had been raised relating to the weight of fire doors, which had caused difficulty for frailer residents. Alternatives were being investigated for the doors to communal areas. Councillor Smith advised that letters would be sent to residents to inform them of the forthcoming works and it was suggested that when following-up and scheduling the work, Housing Officers could take the opportunity to identify any special needs.

Cabinet resolved to:

1. **Grant project approval** to allocate the approved budget of £2.6m agreed by full Council in 2021/22 to enable progression of the replacement of all resident front doors at Plowman, Evenlode, Windrush and Hockmore Towers, Oxford, with certificated compliant FD30 fire doors; and
2. **Delegate authority** to the Executive Director (Communities and People) or the Head of Housing Services to award the fire door replacement programme

contract(s) to ODS, or others as required, following the procurement process outlined in the Constitution.

9. Agency Agreement to Undertake Land Drainage and Flood Investigation Services on behalf of Oxfordshire County Council

The Head of Corporate Strategy had submitted a report to seek approval to enter into an agency agreement with Oxfordshire County Council under Section 101 of the Local Government Act 1972 and Section 19 of the Local Government Act 2000 to undertake duties relating to the Land Drainage Act 1991/Flood and Water Management Act 2010, on behalf of and as an agent of Oxfordshire County Council as Lead Local Flood Authority.

Councillor Nigel Chapman, Cabinet Member for Citizen Focused Services and Council Companies, reported that the Council had already been undertaking some of the works covered by the report on behalf of the County Council (as the Lead Local Flood Authority) for a significant amount of time. This involved investigating floods in the city; issues around water course construction; and licences to move water courses. Approval was now being sought to formalise the arrangement in return for a sum from the County Council which was considered reasonable and would cover the costs. The City Council already had officers with the expertise to undertake the work.

The risks associated with entering into the agreement were considered to be minimal given the length of time in which the Council had already been undertaking the work, and the lack of any previously identified issues.

Cabinet resolved to:

1. **Grant approval** to enter into an agency agreement with Oxfordshire County Council pursuant to Section 101 of the Local Government Act 1972 and Section 19 of the Local Government Act 2000 to undertake ordinary watercourse consenting and other duties relating to the Land Drainage Act 1991/Flood and Water Management Act 2010 on behalf of Oxfordshire County Council, as described in the report.

10. Blackbird Leys Development Project - Land Appropriation

The Executive Director (Development) had submitted a report to seek approval to advertise the Council's intention to appropriate land (change the statutory basis on which it is held by the Council) at the Blackbird Leys District Centre and Knights Road to facilitate the Blackbird Leys Development Project. The intent to appropriate related to land owned by Oxford City Council only.

Councillor Ed Turner, Deputy Leader (Statutory) – Finance and Asset Manager, reported that the Blackbird Leys development was an ambitious project which would provide new affordable housing, a new community centre, and an improved retail offer (subject to a successful planning application). Councillor Turner clarified that the proposal before Cabinet related to re-designation of land which was already in its ownership, in order to enable development. The legal process required prior advertisement of the Council's intention to appropriate the land.

Cabinet resolved to:

1. **Approve** the public notification process to consider the proposal to exercise the Council's powers to appropriate land in its ownership at Blackbird Leys District

Centre and Knights Road (see plan at Appendices 1 & 2) (“the Land”) to planning purposes;

2. **Approve** the publishing of a notice in a local newspaper for two weeks consecutively expressing the Council’s intention to appropriate the Land in accordance with section 122 Local Government Act 1972 to planning purposes so as to rely on section 203-205 Housing and Planning Act 2016. This is necessary to facilitate Phase 1 of the Blackbird Leys Development Project.

11. East Oxford Community Centre

The Executive Director (Communities and People) had submitted a report to provide an update on progress of the project to deliver the development of the East Oxford Community Centre at Princes Street in upgrading the main building and providing a modern new build extension in a single place. The report also set out, for approval, options to address the unprecedented construction inflation.

Councillor Ajaz Rehman, Cabinet Member for Inclusive Communities, reported that of all the options considered, only one (option 1) was considered to be feasible: consultation with users of the centre had indicated that it offered the minimum space which they wanted, and value engineering on material and methods had allowed the effects of very high construction inflation to be mitigated.

