

Division(s): Burford & Carterton North, Carterton South & West, Charlbury & Wychwood, Chipping Norton, Eynsham, Hanborough & Minster Lovell, Witney North & East, Witney South & Central, Witney West & Bampton, Woodstock

CABINET MEMBER – 18 July 2019

BURFORD WEIGHT LIMIT

Report by Director for Planning and Place

RECOMMENDATION

1. The Cabinet Member is RECOMMENDED to approve the implementation of the experimental weight limit order for Burford.

Introduction

2. In November 2018, a report on a Burford Experimental Environmental Weight Limit was considered by the Cabinet Member for Environment. This proposed an 18-month experimental weight limit covering the length of Burford High Street between the A40 roundabout to the south and the A361/A424 junction just north of Burford Bridge.
3. The results of further work to understand the impact of the scheme elsewhere and the potential for alternative measures, was considered, with supporters speaking at the meeting (including Burford and Chipping Norton Town Councils) as well as opponents (including a Woodstock resident and one West Oxfordshire District Councillor).
4. The Cabinet Member for Environment approved, in principle, an experimental weight limit order for Burford, subject to agreement on local funding, evaluation and success criteria, and enforcement arrangements. A request was made for a further report setting out these proposals in detail for consideration at a future Cabinet Member for Environment Delegated Decisions meeting, to enable the scheme to be implemented subject to their approval.
5. This report seeks acknowledgement and approval of funding details, evaluation and success criteria, and enforcement and prosecution arrangements for the Burford Experimental Environmental Weight Limit.

Exempt Information

6. None

Local Funding

7. As stated in the report considered at the November 2018 meeting, the signing for this scheme would cost approximately £54,000 which will be locally funded

through Burford Town Council. Further to that, an additional sign will be installed in Banbury on the A361 southbound towards Chipping Norton and beyond. The cost of this additional sign has been agreed in principle by Burford Town Council and included within the overall signage cost, increasing the manufacturing and installation cost to £59,049.71.

8. There are several additional costs that are associated with this scheme that have been considered and agreed upon.

Signage Project Manager Cost - £8,857.46 (15% of signage costs). Oxfordshire County Council Technical Officer, James Wright, will oversee the design and supervise the installation of the signage.

Commuted Sum for maintenance for Oxfordshire County Council - £2,211.48 (£368.58 +VAT per illuminated sign (6 in total) to cover typical additional (up to 900mm in diameter) LED mains powered illuminated sign that would attract a whole life (calculated as 30 years).

Trading Standards Enforcement Training - £2,000. Up to five days of training will be required and provided by Oxfordshire County Council Trading Standards Team.

Trading Standards Review and Audit Meeting - £400. As Oxfordshire County Council Trading Standards are passing DVLA information to Burford Town Council, Trading Standards would need to be assured that this is being managed, stored and destroyed in an appropriate way. One day per year is required for review and auditing. **SUBJECT TO CONFIRMATION IF BURFORD TC ARE GOING VIA OCC OR A THIRD PARTY? – Meeting with Mayor John White, Cllr Field-Johnson and Cllr Constance on 11/07/2019 to seek confirmation.**

Traffic Regulation Order - £3,120

Legal Advice - Oxfordshire County Council Legal will charge out their time on the actual time that they spend working on the legal requirements for this scheme. The same hourly rate applies to all fee-earning staff and the present rate for this financial year is £88 per hour.

Total Cost = £75,638.65 approx. (excluding Legal Agreement as it is an hourly rate and cannot yet be calculated).

Reserve Funding

9. Burford Town Council also needs to agree to reserve funding. The costs are for information only at this point and are dependent on success of the scheme. The reserve funding accounts for the following:

Signage Removal - £19,695. If during or at the end of the 18-month experimental period, a decision is made to remove the weight limit, a cost will be incurred for the removal of the signage associated with this scheme.

Project Manager Cost - £2,954.25. Oxfordshire County Council Technical Officer, James Wright, will oversee the removal of all signage related to this scheme (15% of scheme costs for signage removal).

Review of Enforcement Breaches – between £4,230.75 to £16,923.00. Trading Standards charge a unit pricing strategy as follows:

- 1/2 hour per enquiry – National Anti-Fraud Network (NAFN) check, database entry (when a report is received but is concluded with no further action). On the identification of a possible breach (either from a public report to Oxfordshire County Council or identified directly by Burford Town Council) we would access NAFN to gain the registered keeper details and to begin a record on our road traffic database.
- 1 hour per enquiry - NAFN check, database entry and warning letter (when a breach is detected, driver identified, and a warning letter is required to be sent by Oxfordshire County Council).
- 2 hours per enquiry (and any recovered court costs) - NAFN check, database entry and prosecution (breach detected, driver identified, and case progresses to court).

Trading Standards charge a 2019 / 2020 business support hourly rate of £56.41.

- The minimum £4,230.75 is based on 1/2 hour per enquiry, at approximately 100* enquiries over the course of the 18-month Experimental Weight Limit.
- The maximum £16,923.00 is based on 2 hours per enquiry, at approximately 100 enquiries over the course of the 18-month Experimental Weight Limit.

**Number quoted by Trading Standards.*

Court Case Prosecutions - £262.82 per case. Any prosecution of weight limit breaches will be charged at 2 hours of Trading Standards time plus court costs. Please note this cost will not be payable to Oxfordshire County Council if Burford Town Council employ an external solicitor to act on their behalf during prosecution.

Evaluation and Success Criteria

10. Officers at Oxfordshire County Council will commission three rounds of monitoring as part of the evaluation of the success of the experimental weight limit. The monitoring will take place pre-scheme implementation, nine months after the scheme is implemented (half way point), and at eighteen months (end of the experimental period).

11. The six sites that will be monitored are:

- Burford High Street,
- Chipping Norton town centre A44 / A361 junction (all legs),
- Bladon roundabout A44/A4095 (all legs),
- Witney town centre A4095/B4022 junction (all legs),
- B4022 between Witney and Charlbury,
- A436 between Stow-on-the-Wold and Chipping Norton (before the Oxfordshire / Cotswolds Border)

The first set of traffic surveys took place during the week of Monday 1 April 2019 – Sunday 7 April 2019. This data provides a current figure for the number of HGVs travelling through those areas / junctions, as well as giving officers data to compare to when the next set of traffic surveys take place during and after the experimental weight limit.

12. **HGV TABLE TO FOLLOW**

13. The cost of the April 2019 traffic surveys is £2,825 + vat and will be paid for by Infrastructure Locality Lead for Cherwell and West Oxfordshire: Jacqui Cox's Transport Strategy Team 2019 / 2020 Revenue budget.

14. A decrease in HGVs on Burford High Street of 50% or greater would be considered a positive impact. An increase in HGVs on other roads (specifically in Chipping Norton, Witney, and Woodstock) greater than 50% would be considered a negative impact.

15. **TABLE OF 50% DECREASE AND INCREASE TOTALS TO FOLLOW**

16. 30% has been discussed previously but the current day to day variation is approximately 30% and would not be a fair representation of the experimental scheme.

17. Air Quality Management Areas (AQMA) have been declared in Chipping Norton and Witney due to their high Nitrogen Oxide (NO₂) levels which are above the average for England. There is a concern that, diverting the HGVs from Burford may have a negative effect on the air quality in one or more surveyed areas. For that reason, during the review, we shall also be assessing the air quality levels. If they go above 55 µgm⁻³ (microgram per cubic metre) in Witney 57 µgm⁻³ in Chipping Norton, then a decision will be needed on whether to carry on with the experimental weight limit.

Enforcement and Prosecution Arrangements

18. Oxfordshire County Council officers considered the request of Burford Town Council regarding the possibility and practicality of delegating the enforcement role to Burford Town Council.

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Both external and internal legal counsel advice confirm that Oxfordshire County Council may delegate to Burford Town Council certain elements of the enforcement of the weight restriction.

19. Oxfordshire County Council require confirmation from Burford Town Council which path it wishes to follow regarding enforcement and prosecution of this scheme:
 - To purchase Thames Valley Police time for the enforcement of the weight restriction and to appoint their own solicitor for the prosecution related work,
 - To agree to one of the options shown above (section 8.) whereby Trading Standards agree to work alongside Burford Town Council for the enforcement and prosecution elements of this scheme, or
 - An approach for Burford Town Council to perform their own enforcement using a CCTV system of their own and seek approval from OCC Legal to go to prosecution with help from OCC Trading Standards.
20. The proposal whereby the town council would be responsible for investigating breaches and any infringements requiring prosecution in court would stay with Oxfordshire County Council within the Trading Standards Team. To do this Burford Town Council would need an agreement to gain access to the National Anti-Fraud Network (NAFN) as an independent body.
21. NAFN refused permission for Burford Town Council to do so as an independent body. Burford Town Council can access it through Oxfordshire County Council's membership but would be acting through us i.e. we would likely need to approve requests from them and our access would be at risk, should there be any inappropriate use of the service. This would mean that the County Council would need to provide a level of oversight/assurance on all their requests – which would be a pressure that would require funding.

Alternatively, the town council has sought use of NAFN via West Oxfordshire District Council but have yet received written confirmation.
22. The Town Council could approach Driver and Vehicle Licensing Agency (DVLA) directly, using the paper-based system, but this would be an agreement between Burford Town Council and the DVLA.

Issue of Permits

23. Burford Town Council have chosen to create, and issue exemption permits themselves as they have said they are better suited to understand which businesses should be exempt.
24. Advice has been given on the creation, issue and management of permits from Suffolk County Council who operate a lorry exemption permit system for several areas within the county.

25. Concern from local companies regarding the impact of the experimental weight restriction on vehicular access for local heavy goods vehicles has been raised and shared with Burford Town Council to consider when moving forward with the scheme.

Financial and Staff Implications

26. Much of the cost of introducing the experimental order would be locally funded – signing, traffic orders, enforcement and some County Council officer time. The costs of the surveys are proposed to be met from existing budgets, as they would form part of our Countywide surveys programme.

Legal Implications

27. A Section 101a Delegation of Duties order has been sought to allow Burford Town Council to carry out the enforcement and prosecution (to a certain extent) on behalf of the Oxfordshire County Council. Once Burford Town Council have confirmed all necessary information requested of OCC Legal to ensure appropriate level of gateways, quality assurance and oversight are in place.

Equalities Implications

28. None

Sustainability Implications

29. An environmental weight limit should reduce noise and vibration in Burford and Chipping Norton as well as contributing to better air quality in these towns. There is a risk of adverse environmental impacts of the same kind in other towns such as Witney, but only if lorries no longer travelling via Burford re-route via these locations, but if these occur it is unlikely that the experimental weight limit would be made permanent. Lorries making longer journeys to avoid Burford could result in increased carbon emissions.

Risk Assessment

30. The following risks have been identified:
- Accountability – if the investigation and prosecution of breaches is operated by Burford Town Council, it is essential that the processes are carried out correctly, as it will not just be Burford Town Council's reputation, but as Highway Authority, also Oxfordshire County Council's.
 - Budgetary Requirement – the details behind the cost of the scheme are set out in *Appendix 1 of the CEDR Report* and Burford Town Council is required to meet the total budget for the scheme. It should be noted that the cost of the scheme has risen, and Burford Town Council are in the process of raising funds to cover the difference.

As agreed back at the November CMD, the cost for monitoring the impact of the scheme on HGV flows will be covered by Oxfordshire County Council, as this can be included as part of the countywide transport monitoring database.

It is essential that Burford Town Council confirms that they can cover the costs of the scheme, with a formal exchange of letters. Officers will be seeking approval of the experimental weight restriction order subject to confirmation from BTC that the budget is in place.

- Scheme Impacts – there are concerns from neighbouring communities about the scheme resulting in an increase in HGV numbers on alternative roads. Oxfordshire County Council will monitor the reduction of HGV traffic in Burford and any subsequent increase within Witney, Chipping Norton and Woodstock. Witney and Chipping Norton have declared Air Quality Management Areas and therefore information from the district's Annual Air Quality Monitoring Reports will help to inform the impact of the scheme.

Baseline traffic data surveys have been collected and these will be repeated after the experimental order has been in place for nine months and for fifteen months; the first monitoring period will check whether there have been any severe negative impacts on neighbouring communities that require additional actions or for the experimental order to be rescinded early; the second monitoring point will allow time for a decision to be made on whether the order should become a permanent one or be discontinued at the end of the eighteen month period.

Gloucestershire County Council are also planning an experimental weight restriction for Stow-on-the-Wold. This could have an impact on the benefits achieved by Oxfordshire County Council's experimental scheme; it has been agreed to share the data resulting from both schemes. It is important that the focus is on acquiring high quality data to support the decision made at the close of the temporary scheme.

- Objections and Protests – Over the course of the investigation of this scheme, there have been objections and concerns that have been raised by a number of residents, councils, councillors and businesses who are concerned about the impact of the restrictions on businesses. Potential protests have been mentioned and any negative impacts will need to be considered; a decision to include a business within the permit scheme should be delegated to officers, but any negative impacts that cannot be resolved will be reported within the monitoring report.

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Director for Planning and Place

Background papers: None

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