

## OXFORDSHIRE PLACE OVERVIEW & SCRUTINY COMMITTEE

**MINUTES** of the meeting held on Wednesday, 2 February 2022 commencing at 10.00 am and finishing at 1.35 pm

### **Present:**

Councillor Ian Snowdon – in the Chair

### Councillors:

Charlie Hicks  
Brad Baines  
Dan Levy

Kieron Mallon  
Sally Povolotsky  
Judy Roberts

Richard Webber  
Nick Leverton

**Other Members in Attendance:** Cabinet Member for Travel & Development Strategy, Councillor Duncan Enright and Cabinet Member for Climate Change Delivery and Environment (Councillor Pete Sudbury)

**Officers:** The Assistant Director for Infrastructure and Planning, Rachel Wileman, Odele Parsons (Senior Transport Planner), Sarah Gilbert (Climate Action Team Lead) The Director of Law and Governance, Anita Bradley and Michael Carr and Chris Reynolds (Law & Governance)

*The Council considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.*

### **1/22 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda Item 1)

Apologies for absence were received from Cllr Yvonne Constance OBE with Cllr Nick Leverton attending as substitute

### **2/22 MINUTES**

(Agenda Item 3)

The minutes of the meeting held on 24 November 2021 were amended as follows:-

11/21 Street Design Guide

In bullet point 14 - delete reference to rural and emphasise all forms of transport

and agreed as a correct record.

### **3/22 PETITIONS AND PUBLIC ADDRESS**

(Agenda Item 4)

The Committee received the following Public Address relating to the Call in of the Cabinet Member's delegated decision regarding the Burford Experimental Weight Limit Restriction

Mr John White addressed the committee. He referred to the three traffic surveys during the experiment which resulted in differing data provided as evidence for the Cabinet member's decision. He said that there had been a significant improvement in air quality in the Burford area since the experimental traffic regulation order had been introduced which was of benefit to the residents of the area. He also commented on Cllr Enright's membership of the Witney Town Council which he considered was a conflict of interest as the Town Council had opposed the weight limit since its introduction. He proposed that a review panel be established to review all of the evidence in the reconsideration of the cabinet member's decision.

Mr Hugh Ashton, technical adviser of Burford Town Council, referred to the information he had circulated at the meeting. He referred to conflicting data available at the time the Cabinet Member's decision was made.

Dr Ken Gray, technical adviser to the Burford Town Council, said that he was an expert on data analysis and referred to the data provided by the ATC and ANPR during the period of the experiment. He said that the ATC data could not determine the weight of vehicles whilst the ANPR accurately measured the weight of vehicle types. He said that this was the first time that OCC had comparative data for four sites and Cllr Enright had received a report which did not provide this conflicting evidence. The report only relied on the ATC data which he considered exaggerated the position and drew the wrong conclusions. In addition, the officers report did not include the data on air pollution in 2021 which showed a significant increase in air quality in the area.

Julian Cooper, a councillor in Woodstock, spoke in support of Cllr Enright's decision and suggested that any decision on this matter should take into consideration the interests of the whole of the County. He said that it was not appropriate for the residents of Burford to benefit from this weight restriction whilst other neighbouring communities were experiencing increases in HGV traffic.

Cllr Yvonne Constance OBE, said that she wanted to address the process by which this decision was taken. She said that it was never intended that the final decision on this experimental order would be taken by a single member and should be determined by the whole Cabinet. She also was of the opinion that Cllr Enright had a conflict of interest as a member of the Witney Town Council. She said that the Cabinet Member had not asked any questions of the nine speakers who had made representations at the Cabinet

Members' Decision meeting and the impression given was that the decision was predetermined.

Cllr Stefan Gawrysiak addressed the committee, he said that this decision should be referred to Cabinet or the full Council. He said that the Council had committed to three traffic studies during the experiment but ignored one of them. He said that the Council had not taken into account the impact of the weight restriction on reduced air quality on surrounding villages

Paul Street addressed the committee and said that the decision made was logical in view of the impact of reduced air quality in other areas outside Burford, many of which had poor air quality hotspots, and did not have the benefit of a major road network as did Burford. He also expressed concern about the personal attacks on Cllr Enright which he considered to be inappropriate.

Heidi Skinner, on behalf of Logistics UK addressed the committee, and said that her organisation supported the original decision. She referred to the impact on neighbouring communities of rerouting HGV traffic including the business community, increases in fuel costs in excessive miles and increased emissions. She considered that local traffic restrictions were detrimental to the logistics sector.

Cllr Andy Graham addressed the committee and said that members should consider whether the Cabinet member's decision had been soundly made. It was a temporary traffic regulation order to be reviewed by a Cabinet member as a delegated decision. He said that this was not a predetermined decision and it was unacceptable as a reason for the matter to be referred back to the Cabinet. A freight strategy for the whole county was needed, taking into account the needs of all residents and businesses.

Rhys Williams, Road Haulage Association, addressed the committee and said this his association supported the need for a county wide freight strategy. The A361 was a road designed for heavy freight traffic and should be used for this purpose. He considered that the weight limit has resulted in increased costs for businesses and lack of consideration for the neighbouring communities around Burford.

Mark McCaffin, WVTAG, addressed the committee and expressed support for the change to the County Council's highways strategy to a more regional approach and considered that localised weight restrictions were not appropriate. The Burford weight limit was an experiment and the data illustrated that the conditions for a permanent weight restriction were not met.

Jan de Haldevang, a member of WVATG, and Barrington Parish Council, addressed the committee. He considered that the traffic data provided during the experiment was complex and affected by the COVID 19 pandemic. Before and after desired positive impacts were not achieved, and the negative impact of the restrictions in three other communities had

increased. He said that a number of professional bodies had supported a regional approach to dealing with the impact of heavy goods traffic.

Cllr Liam Walker addressed the committee and said that villages in his division have been adversely impacted by this restriction with considerable increases in HGV traffic. Objections had been received to this experimental order from local authorities, businesses and professional associations. He supported the Cabinet members decision and said that a strategy for the whole of the County was needed taking into account the needs of all residents and businesses.

#### **4/22 CALL IN - BURFORD EXPERIMENTAL TRAFFIC REGULATION ORDER**

(Agenda Item 5)

The Chair introduced the report and explained the process by which this committee would review the decision taken by the Cabinet member for Transport and Development Strategy.

Councillor Nicholas Field-Johnson addressed the committee and stressed that the reasons for requesting the call in were not intended as personal comments on the integrity of the Cabinet Member. He suggested that Councillor Enright was conflicted as a member of the Witney Town Council which had consistently supported the revocation of the experimental weight restriction. He explained the reasons why he had requested the call in which was set out in Annex D of the report.

Anita Bradley, the Monitoring Officer addressed the committee at this point and said that there was no evidence of conflict, bias or predetermination in the Cabinet Member's decision and that he was an appropriate member to take this decision.

Cllr Duncan Enright, Cabinet Member for Transport and Development Strategy then addressed the committee. He said that this as a balanced decision based on all the evidence which had been provided to him. He had abstained from voting on this issue at the Witney Town Council.

He confirmed that all of the data was available to him at the time of the decision. The data did not demonstrate that the ETRO had been successful on its own terms. This was not a predetermined decision and it is was not appropriate for members to suggest that he had been influenced by business or any other interests in making this decision.

The Chair then invited members of the committee to ask questions of Cllr Field-Johnson.

In response to a question from Cllr Charlie Hicks, Cllr Field-Johnson said that the conditions of openness and proportionality had not been met.

The Monitoring Officer then reiterated her advice that there was no evidence of predetermination in the Cabinet member's decision on this matter.

In response to a question from Cllr Sally Povolotsky, Cllr Field-Johnson said that he was not a member of any other local authority than the County Council.

The Chair invited questions to the Cabinet member.

Cllr Povolotsky asked about the sampling error ratio that the Council allowed in traffic data. Cllr Enright it was clear that as a result of the pandemic there had been significant changes to traffic data which had resulted in increased air quality.

Odele Parsons, Senior Transport Planner, explained the three types of traffic data sources set out in the report and their limitations. There was an allowance for errors of 10 per cent. The ANPR data had been excluded from the report to the Cabinet member because a benchmark has not been set at the start of the experiment. She was not aware of a code of practice for the use of statistics.

Cllr Nick Leverton, suggested that the experiment had not worked because of the inconsistencies in the evidence and the impact of the pandemic, and it was appropriate that the committee should review this decision.

Cllr Levy said that he was confident that Cllr Enright had not predetermined this decision and questioned why the Council had asked for APNR data part way through the experiment and would he have taken a different view if he had taken this evidence into account. Cllr Enright confirmed that this would not have changed his decision.

In response to a question from Cllr Roberts, Cllr Enright explained the timescales for the ETRO process.

In response to a question from the Chair, officers confirmed there was no new information provided since the delegated decision meeting. Cllr Enright, said that the key criterion used in his determination was an insufficient drop in numbers on the Burford Bridge.

The Monitoring Officer then explained that if the decision was referred back, it would need to be considered by the whole Cabinet.

Members then considered the evidence in the report and the representations made at this meeting, including the conflicting data provided to inform the Cabinet Member's decision, the impact on the residents of the whole County, the impact of the Covid pandemic and the process by which the decision was taken.

Each member of the committee spoke on whether the Cabinet Member Decision should be referred to Cabinet and if so, the material concerns they had about the decision made and any proposed recommendations to the Cabinet from the scrutiny committee that might be made.

The main material concern cited as a reason for referral to the Cabinet was the clarity of the evidence base upon which the decision was made, as provided in the Cabinet Decision report 5 January 2022 and by officers at the meeting, including the weight afforded to the APNR data and other information used by the Cabinet Member to assess the course of action taken.

The Chair reminded the committee that this scrutiny was about the process, and the principles of decision making.

Cllr Baines moved and Cllr Hicks seconded, that no further action be taken and the decision of the Cabinet member be implemented.

With two members voting in favour, and four against, the Chair declared the motion lost.

The Monitoring Officer reminded the committee any decision to refer the decision back to cabinet would be on the basis of the information provided to the Cabinet member at the time that the decision was taken.

The Scrutiny Officer reminded the committee that, in consideration of any material concerns they may have about the Cabinet Member Decision, in considering whether to refer the matter to the Cabinet, the Principles of Decision Making, set out in Article 14 of the Council Constitution, included that decisions should be made in accordance with: (d) a presumption in favour of openness; and (e) clarity of aims and desired outcomes; and that these principles may be relevant to the material considerations cited by those members of the committee in favour of referring the decisions to Cabinet and that any recommendations to Cabinet may be to request greater clarity on the evidence base upon which the decision was made.

**RESOLVED**, on the casting vote of the Chair, four members voting in favour and four against, 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.

## **5/22 CLIMATE CHANGE AND CARBON REDUCTION STRATEGIES**

(Agenda Item 6)

Cllr Pete Sudbury, cabinet member for Climate Change and Delivery and Environment, introduced the report.

The Assistant Director Strategic Infrastructure and Planning gave a presentation summarising the four key lines on enquiry of the Climate

change and Carbon Reduction strategy and, together with Sarah Gilbert, Climate Change Team Lead, answered questions.

Cllr Brad Baines expressed concern that, in view of the limited time available to it, the committee had indicated previously that it did not want to receive presentations within its meetings.

Cllr Nick Leverton expressed concern that the presentation slides were not included within the report. The Assistant Director Strategic Infrastructure and Planning said that the slides were designed to back up the information provided in the report. Cllr Hicks suggested that an online members area could be introduced on which to post information of this type.

In response to questions, Cllr Sudbury said that climate considerations were an important factor taken into account by all cabinet members in decision making.

Cllr Hicks expressed concerned about the limited transparency in decision making in this area, the time being taken in implementing these priorities and the budgetary resource being allocated to these priorities. Cllr Sudbury referred to the time taken for any large public sector organisation in implementing policy changes and the Council was addressing how these priorities can be progressed.

Cllr Baines stressed the importance of integrating the impact of climate change into the work the Council does and that it should be mainstreamed into the policy and decision-making process. He suggested that this level of ambition should be integrated into the strategy.

In response to members questions, Cllr Sudbury recognised that air source heat pumps must be installed alongside an overall package of measures to improve the energy efficiency of a building, the Council's street lighting policy was being reviewed and he agreed that provision of an additional waste tip was a priority.

**RESOLVED to:-**

- a. note the Oxfordshire County Council's climate change and carbon reduction strategies, key targets, performance and areas of development
- b. note the Greenhouse gas Emissions Report for 2020/21 (appendix 1)
- c. recommend to the Cabinet that the emissions targets should be expanded to include maintained schools, all contractors and data centres
- d. recommend that the Cabinet considers putting climate change at the centre of everything the authority does by mainstreaming climate

considerations in policy design, implementation and evaluation in all outputs from the Council

**6/22 SCRUTINY COMMITTEE WORK PROGRAMME**

(Agenda Item 7)

**RESOLVED** to agree the following changes to the Committee’s Work Plan

- a. the Property Strategy be re-programmed to the meeting on 15 June 2022
- b. the National Bus Strategy Enhanced Partnership be considered at a one-off working group meeting on 23 March 2022 to be followed by a report to the meeting of this committee on 6 April 2022 and recommendations to Council for executive decision
- c. appoint Cllr Yvonne Constance OBE to the Carbon Reduction Targets and Transport Policy Development working groups

**7/22 DATE AND TIME OF NEXT MEETING**

(Agenda Item 8)

**RESOLVED** to amend the start time of the meeting on 6 April 2022 to 1.30pm to allow key witnesses to attend to give a presentation on crime and disorder

..... in the Chair

Date of signing .....