

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 10 November 2009 at 6.30 pm

Present: Councillor Daniel Sames (Chairman)

Councillor Alastair Milne Home
Councillor Leslie F Sibley
Councillor P A O'Sullivan
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Lawrie Stratford

Substitute Members: Councillor Devena Rae (In place of Councillor Nick Cotter)
Councillor Rose Stratford (In place of Councillor Ann Bonner)

Also Present: Councillor Colin Clarke
Councillor Nigel Morris

Apologies for absence: Councillor Ann Bonner
Councillor Nick Cotter

Officers: Paul Marston-Weston, Head of Recreation & Health
Chris Rothwell, Head of Urban & Rural Services
Jon Wild, Senior Recreation & Sport Development Officer
Craig Forsyth, Communications Officer
James Doble, Democratic, Scrutiny and Elections Manager
Catherine Phythian, Senior Democratic and Scrutiny Officer
Natasha Clark, Trainee Democratic and Scrutiny Officer

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Declarations of Interest

Councillors declared interest with regard to the following agenda item:

7. Recent changes to the legislative framework governing overview and scrutiny.

Councillor Lawrie Stratford, Personal, As a member of Oxfordshire County Council and Chairman of the Oxfordshire County Council Safer & Stronger Communities Scrutiny Committee.

31 **Urgent Business**

There was no urgent business.

32 **Minutes**

The minutes of the meeting of the Committee held on 13 October 2009 were agreed as a correct record and signed by the Chairman subject to the following amendment:

Councillor Colin Clarke to be shown as Also Present.

33 **Engaging Young People**

The Chairman opened the discussion with a summary of the aims and objectives of the scrutiny review into how the Council engages with young people. He reminded the Committee of the subtle distinction between consultation and democratic engagement, and emphasised that this review was not about changing the voting age but about ensuring that the Council had the procedures in place to allow it to hear the views of young people on issues that impact on them.

The Chairman said that as one of the Council's corporate priorities was 'a district of opportunity' it was important that the Council should provide young people with opportunities to get involved in local government and community issues and to encourage an interest in the wider political arena. This aim was behind the Local Area Agreement target NI 110 young people's participation in positive activities.

The Chairman and a member of the Committee had attended a recent meeting of the Bicester Youth Council. They had been very impressed by the maturity and commitment of the youth councillors and the professional manner in which they conducted the council business. There would be an opportunity for other members of the Committee to attend a session of the Banbury Youth Forum early in 2010.

The Chairman said that he believed that the current initiatives such as I'm a Councillor Get Me Out of Here and Local Democracy Week were beginning to produce results but that there was still much more that the Council could do in this area.

The Committee was in general agreement with these sentiments. In particular they felt that the Council should do more to promote citizenship in the local schools and encourage greater involvement from those councillors and officers who were school governors or active in the school parent/teacher organisations. They noted that not all young people were part of the traditional school system and so the same approach should be extended to all forms of further education.

The Committee felt that the excellent work conducted during Local Democracy Week should be extended to provide a sustained programme of

activities throughout the year. They suggested that the Council could host visits to Bodicote House and hold a series of debates on key topics, for example, the voting age.

The Head of Recreation and Health and the Democratic, Scrutiny and Elections Manager told the Committee about the initiatives they were planning to introduce in 2010. These included a game that would allow young people to participate in the budget consultation. They emphasised the increasing importance of this topic particularly in the light of the Local Democracy, Economic Development and Construction Bill 2008, which would place a legal duty to promote democracy on all local authorities.

The Committee reflected on the costs associated with supporting and promoting youth engagement. They acknowledged that there would be resource pressures on this type of activity but felt that this re-affirmed the need to make better use of the existing resources and exploit existing systems and relationships.

The Committee determined that the agenda for the February meeting would focus on the scrutiny review into how the Council engages with young people. It was essential that representatives from the local youth groups and youth parliament should be present at that meeting. They also agreed that the Scrutiny Officer should prepare a draft report based on the evidence and conclusions to date; and that the report should be circulated in advance of the February meeting of the Committee.

Resolved

That the agenda for the February meeting of the Overview and Scrutiny Committee should focus on the scrutiny review into how the Council engages with young people and that representatives from the local youth groups and youth parliament should be invited to attend that meeting.

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Markets and Residents' Parking

The Portfolio Holder for Community Safety, Street Scene and Rural and the Head of Urban and Rural Services were present to brief the Committee on developments relating to the district's markets and residents' parking.

Residents' Parking

The Portfolio Holder rehearsed the background to the residents' parking scheme in Bicester and the proposed scheme in Banbury. The Committee was advised that no further progress could be made in strengthening the enforcement standards for the Bicester scheme or introducing a scheme in Banbury until the Council was able to reach an agreement with Oxfordshire County Council regarding Civil Parking Enforcement.

The Portfolio Holder said that the devolution of Civil Parking Enforcement powers from Thames Valley Police to Cherwell District Council was an essential requirement for the introduction and successful operation of any residents' parking scheme and other traffic management initiatives.

The Head of Urban and Rural Services said that Oxfordshire was now amongst the minority of local authorities (about 20%) which do not have devolved Civil Parking Enforcement powers. The devolution of Civil Parking Enforcement powers required Secretary of State approval and it was recognised that it attracted significant implementation costs for the County Council, as the Highways Authority (to prepare traffic regulations, maintain signage and line painting), and for the District Council assuming the powers (for recruitment and training of enforcement officers or to manage an out-sourced enforcement service).

Earlier this year Oxfordshire County Council had indicated that the devolution of Civil Parking Enforcement powers to Cherwell District Council was no longer a transport priority due to financial pressures. They would be prepared to proceed if Cherwell District Council assumed all of the costs and associated risks. In the meantime, budget and resource constraints, meant that it was unlikely that Thames Valley Police would see as a priority the enforcement of parking infringements in Oxfordshire. Discussions continue but with little prospect of a resolution in the next 12 – 18 months.

The Committee was disturbed to learn of the lack of progress. They were concerned for the viability of the residents' parking schemes and also because they considered that the parking problems, particularly in the urban areas, were unacceptable.

The Committee considered whether there would be any benefit in approaching Thames Valley Police to request that they address the parking problem. They also reflected on whether the situation would be improved if additional off street parking was provided.

In conclusion the Committee asked the Portfolio Holder to keep them informed of progress and to attend a meeting in the spring to discuss the matter further.

Markets

The Head of Urban and Rural Services presented a report which detailed progress against the scrutiny recommendations on the future of markets in the district. The Head of Urban and Rural Services explained that unfortunately progress with regard to the markets at Bicester and Kidlington had been limited and that this was mainly due to staff resource problems at the District Council. However, the discussions with the Town and Parish Council and the market traders remained positive and he was confident that the rate of progress would increase in 2010. The two markets had been identified as service priorities for action in the 2010/11 budget and service plan.

The Committee was advised that the focus of attention had been on Banbury Market and that this was inevitable given the adverse impact it had on the current year budget, with a projected deficit of about £100K. The Head of Urban and Rural Services explained that the tender exercise to issue a new market licence was on schedule and it was hoped that a contractor would be identified before Christmas or early in the New Year. This was critical to ensure a reasonable timeframe for assuming operation of the market in April 2010.

Members of the Committee expressed concern that the Council seemed to be wholly committed to outsourcing the market to an external contractor and asked whether all the other options had been ruled out. They questioned whether the Council was better placed to manage the new contract or the contractor and whether it had learnt from past problems.

The Portfolio Holder explained that in effect the other options had ruled themselves out as there had been no interest from the Banbury market traders or other organisations, such as the Town Council, in operating the market and the lengthy timescales and significant investment required to bring the operation in-house were not feasible in the current economic climate.

The Portfolio Holder accepted the reservations expressed by the Committee but was optimistic that they would not come to fruition. He hoped that the current tender exercise would identify a strong candidate to take over the market operation and he was confident that the Council would take on a more direct and pro-active role in overseeing the management of the market in the future.

In conclusion the Committee noted that the tender exercise to issue a new licence for the operation of Banbury Market would continue as scheduled and agreed that they should review the situation again in early 2010.

Resolved that the Portfolio Holder, Community Safety, Street Scene and Rural should be invited to bring a further progress report on markets to the February or March meeting of the Committee.

35 **Recent changes to the legislative framework governing overview and scrutiny**

The Committee considered a report of the Head of Legal and Democratic Services which outlined recent developments in legislation relating to overview and scrutiny as set out in the Local Government and Public Involvement in Health Act, 2007, the Police and Justice Act, 2006 and the Local Democracy, Economic Development and Construction Bill, 2008. They noted that the Local Democracy, Economic Development and Construction Bill, 2008 would shortly receive Royal Assent.

