

PERFORMANCE SCRUTINY COMMITTEE

MINUTES of the meeting held on Thursday, 4 February 2016 commencing at 1.00 pm and finishing at 2.40 pm

Present:

Voting Members: Councillor Liz Brighthouse OBE – in the Chair

Councillor Neil Fawcett (Deputy Chairman)

Councillor John Christie

Councillor Sam Coates

Councillor Janet Godden

Councillor Mark Gray

Councillor Steve Harrod

Councillor Stewart Lilly

Councillor Charles Mathew

Councillor Michael Waine (In place of Councillor Yvonne Constance OBE)

Other Members in Attendance: Councillors Ian Hudspeth and Councillor David Nimmo Smith (for Agenda Item 4)

Officers:

Whole of meeting Sue Scane, Director for Environment & Economy; Mark Kemp, Deputy Director Commercial; David Tole, Principal Engineer-Traffic & Safety Improvements; Paul Fermer, Service Manager Infrastructure Delivery; John Courouble, Research Intelligence Manager; Sue Whitehead (Corporate Services)

The Scrutiny Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and agreed as set out below. Copies of the agenda and reports and addenda are attached to the signed Minutes.

10/15 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apologies were received from Councillor Atkins and from Councillor Constance (Councillor Waine substituting).

11/15 DECLARATIONS OF INTEREST - GUIDANCE NOTE ON BACK PAGE OF THE AGENDA

(Agenda No. 2)

Councillor Harrod declared an interest as a member of the South Oxfordshire District Council and noted that he had taken no part in the planning process or decision of

that Council. He also declared an interest as a Director of Cornerstone in his role as a councillor.

12/15 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 3)

The Chairman had agreed the following requests to speak to the Committee:

Mr Mark Beddow
Ms Jenny Wilson
Mr Roy Burton
Councillor Nick Hards
Councillor Patrick Greene

13/15 CALL IN OF A DECISION BY THE CABINET MEMBER FOR ENVIRONMENT (COUNCILLOR HUDSPETH SUBSTITUTING): PROPOSED BUS LANE & PARKING/WAITING RESTRICTIONS - ORCHARD CENTRE (PHASE 2), DIDCOT

(Agenda No. 4)

Written notice had been given in accordance with the Council's Scrutiny procedure Rules requiring the decision of the Cabinet Member for Environment on 14 January 2016 to be called in for review by this Committee.

The Committee had the following documents before them:

(a) A report (**PSC5(a)**) setting out the names of the Councillors who have required the call in and the reasons given for the Call in.

(b) The report considered by the Leader of the Council, Councillor Hudspeth (substituting for the Cabinet Member for Environment) (**CMDE5**) together with an extract of the minutes of the delegated decision session. (**PSC5(b)** to be circulated separately).

(c) Additional information provided in response to the call in (**PSC5(c)**)

Mr Mark Beddows spoke in support of the call in commenting on ground 2 that the proposals were made in March 2015 and not 2013. He also commented that in taking the decision there had been a failure to take into account the impact of the loss of a purpose built bus station and the reduction in pedestrian safety which he illustrated by reference to photographs supplied to members. Responding to questions he stated that Cornerstone was a council hub and the proposals would detract from the attractiveness of their area. Councillor Hudspeth, on a point of clarification stated that in his former role as cabinet member for Transport he had been involved in informal meetings in the early stages of development. The Chairman noted that this was privileged information that had not previously been in the public domain.

Ms Jenny Wilson spoke in support of the Call in, and indicated that she had been the originator of the petition referred to at ground 2. She was still awaiting a response to her objections. She explained why the proposals were not acceptable including that they contained only flag and pole bus stops, the survey had not been published and

the detrimental impact on the town centre. It reduced permeability of Didcot, there was no consideration of linkages or the wider development. Safety of pedestrians would be reduced and she challenged reference to a 2 way bus route as factually incorrect. Responding to questions she stated that bus frequency was 7-9 an hour but would increase and could be every 30 seconds.

Mr Roy Burton spoke in support of the call in, putting forward an alternative solution and asking that any decision be deferred to allow it to be considered.

Councillor Hards, speaking as the originator of the call in and as a local councillor spoke in support of the concerns set out in the call in request. He stated that this was the last chance to ensure that the developers and the South Oxfordshire district Council thought through all the issues. He referred to Ground 2 and pointed out that no mention had been made of any alternative route for buses during consultation on earlier works. On ground 4 he referred to the new information provided of a firm offer for a Controlled Parking Zone. He felt that such a scheme would provide some reassurance to residents and that he was not convinced that it would be properly pursued. On ground 3 he referred to comments from Councillor Cotton that the final section of the Northern Perimeter Road was a realistic proposition and that it would solve the problem. He suggested that if Councillor Cotton was right then there was no reason to destroy a good sitting out area.

Asked about the implication of the Garden Town Status Councillor Hards explained that theoretically it should bring more money for infrastructure. In response to a question on how the completion of the northern perimeter road would help he explained the alternative route would bypass the town centre. He personally did not know whether it would work.

Councillor Greene spoke in support of the call in and in particular on ground 1 relating to the petition. The petition had been presented to Council and a response sent to the petitioner but he as a local member had not been made aware of the petition. The petition had been ignored in the preparation of the report for 14 January 2016. He referred to the level of opposition from the Town Council, local councillors and residents as evidenced by the petition and queried how local democracy had been served. He spoke against the route the buses would take which would take them down by Cornerstone where there were narrow pavements and that was a place for children to congregate. Asked what other routes he would want Cabinet to consider he suggested retaining the current route. Asked if he had raised with officers, prior to the meeting, that the petition had not been taken into account he stated that he had not. Councillor Hudspeth clarified that he had not been aware of the petition before the meeting. Councillor Green confirmed that local councillors had not been copied in to the response to the petitioner.

Councillor Hudspeth, together with Sue Scane, Director for Environment & Economy, Mark Kemp, Deputy Director Commercial, David Tole, Principal Engineer-Traffic & Safety Improvements and Paul Fermer, Service Manager Infrastructure Delivery and Councillor Nimmo Smith, responded to the concerns raised. In relation to the petition Mark Kemp explained that it had been considered by officers as part of their response to South Oxfordshire District Council on the planning application. The current decision was about a Traffic Regulation Order.

Responding to questions from the Committee the following points were made:

- 1) The County Council had made appropriate objections to the original application and had subsequently revised their objections when an adequate plan to address their concerns had been submitted.
- 2) Officers had felt that the application had been dealt with as part of the planning process. They confirmed that there had been no specific reference to the petition in their response.
- 3) There was a lack of clarity in dealing with petitions submitted to meetings as to whether petition responses were routinely copied to all councillors. Sue Whitehead, Principal Committee Officer confirmed that this was not currently the practice.
- 4) Councillor Nimmo Smith responding to a question on what discretion there was in relation to the TRO when planning permission had already been given, explained the process he followed. He would look at all the information, discuss it with officers but if it was a technically safe solution then it would be unreasonable to stop it. The Leader added that he could have refused the TRO. However the decision to open the road had already been taken and the result would have been that it would be open to all vehicles.

During discussion Members in noting that the petition had been submitted to full Council raised concerns that local members had not been advised of the petition and kept informed of the response. The Committee considered that something extra was needed with regard to the protocol on Member engagement and AGREED that Audit & Governance Committee be requested to consider this matter with specific regard to petitions.

Following consideration the Committee AGREED to refer the decision back to Cabinet on the grounds of material concerns in that the officers dealing with the matter had not been made aware of the fact that a 1500+ signature petition had been presented to Council opposing the proposal.

Summary of the Material Concerns

During discussion Members heard that the petition had been taken into account in consideration of the County Council’s response to the planning application determined by South Oxfordshire District Council. In response to questions, officers confirmed that it had not been specifically referred to in that response.

Concern was expressed that the existence of the petition, and that it had been taken into account during the planning process had not been communicated during the decision making process for the Cabinet Member decision on 14 January 2016. It was felt that when including background in a report then all background should be included. Members felt that it should be referred back to cabinet so that the decision could be considered in the light of all the facts including the petition.

..... in the Chair

Date of signing 2016