

## **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 9 March 2010 at 6.30 pm

Present: Councillor Daniel Sames (Chairman)  
Councillor Lynda Thirzie Smart (Vice-Chairman)

Councillor Ann Bonner  
Councillor Tony Ilott  
Councillor Leslie F Sibley  
Councillor Chris Smithson  
Councillor Trevor Stevens

Substitute Members: Councillor Devena Rae (In place of Councillor Nick Cotter)  
Councillor Simon Holland (In place of Councillor Lawrie Stratford)

Also Present: Councillor Colin Clarke  
Councillor Michael Gibbard  
Councillor Victoria Irvine  
Councillor Nicholas Turner

Apologies for absence: Councillor Nick Cotter  
Councillor John Donaldson  
Councillor Alastair Milne Home  
Councillor P A O'Sullivan  
Councillor Lawrie Stratford

Officers: Ian Davies, Strategic Director - Environment and Community  
John Hoad, Strategic Director - Planning, Housing and Economy  
Jameson Bridgwater, Head of Development Control & Major Developments  
Philip Clarke, Head of Planning & Affordable Housing  
Pat Simpson, Head of Customer Service & Information Systems  
Tim Mills, Private Sector Housing Manager  
Linda Rand, Design & Conservation Team Leader  
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

### **Declarations of Interest**

Members declared interest with regard to the following agenda items:

## **7. Overview and Scrutiny Work Programme.**

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

### **50 Urgent Business**

There was no urgent business.

### **51 Minutes**

The minutes of the meeting of the Committee held on 9 February 2010 were agreed as a correct record and signed by the Chairman.

### **52 Built Environment Conservation Areas**

The Chairman reminded the Committee that it had previously considered the possibility of conducting a full review of built environment conservation area policy and practice in the District. This review had not been pursued, but, at its last meeting the Committee had expressed further interest in the issues – with particular reference to Grimsbury Conservation Area and pressures to subdivide houses. The discussion had widened to cover general housing and deprivation issues in Grimsbury. As a result, the Committee had asked for an opportunity to meet with the Portfolio Holder Planning and Housing and relevant officers to explore all the issues that had been raised, before reconsidering whether to undertake the policy review.

The Chairman welcomed the following guests:

- Councillor Michael Gibbard, Portfolio Holder Planning and Housing
- John Hoad, Strategic Director Planning, Housing and Economy
- Jameson Bridgwater, Head of Development Control and Major Developments
- Philip Clarke, Head of Planning and Affordable Housing Policy
- Tim Mills, Private Sector Housing Manager
- Linda Rand, Design and Conservation Team Leader

The Strategic Director Planning, Housing and Economy gave a short presentation on 'Housing Change – Control and Management'. The presentation covered the existing planning policies and regulations; additional policies and controls that could be applied to conservation areas; the benefits and adverse impacts of the conversion of existing properties to flats and creation of Houses in Multiple Occupation (HMO).

The Strategic Director Planning, Housing and Economy noted that there had been increasing concern on the part of Grimsbury ward councillors that the level of property sub-division in the Grimsbury area was too high and could not be sustained. The Committee was advised that there were 228 known Houses of Multiple Occupancy (HMOs) in the District of which 45 were in Grimsbury. In percentage terms, the number of HMOs in the District was 0.39% and 4.5% in Grimsbury.

The Strategic Director Planning, Housing and Economy advised the Committee that there were currently a number of policies relevant to the issues identified including national planning and housing policy, the Local Development Plan, conservation area controls and private sector housing policies. The Committee was advised that from April 2010 a new power requiring planning permission for all new HMOs would come into effect. The Strategic Director Planning, Housing and Economy explained that as Local Planning Authority the Council would find itself dealing with a number of these newly required applications. It was anticipated that consideration of applications would include whether the application would result in adverse physical change, or if the level of HMOs in an area was causing social problems. Decisions to refuse would need to be well justified, with strong evidence of harm. It was noted that the main reason for the introduction of the new legislation was the need to manage the provision of student HMOs in University towns and cities where heavy concentrations of HMOs and severe problems of anti social behaviour were evident.

Members of the Committee acknowledged that development and change was inevitable and necessary. However they expressed concern that Cherwell District Council did not seem to be strong enough in protecting the heritage and conservation in Banbury. The Head of Development Control and Major Developments assured the Committee that the Planning department sought to ensure that planning applications for properties within conservation areas would protect, maintain or enhance the area. It was however important that there were sound planning reasons when planning applications were refused.

