

OXFORDSHIRE PLACE OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the meeting held on Wednesday, 13 September 2023 commencing at 10.00 am and finishing at 1.15 pm

Present:

Councillor Kieron Mallon – in the Chair
Councillor Charlie Hicks – Deputy Chair

Councillors:

Charlie Hicks
Andrew Coles

Ted Fenton
Judy Roberts

Freddie van Mierlo
Yvonne Constance OBE

Councillors present by invitation:

Duncan Enright, Cabinet member for Transport Policy
Liz Leffman, Leader of the Council
Glynis Phillips, Cabinet member for Corporate Services
Calum Miller, Cabinet member for Finance

Present for some or all of the meeting:

Richard Doney, Scrutiny Officer (all)

Item 5:

John Disley, Head of Transport Policy
Joseph Kay, Strategic Transport Planner

Item 6:

Martin Reeves, Chief Executive
Anita Bradley, Director of Law & Governance
Vic Kurzeja, Director of Property
Susannah Wintersgill, Director of Communications, Strategy, and Insight
Paul Grant, Head of Legal
Carole Stow, Engagement Consultation Manager
Tom Hudson, Scrutiny Manager
Simon Jenkins, Director of Communications (Westco Communications)
Rishi Moulton, Head of Insight and Data (Westco Communications)

The Council considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

1/23 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda Item 1)

Apologies were tendered by Cllr Ley.

2/23 DECLARATION OF INTERESTS - SEE GUIDANCE NOTE ON THE BACK PAGE

(Agenda Item 2)

There were none.

3/23 MINUTES

(Agenda Item 3)

The Committee resolved to **AGREE** the minutes of the meeting of 28 June 2023 as a true and accurate record.

The Committee agreed to hear petitions and public addresses immediately before the item on Oxford United as both requests to speak related to that agenda item.

4/23 OXFORDSHIRE HGV STRATEGY

(Agenda Item 5)

Cllr Duncan Enright, Cabinet Member for Transport Policy, introduced the report which provided an overview of the area weight restriction feasibility study and the proposed approach to the management of Heavy Goods Vehicle issues in the county. Cllr Enright explained that there was a multi-layered approach to the work and that the Committee's feedback would be warmly welcomed. Members' local knowledge would be key to informing the strategy more widely.

The Head of Transport Policy, John Disley, explained that the Freight and Logistics Strategy, which was adopted by Council in July 2022 alongside the Local Transport and Connectivity Plan (LTCP), contained 47 actions and that the HGV Strategy related to action 10. This was intended to be a countywide study to establish an approach for area-based weight restrictions.

The Head of Transport Policy explained that it had become quickly apparent that the complexities of the project were such that it was not deemed realistic to devise an Area Weight Restriction Strategy that could be quickly implemented for the whole county. It was explained that other authorities had also found such a task problematic and that at least one other county council had moved away from an area-based weight restrictions approach as part of its freight strategy. In order to better inform the Council, work was in progress to conduct detailed studies in the Windrush Valley and in Henley-on-Thames.

In discussion with the Committee, the following points were raised:

- Oxfordshire was working with neighbouring counties to consider how best to approach the challenges of HGV movements. England's Economic Heartland was updating its freight strategy and there was an opportunity to feed into that and to explore cross-boundary strategies further.

