

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

**CABINET
15 February 2022**

**Executive Response to the
Burford Experimental Weight Limit – Call In
Recommendations of the
Place Overview and Scrutiny Committee 2 February 2022.**

Report by Director of Law and Governance

RECOMMENDATION

The Cabinet is **RECOMMENDED** to:-

- a) **Receive the referral made by the Place Overview & Scrutiny Committee following its consideration of a call-in request made on the 2 February 2022 on the decision regarding the Burford Experimental Weight Limit**
- b) **Reconsider the original decision taken by the Cabinet Member for Travel and Development Strategy, in light of the concerns raised by the Place Overview & Scrutiny Committee as listed in paragraph 5 of this report**

Executive Summary

1. The purpose of this report is to present the scrutiny recommendations of the Place Overview and Scrutiny Committee made at its meeting on 2nd February 2022 for the Cabinet to agree a response.
2. On 10 January 2022 a delegated decision taken by the Cabinet Member for Travel Development and Strategy on the *Burford Experimental Weight Limit* was called in for review by the Council's Overview and Scrutiny Committees 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.
3. This decision was then referred to the Place Overview and Scrutiny Committee for review. At its meeting on 2nd February 2022, the Committee considered the issue and considered 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.

CA9

4. The Scrutiny Committee reviewed the Cabinet Member Decision called in with reference to the Principles of Decision making set out set out in Part 2, Article 14, Paragraph 2 of the Council Constitution.
5. Noting the Principles of Decision Making (d) a presumption in favour of openness; and (e) clarity of aims and desired outcomes; as relevant to the importance of clarity of the evidence base data used to determine the Cabinet Member Decision in this case, at the end of its consideration of this issue, the scrutiny committee resolved:

That the Burford Experimental Weight Limit Delegated Decision made by the Cabinet Member for Travel and Development Strategy on Wednesday 5 January 2022, be referred to Cabinet for consideration, recommending that greater clarity be provided on the evidence base upon which the decision was made.

6. The matter is now referred to the Cabinet for consideration and Executive Response.

Burford Experimental Weight Limit Decision

7. The Place Overview and Scrutiny Committee considered 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 Appendix 1 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.
10. The Cabinet Member report attached at Appendix 2 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.

Call In Procedure

11. 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.

CA9

12. 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.
13. 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.
14. 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.
15. In all cases, when a request for a Call In of a decision is made, this must be accompanied by reasons for the request.
16. 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.
17. 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.
18. 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.

Financial Implications

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

Prem Salhan – Interim Finance Business Partner – CODR & CDAI
7th February 2022

Legal Implications

20. As the Burford ETRO has now expired, if Cabinet consider a weight restriction at A361 Burford should be implemented, a new Traffic Regulation Order would need to be promoted. Any Traffic Regulation order will be subject to formal consultation, and should objections be received, this will require a decision.
21. The Call In procedure outlined in this report is in accordance with Part 6.2 Overview and Scrutiny Procedure Rules, Oxfordshire County Council Constitution.
22. Section 9F, Part 2 of the Local Government Act 2000, *overview and scrutiny committees: functions*, requires that Executive Arrangements by a local authority must ensure that its overview and scrutiny committees have the power to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are or are not the responsibility of the executive, or on matters which affect the authority's area or the inhabitants of that area.
23. Section 9Fe, *duty of authority or executive to respond to overview and scrutiny committee*, requires that the authority or executive;-
 - (a) consider the report or recommendations,
 - (b) respond to the overview and scrutiny committee indicating what (if any) action the authority, or the executive, proposes to take,
 - (c) if the overview and scrutiny committee has published the report or recommendations, publish the response, within two months beginning with the date on which the authority or executive received the report or recommendations.

Reviewed by:
Jennifer Crouch, Principal Solicitor (Legal)
7th February 2022

ANITA BRADLEY
Director of Law and Governance

Annex:

Appendix 1 –The Decisions Notice, (the Burford Experimental Weight Limit) Delegated Decisions by Cabinet Member for Travel and Development Strategy - Wednesday 5th January 2022.

Appendix 2 – Cabinet Member report; the Burford Experimental Traffic Regulation Order (ETRO),

Background papers:

Report on the Burford Experimental Weight Limit – Call In of Decision, report by Director of Law and Governance to the Place Overview and Scrutiny Committee 2nd February 2022.

<https://mycouncil.oxfordshire.gov.uk/ieListDocuments.aspx?CId=1173&MId=6773>

CA9

Decisions of the Place Overview and Scrutiny Committee 2nd February 2022 [Place Overview & Scrutiny Committee on Wednesday, 2 February 2022, 10.00 am \(oxfordshire.gov.uk\)](#)

7th February 2022

Contact Officer: Michael Carr, Interim Scrutiny Officer

E: Michael.carr@oxfordshire.gov.uk

February 2022