

**Divisions Affected – Burford & Carterton North, Carterton South & West, Charlbury & Wychwood, Chipping Norton, Eynsham, Hanborough & Minster Lovell, Witney North & East, Witney South & Central, Witney West & Bampton, Woodstock**

**PLACE OVERVIEW AND SCRUTINY COMMITTEE -  
2 FEBRUARY 2022**

**BURFORD EXPERIMENTAL WEIGHT LIMIT – CALL IN OF  
DECISION**

**Report by Director of Law and Governance**

**RECOMMENDATION**

That the Burford Experimental Weight Limit Delegated Decision made by the Cabinet Member for Travel and Development Strategy on Wednesday 5 January 2022 be either:

a) Referred to Cabinet for consideration,

Or

b) Having been duly reviewed by the scrutiny committee, be noted, with no further action, allowing the decision to be implemented forthwith.

**Executive Summary**

1. On 10 January 2022 a delegated decision taken by the Portfolio Holder for Travel Development and Strategy on the *Burford Experimental Weight Limit* (Annex A) was called in for review by the Council's Overview and Scrutiny Committee in accordance with Paragraph 19c, Part 6.2 Overview and Scrutiny Procedure Rules of the Oxfordshire County Council Constitution, by 14 Members of the Council. Once a decision has been called in, it may not be implemented pending review by the scrutiny committee.
2. This decision has been referred to the Place Overview and Scrutiny Committee for review. The Committee will consider the issue and decide whether or not to refer the matter back to the decision maker for reconsideration setting out in writing the nature of its concerns, or the Cabinet for with any recommendations, (or to full Council where appropriate), or after scrutiny of the decision, to take no further action, which would allow the decision to be implemented.
3. The names of Councillors Calling In the Decision is attached at Annex C to this report.

4. The reasons for the Call In request, provided in a letter from Councillor Nicholas Field-Johnson on 10 January 2022, is Annex D to this report.
5. It is suggested that the Scrutiny Committee should review the Cabinet Decision called in according to the Principles of Decision making set out set out in Part 2, Article 14, Paragraph 2 of the Council Constitution and at paragraph 22 of this report, below.
6. The ***Principles of Decision Making*** are:
  - (a) **proportionality (i.e. the action must be proportionate to the desired outcome);**
  - (b) **due consultation and the taking of professional advice from officers;**
  - (c) **respect for human rights, diversity and equality, and the natural and built environment;**
  - (d) **a presumption in favour of openness;**
  - (e) **clarity of aims and desired outcomes; and**
  - (f) **a record of decisions which explains what options were considered and giving the reasons for the decision as set out in the Access to Information Procedure Rules in this Constitution.**

#### **Burford Experimental Weight Limit Decision**

7. The Place Overview and Scrutiny Committee is considering a Call In of the Burford Experimental Weight Limit Decision made by the Cabinet Member for Travel and Development Strategy on Wednesday 5 January 2022. The Decision Notice is attached at Annex A to this report.
8. The Cabinet Member resolved to:
  - a) **APPROVE officers to consider the costs and benefits of developing area wide restrictions across Oxfordshire including close working with neighbouring authorities, as part of the county wide freight strategy, as soon as practicable. Noting any future approval of area wide weight restrictions would likely see existing environmental weight restrictions revoked subject to consultation, and**
  - b) **REVOKE the Burford Experimental Traffic Regulation Order of 7.5t weight restriction. Therefore, not making a permanent order.**
9. In making this decision the Cabinet Member decided not to approve the Burford Traffic Regulation Order of 7.5t weight restriction with associated Permit Scheme, subject to Burford Town Council committing to indefinitely run the Permit Scheme.
10. The Cabinet Member report attached at Annex B details the impact of the Burford Experimental Traffic Regulation Order (ETRO), which placed a 7.5t weight restriction on roads within Burford including the A361. The report states that although the scheme has brought benefits to Burford and neighbouring areas, the consultation has highlighted the impact of the dispersal of rerouting Heavy Goods Vehicle (HGV) traffic on other communities and that an areawide weight restriction is likely to remedy many of the issues but will take some time to implement.

11. A decision is required on whether to make the Burford ETRO permanent until this is in place. An expansion of the current permit system would be required if the Burford restriction is made permanent.

### **Call In Procedure**

12. The following is a summary of the Call In procedure which is set out in section 19, Part 6.2 of the Council's Constitution.
13. When a decision is made by the Cabinet, by an individual Cabinet Member or by a committee of the Cabinet, or a key decision taken by an officer acting under delegated authority, the decision is published by the end of the next working day and circulated to all councillors.
14. The Decision Notice indicates the date on which the decision was published and specifies when the decision would come into force, which is ordinarily 5pm on the fifth working day (4pm if the fifth working day is a Friday) following the publication of the decision.
15. During that period, the Proper Officer shall call in a decision in for review by the appropriate Scrutiny Committee, if a request for Call In is received:
  - as a joint request for Call In from the Chair and Deputy Chair of the relevant Scrutiny Committee; or
  - by any five members of a Scrutiny Committee; or
  - by any ten members of the Council, whether or not they are members of the relevant Scrutiny Committee.
16. In all cases, when a request for a Call In of a decision is made, this must be accompanied by reasons for the request.
17. When a Call In request is made in accordance with the Call In procedure, the relevant decision maker is notified and a meeting of the appropriate Scrutiny Committee is convened. The Scrutiny Committee should normally meet to consider the issue within 15 working days of the request being received by the Council's Monitoring Officer.
18. If, having considered the decision, the scrutiny committee has material concerns about it, then the scrutiny committee may refer it back to the decision maker or the Cabinet for reconsideration, setting out in writing the nature of its concerns, (or the Council where appropriate) for consideration within a further 15 working days. The views of the Scrutiny Committee will then be considered by the decision maker or the Cabinet.
19. The decision will then be reconsidered and may then be amended or otherwise and take immediate effect.

20. If the Scrutiny Committee does not refer the matter back to the decision maker or Cabinet or full Council, the decision shall take effect on the date of the Scrutiny Committee meeting.

### **The Principles of Decision Making**

21. All decisions of the Council or taken by or on behalf of the Council, should be made in accordance with the Principles of Decision Making set out in Part 2, Article 14, Paragraph 2 of the Council Constitution. The Scrutiny Committee should review the Cabinet Decision called in according to these principles.
22. **The Principles of Decision Making are:**
- (a) proportionality (i.e. the action must be proportionate to the desired outcome);**
  - (b) due consultation and the taking of professional advice from officers;**
  - (c) respect for human rights, diversity and equality, and the natural and built environment;**
  - (d) a presumption in favour of openness;**
  - (e) clarity of aims and desired outcomes; and**
  - (f) a record of decisions which explains what options were considered and giving the reasons for the decision as set out in the Access to Information Procedure Rules in this Constitution.**

### **Financial Implications**

23. There are no financial implications arising directly from report.

Prem Salhan – Interim Finance Business Partner – CODR & CDAI  
25<sup>th</sup> January 2022

### **Legal Implications**

24. There are no legal implications arising directly from this report.
25. The Call In procedure outlined in this report is in accordance with Part 6.2 Overview and Scrutiny Procedure Rules, Oxfordshire County Council Constitution.

Reviewed by:  
Sukdave S. Ghuman  
Head of Legal Services & Deputy Monitoring Officer

### **ANITA BRADLEY**

Director of Law and Governance

### **Annex:**

Annex A:  
Decision Notice: Delegated Decisions by the Cabinet Member for Travel and Development Strategy on Wednesday 5<sup>th</sup> January 2022.

Annex B:

Cabinet Member report, 5<sup>th</sup> January 2022, Burford Experimental Traffic Regulation Order 7.5t Weight Restriction, Report by Corporate Director of Environment and Place, to the Cabinet Member for Travel and Development Strategy.

Annex C:

Names of Councillors Calling In the Decision.

Annex D:

Reasons for the Call In Request:- reasons for the Call In request provided in a letter from Councillor Nicholas Field-Johnson on 10th January 2022.

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January 2022