The Democratic, Scrutiny and Elections Manager explained that in practice most of the powers contained in this legislation were already available to Councils under the 1972 Act. The Committee was informed that in summary the changes in legislation afford local authorities the right to scrutinise Local Area Agreement (LAA) targets and crime and disorder matters, individually or in concert with other councils and partner organisations. But in the main the legislation was merely confirming what was already common practice and it was not anticipated that there would be wholesale changes in the structure and operation of scrutiny in Oxfordshire.

The Democratic, Scrutiny and Elections Manager advised the Committee that he did however believe it would be prudent for the Council to designate the Overview and Scrutiny Committee as the crime and disorder scrutiny committee. The Committee agreed that this would be a sensible measure.

The Committee considered that although the legislation allowed for the creation of formal committees to undertake joint scrutiny it seemed an overly bureaucratic process and they felt that an issue based ad hoc response was more appropriate. They were confident that if a common issue was identified there would be sufficient cooperation and commitment amongst the Oxfordshire local authorities to work together to address the problem.

Equally they felt it was essential that all the Oxfordshire local authorities took steps to avoid duplication and overburdening partner organisations with requests for information and attendance at scrutiny committees. A prime example of this was the annual briefing by the Chief Constable of Thames Valley Police separately to the County Council and then to each of the district and city councils. They noted that Members and Officers at the County Council were exploring options for a combined briefing on a location basis. They welcomed the Thames Valley Police Authority initiative to develop a common protocol for crime and disorder scrutiny.

Resolved

- 1) That the contents of the report setting out the implications for this Council of the recent legislation relating to overview and scrutiny be noted;
- 2) That the requirement to review the overview and scrutiny work programme for 2010/11 and to ensure that it includes topics relating to the delivery of local improvement (LAA) targets connected to the Cherwell area be noted;
- 3) That it be noted that there is an option to establish a formal joint scrutiny committee with other local authorities in Oxfordshire to scrutinise local improvement (LAA) targets;
- 4) That it be recommended to Council that the Overview and Scrutiny Committee should be formally designated as Cherwell District Council's crime and disorder scrutiny committee and to recommend that the Constitution is so amended;
- 5) That it be agreed that the Head of Legal and Democratic Services and the Democratic, Scrutiny and Elections Manager be delegated to develop a draft protocol for the conduct of crime and disorder scrutiny for future consideration by this Committee;
- 6) That it be noted that there is an option to establish a formal joint scrutiny committee with other local authorities in Oxfordshire and partner organisations to look at crime and disorder issues that cut across organisational boundaries.

Overview and Scrutiny Work Programme 2009/10

The Committee considered a report of the Head of Legal and Democratic Services on the overview and scrutiny work programme 2009/10.

Existing work programme

The Committee noted the contents of the report and the existing work programme 2009/10. They determined that the January meeting would focus on housing related topics and that the February meeting would concentrate on the scrutiny review into Engaging Young People.

They agreed the following amendments to the work programme:

- That both Residents' Parking and RAF Bicester should remain on the monitoring work programme and that the relevant Portfolio Holder would brief the Committee on progress as appropriate;
- That the proposal to undertake a scrutiny review of the Council's policy regarding conservation areas should be considered at either the January or February meeting of the Committee;
- That the Sustainable Communities Strategy should be removed from the work programme as Members had received an update and briefing on this item at Council on 19 October 2009.

Forward Plan

The Committee indicated that they would wish to consider the 'Phone Access and Telephony Review' report before it was referred to the Executive. It was currently scheduled for the January 2010 Executive in the latest Forward Plan (October 2009 – January 2010). The Democratic, Scrutiny and Elections Manager explained that this report had 'slipped' a number of times and as he had not yet seen a draft he thought it was likely to 'slip' again. He would refer the Committee's request to the Portfolio Holder and Strategic Director.

Resolved

- 1) That the current overview and scrutiny work programme for 2009/10 be agreed subject to the amendments detailed above.
- 2) That 'Phone Access and Telephony Review' be added to the work programme and that the Portfolio Holder for Customer Service and ICT be asked to refer the report to the Overview and Scrutiny Committee in advance of its submission to the Executive.

The meeting ended at 8.30 pm

Chairman:

Date: