

## **OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION**

### **MINUTES OF THE MEETING HELD ON TUESDAY, 29 MAY 2012**

**Councillors Present:** Jeff Beck (Substitute) (In place of Brian Bedwell), Dominic Boeck, Jeff Brooks (Vice-Chairman), Virginia von Celsing, Marcus Franks, Dave Goff, Mike Johnston, David Rendel, Tony Vickers, Quentin Webb and Emma Webster

**Also Present:** John Ashworth (Corporate Director - Environment), Steve Broughton (Head of Culture & Environmental Protection), Nick Carter (Chief Executive), Andrew Garratt (Principal Engineer (Traffic Management and Road Safety)), Chris Jones (Arts and Leisure Services Manager), Councillor David Betts (Highways, Transport (Operational), ICT & Corporate Services, Customer Services), Councillor Hilary Cole (Countryside, Environmental Protection, "Cleaner Greener", Culture), Councillor Richard Crumly, Councillor Carol Jackson-Doerge, David Lowe (Scrutiny & Partnerships Manager), Councillor Gwen Mason and Elaine Walker (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Brian Bedwell

**Councillor(s) Absent:** Councillor David Holtby

#### **PART I**

Councillor Jeff Brooks informed the Commission that as apologies had been received from Councillor Brian Bedwell, he would undertake the role of Chairman for this meeting.

#### **3. Minutes**

Councillor Jeff Brooks in the Chair.

Councillor Jeff Brooks informed the Commission that as apologies had been received from Councillor Brian Bedwell, he would be chairing this meeting.

The Minutes of the meeting held on 17 April 2012 were approved as a true and correct record and signed by the Chairman.

The Minutes of the meeting held on 10 May 2012 were approved as a true and correct record and signed by the Chairman.

#### **4. Declarations of Interest**

Councillor Marcus Franks declared an interest in Agenda Item 4, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

Councillor David Rendel declared an interest in Agenda Item 10, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

#### **5. Actions from previous Minutes**

*(Councillor Marcus Franks declared a personal interest in Agenda item 4 by virtue of the fact that he was employed by Sovereign Housing Association. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).*

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The Commission received an update on actions from the previous meeting. Comments were received regarding the following items:

2.1 – An additional, verbal update was received with regard to encouraging school governing bodies to include Councillors in their membership. The Portfolio Holder for Children and Young People had contacted the Head Teacher at St Bartholomew's School and received a positive response, and Kennet School already had Councillors sitting on their Board. Park House School was still to be approached.

2.3 – Councillor Tony Vickers expressed surprise that the Portfolio Holder for Housing had shown no concern regarding the numbers of people presenting as homeless. He was concerned that the Portfolio Holder had misunderstood the issue raised at the last meeting of the Commission. Councillor Vickers clarified that the issue had not related to the red performance indicator that measured the number of people presenting as homeless where homelessness was relieved, but to the number of people who were homeless, had completed a form through the Council's Housing team, and were considered to be homeless as a result. He informed the Commission, that there had been a four-fold increase in numbers at each of these stages.

Councillor David Rendel asked for the letter that had been sent to the Portfolio Holder for Housing to be circulated amongst the members of the Commission in order to understand the questions that had been responded to. Councillor Rendel believed that the original question had referenced the increase in people who had applied for housing, and those who had been found to be homeless; however the response given related to people who did not require housing or where housing had been found. He noted that the number of applications had increased, and concluded that the percentage of those classed as homeless had decreased as a result. Councillor Rendel considered that the Council's ability to deal with people who applied as homeless was worsening and expressed concern at the magnitude of the increase in homeless applications from 36 to 169 between 2010/11 and 2011/12. Councillor Rendel noted that when compared to the 50 places available, 169 applications was a significant issue.

Councillor Emma Webster agreed with the comments raised by Councillor Vickers, and noted that she believed the performance indicator to be irrelevant to this matter, and the real issue lay beneath. Councillor Webster requested that a second letter be sent, this time to the new Portfolio Holder for Housing, which reiterated the Commission's concern. Councillor Webster reminded the Commission that it was within their remit to convene a task group to scrutinise this issue further if adequate information was not forthcoming.

The Chairman reminded the Commission that the original request had been to arrange a crisis meeting with involved agencies, and suggested that a letter should ask for this meeting to be facilitated, or to provide information as to why it would not occur. He agreed that the letter should include sufficient background information to inform the new Portfolio Holder of the issues.

### **RESOLVED that:**

- The letter previously sent to the Portfolio Holder for Housing be circulated to the members of the Commission
- A letter be sent to the new Portfolio Holder for Housing requesting a meeting with all involved agencies.

**6. Items Called-in following the Executive on 17 May 2012**

No items were called-in following the last Executive meeting.

**7. Item Called-In following an Individual Decision: A4 Bath Road, Padworth - proposed 50mph speed limit**

The Commission considered a report concerning the Call In Item ID2470 – A4 Bath Road, Padworth – proposed 50mph speed limit which was approved by Individual Decision on 26 April 2012.

Councillor Brooks noted that although Councillor Dominic Boeck had signed the Call In, his ability to debate the issue as a member of the Commission had not been compromised.

*(Note: 6:40pm - Councillor Virginia von Celsing joined the meeting)*

Andrew Garratt summarised the background to this item, informing the Commission that in 2006 the national guidance for setting speed limits was altered. As a result, the Council undertook a review of the speed limits on all 'A' and 'B' roads, and concluded that this section of the A4 in Padworth should be considered as a candidate for a reduced speed limit. The proposal was considered by the Speed Limit Task Group consisting of two Officers, two Councillors and the Police, who requested further information before making their recommendation. Additional surveys were carried out along the section of road, and in December 2010, the Task Group recommended that a 50mph speed limit be set for the single carriageway section. During the consultation period, one objection was received.

Councillor David Betts clarified that several sections of the A4 had been reviewed by the Task Group, but that only this section had been identified for a reduction in the speed limit. He further advised that Beenham Parish Council had contacted him to express their support for the new speed limit.

In response to questions received from the Commission, Andrew Garratt was able to clarify that:

- There were a number of reasons for the recommendation to have been put forward. These included the changes to national guidelines, the number of accidents, the current mean speed of vehicles, and the nature of the development and junctions along the stretch of road;
- There were a number of businesses and residential developments in this location with traffic entering and exiting those sites;
- Over the last three years there had been 14 injury accidents, four of which had involved turning movements;
- There had been three survey locations each identifying different mean speeds, the highest of which was 42mph.

Councillor Brooks asked for clarification as to why a speed limit was required when the mean speed limit along the road was lower than the proposed limit. Andrew Garratt explained that the decision was not based solely on the mean speed of vehicles. The number of accidents was also considered and guidance indicated that a visible speed limit would highlight the need for greater caution.

Councillor Vickers asked whether speed had been a contributory factor in the accidents that had occurred. Andrew Garratt responded that it had been a factor in many of them especially where they involved a car moving at low speed when turning or preparing to turn onto or off the road being hit by a car travelling at speed.

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The Commission considered the causes of two fatal accidents and were advised that one occurred in a location outside of the proposed speed limit, and one occurred near a roundabout where speed was unlikely to be a factor.

Councillor Rendel questioned whether it was possible to reach speeds exceeding 50mph when travelling eastwards as a roundabout on the section acted as a natural traffic calming measure. Andrew Garratt responded that it was relatively easy in current vehicles. Councillor Rendel was concerned that when travelling westwards from the dual carriageway section of road, that the speed limit would drop significantly from 70mph to 50mph.

Councillor Dave Goff asked if it would be possible to model whether a lower speed limit would have affected the accidents that had occurred. Andrew Garratt replied that it would be difficult to model, however it was known that drivers' reaction time was an important factor in accidents, and reducing the speed allowed more time to react thereby reducing the likelihood of an accident occurring. Andrew Garratt continued that 50mph speed limits had been introduced on the A340 towards Tidmarsh, and the A338 towards Great Shefford, and these had proven to be successful in reducing speed and accidents.

Councillor Mike Johnston expressed the view that as many accidents occurred when turning onto or off the road, a better solution would be to improve access and junctions. He continued that he did not expect there to be a significant improvement to the accident record by reducing the speed limit by 10mph. Andrew Garratt responded that there was evidence that a change of this order was effective.

Councillor Betts reminded the Commission that all of the facts had been carefully examined by the Speed Limit Task Group, and that these individuals were experts who took their role very seriously. The Task Group did not recommend changes to speed limits without good cause.

Councillor Quentin Webb considered that a slower and more constant stream of traffic would make it more difficult to turn onto the A4. Andrew Garratt did not expect this to be a problem and noted that the lower speed limit would make it easier and safer for drivers to match the speed of other traffic.

Councillor Marcus Franks asked how the accident record on this stretch of the A4 compared to the rest of the A4. Andrew Garratt responded that it was worse, with 14 accidents here and 30 in total between the A340 roundabouts. He noted that the A4 had a generally good accident record, but there were a greater number of junctions and turnings along this section than elsewhere. Andrew Garratt informed the Commission of a similar issue at a single junction near Kintbury which had been addressed successfully by the installation of a traffic island, however this would not be suitable in Padworth due to the number of turnings involved.

Councillor Vickers requested further information about the police's view of the proposed speed limit as they had not responded to the consultation. Andrew Garratt confirmed that the police were supportive of the proposed limit and, as part of the Speed Limit Task Group, had approved the recommendation, and that they did not routinely respond to consultations unless they had concerns.

Councillor Goff asked whether any other options had been considered. Andrew Garratt replied that other options would involve significant engineering works with their associated costs and disruption.

Councillor Brooks invited Andrew Garratt to respond to each of the ten reasons put forward for the Call In:

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| 1 | It will be unenforceable.   | <p>The speed limit would be signed in accordance with the regulations and have a supporting Traffic Regulation Order making it legal.</p> <p>The police would enforce all speed limits and this would be no exception.</p>                                 |
| 2 | This is a main transport route and any reduction will limit the amount of throughput the channel can handle.  | As the mean speeds were lower than the speed limit, there would be no effect on capacity of the road.  |
| 3 | The reduction may have an adverse effect on commuters and other users getting to and from the M4.   | As there would be little change to the actual speed of road users, there would be no adverse effect on commuters.  |
| 4 | The reduction may cause traffic to migrate elsewhere to less suitable roads.  | Alternative routes would require a lengthy journey through villages such as Beenham and Bucklebury. It was considered unlikely that drivers would select this option to avoid a short stretch of the A4.   |
| 5 | The accident record does not justify a speed limit reduction.   | National guidelines were clear about when the number of accidents justified a certain speed limit. The proposal was in line with these guidelines.   |
| 6 | Any perceived hazard at the junction of the dual carriageway with the Beenham Road can be curtailed by ensuring the traffic exiting Beenham can only turn left.   | Altering the junction with the Beenham Road allowing only left turn out of the junction would result in drivers turning further up the A4 and potentially undertaking a U-turn on the dual carriageway section posing even greater danger than at present. |
| 7 | The accident record on this stretch of road is good.  | The accident record had been discussed already.  |
| 8 | There have been two accidents reported recently, neither of which should be used as a justification for reducing the speed limit and one of them was a wholly exceptional incident where an elderly man was being pushed across the road in a wheelchair. | The accident record had been discussed already.  |
| 9 | We have driven to and fro along the road on many occasions and never seen a pedestrian seeking to cross at any time.  | A new residential development has been constructed which will result in a greater number of pedestrians looking to cross the road. The two fatal   |

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|    |  | accidents involved pedestrians.                             |
| 10 | The stretch of dual carriageway, in particular, is quite inappropriate for a limit as low as 50 mph. The problem on our roads at the present time is congestion, not the speed of traffic. In fact, the high element of congestion tends to reduce the speed of traffic naturally. | The proposed speed limit was in line with national guidance |

Councillor Richard Crumly was invited to address the Commission and expand on his reasons for calling in the decision. Councillor Crumly advised that he believed:

- The decision was inappropriate and would like the Commission to recommend it be reviewed;
- The speed limit should remain unchanged, and this had been supported by a resident of Sulham who had provided a number of arguments for this;
- The roundabout on the A4 forced drivers to slow down or stop, acting as a natural speed break;
- The road was historically the main road between London and Bristol and was largely a wide, straight road suitable for higher speeds;
- He had never witnessed a pedestrian crossing the road at the point in question;
- That development along the road did not encourage pedestrians to cross, as where there were built up areas, there was nothing opposite;
- Neither of the fatal accidents referred to should be used to justify a speed limit, due to the other factors involved;
- It was inappropriate to reduce the speed limit on the dual carriageway section of road;
- Restricting movement from the junction with Beenham Road to allow left turns only would improve safety, as it had been seen to be effective elsewhere;
- That setting a speed limit in line with the 85<sup>th</sup> percentile of mean speeds would be more appropriate as fewer drivers would be penalised, and these would be more serious offenders;

Councillor Crumly clarified his statement that the speed limit would be unenforceable by referring to the fact that the police did not comment on the consultation. In his opinion, he felt they might not have the enthusiasm to patrol the area, and might not have locations in which to set up speed detection vehicles;

Councillor Crumly concluded by asking the Commission not to rely solely on figures, but to use their experience of driving on the road to consider whether the reduced speed limit was required;

Councillor Vickers informed the Commission that he had undertaken an informal consultation on the issue amongst his contacts. The result had indicated overwhelming support for maintaining the existing speed limit.

Councillor Webb asked how emerging traffic would be prevented from turning right onto the A4 and where this could be implemented. Andrew Garratt responded that it would be achieved by installing or extending a central reservation which was an expensive option and would require consultation. Indications were that businesses along the road would

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object as it would affect their customers. He reminded the Commission that this method would affect turning in to properties as well as out.

Councillor Webster expressed the view that the Speed Limit Task Group had made an informed decision based on facts and their expert knowledge of the subject. Councillor Webster proposed that the Commission endorse the Individual Decision.

Councillor Rendel informed the Commission that although he had originally been in agreement with the decision, the discussion had raised issues which caused him to reconsider. He was particularly concerned about the introduction of a 50mph speed limit at the point that the dual carriageway became single carriageway as drivers would need to slow down in anticipation of the lower limit whilst still on the dual carriageway. He believed that this would be detrimental to drivers whose ability to overtake on this section of dual carriageway would be compromised.

Councillor Brooks concurred with this point, and noted that drivers would not have another opportunity to overtake a slow vehicle, and this might encourage drivers to risk overtaking on a single carriageway section.

Councillor Betts addressed the Commission and stated that he respected the group and would respect any decision reached, however he pointed out that the decision had been viewed by the Speed Limit Task Group twice, and had been through the ID process during which time it had been open to Member comments. Given the information that had been presented to him, he had been satisfied with the recommendation from the Task Group.

Councillor Webb proposed that the Commission recommend the decision be reconsidered by the Portfolio Holder for Highways. This was seconded by Councillor Goff. At the vote this was carried.

**RESOLVED** that the A4 Bath Road, Padworth, Proposed 50mph Speed Limit be referred back to the Portfolio Holder for Highways for reconsideration.

### 8. Councillor Call for Action

There were no Councillor Call for Action.

### 9. Petitions

Councillor Vickers presented a petition containing 67 signatures requesting that the Council remedy the condition of development land in Craven Road.

### 10. Update on Preparations for the Olympic Games

The Commission received a verbal report (Agenda Item 9) concerning preparations for the Olympic Games.

Councillor Carol Jackson-Doerge introduced the item and made the following points:

- The West Berkshire Enjoy website was up and running;
- A newsletter had been prepared and distributed which contained a list of all the events occurring both for the Diamond Jubilee and the Olympic Games;
- Little progress had been made in organising a recognition event for local athletes taking part in the Olympic Games as details were still awaited from LOCOG of all those taking part;
- The torch relay would reach West Berkshire on 11 July 2012, arriving in Calcot at 09:47. The Council were considering security alongside logistical issues in partnership with local communities.

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- Approximately 12,000 children from schools across the area were preparing to watch the torch travel through the district. The identification of suitable drop off and pick up points, as well as other facilities (for example toilets), were being considered along with locations on the route for the children to stand.
- Local businesses were being kept informed and potential issues being highlighted, such as avoiding deliveries during the relay, and ensuring employees could get to work.

Chris Jones informed the Commission that the torch relay would travel through Calcot, Theale, Thatcham, and Newbury town centre before a half hour stop at the Pinchington Lane Tesco store, after which it would be leaving West Berkshire.

Councillor Webb requested clarification as to how the torch would progress through the area. Chris Jones replied that for sections of the journey, the torch would be within a vehicle, and listed the following sections of the route as those where the torch would be carried by a runner:

- 1.6km through Calcot;
- 1.1km along Theale High Street;
- 3km through Thatcham, from Kennet Leisure Centre to Henwick Worthy Sports Ground;
- From the BP garage on the A4 to Bear Lane in Newbury;
- From Newbury Retail Park entrance to its final stop outside Tesco.

Councillor Beck enquired how communication was taking place with businesses as he expressed concern that small businesses might not be fully aware of the implications of the relay, and a single delivery taking place during the event could have serious consequences. Councillor Jackson-Doerge explained that dialogue was ongoing with Newbury Town Council and Theale Parish Council amongst others to speak directly with businesses, and a leaflet was being produced for all businesses to raise awareness of what to expect on the day.

Chris Jones informed the Commission that LOCOG had stringent rules regarding their branding and as a result the Trading Standards and Licensing teams were involved in the arrangements for and running of the day in order to ensure that these standards were maintained by local businesses. However he noted that LOCOG appeared to be exercising their rules in a sensible manner.

Councillor Vickers asked whether LOCOG's strict rules around advertising would be enforced in the area. Chris Jones clarified that the intention was to prevent 'guerrilla advertising' aimed at hijacking camera coverage. It would not affect existing advertising, however the Council would work with LOCOG should their requirements change.

Councillor Rendel expressed the view that publicity for the event would need to be clear with regard to explaining where the torch would be carried, and when it would be in a vehicle. He believed that many people could be disappointed if they were unaware of the changes, and chose to view the relay at a point that it was in a vehicle. Chris Jones replied that the information was being publicised and he was working with the Newbury Weekly News to publicise where the torch could be viewed in safety.

Councillor Franks asked for clarification regarding the training that was being provided for volunteer marshals. Chris Jones responded that volunteer marshals required training in order to maintain a safe passage for the torch through West Berkshire that remained consistent with its journey around the country. He noted that the training would take two



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and a half hours and approximately 400 volunteers would be required for the West Berkshire route.

Councillor Brooks thanked Councillor Jackson-Doerge and Chris Jones for the information, and noted that the torch relay was a positive event in West Berkshire.

**Resolved that** the information be noted.

### 11. Health Scrutiny Panel

*(Councillor David Rendel declared a personal interest in Agenda item 11 by virtue of the fact that his wife was a GP in West Berkshire. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).*

The Commission considered a report (Agenda Item 11) on the work of the Health Scrutiny Panel (HSP).

Councillor Webb reported that the Health Scrutiny Panel had not met since the last meeting of the Commission and was due to meet on 19 June 2012.

**Resolved that** the report be noted.

### 12. Resource Management Working Group

The Commission considered a report (Agenda Item 12) on the work of the Resource Management Working Group (RMWG).

Councillor Vickers reported to Members that the next meeting of the RMWG, scheduled for 12 June 2012, had been delayed until 2 July 2012 due to essential information not being available until this time.

**Resolved that** the report be noted.

### 13. West Berkshire Forward Plan May to August 2012

The Commission considered the West Berkshire Forward Plan (Agenda Item 12) for the period covering May 2012 to August 2012.

**Resolved that** the Forward Plan be noted.

### 14. Overview and Scrutiny Management Commission Work Programme

The Commission considered its work programme and that of the Health Scrutiny Panel and Resource Management Working Group for 2011/12.

David Lowe advised the Commission that:

- The Pot Holes Task Group was concluding and a report could be expected at the next meeting of the Commission;
- The Housing Allocations Task Group had met for its first meeting. He anticipated that this would be an ongoing piece of work that would not result in a final report, but would form part of the wider policy development process. He confirmed that information from the Task Group would be presented to the Commission prior to any decision taken at Council.

Councillor Brooks proposed that the Commission review the provision of youth clubs across the district and how they might be encouraged. Councillor Webb queried why this review needed to be carried out. Councillor Brooks explained that the proposed review would consider why youth clubs were forming in some areas and not others.

Councillor Vickers commented that the RMWG would be considering asset management and how long the process of recycling assets took.

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Councillor Rendel asked whether the issue of Taceham House was fully Part 2. Nick Carter explained that Part 1 issues to understand what the Council was seeking to achieve had been discussed, and the remaining contractual issues would be considered as Part 2 items. Nick Carter offered to confirm this in writing.

**RESOLVED that:**

- A review into the provision of youth clubs in West Berkshire be added to the work programme;
- A written confirmation of the status of remaining discussions regarding Taceham House be circulated to Members of the Commission.

*(The meeting commenced at 6.30 pm and closed at 8.00 pm)*

**CHAIRMAN** .....

**Date of Signature** .....