The Design and Conservation Team Leader briefed the Committee on the designation of conservation areas noting that the process attracted opposition as well as support. She reported that conservation area designation did not make a significant difference to residents, principally it gives the Local Authority extra controls over demolition, minor developments and the protection of trees, but that expectation of the level of influence on overall quality of the built environment from these controls could easily be disappointed. Article 4 Directions (which relate to restrictions of Permitted Development rights) can give greater control, but can be controversial.

In response to Members' questions, the Strategic Director Planning, Housing and Economy advised the Committee that while the Council has some very specific Article 4 Directions in place this tool was not used extensively in conservation area designation and management in Cherwell. This was for a number of reasons including the fact that Article 4 Directions restrict the right of an individual to modify their own home and their use would require considerable investment and resources on the part of the Council.

The Committee acknowledged that there were different types of flat conversion and HMOs and that although they were not prevalent throughout the district, rather there were certain areas where they were seen to cause problems. The Committee considered the need for criteria and a policy for HMOs reflecting the new legislation to be enshrined within the Local Development Framework. The Strategic Director Planning, Housing and Economy advised the Committee that work was currently underway on a Guidance document on flat conversions and HMOs that could become part of

the Local Development Framework. The Committee agreed that it was important to provide evidence of the issues faced in Grimsbury to support this work.

The Committee were advised of the arrangements for the Overview and Scrutiny Committee to make suggestions, or raise concerns, over planning policy issues. These issues are referred to the informal Local Development Framework Advisory Panel which is convened by the Portfolio Holder Planning and Housing and is made up of non executive members, including the Chairman of the Planning Committee. The Chairman of the Overview and Scrutiny Committee is a standing Member of the Panel and is able to ask for the Panel to consider any issues raised by the Committee.

It was agreed that Councillors Bonner, Clarke and Smithson would meet informally with the Head of Planning and Affordable Housing Policy to consider the potential to use the new planning controls on HMOs and suggest decision criteria that could be included in the proposed guidance document. The councillor group would then ask the Chairman to put its suggestions to the Portfolio Holder through the Local Development Framework Advisory Panel.

The Committee also agreed that, based on the briefing, they would like to undertake further scrutiny work on the specific issue of built environment conservation areas as set out in the Scoping Report previously prepared and would add it to their 2010/11 work programme.

The Chairman thanked the Portfolio Holder and Officers for attending the meeting.

### **Resolved**

- 1) That Councillors Bonner, Clarke and Smithson would meet informally with the Head of Planning and Affordable Housing Policy to consider the potential to use the new planning controls on HMOs and suggest decision criteria that the Chairman could recommend to the Planning and Housing Portfolio Holder through the Local Development Framework Advisory Panel.
- 2) That Built Environment Conservation Areas be included on the Overview and Scrutiny work programme 2010/11.

### **Customer Access by Phone**

The Portfolio Holder for Customer Service and ICT presented the report which set out proposals for customer access by phone. He explained that this was to bring the Council in line with the latest customer service standards and because the existing switchboard system would be obsolete by 2015 and was already unable to manage the volume of calls at peak times.

The new approach to using the contact centre and switchboard telephone systems was intended to make it quicker for customers to get the information they need and improve the quality of information available to the Council

about how calls are handled. The new system would limit the number of menu choices for customers to just 4 based on the most popular enquiries and a “seasonal/topical” issue. All callers would have the option to hold for an “operator” rather than follow the automated menu options. Performance would be measured in terms of providing the right information rather than just the speed of response.

The Committee noted that the Council would also be introducing new guidance on the use of voicemail by officers. The underlying principle would be that voicemail should be used as a last resort and that calls should be diverted to colleagues rather than a machine.

In response to questions from Committee members the Head of Customer Service and Information Systems confirmed that Members would still be able to call officers on their direct dial numbers and that the details would be available in the Council Year Book and via blackberries. Members of the Committee emphasise the importance of careful planning and good management during the implementation phase to minimise the inconvenience to customers.

In conclusion the Committee welcomed the report and agreed that this was a valuable initiative to further good customer service.

### **Resolved**

- 1) That the report setting out the proposed changes to the Council's telephony system be endorsed.
- 2) That Executive be recommended to accept the report.

## **Overview and Scrutiny Work Programme**

The Committee considered a report of the Head of Legal and Democratic Services on the overview and scrutiny work programme 2009/10 and the proposed work programme for 2010/11.

