

Cherwell District Council

Overview and Scrutiny Committee

Minutes of a meeting of the Overview and Scrutiny Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 22 June 2010 at 6.30 pm

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| Present: | Councillor Daniel Sames (Chairman) Councillor Lynda Thirzie Smart (Vice-Chairman) |
| | Councillor Ann Bonner Councillor Nick Cotter Councillor John Donaldson Councillor Andrew Fulljames Councillor Trevor Stevens Councillor Keith Strangwood Councillor Lawrie Stratford |
| Substitute Members: | Councillor Rose Stratford (In place of Councillor Alastair Milne Home) |
| Also Present: | Councillor Tim Emptage Councillor Douglas Williamson Councillor Michael Gibbard Parish Councillor David Betts, Chairman of Kidlington Parish Council Parish Councillor Chris Pack, Chairman of the Kidlington Village Centre Management Board |
| Apologies for absence: | Councillor Alastair Milne Home Councillor Chris Smithson |
| Officers: | Philip Clarke, Head of Planning Policy and Economic Development Karen Curtin, Head of Finance Lisa Chaney, Urban Centres Development Officer Catherine Phythian, Senior Democratic and Scrutiny Officer |

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Declarations of Interest

5. Kidlington Pedestrianisation Capital Bid.

Councillor Trevor Stevens, Personal, as the owner of a business in Kidlington High Street that might be affected by the proposed pedestrianisation scheme.

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Urgent Business

There was no urgent business.

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Minutes

The minutes of the meetings held on 9 March 2010 and 19 May 2010 were agreed as a correct record and signed by the Chairman.

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Kidlington Pedestrianisation Capital Bid

The Chairman welcomed Parish Councillor Betts, Chairman Kidlington Parish Council and Parish Councillor Pack, Chairman of the Kidlington Village Centre Management Board, the local district ward members, Councillor Williamson and Councillor Emptage and the county council ward member, Councillor Gibbard, to the meeting.

The Scrutiny Officer explained that the Kidlington Pedestrianisation capital bid (value £25,000) had been referred to scrutiny for further consideration by Council in February 2010. The bid had been rejected as part of the 2010/11 budget process as it failed to reach the minimum score threshold for approval. However, the Portfolio Holder for Resources and Communication indicated that a supplementary estimate could be made if the scrutiny review considered that the project was justified. The Committee was advised that the expansion of pedestrianisation in the village is an aspiration of the Kidlington Village Centre Management Board and that it was also a Cherwell District Council service plan objective to deliver such a scheme.

The Chairman invited Councillors Betts and Pack to explain the background to the capital bid. They made the following arguments:

- The problem with traffic control in the High Street at Kidlington was a long standing and significant concern to the residents and shoppers and was identified as a key issue in the 2008 village health check.
- A project team had been established in 2009 to address the problem. This included member and officer representatives from the Parish, District and County Councils and from Thames Valley Police.
- Technically the High Street in Kidlington was already a pedestrian area with delivery/residential access but lack of traffic enforcement and the physical appearance of the street (paved and removal of curbs) had resulted in long term and widespread abuse of the traffic regulations. A recent survey revealed some 106 traffic movements in the High Street in a single one hour period. Recently there had been a near fatal accident in the area and there were significant safety concerns, particularly for the elderly and young families wanting to shop.
- These problems represented a threat to the commercial vitality of the village centre and lessened the benefits that could be derived from previous investment in the new shopping centre.
- The project was intended to enhance the pedestrianisation of the village centre for a core period (10 am – 4.30 pm) during the day;

- In the first instance pedestrianisation would be achieved through the use of traffic orders and improved signage.

The Chairman then asked the County Councillor for Kidlington and Yarnton and the District Council ward members if they wished to comment. They endorsed all of the points made by the representatives from the Parish Council and the Village Centre Management Board and stressed the importance of this project in addressing the perceived disparity between Kidlington and the other urban centres in the district. They commended the pedestrianisation scheme to the Committee on the basis that it would bring Kidlington in to line with the other urban centres of the district.

The Head of Finance informed the Committee that this capital bid had been excluded purely on the basis that it did not meet the minimum score threshold. She explained that approval of the scheme would result in a loss in interest income of £250 per year.

In response to questions from the Committee, the Urban Centres Development Officer explained that the £25,000 capital bid was to fund the public consultation and legal services on the preparation of the traffic order and that this was what was meant by the reference to contractors in the capital bid paperwork.

Members of the Committee cited the success of the bollard schemes in Parsons Street, Banbury and Sheep Street, Bicester and asked why a similar approach was not being advocated in Kidlington. The Urban Centres Development Officer explained that the wording of the existing traffic regulation order would not permit the installation of a bollard. A new and more tightly defined traffic regulation order was required before it would be possible to consider installing a bollard scheme. She confirmed that the installation of a bollard scheme would be one of the options presented in the public consultation. The Committee noted that the costs of a bollard scheme were of order £30,000 plus on-going maintenance. These arguments notwithstanding the Committee urged the representatives from the Kidlington High Street Pedestrianisation Board to pursue the possibility of installing a bollard as a priority as they considered that this was the only realistic method of controlling the traffic in the High Street.

Resolved

That the Portfolio Holder for Resources and Communication be recommended to make available a supplementary estimate for the Kidlington Pedestrianisation capital bid (value £25,000) in order to bring the village in to line with the other urban centres of the district.

Houses in Multiple Occupation and Planning Policy

Councillor Bonner and Councillor L Stratford presented the conclusions of the informal Task & Finish Group review of guidance criteria for the planning control of Houses in Multiple Occupation (HMOs) within the district. They explained that the Task & Finish Group understood and appreciated that HMOs were a necessary tool in meeting the demand for housing across the district but that the concern was with the Council's ability to control the density

and concentration of such properties in particular areas. There seemed to be no effective mechanism to identify the overall location and number of HMOs in the district as we are only able to track those that applied for planning permission.

After lengthy discussion with officers the Task & Finish Group had concluded that only the issues relating to the general amenity provision, such as traffic, parking and litter and refuse, were those that Council could realistically address through the planning process. They had been pleased to note the work by the Design and Conservation team to produce an informal planning guidance document which would be a valuable tool in addressing many of the points of concern.

The Head of Planning Policy and Economic Development briefed the Committee on the recent government announcement to reverse the effects of the new regulations brought in by the previous government in April 2010 by giving permitted development rights for small HMOs (use class C4) to change use to dwelling houses (use class C3). He stressed that no details were available about how or when these latest changes would be introduced but he understood that they would not require primary legislation. He explained that the Government is encouraging local authorities to use Article 4 Directions to remove the permitted development rights of HMOs but the Committee should be aware that this had significant resource implications for the Council. Also it was not yet clear whether the Article 4 Direction powers would be delegated to local authorities or reserved by the Secretary of State. He explained that this reversal of the legislation meant that the Council was unlikely to see an increase in the number of planning applications for HMOs but that in broad terms the conclusions of the Task & Finish Group were still valid.

Resolved

- (1) That the proposed guidance criteria for the planning control of Houses in Multiple Occupation (HMOs) within the district be referred to the Portfolio Holder, Planning and Housing and the Local Development Framework (LDF) Advisory Panel for consideration and, if accepted, inclusion in the LDF:
 - a) The Portfolio Holder for Planning and Housing should make resources available to ensure that the informal planning and design guidance document ("Sub Division of Buildings for Residential Uses") is published (following public consultation) and in use for planning applications within the District as soon as possible.
 - b) Planning Officers should begin to build up a case history/evidence base to demonstrate the precedence given to the informal planning and design guidance document (Sub Division of Buildings for Residential Uses) in determining HMO applications.
 - c) The Portfolio Holder for Planning and Housing and the LDF Advisory Panel should consider whether to develop a formal policy document (or documents) for inclusion in the LDF to be

based on contents of the document (Sub Division of Buildings for Residential Uses).

- d) Planning Committee and Planning Officers should ensure that consideration of planning applications for HMOs takes into account the general amenity provision and the implications and proposed arrangements for traffic flow, parking provision and recycling or waste bins.
- (2) That the Portfolio Holder, Planning and Housing be invited to task the Private Sector Housing Manager to prepare a briefing paper on the options for the implementation of additional discretionary licensing for HMOs.
- (3) That the Portfolio Holder, Breaking the Cycle of Deprivation be invited to consider addressing the existing “community based” problems in Grimsbury as part of the Banbury Brighter Futures project and to report back to the Overview and Scrutiny Committee at an appropriate date.
- (4) That the conservation area issues in Grimsbury be addressed as part of the separate Overview and Scrutiny Committee review into conservation area policy.

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Draft Overview and Scrutiny Annual Report 2009 -1010

The Chairman introduced the draft Overview and Scrutiny Annual Report 2009/10, which summarised the work of the Overview and Scrutiny Committee, the Resources and Performance Scrutiny Board and task and finish groups during the year. The Committee noted that it had a constitutional obligation “to produce a unified annual report for the whole scrutiny process” and to present it to Council. They suggested that the draft document would benefit from the addition of captions to the photographs but had no further comments on the text.

Resolved

That the draft Overview and Scrutiny Annual Report 2009/10 be approved, subject to the insertion of captions for the illustrations, and referred to Council for noting.