Councillor Ed Turner, Deputy Leader (Statutory) – Finance and Asset Management, highlighted that situations such as the current very high construction inflation environment required challenge and judgement to be made as to whether projects which were feasible at one price remained feasible when costs were substantially higher. Councillor Turner commented that in the case of the East Oxford Community Centre an alternative scheme would likely involve a full re-design with a new planning application (which would involve risk of refusal), as well as risking disappointment to the local community. It would be likely to result in a scheme which was similar to the current one but at an even higher price, or alternatively a smaller scheme which did not meet the community’s needs. Therefore, he recommended the increase to the project budget, whilst highlighting that officers would need to proactively continue to manage costs at all stages of the construction.

Cabinet resolved to:

1. **Approve** option 1;
2. **Recommend to Council** to increase the project budget by £1.298m (from £5.496m to £6.794m);
3. **Delegate authority** to the Executive Director (Communities and People) in consultation with the Head of Financial Services/S151 Officer; the Head of Law and Governance; the Cabinet Member for Finance and Asset Management; and the Cabinet Member for Inclusive Communities to award the construction contract to Oxford Direct Services Ltd (ODSL) for the sum of £5.9m and enter into the contract;
4. **Approve** (subject to Council’s agreement to recommendation 2 above) that the 2023 construction contingency budget is applied to the East Oxford Community Centre project, to make up the budget increase required as set out in the report.

12. Housing Management System Implementation

The Executive Director (Communities and People) and the Head of Financial Services had submitted a report to update Members on the lessons learned from the implementation of the Housing Management System and the outcome of discussions with the supplier as to potential settlement; and to seek additional budget approval for further development of the product after the move to 'business as usual' which had now been secured.

Councillor Chapman, Cabinet Member for Citizen Focused Services and Council Companies, presented the report and acknowledged the issues which had arisen during the implementation of the system. The system had been commissioned in 2016, and it was only recently that it had been stable enough to meet requirements. Many lessons had been learned as a result, and it was to the Council's credit that it had commissioned its own report to identify areas where mistakes could have been avoided.

The project had also been more costly than expected: partly because of the amount of time needed to fully implement the system, and partly because of the need to commission expert staff in order to successfully complete the implementation. Retrospective approval of additional budget of £263k in the last financial year was sought: this had been approved by the Project Board but required formal approval by Cabinet and Council. Going forward, an additional budgetary amount of £497K of capital and £97k of revenue over the next 4 year period had been identified, in order to fully maximise and optimise the use of the system.

Councillor Chapman also advised that, following discussions with the supplier, proposed settlement terms had been reached with regard to compensation for some of the extra costs incurred. This was considered to be a fair settlement and was recommended for approval.

The Head of Financial Services corrected an error within paragraph 9 of the report: Council had given budget approval for £538k of capital (not £528k). The Head of Financial Services also clarified that whilst the legal implications section of the report referred to extending the contract, this requirement had subsequently been resolved in negotiations.

The Head of Financial Services also commented that in spite of all the issues, the experience had demonstrated successful collaborative working between many areas of the Council (including Finance, ICT and Housing) and ODS in order to achieve recovery to a steady state.

Cabinet resolved to:

1. **Note** the lessons learned from the system implementation;
2. **Approve** the proposed settlement terms offered by the supplier as referenced in Appendix 4 (exempt) and **delegate authority** to the Executive Director (Communities and People) in consultation with the Head of Financial Services and the Head of Law and Governance to finalise the terms;
3. **Recommend to Council** the approval of additional budget of £263k in 2022-23 as detailed in paragraph 8 of the report; and

4. **Recommend to Council** the inclusion of an additional budgetary amount of £497k of capital and £97k of revenue over the next 4 year period for the further development of the system (paragraphs 9-11).

13. Minutes

Cabinet resolved to approve the minutes of the meeting held on 19 April 2023 as a true and accurate record.

14. Dates of Future Meetings

12 July 2023
9 August 2023
13 September 2023
18 October 2023
15 November 2023
13 December 2023

All meetings start at 6pm.

The meeting started at 6.00 pm and ended at 6.57 pm

Chair

Date: Wednesday 12 July 2023

When decisions take effect:

Cabinet: after the call-in and review period has expired

Planning Committees: after the call-in and review period has expired and the formal decision notice is issued

All other committees: immediately.

Details are in the Council's Constitution.