### **Existing Work Programme**

The Committee agreed that Concessionary Fares, Affordable Housing and Rural Exception Sites, Markets in Cherwell to be removed from the work programme as monitoring was complete. If any issues relating to these topics needed to be scrutinised in the future then it would be a new piece of work.

The Committee agreed that the following topics should be considered for scrutiny in 2010/11 subject to the completion of a clearly defined scoping document: Conservation Area Policy, Youth Services and Preparations for an Ageing Population.

### **Forward Plan**

The Committee did not identify any further items from the Forward Plan for inclusion on their work programme.

### **Kidlington Pedestrianisation**

The Strategic Director, Planning Housing and Economy informed the Committee that the Kidlington Pedestrianisation capital bid (value £25,000) had been referred to scrutiny for further consideration by Council.

The Strategic Director, Planning Housing and Economy reported that the project was intended to extend the pedestrianisation of the village centre through the use of traffic orders and that there was no physical work involved other than signage. The bid had been rejected as part of the 2010/11 budget process due to the overall financial constraints facing the Council. However, the Portfolio Holder for Resources had indicated that a supplementary estimate could be made if the scrutiny review considered that it was justified. The Committee noted that the scheme would bring Kidlington in to line with the other urban centres of the district.

The Committee agreed to look at the matter in more detail at their June or July meeting and that local Members, representatives from the Kidlington Pedestrianisation Project Board and Kidlington Parish Council and lead officers from Cherwell District Council should be present at the discussion.

### **Crime and Anti Social Behaviour Task & Finish Group Report**

The Chairman of the Task & Finish Group was present at the meeting to respond to the concerns raised by the Committee at its February meeting regarding the content of the report and the length of time that it had taken to Task & Finish Group to conclude its review.

The Committee was advised that the delays had been in part due to constraints on officer and member time and also because the original remit of the Task & Finish Group had been too wide and it had proved difficult to stick to a narrower line of enquiry. Members of the Committee who had also served on the Task & Finish Group re-affirmed their belief that the scrutiny review had been a success, not least because it was the first such review to actively involve young people and other community groups.

The Democratic Scrutiny and Elections Manager tabled a schedule of changes to the draft report for the Committee to consider. He explained that the Committee could make observations and suggest changes to the draft report but that ultimately the decision rested with the Chairman and members of the Task & Finish Group.

The Committee noted these comments and then made some detailed observations on the text of the draft report. The Chairman agreed to take these into account in the final version of the report. It was agreed that this report should be presented to the Executive at the same time as the report on Democratic Youth Engagement as they raised complementary issues.

### **Crime and Disorder Scrutiny Protocol**

The Committee considered the report on the draft protocol for the conduct of crime and disorder scrutiny and reflected on the potential blurring of responsibilities and duplication of effort between the Council's two scrutiny committees. The Committee recognised the importance of developing a strong knowledge base in this subject area and acknowledged that this would take a considerable length of time. They noted that the scrutiny of crime and

disorder was intended to be strategic and that the responsibility for the resolution of specific, operational issues lay with the organisations which belonged to the crime and disorder partnership.

In conclusion the Committee agreed to adopt the following approach to crime and disorder scrutiny (detailed as Option 2 in the report):

- The Overview and Scrutiny Committee to consider crime and disorder matters on a theme or topic basis in terms of outcomes for the local community (e.g. youth offending, domestic violence)
- The Resources and Performance Scrutiny Board to review the performance of the Cherwell Safer Communities Partnership in terms of its effectiveness and delivery against targets.

### **Resolved**

- 1) That the current overview and scrutiny programme for 2009/10 be agreed subject to the amendments detailed above and that they should be carried forward to the work programme for 2010/11.
- 2) That the contents of the Forward Plan be noted.
- 3) That a review of the Kidlington Pedestrianisation capital bid should be scheduled on the agenda of the June or July meeting.
- 4) That the draft report of the Anti Social Behaviour Task & Finish Group be noted and that it be referred to the Executive at the same time as the Committee's report on Democratic Youth Engagement.
- 5) That the Overview and Scrutiny Committee be responsible for the consideration of crime and disorder matters on a theme or topic basis in terms of outcomes for the local community (e.g. youth offending, domestic violence).
- 6) That the Resources and Performance Scrutiny Board be responsible for the consideration of crime and disorder matters in so far as they relate to the performance of the Cherwell Safer Communities Partnership in terms of its effectiveness and delivery against targets.

The meeting ended at 9.15 pm

Chairman:

Date: