

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
OVERVIEW AND SCRUTINY BOARD

Minutes of the Meeting held on 06 December 2021 at 2.00 pm

Present:-

Cllr S Bartlett – Chairman

Cllr V Slade – Vice-Chair

Present: Cllr D Borthwick (In place of Cllr D Farr), Cllr L Dedman, Cllr B Dion, Cllr M Earl, Cllr J Edwards, Cllr S Gabriel, Cllr A Hadley (In place of Cllr M Howell), Cllr M Haines (In place of Cllr J J Butt), Cllr D Kelsey, Cllr R Lawton (In place of Cllr T O'Neill), Cllr C Rigby and Cllr A M Stribley

Also in attendance: Councillor Dr Felicity Rice
Councillor Philip Broadhead
Councillor Bobbie Dove
Councillor Mike Greene

123. Apologies

Apologies were received from Cllr JJ Butt, Cllr D Farr, Cllr M Howell and Cllr T O'Neill.

124. Substitute Members

The following substitute members were appointed for this meeting: Cllr D Borthwick for Cllr D Farr, Cllr M Haines for Cllr JJ Butt, Cllr A Hadley for Cllr M Howell, and Cllr R Lawton for Cllr T O'Neill.

125. Declarations of Interests

Cllr M Haines declared a personal interest in Agenda Item 6, Crime and Disorder Scrutiny, as she had been involved in the Community Safety Partnership as the former Portfolio Holder. She did not take part and left the room while this item was considered.

During the debate on Agenda Item 7, Biodiversity Net Gain, Cllr C Rigby declared for the purpose of transparency that he owned a business which did consultancy work on green and blue roofing.

126. Confirmation of Minutes

The minutes of the meetings held on 15 November 2021 were approved as a correct record.

126.1 **Action Sheet**

The Chairman confirmed that there were no updates for this meeting.

127. Public Speaking

The Chairman reported that twelve public statements had been submitted in accordance with the Council's Constitution by the required deadline and had been circulated to all Board Members. These statements related to the Call in at Agenda Item 8 and would be read out at the start of that item. In addition, a significant number of written representations on this item had been received and circulated prior to the start of the meeting.

128. Crime and Disorder Scrutiny

The Portfolio Holder for Community Safety and Regulatory Services introduced a report, a copy of which had been circulated to each Member and which appears as Appendix 'A' to these minutes in the Minute Book.

The Director of Communities and Chief Superintendent Mark Callaghan, Community Safety Partnership (CSP) Chair, delivered a short presentation to accompany the report. The presentation highlighted recent changes to the CSP's governance structure, key achievements to date, current priorities, and the development of a BCP crime and disorder reduction strategy.

The Director and Chief Superintendent responded to comments and requests for clarification, details included:

- The Council had overall statutory responsibility for the CSP as lead partner, but all partners had a statutory duty to meet its objectives.
- The CSP identified its key priorities using detailed information sources, including the annual strategic assessment. Priorities focussed on all communities in the BCP area, not just the town centres, and one of the strategic delivery groups was dedicated to 'safer communities'.
- It was not possible to prioritise every issue, but this did not mean issues were not being addressed in other ways by partners.
- On the wider involvement of criminal justice services, it was confirmed that there was a gap in youth provision for secondary intervention which was now being addressed through CSP work around child exploitation. The Board was advised of the roles of the Dorset Criminal Justice Board and the pan Dorset Reducing Reoffending Board.
- The priorities of the Police and Crime Plan were influenced by the areas of concern highlighted by communities.
- A Board member enquired about the provision of more meaningful data and was assured that this could be provided in future reports, now the right structure was in place for the CSP to deliver on its priorities. Key Performance Indicators (KPIs) were being considered for the strategic delivery groups, and work had started on a new crime and disorder reduction strategy.
- It was confirmed that the CSP used examples of the 'lived experience', involving victims and perpetrators, to help inform its work.

- A communications strategy and a community engagement strategy were being developed, to promote awareness of the CSP, gain a better understanding of people's experiences of crime and disorder, and make effective use of social media.
- There was evidence that Community Protection Notices (CPNs) were effective in preventing reoffending, although not in all cases. There was also a warning stage prior to a formal CPN which was often effective in preventing escalation.
- There was discussion on the type of offences usually categorised as 'low harm' and the use of this terminology, with a recognition that all victims experienced harm. A Board member expressed frustration at the lack of progress in tackling ongoing vandalism in her ward. Members were encouraged to continue to report such issues to the ASB team and the Police as appropriate.
- There were specific groups which focussed on hate crimes, engaging with the community and sharing data between partners. The Community Engagement Strategy would help to identify existing advocacy groups in this area of work.
- A Board member challenged the general acceptance of the use of cannabis/marijuana in public areas such as beaches and town centres, when it was clear that illegal drug dealing was associated with more serious criminal activities.
- Reducing harm from substance misuse was a key priority and flowed through much of the CSP's work.
- The administrative structure of the CSP and the relationship between the executive, the strategic groups and working groups, was important in ensuring a co-ordinated and more effective approach.
- Critical events for the CSP had included the death of a child and the Covid response. It was noted that the CSP was also statutory lead on domestic homicide review outcomes.

The Chairman thanked the Director and the Chief Superintendent for their input. He welcomed the plans for community engagement and indicated that the Board would look forward to considering this matter again once the CSP had developed further and more information on outcomes was available.

129. Scrutiny of Biodiversity Net Gain Cabinet Report

The Deputy Leader and Portfolio Holder for Development Growth and Regeneration presented a report, a copy of which had been circulated to each Member and which appears as Appendix 'B' to these minutes in the Minute Book.

The Portfolio Holder and Officers responded to comments and requests for clarification, details included:

- A Board member asked how net gain would be achieved and how the financial implications for the Council would be funded. It was

explained that the Council had decided to start now rather than wait until later in the transition period to allow as much time as possible to work with stakeholders and get things right. Funding would initially be found from the budget, but alternative options would be explored in the long term.

- A Board member highlighted existing good practice in other councils. This was acknowledged and it was also pointed out that BCP was applying its biodiversity net gain to all developments, not just majors.
- Board members spoke about the possibility of seeking more than the mandatory 10% and it was noted that some developers were already delivering more than this.
- Board members asked about how the work on net gain fitted in to the Local Plan process. It was confirmed that net gain would be included in the Local Plan but as this was still being prepared the Council wanted to move at pace and embed net gain as early as possible.
- A Board member questioned whether funding would be better directed to training all planning officers in climate literacy. It was explained that the recruitment of ecology officers filled an existing shortfall, and at this early stage their expertise was needed, however this did not preclude the upskilling of planning officers.
- In terms of new burdens lobbying, councils were currently awaiting further details from central Government on the implementation and funding of these requirements.
- A Board member gave examples of some new Council housing developments which had included a variety of biodiversity measures.

Overall, Board members welcomed the implementation of biodiversity net gain. The Deputy Leader stated that he would be happy to provide an update to the Board in six months.

130. Call in - Cabinet Member Decision Tatnam Road Experimental Traffic Regulation Order

The Chairman outlined the procedure to be followed in considering determining the call-in of the Portfolio Holder for Sustainability and Transport's decision to confirm the Experimental Traffic Regulation Order (ETRO) for Tatnam Road.

The following Public Statements were read out:

Statement from Ms Corinne Martin:

We can confirm that we have consulted with residents on Tatnam Road in May 2021 regarding the closure of this previously very busy road. The attached petition provides strong evidence, that almost all residents of Tatnam Road support the road closure. The petition was signed by 67 households on Tatnam Road. We consulted with 76 households out of which 67 agreed with the road closure and would like to keep it in place, 6 disagreed and 3 did not have an opinion either way.

Statement from Mrs Joanna Keates:

Please see below a summary of feedback we collected from Tatnam residents to keep the Tatnam road closure:

1. The noise from traffic has reduced significantly;
2. It is safer for pedestrians especially school children as well as cyclists;
3. Cycling and walking along the road have increased;
4. Resident's health (e.g. asthma) has improved;
5. Better sleep due to less noise and less anxiety about the risks to the children;
6. Quite a few residents were initially against the closure but have now changed their mind and fully support it - my husband included!

Statement from Mr Nick Baxterr:

I have been a resident of Tatnam Road since 1998. Tatnam Road has become; Safer for the residents. Safer for pedestrians. Safer for school children. Safer for cyclists. Tatnam Road has become; Quieter for residents. Quieter for pedestrians. Quieter for school children. Quieter for cyclists. There is less pollution. There are less fumes. No HGV's. No Boy Racers. Less litter. Keep it closed.

Statement from a Local Resident:

Before the road closure there was excessive speeding and aggressive driving. Even the speed limit reduction from 30 to 20, with signage! made no difference. Since the closure, safety and residential life has dramatically improved with less risk of severe accidents, reduced noise, and pollution. Also increased cyclist and pedestrian use. However, some speeding motorcyclists still ignore the closure. With over 20 years of residents raising many issues about the safety of Tatnam Road, it is only possible to understand the dramatic change, if you are a resident. The only sensible decision is for the road to remain closed, permanently.

Statement from Mr Roger and Mrs Gillian Green:

We are extremely concerned this closure may be removed. It is in complete opposition to the general direction we're being encouraged to travel by government, and disregards the health and wellbeing of residents. Passing vehicles created raising pollution levels, unacceptable noise, and considerable danger for pedestrians, cyclists, pets, and children. This is a residential road which became a cut through for many, including emergency vehicles travelling far too fast. There wasn't provision for cyclists, or to cross the road, despite two large schools, or enforcement of the 20mph limit. We urge you to retain the closure making it permanent.

Statement from Lucie Allen, Chair, BH Active Travel:

BH Active Travel supports the modal filter on Tatnam Road (ETRO 7) for the following reasons: It provides a safer 'quietway' for children travelling to Oakdale Junior, Longfleet Primary & Poole High Schools, in addition to quietening Garland Road. Maximum journey increase for motorists is stated as only 18 seconds. Child safety should be absolutely paramount and take priority over the mild inconvenience for motorists. We trust the O&S Committee will note that there have been zero collisions since the closure (7 during 2017-2019). Children do not get a vote or view but this closure affects them the most.

Statement from Mrs Caroline Blunden:

As a resident, I was sceptical of the proposal to close one end of Tatnam Road, thinking it would impact my commute time significantly. I reserved judgement on the scheme until the end of the trial period and responded to the consultation with a much changed view. The road is now far safer and I am seeing more pedestrians and cyclists. I have realised the alternative routes have not impacted my journey times. I suggest the council focuses its efforts on more pressing matters rather than pander to anti-social drivers who disrespect low traffic neighbourhoods and the welfare of others.

Statement from Mr Paul Blunden:

I recommend the council dismiss any consideration to revisit the Tatnam Road closure. Anyone who has observed traffic on the road will have witnessed how the road's layout makes it unsuitable and dangerous for through traffic. It should remain only for access. Furthermore, a council defending non-essential motorist routes in preference to a progressive view on developing 21st century public transport systems, that better protect our local environment, is widely misguided. The merits and motives for defending a handful of upset rat runners rather than spend council time on more pressing tax payer priorities is questionable and should end today.

Statement from Sheila Martin:

Tatnam Road should be reopened. The closure does not promote cycling, very few cyclists use it. It adds time to journeys, pushing all traffic onto Wimborne Rd, increasing pollution & congestion. There is nowhere else for traffic to go now as they can't filter off into minor roads. People rely on their car for shopping, commuting & travel & this closure has made life increasingly difficult for them. A few fair weather cyclists in the summer hardly warrants road closures for the rest of us! Majority of residents surveyed want it reopened, but we are ignored.

Statement from Kate Salter:

'ETRO/7 near to two schools has provided a safer route to school & green spaces (Poole park & Upton CP). Nine collisions 2017-2019; 0 since closure (despite 1 year of schools open). Headteacher of a 3rd local school supports it. 100 pedestrian movements every 15 minutes across junction since closure. Negatives reported- forecasted journey time increase is 'negligible'; worst case '18 secs extra journey time'; displaced traffic 'marginal at worst'. All quotes from the councils own report. If this unclassified residential road can't be kept shut, what safe routes are the Council providing for children and others without car access!'

Statement from Bob Salter:

I wholeheartedly support the closure of Tatnam Road for through traffic. It fits in perfectly with the BCP 'Big Plan' to promote active travel. Low cost – high benefits. The Council has an objective to reduce road casualties and this minor residential road, and allied junctions, had 9 collisions in 2017-2019, so closure has removed much of this risk. Road is used by many schoolchildren. Complements Transforming Travel Improvements on Wimborne Road, as a 'Secondary Cycle Route'. Huge knock-on benefits for Garland Road – much quieter and safer. Closure has transformed my commute – cycle now, rather than drive.

Statement from Alisha Askew, Poole Living Streets Group:

As Poole Living Streets representatives, whose aims promote everyday walking, we fully support the Councils effort improving conditions for walking and cycling along Wimborne Rd. However to enable schoolchildren and those with disabilities to walk, cycle and scoot safely, the side roads need attention too. The modal filter on Tatnam Rd, in conjunction with the one on Birds Hill Rd, has significantly reduced traffic cutting through these roads, making it safer for everyone using

these routes for Oakdale, Longfleet and Poole High schools, particularly at the junctions. Please retain this to show commitment to the safer routes to school programme.

The Monitoring Officer presented a report, a copy of which had been circulated to each Member and which appears as Appendix 'C' to these minutes in the Minute Book. A Board member sought clarity on the Board's remit and the Monitoring Officer confirmed that this was to scrutinise the decision making process against the reasons for the call in, rather than the decision itself.

The Chairman invited the lead call-in member, Cllr A Stribley, to expand on the reasons for the call as set out in the report at Paragraph 12. Cllr Stribley highlighted the following points in her submission:

- An overwhelming number of objections to the road closure had been received by the local MP.
- Decisions on ETROs should be made after due process. In this case it was considered that correct procedures had not been entirely followed.
- Due consideration should have been given to the consultation results and the impact of the ETRO on surrounding roads. The consultation involved all those directly affected, not just those in Tatnam Road.
- The decision was based on the views of the ward councillors rather than the consultation, which resulted in 80% of respondents against the closure. This was felt to be undemocratic.
- The ward councillors were representing their own views rather than the views of those they had been elected to represent.
- The decision failed to consider the adverse effects of the closure, and the 18 second delay in journey time was unrealistic.
- Road closures did not necessarily encourage the propensity to cycle or more cyclists.
- The decision to close Tatnam Road was adding to congestion, longer journeys, carbon emissions/climate change. It was inconvenient for many and was leading to emergency vehicles being diverted.
- A more recent survey showed a 9 to 1 ratio in favour of reopening the road. All users of Tatnam Road should be considered, not just the residents.

Cllr S Gabriel explained that he had supported the call in because he felt that more faith had been given to ward councillors than the consultation results.

The Chairman invited the Portfolio Holder, Cllr M Greene, to respond to the reasons given for the call-in.

The Portfolio Holder outlined the process he had followed in making his provisional and final decision. He explained that his approach to ETROs was to start from a position of supporting the views of ward councillors. He

then proceeded to weigh up the benefits and disbenefits, with reference to the officer's report, to ascertain whether there were any significant reasons to overturn his initial approach. In this case he considered there were larger benefits for a smaller number of people, with many in favour of the closure living on Tatnum Road itself or very close by. There were smaller disbenefits to a larger number of people, these included the impact of displacement on the surrounding area and longer journey time and distance. The Portfolio Holder clarified how the issues associated with the Darby's Corner and Keyhole Bridge ETROs differed from Tatnam Road. He had concluded that neither the benefits nor the disbenefits sufficiently outweighed his initial decision to support the ward councillors' views.

He acknowledged the view that he may have come to a different decision had he started from a position of neutrality or one based on the consultation. However, as Portfolio Holder he backed his decision and his right to make it as he did, having been consistent in his wish to support ward councillors in these matters.

The Chairman reminded Board members when address their comments to the reasons for the call-in, rather than the merits of the decision itself. He referred to the large volume of written representations received in the last few days and that these had focussed on the merits or otherwise of the decision.

Board members made the following comments:

- There was a clear lack of support for the ETRO in the consultation, which had not been given due consideration. In the context of Article 12 (e) this was contrary to the Corporate Strategy's commitment to be passionate about communities. This was a strategic issue which should be made for the wider good, not just local benefit.
- The Corporate Strategy should be balanced against other local policies, the road now seemed safer for many users, the Portfolio Holder had weighed everything up and was clear on how he had come to his decision.
- The involvement of councillors in matters relating to other councillors' wards was questioned.
- There was a long history of traffic concerns in Tatnum Road, particularly at the Sterte Road junction where the closure was sited. Previous measures had failed to address concerns and the road had been correctly prioritised for closure in 2019.
- The decision was in accordance with the relevant subsections of Article 12. There was clear intent, based on Department for Transport guidance, officer recommendation, and petitions; ETROs were lawful and had been introduced elsewhere in the BCP area; it accorded with DfT guidance, regional and local policies; it was proportionate in the context of safer routes to school, adjoining a transport network and as a route for key workers.
- A concern was raised that the reason given for the call in was sending a message to the Portfolio Holder not to listen to ward

councillors in future. The Portfolio Holder should have regard to ward councillors and had done so up until now.

- The delegated authority of the Portfolio Holder should be respected. The principles of decision making listed in the call in had been fulfilled. The consultation had been undertaken correctly, with further feedback received on the provisional decision. Officers had provided clear advice on the positive effects of the ETRO, and this advice should not be selectively taken.
- Tatnam Road now linked up with other routes to provide a safe, cycling network across town
- A concern was raised that the increase in journey times went against national and local policy to reduce carbon emissions.
- There was a difficult balance between the impacts on the local community and the wider community, and the results of the consultation which had been very clear.

Cllr F Rice, a ward councillor not on the Board, spoke in support of the ETRO's retention. She highlighted the positive impact of the road closure, including support from local schools, including Poole High which was now reporting a 25% increase in pupils cycling to school. The Portfolio Holder decision not only reflected ward councillors' views, it also accorded with national and local policies on climate emergency, equalities, and safe and sustainable transport. She referred to guidance issued by the DfT in 2020, indicating that the simplest, cheapest interventions could also be the most effective.

The Chairman invited the Portfolio Holder and the Lead call in member to sum up.

Cllr Greene reported that while views varied, the local Headteachers were clear that school travel was now easier and more sustainable. He acknowledged the local policy context regarding communities and pointed to the local community which existed in Tatnam Road. He reiterated that as a secondary route the road closure was unlikely to effect modal shift. The 18 second journey time calculation was based on a satellite model rather than the advice of officers. The ETRO probably would increase carbon emissions especially in the short term. However, national policy was clear on the use of low traffic neighbourhoods. If this decision was referred to Cabinet, regrettably this would impact on the consideration of ward councillors' views in future decisions.

Cllr Stribley reiterated that ward councillor opinion should not override the clear results of a public consultation, particularly when 80% of respondents were against the closure. The decision needed to be balanced. Some representations against the closure had been received from residents in Tatnam Road. The knock-on effect of the closure on surrounding roads and on people travelling into the local area had not been fully considered.

RESOLVED that the Board offers advice to Cabinet in relation to the Cabinet Member Decision on the Tatnam Road ETRO, requesting that

the decision be reconsidered for the reason that it does not comply with Article 12 (Principles of Decision-Making) in that the decision-maker placed an over-reliance on the opinion of the Ward Councillors and gave undue weight to those opinions over and above the views expressed through the wider consultation process.

The meeting ended at 5.02 pm

CHAIRMAN