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Draft Overview and Scrutiny Work Programme 2010 - 2011

The Committee considered the report on the draft overview and scrutiny work programme 2010/11 and made a number of observations. The Committee acknowledged the need to take account of potential resource constraints and the boundaries of the District Council’s responsibilities when determining the work programme. They noted that it was important to ensure that any scrutiny review would deliver tangible results for the benefit of the residents of the district.

Monitoring of past scrutiny reviews

The Committee noted the status of the previous scrutiny reviews and proposed timescales for further updates and progress reports. They confirmed that they wished to consider the final version of the reports on Democratic Engagement with Young People and Crime and Anti-social Behaviour at the July meeting.

Scrutiny topics for 2010/11

Built Environment Conservation Area Policy

The Scrutiny Officer reminded the Committee that they had already determined to undertake a review of the Council's Built Environment Conservation Area Policy during 2010/11. The Committee considered the draft scoping document for the review and agreed that it would be best conducted in select committee rather than by a task and finish group. The Committee felt that although the list of outcomes should include the "*wider understanding of, and support, for the built environment conservation work of the Council*" it was important not to present this as the prime driver for the review. The Committee took account of advice from officers regarding resource constraints in the planning team and agreed that it would be sensible to schedule this work for the meetings in October and December 2010 and January 2011. The Scrutiny Officer was asked to liaise with planning officers and present a more detailed project plan to the Committee in due course.

Youth Services

The Committee noted that this topic had been carried forward from the previous year pending the value for money review of that service area. The Committee felt that "Youth Services" was too wide a remit for a productive scrutiny review and that any such work in this area would need to be more clearly defined. They agreed to defer any further consideration of this topic until January 2011 when they anticipated that the value for money review would have been completed. In the meantime the Scrutiny Officer undertook to bring more details about the value for money review membership and timescales to the July meeting.

Preparations for an Ageing Population

The Committee noted that this topic had been carried forward from the previous year. They were concerned that it was also too wide ranging and that, based on some members personal experience of a lengthy county council review of the same topic, it was unlikely to produce any tangible results. It was agreed that the Scrutiny Officer should circulate information on the outcomes of the County Council review and that the Committee would then take a view as to whether there was any particular issue that they wished to pursue further.

Review of Secondary Education Attainment Levels in Cherwell

The Committee considered a draft scoping document for a review into secondary education attainment levels in Cherwell. Some members of the Committee felt that this would be an important and worthwhile review topic given its links to issues around deprivation and the Council's corporate priority to promote a district of opportunity. However, other members of the Committee believed that this was a matter for the County Council and that the ability of the District Council to influence matters and produce tangible

benefits was limited. The Committee was informed that the County Council Scrutiny Committee had just completed a review into this matter and that the conclusions were due to be published at the end of the month. The Committee agreed that the Chairman should write to the County Council inviting the Cabinet Member and lead officer to attend a meeting in the autumn to present the findings of the scrutiny review and to comment on the proposed response from the Cabinet. It was suggested that this discussion could be broadened to include consideration of the work on NEETS (the acronym for the government classification for people currently "Not in Employment, Education or Training").

In discussion members of the Committee also suggested that the following might be appropriate topics for a scrutiny review: deprivation, the motor car as the scourge of society and the impact of new benefit payment regimes on the voluntary sector. However, the Committee concluded that these topics were not of sufficient priority to be taken up at this time. They agreed that if individual members wished to bring these, or any new topics, forward they should prepare a scoping document for consideration. The Scrutiny Officer confirmed that she would be able to support members in preparing the scoping documents.

The Committee noted that it they would need to be flexible in work programme planning as it might need to undertake work at short notice in response to the demands on the Council to deliver savings and efficiencies.

The Committee also expressed its desire to support the Portfolio Holder for Breaking the Cycle of Deprivation and agreed that it would be appropriate to invite him to the July meeting so that they could learn more about the Banbury Brighter Futures project and offer their support.

Meeting Dates

Finally the Committee agreed to move the dates of its meetings in July and September to accommodate the annual leave commitments of several of the members. They proposed the following changes:

- Move the meeting on 27 July to 21 July
- Move the meeting on 14 September to 21 September.

Resolved

- (5) That the Overview and Scrutiny Committee element of the draft work programme for 2010/11 be agreed.
- (6) That the update on past scrutiny reviews carried forward from the 2009/10 overview and scrutiny work programme be noted.
- (7) That the following items be included on the 2010/11 Work Programme:

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| July meeting | Youth Services ~ project brief Breaking the Cycle of Deprivation ~ briefing |
| September meeting | Secondary Education Attainment ~ briefing |
| October / December | Built Area Environment Conservation Policy |

January 2011

Built Area Environment Conservation Policy
Youth Services Value for Money Review

The meeting ended at 8.45 pm

Chairman:

Date: