

Agenda



Contact: Candida Mckelvey, Democratic Services
Telephone number: 07895 213820
Email: candida.mckelvey@southandvale.gov.uk
Date: 15 September 2021
Website: www.whitehorsedc.gov.uk

A meeting of the **Scrutiny Committee**

will be held on Thursday, 23 September 2021 at 6.00 pm

In person at 135 Eastern Avenue, Milton Park, OX14 4SB

The meeting will be broadcasted live for remote viewers. Please follow this link to watch:
<https://www.youtube.com/c/southandvalecommitteemeetings>

Members of the Committee:

Councillors:

Jerry Avery
Ron Batstone
Nathan Boyd (Chair)

Eric De La Harpe
Hayleigh Gascoigne
David Grant

Ben Mabbett
Patrick O'Leary
Max Thompson

Substitutes Councillors

Paul Barrow
Eric Batts
Samantha Bowring

Andy Foulsham
Alison Jenner
Diana Lugova

Sarah Medley
Janet Shelley
Elaine Ware

Alternative formats of this publication are available on request. These include large print, Braille, audio, email and easy read. For this or any other special requirements (such as access facilities) please contact the officer named on this agenda. Please give as much notice as possible before the meeting.

Patrick Arran
Head of Legal and Democratic

Agenda

Open to the Public including the Press

1. Apologies for absence

To record apologies for absence and the attendance of substitute members.

2. Declarations of interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

3. Urgent business and chair's announcements

To receive notification of any matters which the chair determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chair.

4. Minutes

(Pages 4 - 10)

To formally adopt and sign as a correct record the Scrutiny Committee minutes of the meeting held on 26 July 2021.

Informal notes from the 27 May 2021 are attached – for members to note.

Previous minutes and informal notes can be found here, for your information:

<https://democratic.whitehorsedc.gov.uk/ieListMeetings.aspx?CIId=103&Year=0>

5. Public participation

To receive any questions or statements from members of the public that have registered to speak.

6. Work schedule and dates for all Vale scrutiny meetings

(Pages 11 - 14)

To review the attached scrutiny work schedule. Please note, although the dates are confirmed, the items under consideration are subject to being withdrawn, added to or rearranged without further notice.

REPORTS AND ISSUES FOR THE CONSIDERATION OF THE SCRUTINY COMMITTEE

7. 2021/22 Q1 performance management report

To consider a report of the Head of policy and programmes.

8. Exclusion of the public

To consider whether to exclude members of the press and public from the meeting for the following item of business under Part 1 of Schedule 12A Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraphs 1-7 Part 1 of Schedule 12A of the Act, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

EXEMPT INFORMATION UNDER 100A(4) OF THE LOCAL GOVERNMENT ACT 1972

9. Inter authority agreement

To consider a report from the Head of finance – paper to follow.

Notes

OF AN INFORMAL MEETING OF

Scrutiny Committee

members



HELD ON Thursday, 27 May 2021 at 6.00 pm

This was an informal, virtual meeting of Scrutiny Committee members. Watch the recording here: <https://www.youtube.com/watch?v=oHhJTMOrvxA>

Present:

Members: Nathan Boyd (Chair), Ron Batstone, Hayleigh Gascoigne, David Grant, Debby Hallett, Eric de la Harpe, Ben Mabbett, and Max Thompson.

Officers: Harry Barrington-Mountford, Steve Culliford, Michael Flowers, Adrianna Partridge, Chris Traill.

Sc.113 Apologies for absence

None.

Sc.114 Declarations of interest

None.

Sc.115 Urgent business and chair's announcements

The chair welcomed councillors Eric de la Harpe and Ben Mabbett to the Scrutiny Committee.

Sc.116 Public participation

None.

Sc.117 Work schedule and dates for all South and Vale scrutiny meetings

The chair informed the committee that the work schedule had been reviewed in consultation with the South Oxfordshire District Council Chair, the Head of Corporate Services, and Democratic Services. It had been agreed that meetings would be marked formal or informal dependent on the items on the agenda. It was also noted that any statutory items or those with major feedback or public interest would be done at a formal meeting of the committee. The chair clarified that all other meeting items would be conducted at an informal meeting.

It was also noted that the item relating to the A34 diversion would be reviewed before the 9th October 2021 by the committee.

Sc.118 Performance management framework and year 1 corporate delivery plan

Members of the Scrutiny Committee met informally to review the Cabinet report on the proposed performance management framework and year one corporate delivery plan. Members were reminded that this was an opportunity to provide general feedback to the cabinet member for corporate services and transformation who would present this feedback to Cabinet.

The Cabinet member for corporate services and transformation repeated the statement from the leader of the council which highlighted the achievements made for the new corporate plan and how they would measure performance. The Cabinet member welcomed feedback from the Scrutiny Committee members and were eager to receive comments and recommendations regarding the framework and plan.

Questions were received from the committee members. One question requested clarification on the Service and Team Plan and whether individual teams would set their own goals, and also requested clarification on where the goals would be recorded for transparency purposes. The head of policy and programmes explained that goals would be recorded in key documents and would be displayed in a transparent manner.

Feedback from the committee members was received during the question period regarding Appendix 2 – the corporate delivery plan (year 1). The committee members asked that quantitative measures be shown where possible rather than just qualitative information. The head of policy and programmes confirmed this could be provided where possible and that the reports would be as informative as could be when produced. Additionally, it was asked how much officer time would be required to complete the reports and how much information would be included for each report. The response was that the reports would be detailed but concise and that they would be update.

A request was made that where no progress has been made, this should be provided in a written document with an explanation on what barriers there had been and a new timescale for expected action. The member for corporate services and transformation was supportive of this in their response and confirmed that this would be beneficial in providing an accurate up to date summary.

A comment was made that Appendix 3 – the Interim Performance Report be numbered so that paragraphs could be referred to during discussions more easily.

A number of questions from members related to service specific matters. With regards to recycled waste, it was suggested this be measured as a percentage of the overall waste of the district. A suggestion was made that the measure be analysed from what waste went to landfill and using this as the basis for comparison. The Cabinet member responded that this would be a positive measure to incorporate. The head of policy and programmes added that it would be unwise to limit the measure to this specifically but that if possible, it could be beneficial to use this as one of the measurements. A further query regarding the environmental issue related to the climate emergency. It was noted that this year had reduced emissions which had been partly achieved due to the Covid pandemic. There was a concern that the public however would not be aware of the green home initiatives and

there was a need to promote it. The response was that the report was designed to bridge the gap and while it would not address individual points, it would relay to service managers to ensure measures were implemented to achieve goals.

A final comment was that the performance report was a list of achievements but should also include the problems in order to provide a balanced feedback.

The meeting closed at 18.53 pm

Minutes

of a meeting of the

Scrutiny Committee

held on Monday, 26 July 2021 at 6.00 pm

at the Council offices at 135 Milton Park, Abingdon



The meeting was streamed live. The recording can be watched here:
<https://www.youtube.com/watch?v=UJObIxR4iyw>

Open to the public, including the press

Present:

All committee members were present, in person.

Members: Councillors Nathan Boyd (Chair), Jerry Avery, Ron Batstone, Eric De La Harpe, Hayleigh Gascoigne, David Grant, Patrick O'Leary, Ben Mabbett.

Officers: Candida Mckelvey (in person), Adrian Duffield, Adrianna Partridge (in person), Alison Williams and Cathie Scotting

Also present: Cabinet Member, Councillor Debby Hallett, joined remotely.

Sc.119 Apologies for absence

Apologies were received from Councillor Max Thompson.

Sc.120 Declarations of interest

None.

Sc.121 Urgent business and chair's announcements

Chair briefly explained that as this was a formal meeting, the comments made would be formally minuted for Cabinet to consider.

Sc.122 Minutes

The committee reviewed the Scrutiny Committee minutes of the meetings held on 8 February 2021 and 9 March 2021. These were agreed as a correct record, and the chair will sign them as such.

Sc.123 Public participation

None.

Sc.124 Vale Community Infrastructure Levy (CIL) charging schedule

Committee considered the cabinet paper. This paper was introduced by Cabinet Member Councillor Debby Hallett.

The report summarised the work completed by the review so far, which was coming to a close. There was also a revised CIL charging schedule attached. Includes an independent examiner's recommendations. We advise adoption of this, with implementation of the new CIL charging rates being planned for 1 November 2021.

The council needed to prove that there was an infrastructure funding deficit, in order to justify the levy on CIL without impacting viability of sites.

Prior to public consultation, Cabinet were briefed twice, to explain the rationale and evidence.

The viability assessment carried out showed variation in the potential CIL rate levy across the district. The assessors suggested a green field/brown field split. However, Council agreed that this would be difficult administratively, and agreed on zoning. There will be three zones.

Zone 1 – Eastern parishes – highest CIL rates

Zone 2 – Wantage, Grove, and Faringdon – lower CIL rates

Zone 3 – rest of the district

There will be separate rates for minor developments in all zones. Strategic sites will have nil CIL due to S106 agreements.

Examiner recommends approval of the charging schedule, as there was no negative impact on viability.

Questions and clarifications from the committee:

- Clarification asked for on determination of how CIL was spent. It was explained that CIL spend was separate to this schedule. Section 123 list was no longer needed but spend will be identified in the Infrastructure Funding Statement. There was also a CIL spending strategy, which was reviewed annually.
- It was asked what funding we were going to raise now? Cathie Scotting would provide details, but Cabinet Member did add that the new zoning should raise around £6 million over the life of the schedule.
- It was queried whether lower charging rates factor into the proportion of spend in those low CIL rate areas. Concern that incentivising building on lower rate areas would be unwise if the spend on infrastructure was also proportionately low. It was responded that the spending strategy was accepted in December 2020, and the details will follow. Officer added that the need for infrastructure was identified in the infrastructure funding gap statement. CIL was not tied to particular sites, it was a general pooling mechanism to spend funds wherever the infrastructure was needed. Although the town/parish councils of low CIL areas receive less funding, they will benefit from wider infrastructure. CIL was based on viability in terms of what can be levied.
- Implementation date details were asked for. It was responded that the software system, Ocella, needed updating, this was planned. We were allowing for some contingency time, in order to get approval from Cabinet and Council – this was the trigger for implementation. It was confirmed that the new schedule applies to any planning applications after this date.
- Timing of payments – can you borrow from the CIL pot to provide funding for infrastructure upfront? Cabinet Member responded that for County led infrastructure, forward funding had been given historically as the CIL funds were expected. It was assessed on a case by case basis.
- A discussion was had regarding why strategic sites were not subject to CIL. It was explained that all infrastructure on these sites was secured through S106. It was not advisable to apply for CIL in these cases. Education was currently funded through CIL. It may be a future consideration to fund this through S106. Open spaces, play areas, recycling, street naming and affordable housing tended to be funded via S106. CIL tended to cover other projects such as leisure contributions and public art. Details will be provided in the Supplementary Planning Document. Should not collect funding for particular infrastructure from both schemes.

Chair closed this item.

Sc.125 Developer Contributions Supplementary Planning Document (SPD) - Adoption

Cabinet member, Councillor Debby Hallett, introduced the Cabinet paper being presented on Developer Contributions SPD.

This SPD was updated in line with the CIL charging schedule. SPDs are not subject to independent examination but they were subject to public consultation. This SPD was consulted on for 8 weeks in January / February 2021.

The results are presented here, with our responses as a council.

We recommend that this revised SPD is adopted on 1 November 2021, alongside the CIL charging schedule.

Cabinet had been briefed on the rationale behind the reviews, including the changes to CIL regulations from Central Government, which provided the opportunity to claim contributions towards education. They requested more detail on the S106 protocols, especially on the roles for members, town and parish councils on S106 negotiations.

A separate internal protocol was agreed, as it could be updated easier than an SPD.

The SPD has been updated to reflect comments received at consultation.

There will be a joint affordable housing SPD coming forward as well, which will cover financial contributions for that. Work will continue with Clinical Commissioning Groups (CCGs) for health contributions. Therefore, these are not covered in the SPD presented today. There are no additional requirements to developers in the SPD, as this was set out in our Local Plan.

The SPD has been amended and updated to reflect:

1. Government's First home scheme.
2. Section 5 amendment – clarity on options for management and maintenance of infrastructure.
3. Section 6 - This was a new section on how S106 agreements and CIL scheme relates to custom build homes.

This SPD is recommended for approval, alongside the CIL charging schedule.

Comments from committee were as follows:

- An appeals decision on a large leisure application – developer did not want to contribute to affordable housing. Not all of the contributions were obtained due to not all the evidence being presented. Why could we get some sums and not others? It was responded that we have standards, but we have to look at area / site specifics, more depth per application. The provisions were deemed not required in this case. The standards are only a starting point. The SPD cannot go any deeper. Local Plans and Neighbourhood Plans are useful for this, identifying infrastructure needs by local communities, Neighbourhood Plan details can support for evidence.
- Officer explained that the whole suite of documents should be considered. The SPD expands on the policy. The SPD identifies more of the CIL infrastructure as well. The SPD will assist in securing developer contributions. SPDs were a material planning consideration, to support our case.
- Cabinet Member suggested whether Planning Committee members would like further training on S106. It was explained that officers set out S106 Heads of Terms to Planning Committee in the officer recommendation, for them to consider and determine an application. When the committee resolve to grant consent, it can be delegated back to officers, who complete the detail, and then share it with committee chair, to make sure the decision is in line with the detailed final negotiations for the S106. Then an application can be granted with a signed S106.
- DEV12 – Public art was generally sculpture, well designed benches, railings etc. Public realm is 'on the street'. These are interchangeable categories but provide us with more scope.

A discussion regarding the protocol. A view was expressed that councillors would like to see the draft SPD protocol document.

- It was confirmed that members will be consulted
- Early consultation for S106 negotiations is wanted for Parish / Town councils. Note, the term “best practice” is not “mandatory”, to give flexibility if needed.
- Transparency is key. Officer confirmed it was a two-way process. Officers are there to negotiate, and they feedback to members. There are distinct roles.
- Officers will provide a template, and a task group will be in place to consult with.
- A suggestion was that scrutiny could review the draft. Cabinet member explained that internal documentation and procedures need regular changing. If it becomes part of policy, you cannot change it with ease when needed. It was officer responsibility to manage these internal protocols.
- Councillors want to show Town and Parish that they are considered in the process.
- The protocol will set out the S106 negotiations process clearly.
- 4.84 – removal of the word “gas”. Do not want to see it promoted as it was unsustainable, even though it was currently used. E.g. could add broadband, as it was a necessity. Could state “fuel providers” instead? Note that gas was still allowed in the local plan.
- Timely delivery of facilities raised as an issue. It was responded that there was a section on management and maintenance – section 5 of the SPD. Options for management to be decided on a case by case basis. S106 will set this out, the SPD lays out the options. A policy was being worked on for the different circumstances that arise. There were trigger points in S106 for enforcement. The infrastructure team enforces. The process was well established.
- All relevant CCGs need to be footnoted in the SPD. Work was ongoing to engage all relevant CCGs.

Resolved:

That committee are invited to suggest their key principles and outcomes to the Head of Planning and Cabinet Member by email, within the week.

and:

That early consultation for S106 negotiations is wanted for Parish / Town councils.

Chair thanked everyone involved for their work.

Sc.126 Work schedule and dates for all South and Vale scrutiny meetings

- Typo to be amended on the dates for the public consultation item.
- Heavier workload over September, with an added meeting in October.
- Potentially add an item on developer S106 enforcement progress. To be confirmed.

The meeting closed at 7.17 pm

Scrutiny work programme

1 September 2021



MEETING	AGENDA ITEM	PURPOSE	CABINET MEMBER	CONTACT OFFICER
Joint Scrutiny Committee 14 Sep 2021	Strategic property review		Councillor Andrew Crawford	Catrin Mathias catrin.mathias@southandvale.gov.uk
Joint Scrutiny Committee 14 Sep 2021	SABA car park contract review		Councillor Neil Fawcett	John Backley john.backley@southandvale.gov.uk
Joint Scrutiny Committee 14 Sep 2021	Biffa annual report		Councillor Catherine Webber	Ian Matten ian.matten@southandvale.gov.uk
Scrutiny Committee 23 Sep 2021	Inter Authority Agreements			Suzanne Malcolm suzanne.malcolm@southandvale.gov.uk Adrianna Partridge adrianna.partridge@southandvale.gov.uk
Scrutiny Committee 23 Sep 2021	Q1 2021/22 performance management report		Councillor Debby Hallett	Harry Barrington-Mountford harry.barrington-mountford@southandvale.gov.uk

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MEETING	AGENDA ITEM	PURPOSE	CABINET MEMBER	CONTACT OFFICER
Scrutiny Committee 12 Oct 2021	Planning appeals	To consider the annual report	Councillor Bethia Thomas	Adrian Duffield adrian.duffield@southandvale.gov.uk
Scrutiny Committee 12 Oct 2021	A34 diversion routing	Council adopted a motion on 9 October 2019 asking Scrutiny Committee to consider this.	Leader of the Council	Adrian Duffield adrian.duffield@southandvale.gov.uk
Scrutiny Committee 12 Oct 2021	2020/21 financial out-turn report		Councillor Andrew Crawford	Simon Hewings simon.hewings@southandvale.gov.uk
Joint Scrutiny Committee 16 Nov 2021	Joint South and Vale Statement of Community Involvement		Councillor Bethia Thomas	Adrian Duffield adrian.duffield@southandvale.gov.uk
Joint Scrutiny Committee 16 Nov 2021	Community Safety Partnership report		Councillor Helen Pighills	Diane Foster diane.foster@southandvale.gov.uk
Scrutiny Committee 25 Nov 2021	Dalton Barracks Supplementary Planning Document (SPD)		Councillor Judy Roberts	Andrew Lane andrew.lane@southandvale.gov.uk

MEETING	AGENDA ITEM	PURPOSE	CABINET MEMBER	CONTACT OFFICER
Joint Scrutiny Committee 28 Feb 2022	GLL annual performance review 2019/20 & 2020/21		Councillor Helen Pighills	Chris Traill Chris.traill@southandvale.gov.uk
Items for future meetings (dates to be determined)				
Scrutiny Committee	District role in Oxfordshire Growth Deal - tbc		Councillor Neil Fawcett	Andrew Down andrew.down@southandvale.gov.uk
Scrutiny Committee	Delivery of Affordable Housing	To receive a progress report	Councillor Judy Roberts	Jayne Bolton jayne.bolton@southandvale.gov.uk
Joint Scrutiny Committee 2022	Future Waste Services		Councillor Catherine Webber	Ian Matten ian.matten@southandvale.gov.uk
Scrutiny Committee February 2022 Tbc	Covid-19 Leisure Support Package		Councillor Helen Pighills	Chris Traill Chris.traill@southandvale.gov.uk
Scrutiny Committee November 2021 Tbc	Public consultations	To review how consultations are run	Councillor Debby Hallett	Shona Ware shona.ware@southandvale.gov.uk

MEETING	AGENDA ITEM	PURPOSE	CABINET MEMBER	CONTACT OFFICER
Scrutiny Committee	Flooding - partnership roles and responsibilities		Councillor Neil Fawcett	Andrew Down andrew.down@southandvale.gov.uk
Scrutiny Committee	Abingdon redevelopment		Councillor Andrew Crawford	Catrin Mathias catrin.mathias@southandvale.gov.uk
Joint Scrutiny Committee	Didcot Garden Town - project update		Cabinet member for partnership and Didcot Garden Town	Marybeth Harasz marybeth.harasz@southandvale.gov.uk
Joint Scrutiny Committee	Oxfordshire Growth Board - review outcome		Leader of the Council	Andrew Down andrew.down@southandvale.gov.uk