

PERFORMANCE SCRUTINY COMMITTEE

MINUTES of the meeting held on Monday, 3 November 2014 commencing at 1.00 pm and finishing at 2.26 pm

Present:

Voting Members: Councillor Liz Brighthouse OBE – in the Chair
Councillor Neil Fawcett (Deputy Chairman)
Councillor Lynda Atkins
Councillor John Christie
Councillor Yvonne Constance
Councillor Mark Gray
Councillor Steve Harrod
Councillor Bob Johnston (In place of Councillor Janet Godden)
Councillor Sandy Lovatt (In place of Councillor Simon Hoare)
Councillor Charles Mathew

Other Members in Attendance: Councillor David Nimmo Smith (for Agenda Item 4)

Officers:

Whole of meeting David Tole, Principal Engineer – Traffic & Safety Improvements and David Mytton, Solicitor, Law & Cultural Services

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

1/14 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS
(Agenda No. 1)

Apologies were received from Councillor Godden (Councillor Johnston substituting), Councillor Hoare (Councillor Lovatt substituting).

2/14 PETITIONS AND PUBLIC ADDRESS
(Agenda No. 3)

The following requests to speak had been agreed:

Councillors Fawcett,
Councillor Constance

Councillor Webber
Mr Cattermole, Taylor Wimpey

3/14 CALL IN OF A DECISION BY THE CABINET MEMBER FOR ENVIRONMENT: PROPOSED PELICAN CROSSINGS - A415 MARCHAM ROAD AND OCK STREET, ABINGDON

(Agenda No. 4)

Written notice has been given in accordance with the Council's Scrutiny procedure Rules requiring the decision of the Cabinet Member for Environment on 9 October 2014 to be called in for review by this Committee.

The Performance Scrutiny Committee had before them:

- (1) A report setting out the names of the Councillors who have required the call in and the reasons given for the Call in.
- (2) The report considered by the Cabinet Member for Environment together with an extract of the minutes of the delegated decision session.
- (3) Additional information provided in response to the call in

Councillor Fawcett, speaking as the originator of the call in outlined the history leading to the decision on 9 October, referring to the decision by the Planning Inspector and the earlier decision taken by the Cabinet Member. Speaking on the 3 reasons given for the call in Councillor Fawcett made the following points:

- 1) In relation to reason 1 Councillor Fawcett pointed out that the Cabinet Member at his meeting had made a point of the visit he had made to the location. However many of the concerns were around safety of children and therefore a visit on a Saturday was not appropriate. It was not the main concern but it raised questions about how the decision was made.
- 2) In relation to reason 2 there was clear guidance about the location and design of pedestrian crossings. There is a clear process to follow which includes consideration about siting. The impression given at the meeting on 9 October was that the planning inspector had said it should be so and therefore proper process was not followed with regard to siting. In particular it was not clear whether pedestrian desire lines had been considered.
- 3) On reason number 3 he stated that congestion had not been properly addressed.

Councillor Webber, speaking as a signatory to the call in felt that the problem was the public perception of the way it was carried out. A great deal of advice, including legal advice, was not available at the meeting. He was not a planning expert and there were many planning aspects to the decision. He queried the role of the Transport Advisory Panel feeling that they had not been listened to.

Councillor Constance, speaking as a signatory to the call in spoke in support of reason 3 which related to the wider traffic issues. She stated that congestion had not been properly considered. The largest number of responses was about congestion. The comments of the Inspector would have been based as a planning decision on the application site and immediate environment. This did not override the need for the Council as a Highway Authority to consider the impact on the wider Abingdon area.

The decision would result in obstructing traffic having a severe impact on Abingdon Town.

Mr Cattermole, Planning Manager, Taylor Wimpey, spoke against the call in making the following points:

- 1) The site visit by the Cabinet Member had been to familiarise himself with the location. Councillor Nimmo Smith had said that he had carried more than 1 visit, most recently on a Saturday.
- 2) He commented that there had been a step by step process with guidance adhered to. The same process was used for all crossing points.
- 3) He stated that he believed the traffic issues had been considered.

The speakers responded to questions from members.

Councillor Nimmo Smith, together with David Tole, Principal Engineer – Traffic & Safety Improvements and David Mytton, Solicitor, Law & Cultural Services, responded to the concerns raised. Councillor Nimmo Smith commented that he was satisfied that he had sufficient information to make the decision. He had visited the site twice, including at 8.30 am. Having considered all the information he had come to the view that the officer recommendations be agreed.

Responding to questions the following points were made:

- 1) Councillor Nimmo Smith was unable to speak for the reasons people were not using the other crossing. There would always be those who chose not to use a crossing.
- 2) Asked how much assessment there had been of pedestrian demand for the proposals as there was no mention of it in the report, the Committee was advised that there had previously been extensive modelling, with analysis and evidence. Nothing new had been raised during the consultation. The Committee was further advised that it was not just a question of pedestrian desire lines but other factors that were set out in the report to the Cabinet Member at paragraph 12.
- 3) In response to further questioning Councillor Nimmo Smith indicated that pedestrian desire lines had been taken into consideration at his meeting. He had sought assurance that it had been assessed and he was satisfied that it had been.
- 4) Officers commented that all relevant guidance was taken into account and it was not always possible to list everything that was followed. The current matter had come forward as a proposal as a result of a planning consent. It involved a well-established developer using a well-established traffic consultant. It was natural to assume they had followed guidance. Officers were satisfied that the crossing met the criteria.
- 5) Asked about congestion officers indicated that their objection to the planning inspector had been on this point. The planning inspector had been comfortable with option 3. The issue of congestion had been comprehensively looked at.

Following lengthy discussion it was proposed that the decision not be referred back to Cabinet and by a show of hands (with 4 votes for and 6 against) this recommendation was not agreed.

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The Committee then considered each of the grounds for referral and AGREED, to refer the decision back to Cabinet on the grounds of the following material concerns, with each ground being voted on separately:

- a. (by 6 votes for and 3 against, with 1 abstention) that neither the officer's report nor the Cabinet Member's decision appeared to be based on the Department of Transport Guidance into the assessment of pedestrian crossing sites; and
- b. (by 7 votes for and 3 against) the Cabinet Member did not take due account of the impact of the changes on the wider local traffic network.

With 5 votes for and 5 against, on the Chairman's casting vote it was not agreed that the remaining reason, relating to the Saturday site visit was a material concern.

Summary of the Material Concerns

During discussion Members considered that the guidance set down a process for consideration of crossings and that the starting point is the proper assessment of the safest place to put a crossing. A key element is the desire line for people using the crossing. The Committee acknowledged that some Guidance was referred to by officers but not that relating specifically to pedestrian crossings.

Members considered the point raised that there was no information on the impact of the changes on the wider local traffic network. They heard from officers that no new evidence came up through the process. However the Committee considered that the reason there was no new evidence was because the County Council did not do an assessment. They found that it was unreasonable to expect local residents to do such an assessment and that it was the job of the County Council to assess those wider implications.

..... in the Chair

Date of signing 2014