

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the Economic and Social Overview & Scrutiny Committee
held in Committee Room 1, Council Offices, Woodgreen, Witney,
at 6.30pm on Thursday 7 December 2017

PRESENT

Councillors: P J Handley (Chairman), Mrs E H N Fenton (Vice-Chairman), A C Beaney, J C Cooper, Mrs J M Doughty, P Emery, H J Howard, P D Kelland, T N Owen, A H K Postan, R A Langridge, G Saul and B J Woodruff

Also in Attendance: J Haine, R J M Bishop, E H James and H E T St John

58. MINUTES

RESOLVED: That the minutes of the meeting held on 23 November 2017 be approved as a correct record and signed by the Chairman.

With regard to Minute No. 53 (Carterton Leisure Centre – Phase 2) Mr Beaney reminded Members that he had sought clarification of the composition of the project liaison group and decision making process.

59. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs L C Carter and from Mrs J C Baker who was absent on official business and the following resignations and temporary appointments were received and noted:-

P Emery for H B Eaglestone
H J Howard for Mrs L E C Little
R A Langridge for M A Barrett
A H K Postan for C J A Virgin

60. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers in items to be considered at the meeting.

61. PARTICIPATION OF THE PUBLIC

There were no submissions from members of the public in accordance with the Council's Rules of Procedure.

62. CALL IN OF CABINET DECISION – FURTHER SUGGESTED CHANGES TO THE WEST OXFORDSHIRE LOCAL PLAN 2031

The Committee received and considered the report of the Head of Democratic Services regarding the call-in request relating to the Cabinet decision of 15 November 2017 (Minute no. 68) in relation to the further suggested changes to the West Oxfordshire Local Plan 2031.

The Head of Paid Service outlined the current position with regard to the Local Plan and the purpose of the report considered by the Cabinet on 15 November. He advised that the Local Plan process was nearing its conclusion and reminded Members of the route taken in reaching this point.

He explained that, following the second round of hearings in July, the Local Plan Inspector had sought further work on various technical issues to support the Council's proposals. This work, conducted by consultants on the Council's behalf, had included provision of a Sustainability Appraisal, a Heritage and Landscape Assessment and an analysis of Housing Need within the Area of Outstanding Natural Beauty. This technical evidence was the work that was reported to the Cabinet in November and was now the subject of public consultation running until 20 December. In addition, the Inspector had previously requested various draft topic papers but had now indicated that he had no wish for these to be subject to consultation.

The Inspector had also indicated that he was prepared to take comments from the Council in response to the current consultation on the technical evidence including any suggested changes to the Plan such as those considered by the Cabinet in November.

The Head of Paid Service advised that the Council was close to receiving the Inspector's conclusions on the substantive issues in the Plan as considered during the hearings in May and July and it was hoped that the interim findings would be made public in January 2018. It was possible that these findings would highlight changes to the Plan recommended by the Inspector. If so, these would be subject to further statutory public consultation.

Once the Local Plan Inspector had finalised his report, a report would come before Council at which time it would have the option of adopting the Plan with any changes proposed by the Inspector or rejecting it in its entirety. It was hoped that a final report from the Inspector would be received by April or May of next year.

The Planning Policy Manager reiterated that the Plan was at an advanced stage and that it was anticipated that it would be clear by January whether or not the Inspector considered that it could be made sound.

Mr Haine advised that, at its meeting in November, the Cabinet had agreed that the suggested further changes to the draft West Oxfordshire Local Plan 2031 be submitted to the Local Plan Inspector for his consideration in relation to the 'soundness' of the Local Plan with one amendment; the potential removal of the allocation at Land East of Burford on the basis that permission had been granted for the development of an alternative site outside the AONB and Conservation Area.

Mr Haine also advised Members that an application for development on the site east of Burford had been considered by the Uplands Area Planning Sub-Committee earlier in the week and had been refused as being contrary to Paragraph 116 of the National Planning Policy Framework on landscape and heritage grounds.

Mr Cooper stated that he considered the fact that public consultation had commenced prior to the Committee having the opportunity to consider the call-in request to be in contempt of due process. He indicated that he had not received a satisfactory response to questions he had raised regarding the quantum of Oxford City's unmet housing need and suggested that Mr Emery and Mr Kelland had not received adequate replies to questions they had raised at the Cabinet meeting on 15 November. He expressed concern that no written legal advice was available regarding the land east of Burford, indicating that the former Strategic Director had previously offered an assurance in that regard.

Mr Cooper went on to question why no buffer zone was proposed to safeguard the World Heritage site at Blenheim when two thirds of such sites enjoyed such protection. Returning to his concerns over Oxford City's unmet housing need, Mr Cooper suggested that the Committee should support the call-in and request the Cabinet to reconsider the matter at its next meeting.

Mr Emery indicated that, whilst his support of the call-in request was not site specific, he expressed his concern over the adequacy of the sustainability appraisal. It was essential for the Council to identify the best strategic sites to go forward in the Local Plan and he believed that the process had been flawed. This was a major decision that would impact upon a significant number of local residents and Mr Emery suggested that the decisions made by the Cabinet in November should have been taken either by the full Council or following consideration by this Committee. He believed the technical reports to be contestable evidence which ought not to have been submitted to the Planning Inspectorate before all Members had been given the opportunity to make comment on them.

In response to a question from Mr Woodruff, Mr Emery confirmed that his concerns were related to process, not to any specific site. Mr Woodruff suggested that steps could be taken to devise an improved process.

Mr Langridge indicated that, whilst he did not believe it to be in contempt of due process, he had been surprised that public consultation had commenced before the call-in request had been considered. He agreed that the Cabinet should be invited to review its decision as approval of a Local Plan was perhaps the most important decision a Councillor would be asked to take. He felt that Members had been side-lined and unable to fulfil their duty to represent the views of their electorate.

Mr Kelland and Mr Owen concurred, indicating that all Members should have had the opportunity to be involved in the decision making process.

Mr Beaney drew Members' attention to the form of the call-in request which was stated to be founded in a perception of unequal treatment of the planning sub-area of Woodstock/Eynsham at the Cabinet meeting and noted that the recommendation at (b) invited the Committee determines whether it wishes to submit any additional comments to Cabinet on that particular point.

Mr Emery suggested that the Committee should state that it would wish to see improvements in the decision making process and Mr Howard reiterated the view that all Members should have had the opportunity to discuss the matter before consideration by Cabinet.

Mr Woodruff enquired whether due process had been followed and, in response, the Head of Paid Service advised that the Local Plan, and subsequent modifications, had been considered and approved by the full Council. He explained that the work presented to the Cabinet in November did not comprise decision documents but background technical information requested by the Local Plan Inspector. Whilst Members might have views on these documents, they did not represent policy decisions but were a response to requests for additional information made by the Inspector as part of the Local Plan Examination. He stressed that the Inspector had a significant degree of freedom to determine how to conduct the hearing process.

The Planning Policy Manager advised that the current consultation process gave the opportunity to comment upon the technical documents. In terms of the Sustainability appraisal, he advised that the Council had engaged the same consultants as in 2015 whose initial work the Inspector had found satisfactory and that they have now used the same approach to test a number of further reasonable alternative options.

Mr Haine indicated that all Members had been given the opportunity to engage in the development of the local plan in the past and emphasised that the most recent reports had not been decision making documents requested by the Planning Inspector. These were technical documents and Mr Haine considered the concerns expressed by Members to be disproportionate.

Whilst recognising that the Local Plan had been before full Council previously, Mr Emery emphasised that, on those occasions, Members' consideration had been based upon the evidence presented in the previous Sustainability Appraisals. The latest appraisal, which included comparison data that had not been available in the earlier versions, had not been before the Overview and Scrutiny Committee or Council. Mr Emery contended that Members should have been given the opportunity to debate and possibly reject the approved site allocations in favour of alternate sites now that this additional data was available.

Although there had been a lot of local concern over certain sites, Mr Postan noted that this technical evidence had been requested by the Inspector to establish that the Local Plan was sound. He stressed the importance of proceeding with the process to get a Local Plan in place.

Whilst acknowledging the importance of putting a Local Plan in place without delay, Mr Howard disagreed with Mr Postan's stance on process, expressing his concern that Members would have had questions on the technical evidence which they had not been given the opportunity to discuss.

In response to an invitation from Mr Beaney to clarify his suggestion and Mr Cooper proposed that Members support the call-in request and invite the Cabinet to review its decision in light of the concerns expressed by the Committee.

Mr Haine stressed that it was imperative that the Council put its Local Plan in place as soon as possible and cautioned against any unnecessary delay. Mr Handley noted that there need not be any delay as the matter could be considered by the Cabinet the following week.

Having been seconded by Mr Emery, the proposition was put to the vote and was carried.

RESOLVED: That the Committee supports the call-in request and invite the Cabinet to review its decision in light of the concerns expressed above.

(Mrs Doughty and Mr Owen left the meeting at this juncture)

63. CHAIRMAN'S ANNOUNCEMENTS AND UPDATE REPORT

The Committee received and noted the Chairman's update report.

64. COMMITTEE WORK PROGRAMME 2017/2018

The Committee received and considered the report of the Strategic Director which gave an update on progress in relation to its Work Programme for 2017/2018.

64.1 RAF Brize Norton

The Head of Paid Service advised Members that a meeting to discuss development at RAF Brize Norton had been held with representatives of the Defence Infrastructure Organisation on 1 December, the outcome of which had been encouraging. Mr Emery noted that his own discussions with personnel at the Station found them to be less optimistic.

Mr Handley advised that revised liaison arrangements were to be put in place with the first meeting taking place in January. Representatives of the County Council (including education) and Carterton Town Council would be present to consider the wider infrastructure implications. He expressed some concern that RAF Brize Norton was to be faced with differing financial imperatives.

Mr Postan enquired whether the Ward representative should also be invited to attend the liaison meetings.

64.2 Progress of the Work Programme

Mr Beaney suggested that there could be merit in combining consideration of the Deer Park Medical Centre with more general aspects of health care provision under item 2 of the work programme. Mr Handley agreed but noted that the outcome of the Independent Reconfiguration Panel's Report was still awaited.

In response to a further suggestion from Mr Beaney it was agreed to delete item nos. 5, 7 and 8 from the work programme as these had now been completed.

RESOLVED: That, subject to the amendments detailed above, progress on the Committee's Work Programme for 2017/2018 be noted.

65. CABINET WORK PROGRAMME

The Committee received and considered the report of the Head of Paid Service which gave Members the opportunity to comment on the Cabinet Work Programme published on 14 November 2017.

RESOLVED: That the content of the Cabinet Work Programme published on 14 November 2017 be noted.

66. PERFORMANCE INDICATORS - QUARTER 2 2017/2018

The Committee received and considered the report of the Head of Leisure and Communities providing information on the Council's performance at the end of quarter 2 2017/2018.

Mr Beaney stated that he found some of the indicators rather vague and suggested that it would be more helpful for the Committee to receive the Quest reports on the Council's leisure centres.

Mr Howard advised that, following the formation of Publica, a new range of performance indicators was being devised for consideration by the Overview and Scrutiny Committees. Mr Beaney maintained that the Quest reports would be useful. Members concurred and it was **AGREED** that these be presented in future.

Members were pleased to note that all indicators were green and congratulated staff on this achievement.

RESOLVED: That the information provided be noted.

67. NOTES OF THE LEISURE MANAGEMENT CONTRACT WORKING PARTY

The notes of the meeting of the Leisure Management Contract Working Party held on 8 November were received. It was noted that the next meeting of the Working Party was to be held on 24 January.

68. MEMBERS' QUESTIONS

There were no questions from Members relating to the work of the Committee.

The meeting closed at 7:30pm

Chairman