- There was concern by some members that the report which the Council had commissioned might not represent good value for money as delivered given that the scope had been amended and so the work undertaken was less than had been envisaged.
- The scoring criteria in the technical report had negative scoring where solutions were “difficult to implement with high costs” or “intermediate efforts and costs to implement”. Given that the challenge posed was inherently difficult, members considered this inappropriate and were concerned that it made the data less helpful than it should have been.
- There was also concern that the report could have provided data to contribute towards a number of the other action points from the Freight Strategy but that it did not appear to do so.
- There had initially been an expectation that weight restrictions were most likely to be the optimal solution to problems on the road network arising from HGVs. The Council had learned through this process as part of a joint partnership piece with the consultants and one of the things it had concluded was that weight restrictions were part of the solution but not the only solution.
- That enforcement of the restrictions was key was raised and that ANPR could be useful was discussed. Consideration of whether physical barriers should be installed to prevent larger vehicles entering and then blocking inappropriate roads was raised as, too, was that non-commercial satellite navigations systems were much cheaper than commercial ones and yet did not advise on the suitability of road for particular vehicles in the main.
- Members highlighted the importance of size of vehicles being an issue as well as simply weight.
- There was recognition that, whilst this work has provided some valuable data, work continued to be necessary to acquire more. There was a call for the Council to review its data infrastructure to ensure that it could be easily reviewed and monitored.
- Whilst parish councils were key stakeholders, they did not have the resources to conduct extensive surveys and it would not be reasonable for the Council, as highways authority, to always expect them to initiate requests for action to be taken regarding HGV movement.
- There were areas with potential HGV issues which were considered for testing listed in the report but members raised concern that there were other areas which were known to be problematic but which were not included because feedback had not been forthcoming during the consultation from those areas. It was suggested it would be helpful if county councillors were asked to identify problems in their divisions to inform future work.

The Cabinet member expressed his thanks to members for sharing their thoughts which would inform the Council's approach going forward. He

highlighted that Traffic Advisory Committees were absent from the list of stakeholders and that they would be useful for the Council to draw on for their detailed local knowledge.

The Committee resolved to make recommendations under the following headings:

1. That the Council should consider whether the commissioned report truly represented value for money and that its recommendations should be reviewed without negative scoring affecting them;
2. That the Council should ensure that smaller villages receive support to engage with the Council's work in this area rather than being expected to initiate it themselves;
3. That the Council should engage with Traffic Advisory Committees to consider in detail the needs of particular localities;
4. That the Council should consider how best to employ physical infrastructure to prevent HGVs entering unsuitable roads;
5. That the Council should consider reviewing what data it holds and where with the aim of ensuring a well-integrated, high quality data set maintaining within the Council;
6. That the Council should proceed swiftly with the pilots proposed so that tangible experience can inform its next steps.

5/23 PETITIONS AND PUBLIC ADDRESS

(Agenda Item 4)

Suzanne McIvor addressed the Committee and explained that she represented Friends of Stratfield Brake. She encouraged the Committee to establish with which legal entity the Council was negotiating and to confirm to whom it was proposed to dispose of the land.

Ms McIvor also requested that the Committee should call on Cabinet to provide an open market valuation of the land under discussion and asked the Committee to encourage Cabinet to make the sale conditional on receipt of proof of committed funding for the stadium development; the safeguarding of funding for community benefits; clawback provisions; a financially sustainable business case. There was also a request that details of alternative proposals should be made available.

Cllr Ian Middleton, the member for Kidlington South, addressed the Committee and raised a number of issues.

6/23 PROPOSAL FROM OXFORD UNITED TO OXFORDSHIRE COUNTY COUNCIL AS LANDOWNER

(Agenda Item 6)

The Committee had invited Cllr Liz Leffman, Leader of the Council, Cllr Calum Miller, Cabinet member for Finance, and Cllr Glynis Phillips, Cabinet member for Performance and Corporate Services to attend to present the report on the proposal from Oxford United Football Club to Oxfordshire County Council as Landowner that it should acquire the site on the edge of Kidlington known as The Triangle.

The Committee had also invited Martin Reeves, Chief Executive, Vic Kurzeja, Director of Property Services, Susannah Wintersgill, Director of Communications, Strategy, and Insight, Carole Stow, Engagement Consultation Manager, and Paul Grant, Head of Legal, to attend. The Committee welcomed representatives of Westco Communications (Westco), the independent company who undertook the engagement exercise on the Council's behalf, Simon Jenkins, Director of Communications, and Rishi Moulton, Head of Insight and Data, to explain how the engagement process was undertaken and to answer technical question on it.

Anita Bradley, Director of Law & Governance and Monitoring Officer, attended to provide the Committee with in-person legal advice.

The Chair reminded the Committee that the purpose of this item was not to agree whether or not the new stadium should be built but, rather, to consider whether due process had been followed; whether a case had been made for sale or leasehold; whether the seven strategic priorities had been adequately assessed.

The Committee and those attending were reminded that the Committee was not a Planning Committee, and that indeed the Council was not the relevant Planning Authority. As an advisory Committee, no legal decisions could be taken by the Committee itself but there was benefit and public interest in highlighting to Cabinet particular aspects of the issues under consideration which would help further inform its decision. Topics for members to keep in mind were whether the engagement was fair, whether the Council had missed anything, and whether the papers were a fair and balanced representation of the evidence.

The Committee was taken through the consultation findings by Westco, a communications and engagement company commissioned by the Council to undertake the engagement on the extent to which the Council's seven strategic priorities for a possible land transfer would be addressed. All aspects of the engagement, from question design, coding, analysing and reporting on results, were the responsibility of Westco on behalf of the Council. Measures had been taken to verify the data to ensure its robustness and accuracy. There had been 5441 responses with 71% of responses being from Oxfordshire residents, 31% of whom lived within a two mile radius of the proposed site.

The Committee was presented with data showing that the assessment by respondents of whether OUFC's proposals would address the different strategic priorities were sharply divided, with those living closest to the

Triangle being doubtful, and those living further away being in agreement. The greatest areas of doubt expressed by local residents were whether the green barrier between Oxford and Kidlington would be retained, and whether the proposals would significantly improve the infrastructure and connectivity of the area. OUFC supporters and those living outside a two-mile radius were supportive of the football club's proposals in relation to how well they would address the Council's strategic priorities. Free text comments in the engagement were primarily (in descending order): expressions of support, concerns over traffic and congestion, loss of green belt and the impact on nature, statements setting out the importance of supporting OUFC for the benefit of Oxford and the county, and parking concerns for local people.

The Committee was reminded that the Council had been undertaking engagement on this issue for the past two and a half years, with over 3700 people and organisations having been engaged in 2021 prior to the most recent exercise. It was clear that strong but disparate views were held on both sides and that officers were highly cognisant of this fact and respectful of the wide range of opinions.

It was explained that OUFC had approached the Council in March 2021 with a proposal to build a new stadium on land owned by the Council near Kidlington. The licence for the club's current home, the Kassam Stadium, would run out in June 2026. The Council had not considered divesting itself of the Triangle prior to the club's approach. The Council identified six strategic priorities against which to test the club's proposal. Following feedback from the public and stakeholders, these were updated and extended to seven. For clarity, the degree to which the club's proposal would address the council's priorities would inform the decision whether to progress the proposed land transaction; they would not form any part of the Planning process, which would be undertaken separately by Cherwell District Council as the local planning authority.

Further background was provided around the Council's process of engagement, which began in January 2022, seeking to establish whether there was public support to enter discussions with OUFC about a potential land transfer and whether the Council's priorities were the right ones. This received over 3,700 responses. The next phase in April and May 2023 involved more targeted stakeholder engagement, when 11 independently facilitated stakeholder meetings were held. The most recent phase took place between June and July 2023 following the receipt of more detailed information by OUFC, allowing the public to have their say on whether they felt the council's priorities had been addressed by the club. To support those without access to digital communications five public exhibitions were held around the area, to which 293 people came. A dedicated website provided updates on the negotiations; the survey and more detailed information was hosted on the Let's Talk website. Every household within an approximate two-mile radius of the proposed site had been delivered a leaflet with more information.

The process of how the Council had assessed OUFC's response to the Council's strategic priorities was explained. In total, eight officers with relevant specialist knowledge and experience had been responsible for assessing the responses and making a judgement on the degree to which they met the strategic priorities. This was different to the judgement that would be made in relation to the statutory planning process and was based solely on the information provided by the club. Where possible, assessments were made on quantifiable information – for example, around biodiversity net gain. Where quantifiable information was not available officers referred to industry standards, where available, and if not, relied on their own professional expertise.

Should the land transfer be approved by Cabinet, the officers' preferred option would be a freehold transfer as opposed to a leasehold one. The rationale for this was based on a number of factors: best value, avoiding financial risk and removing ongoing management requirements for the Council, all of which would be more problematic under a leasehold arrangement. Particularly, future market conditions could change, and there was always the possibility of non-payment of rent in the future, which introduced uncertainty and risk to the transfer if done on a leasehold basis.

The long-term use of the land was an important consideration and the steps to ensure suitable future use were explained to the Committee. A covenant would set aside the use of the land for football/community sports and leisure/sports stadia in perpetuity, with limited ancillary commercial use (including a conference centre and hotel) within the stadium footprint. The council's seven priorities would be enforced by being turned into practical, measurable steps, with a timescale for them to be achieved and a timescale for the achievement to be sustained. The steps would be set out in a Collateral Agreement between the Council and OUFC. The Council would impose a requirement (enforced by way of a restriction on the freehold title) that, if the site were sold on to a different owner, the new owner would enter identical obligations with the Council.

Concerning the area of woodland separating the Triangle from land owned by Exeter College to the south, the Council had no intention to sell now or in the future – it would remain a county council asset in perpetuity. Likewise, the site owned by Exeter College did not form part of the stadium plans. This had been confirmed by the club.

The Committee noted the representative of Friends of Stratfield Brake had raised important questions and suggested that Cabinet should ensure it had considered responses to the issues raised. It was confirmed that any legal agreement would be with Oxford United Football Club as a limited company.

The Committee explored the strategic priorities and the Council's judgement as to whether OUFC's proposals addressed them. There was some doubt that, in the absence of more detailed information, the commitment to achieving 90% sustainable travel modes in due course was realistic.

The Committee explored the deemed benefit to the local community and the workings of the public engagement. The Committee also explored how the proposed valuation of the land had been arrived at.

To allow for consideration of those reports which were legally exempt from public disclosure, the Committee entered confidential session, in accordance with Part I of Schedule 12A to the Local Government Act, 1972, necessitating the departure of members of the public. Detailed commentary on the nature of the discussion clearly cannot be provided, but the Committee raised questions relating to the financial and legal aspects of the possible transaction in greater depth. In particular, this focused on whether it believed OUFC was unable to remain at the Kassam beyond June 2026.

The Committee was clear in its understanding that it was not making a decision on whether or not OUFC should be permitted to building a new stadium. Cabinet itself would be making a decision on whether or not to approve transfer of the land to the club but the stadium could only be build if planning permission were granted by Cherwell District Council and if the club met various conditions.

The Committee was satisfied that the engagement process had been thorough, intensive, and extensive. The Committee considered that the process had been fair and equitable with officers making sound assessments. The Committee was satisfied that it was true that the club was unable to remain at The Kassam Stadium after June 2026.

In order to ensure that Cabinet was in a position to make a fully-informed and considered decision, the Committee resolved to **RECOMMEND**:

1. That Cabinet should fully understand the short-, medium-, and long-term impacts of the covenants proposed, including any future financial risks.
2. That Cabinet should pay particular attention to the question of whether freehold or leasehold was most appropriate taking account of the difference between legal and reputational risk.

7/23 DRAFT SCRUTINY ANNUAL REPORT TO COUNCIL

(Agenda Item 7)

The Committee was advised that the draft Scrutiny Annual Report was not yet available but that it would be circulated by email for comment from members.

8/23 ACTION AND RECOMMENDATION TRACKER

(Agenda Item 8)

The Committee resolved to **NOTE** the action and recommendation tracker.

9/23 CABINET RESPONSES TO PLACE OSC RECOMMENDATIONS

(Agenda Item 9)

There were no reports to receive.

10/23 COMMITTEE WORK PROGRAMME AND FORWARD PLAN

(Agenda Item 10)

The Committee resolved to **AGREE** its proposed work programme. The Committee agreed to the Scrutiny Officer's proposal that the all-member briefing previously suggested regarding the Street Design Strategy should be held as a meeting of members of the Committee to which all members could be invited.

There was a request that a work planning meeting should be held and that the work of the Transport Working Group should be expedited.

..... in the Chair

Date of signing

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