

# Walton Street ETO Local Authority Failings

## EXECUTIVE SUMMARY

Jericho Connections believe there are a number of **critical failings** in the **decision process, consultation and implementation** of the ETO closing Walton Street to through traffic. These failings fall into two broad categories – constitutional/governance and equality/diversity as indicated by the **highlighted text** in the following documents:

- OCC Constitution
- OCC Achieving Good Corporate Governance
- Equality Framework for Local Government (EFLG) 2018
- Oxfordshire Joint Health & Wellbeing Strategy (2018-2023)

The consultation timeline suggests that key deadlines were **not met** both in terms of the decision-making process and the **submission of councillor proposals**, and that the public consultation was **inadequate**.

**Equality Framework for Local Government:** Organisations are expected to understand how the diversity within a local community describes the experiences of local communities, both individually and collectively, and to use this understanding to demonstrate **'due regard' to the Public Sector Equality Duty**.

**Jericho Connections believes that OCC have failed:**

- **to understand our community**
- **to demonstrate leadership, partnership and organisational commitment with effective communication that fosters good relations**
- **to involve our community**

Jericho Connections believes that the ETO directly opposes the guidelines set out in the Oxfordshire Joint Health & Wellbeing Strategy in terms of **living and ageing well** and tackling the **wider issues that determine health**. The strategy acknowledges that society is getting older, that at-risk groups need to be identified, that care should be provided closer to home and . Jericho is not the gentrified area of public perception, with a higher than average % of both rented households and the elderly (as proven elsewhere within the submission).

Jericho Connection's evidence has been gathered from public websites and via FOI requests.

## GENERAL TIMELINE OF CONSULTATION PERIOD<sup>1</sup>

### 27 JULY 2019

Temporary Road Closure put in place following the discovery of voids within the pavement surface whilst the authority undertook maintenance works.

### 12 SEPTEMBER 2019

Cllr John Howson expressed an interest to Cllr Yvonne Constance in relation to a potential closure of the Walston Street area to mitigate rat running. **See first section 45/19 questions from Cllr Howson.**

<https://mycouncil.oxfordshire.gov.uk/ieListDocuments.aspx?CId=931&MId=5738&Ver=4>

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<sup>1</sup> Timeline information provided by OCC Officer (Tim Shickle)

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**Cllr Howson was required to write a written proposal to the relevant cabinet member. Jericho Connections are unable to find any public record of this proposal being submitted.**

**SEPTEMBER 2019**

Due to the lack of issues and perceived benefit on Walton Street, Transport Portfolio Holder and other local members expressed an interest in keeping the road closed to Senior officers within the county council.

**Jericho Connections have been unable to find any public record of this.**

**18 SEPTEMBER 2019**

OCC Officers assessed and considered the request and previous suggestion by Cllr Howson and concluded that there was not enough information available to progress with a permanent closure but that it was worth exploring.

**Jericho Connections believe that this cannot have taken place as Cllr Howson did not submit a proposal to be assessed or considered.**

It was concluded by officers that the quickest and most reliable route to test this was by undertaken a trial through an experimental order.

**Jericho Connections have been unable to find any public record of this conclusion.**

**27 SEPTEMBER 2019**

Preliminary consultation for key stakeholders commences (blue light services, Oxford City Council, Taxi companies, bus companies and key businesses within the area).

**Jericho Connections submitted FOI requests which reveal the email discussions regarding this with the Emergency Services. However, there is no public record that key businesses within the area were consulted. The independent businesses along Walton Street were not consulted.**

**04 OCTOBER 2019**

Preliminary consultation extended to directly impacted local residents (i.e. those at the southern end on Walton St) following several objections of not knowing about the closure.

**This represents approximately 70 houses with a Walton Street frontage.**

The council claims to have received 493 individual responses<sup>2</sup> in total:

- 310 (63%) in support
- 160 (32%) objections
- 23 non-objections or raising concerns (5%)

**Jericho Connections believe this to be incorrect. The 493 sent are the results of the 'Extinction Rebellion' petition, not results of the 4th October 2019 consultation.**

**23 OCTOBER 2019**

OCC Officer report sent to Cabinet member/ Transport Portfolio Holder (Cllr Yvonne Constance) with recommendation to proceed with order as 53% of the responses had been in favour of the closure.

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<sup>2</sup> A petition was also received, signed by 65 residents of Walton Street (who may have also contributed separately to the consultation) registering their **support** for the decision to close Walton Street to through traffic.

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**Jericho Connections have been unable to find any public record of this report being sent to the Cabinet member.**

**4 NOVEMBER 2019**

Transport Portfolio Holder gave her approval to progress with the Experimental Order.

**Jericho Connections have been unable to find any public record of approval being given.**

### **PUBLICATION SITES**

The ETRO was publicly advertised:

- Public Notice published in the Oxford Times newspaper on 7<sup>th</sup> November 2019
- Public Notices were erected/displayed along Walton Street and part along side streets from junction with A4144 Beaumont Street in the South, to Plantation Road in the North

**27 OCTOBER 2019**

Residents and businesses informed of the E/TRO by letter:

- 'Informal' Consultation Letters were hand delivered to approximately first 200 properties in Walton Street (northwards from A4144 Beaumont Street) in the immediate vicinity of the closure
- 'Formal' Consultation Letters sent directly to 2,105 properties in the following roads:

Adelaide Street	Jericho Street	St Giles'
Albert Street	Juxon Street	Venables Close
Allam Street	King Street	Victor Street
Arthur Gerrard Close	Kingston Road	Walton Crescent
Beaumont Street	Little Clarendon Street	Walton Lane
Canal Street	Mount Place	Walton Street
Cardigan Street	Mount Street	Walton Well Road
Combe Road	Nelson Street	Wellington Square
Cranham Street	Observatory Street	Wellington Street
Cranham Terrace	Richmond Road	Woodstock Road
Gloucester Green	School Court	Worcester Place
Gloucester Street	Shirley Place	Worcester Street
Great Clarendon Street	St Barnabas Street	
Hart Street	St Bernard's Road	

### **ASPECTS WHICH THE COUNTY MAY HAVE 'FAILED' IN THEIR DUTY TO US**

Text marked in **red** indicate areas of the framework in which Jericho Connections believe Oxfordshire County Council have failed in their duty.

1. **"THE EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT (EFLG) 2018"**<sup>3</sup>  
"The framework helps local councils to meet their obligations under the Equality Act 2010 including the Public Sector Equality Duties (PSED)"

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<sup>3</sup> Source: <https://www.local.gov.uk/our-support/guidance-and-resources/equality-frameworks/equality-framework-local-government>

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“The Equality Act 2010 challenges organisations *to know how age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion/belief, sex, and sexual orientation describe the experiences of local communities*, both individually and collectively. Thinking about the relationship between *these ‘protected characteristics’* explains the difficulties and opportunities arising from the diversity of local areas. They are a reminder that the consequences of difference on effective service delivery cannot be avoided either for the provider or the user. *Organisations are expected to use this understanding to demonstrate ‘due regard’ to the Public Sector Equality Duty.*”

We believe that OCC have **failed** in three of the five performance areas of the **Equality Framework for Local Government**:

- **Knowing your communities:**  
Local authorities aim to base their policies, procedures and other actions on sound evidence and research around the needs of their communities. This principle should also apply to their work to promote equality and diversity. That is why the EFLG begins with the section on ‘Knowing your communities’.”
- **Leadership, partnership and organisational commitment: ...”**  
*effective communication...fostering good relations...*”
- **Involving your communities**  
Increasingly, local authorities are using a wide range of methods *to involve residents in developing their policies and evaluating their effectiveness*. These include focus groups, service panels, emails and social media. Whatever the means of engaging people, however, *the important thing is that care is taken to ensure the views of a wide cross-section of people who live and work in an area* are obtained. This means finding ways *to facilitate the participation of all local people, including the vulnerable and marginalised*, through working effectively across agencies and with partners.”

### 2. “OXFORDSHIRE JOINT HEALTH AND WELLBEING STRATEGY (2018-2023)” OX COUNTY COUNCIL

This a “joint Oxfordshire Clinical Commissioning Group – Oxfordshire County Council exercise, run on behalf of the Oxfordshire Health & Wellbeing Board”. Key areas are highlighted in **red**.

#### Section on “Living Well”:

- There are **some groups of people who are more at risk** because of where they live, their age, ethnicity, gender, mental health or other factors. Appropriate targeting of services is needed for them. **There needs to be care closer to home** and smooth flow between services.
- **Nurture healthy communities where people are able to participate, contribute and be healthy.**

#### Section on “Ageing Well”:

- The **number of older people in the county is increasing** and is projected to grow further, with the proportion of those aged over 85 increasing by 60-80% in the next 15 years. While people are living longer, **many are spending more years at the end of life in poor health**. The number of people with **dementia is also growing**. The evidence shows that we should identify the people at risk, intervene earlier and deploy multi-disciplinary teams in new ways **to support active ageing and prevent loneliness, ill health and disability among older people**. **There needs to be care closer to home** and smooth flow between services.
- Isolation and loneliness have been found to be a significant health risk and a cause of increased

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use of health services. Areas rated as “high risk” for isolation and loneliness in Oxfordshire are mainly in urban centres.

### Section on “Tackling Wider Issues that Determine Health”

- We know that the physical environment, the quality of housing and opportunities for active travel have a big influence on health and wellbeing.
- find a better way to plan for and shape communities so that they actually promote health and wellbeing
- The support of friends and neighbours in communities is also good for physical and mental health and gets more crucial as the population ages.
- We need to work successfully together with the public in an effective dialogue about the need to re-shape services across the County, building trust and collaboration
- There has been an increase in the proportion of households defined as “fuel poor” in each district of Oxfordshire.

### Section on “Prevent, Reduce, Delay”

- Prevent, Reduce, Delay. Prevention measures throughout the system will allow us to
  - o Live longer lives (prevent illness), by helping people keep themselves healthy
  - o Live well for longer (reduce need for treatment) by identifying any health issues early and supporting people to manage their long-term conditions
  - o Keep us independent for longer (delay need for care) by providing the right support at the right time.

**Jericho Connections believe that our more vulnerable residents are failed due to the failure of OCC to support public transport within Jericho.**

### 3. OXFORD COUNTY COUNCIL: “ACHIEVING GOOD CORPORATE GOVERNANCE”<sup>4</sup>

The principles and practice of achieving good corporate governance. What is corporate governance?

#### Key Points

- Corporate governance is about doing the right things in the right way. It's about demonstrating accountability and transparency in our actions and decisions. It affects us all.
- The Audit Commission have defined corporate governance in the public services as: "the framework of accountability to users, stakeholders and the wider community, within which organisations take decisions and lead and control their functions, to achieve their objectives".
- It therefore requires: "robust systems and processes, effective leadership and high standards of behaviour, a culture based on openness and honesty and an external focus on the needs of service users and the public".
- Corporate governance within local government and within Oxfordshire County Council has benefited from the development of a national and local framework of good governance.
- The Nolan Committee into Standards in Public Life in 1997... identified seven key principles (behaviours) of public sector conduct:
  - Selflessness
  - Integrity
  - Objectivity
  - Accountability

<sup>4</sup> Source: <https://www.oxfordshire.gov.uk/council/about-your-council/government-oxfordshire/oxfordshire-county-council/corporate-governance/good-corporate-governance>

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Openness  
Honesty  
Leadership

These behaviours will be familiar to councillors as they form part of the principles of the Members' Code of Conduct. They are also reflected in the council's Officers' Code of Conduct and the six values (CHOICE) contained in it.

- In 2007, Delivering Good Governance in Local Government was published [...]
- Six core principles were identified. Councils were encouraged to demonstrate them:
  - o Focussing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area
  - o Councillors and officers working together to achieve a common purpose with clearly defined functions and roles
  - o Promoting the values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
  - o Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
  - o Developing the capacity and capability of councillors and officers to be effective
  - o Engaging with local people and other stakeholders to ensure robust public accountability.

## 4. OXFORDSHIRE COUNTY COUNCIL'S "CONSTITUTION"<sup>5</sup>

"The Constitution sets out the rules and procedures under which the council operates. The Constitution has the important purpose of providing a guide for local people, businesses and other organisations to understand how the council's decision-making works. It is also a handbook for the councillors and staff who are directly involved in the business of the council." Key points are highlighted in red.

- Articles 2-15 [of the Constitution] explain how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.
- County councillors who are not members of the Cabinet have equally important roles to play. As well as their responsibilities for looking after the interests of their constituents...
- The purpose of the Constitution is to: [...] (b) support the active involvement of citizens in the process of local authority decision-making by setting out their rights in respect of the process of decision-making and access to information; (c) help councillors represent their constituents more effectively; (e) create an effective means of holding decision-makers to public account; (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions.
- Roles and Functions of all Councillors (a) Key roles: All councillors will: (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions; (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making; (iii) effectively represent the interests of their electoral divisions and of individual constituents; (iv) respond to constituents' enquiries and representations, fairly and impartially.

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<sup>5</sup> Source: <https://www.oxfordshire.gov.uk/council/about-your-council/government-oxfordshire/oxfordshire-county-council/corporate-governance/council-constitution>

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### Part 2, Article 3. No.1. Citizens' Rights:

- Citizens have the right to: (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;(ii) attend meetings of the Cabinet when key decisions are being considered; [...] (c) Participation: Citizens have the right to participate in Council matters by addressing in person or submitting a petition to the Council, a Committee, or the Cabinet, by participating in the Council's public question time and by contributing to investigations by scrutiny committees, including suggesting areas for review by scrutiny committees and issues raised through the Councillor Call for Action; (d) Complaints:
- Citizens have the right to complain to: (i) the Council itself under the appropriate complaints procedure; (ii) the Ombudsman after using the Council's own complaints procedure; (iii) the Monitoring Officer about a breach of the Members' Code of Conduct. The rights of citizens to information and to participate are explained in more detail in the Council Procedure Rules and the Access to Information Rules in this Constitution.

### Part 2, Article 14.

- Principles of Decision Making: All decisions of the Council or taken by or on behalf of the Council, will be made in accordance with the following principles: (a) proportionality (i.e. the action must be proportionate to the desired outcome); (b) due consultation and the taking of professional advice from officers; (c) respect for human rights, diversity and equality, and the natural and built environment; (d) a presumption **in favour of openness**; ( e) clarity of aims and desired outcomes; and (f) **a record of decisions which explains what options were considered and giving the reasons for the decision** as set out in the Access to Information Procedure Rules in this Constitution.