

## OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

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### MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 20 JULY 2015 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Alan Hill (Chairman), Cllr Christine Crisp, Cllr Stewart Dobson, Cllr Jon Hubbard, Cllr Jacqui Lay, Cllr Stephen Oldrieve, Cllr Jeff Osborn, Cllr Bridget Wayman, Cllr Glenis Ansell, Cllr Howard Greenman, Cllr Chuck Berry, Cllr Ernie Clark (Substitute) and Cllr Mark Packard (Substitute)

#### Also Present:

Cllr Trevor Carbin, Cllr John Knight, Cllr Philip Whitehead and Cllr John Thomson

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#### 72 **Apologies**

Apologies for absence were received from Cllrs John Noeken and John Walsh. Cllr Gordon King was substituted by Cllr Mark Packard and Cllr Simon Killane was substituted by Cllr Ernie Clark. Cllr Alan Hill acted as Chairman for the meeting.

#### 73 **Declarations of Interest**

The Chairman read a statement provided by the Monitoring Officer which advised that Councillors who had called in decision HT-08-15 were not considered to have pre-determined the item and therefore could debate and vote on this item. Councillors attention was drawn to the members Code of Conduct.

Councillors Clark and Oldrieve advised they would consider and vote on the item with an open mind as members of the Overview and Scrutiny Management Committee.

There were no declarations of interest.

#### 74 **Chairman's Announcements**

The Chairman reminded the Committee that it was to consider the process behind the Cabinet member decision and not the decision itself. The Committee

was asked to focus on any evidence brought to demonstrate that the principles of decision making set out in the Constitution had not been followed in this case.

## 75 **Public Participation**

Mary Tapping, spoke in objection to the decision on the grounds that the Council's duty of care towards horses and riders had not been given sufficient consideration.

## 76 **Call-in of Cabinet Member Decision HT-08-15: Road Traffic Regulation Act, Traffic Management Act - Various Orders**

A report by the Head of Corporate Support (Performance, Risk and Scrutiny) had been circulated, providing procedural advice to the Committee and background information and documents.

The Chairman introduced the item and thanked officers, on behalf of the Committee, for their hard work to support this meeting.

The decision covered a number of issues relating to the opening of the Hilperton relief road (speed restrictions, waiting times and weight limits). However, this call-in only specifically related to:

- the introduction of a 50 mph speed limit on the new Hilperton Relief Road;
- the introduction of 40 and 50 mph speed limits on West Ashton Road, and;
- the introduction of 40 and 50 mph speed limits on lengths of road (Leap Gate).

Cllr Ernie Clark was invited to present his concerns to the Committee and drew attention to his reasons for call-in outlined in the report. The Councillor did not consider the consultation on proposals had been sufficient; local members had not been sufficiently consulted nor had their concerns been addressed. The Councillor added that the Hilperton Relief road had been incorrectly classed as 'rural' and that if it had been classed as 'urban' then a 40mph limit would have been recommended instead. It was also commented that there was no evidence to suggest consideration had been given to the Hilperton Village Design Statement nor sufficient consideration to the effect of a 50mph speed limit on other road users such as horses and riders. It was suggested that vehicular traffic had been prioritised over other road users. Cllr Clark also referenced an email exchange with Cllr Whitehead, implying there was not sufficient stopping distance on the road to permit a 50mph limit.

Councillor Oldrieve expressed concern that the decision failed to achieve the broader outcome of the Council's Business Plan by prioritising transport over local residents and increasing carbon emissions due to higher driving speeds. The member also suggested the consultation process had been unsatisfactory

since it was held over Easter when many local residents were away and because comments sent in after the deadline had not been considered. Additionally, it was felt that meetings with local councillors had not been consultative. The councillor also supported the concern that the decision failed to serve the community by not giving weight to its opposition to 50mph speed limits, and failing to consider the needs of horses and riders using the road. Finally, the environmental implications of the decision had not been fully considered in the context of the noise and pollution caused by the road surface materials and speed limit.

The Councillors distributed a written summary of their points in support of the call-in to all members present and the meeting adjourned for 10 minutes on the recommendation of the Chairman.

The Cabinet member, Cllr Philip Whitehead was invited to respond to the points raised and described how he had followed the necessary processes and principles of decision making. The Cabinet member considered the consultation sufficient as he had met with local members and, in response to their concerns, had undertaken numerous site visits and meetings with Highways officers. The Cabinet member considered public consultation had been thorough as it had received a large response, and the deadline for comments had been extended. Local members were also kept informed throughout the process. The majority of public concern had centred on Leap Gate, consequently Cllr Whitehead had met with officers to discuss this and reduced the speed limit to 30mph accordingly. It was explained that the Hilperton relief road was correctly classified as a rural road and if the speed limit was reduced to 40mph this would have a worse impact on local residents as HGVs would potentially opt to continue to go through the centre of Hilperton.

The Committee then had the opportunity to ask technical questions and in reply it was confirmed that the proposed Pegasus crossing would allow horses, pedestrians and cyclists to cross the road. No assessment had been made on the carbon output impact of motorists speeding to and slowing from 50mph, however it was considered to be minimal. The Committee was reassured that the Cabinet member had met with local councillors throughout the process. Questions were raised over a planning condition applied to the relief road by the planning committee of the predecessor authority at the time the Paxcroft development was determined and Alan Creedy, Head of Sustainable Transport, confirmed the condition was not enforceable nor supported by Highways officers. The officer also confirmed that the plinths proposed for use by hoses on the relief road were an approved design.

The Cabinet member confirmed he had not advised the current responsible planning committee of his decision in respect of the previous condition since the situation had been re-assessed in the current day. It was noted that the planning committee's request for quieter tarmac was no longer a viable solution as more modern materials were now in use. The Committee heard that all speed limits were considered on their merits regardless of the road

classification and that visibility was sufficient to permit the speed limits decided on in all locations, including extra distance needed for horses.

Cllrs Clark and Osborn were invited to summarise their points which included that conditions recommended on the original planning consent had not been addressed and the relief road should have been considered 'urban'. Concerns were raised over whether there was sufficient visibility for a 50mph road and the effect of the speed limit on other road users and local residents.

The Cabinet member defended his decision on the grounds that no evidence had been presented to demonstrate he had not followed the correct process of decision-making. It was argued there had been a thorough consultation and consideration of views, evidenced by how speed limits had been reduced where appropriate in response to concerns.

In the debate that followed, members commented they were satisfied with the public consultation, consultation with local members and were impressed by the number of site visits undertaken. Some members questioned why the original planning condition and the public's sentiment at the time of determination had not been addressed in respect of speed limits and traffic noise. Other members were satisfied that decisions should be judged in the present day. The Committee agreed that there was no evidence to suggest that due process in decision making had not been followed; however some councillors recommended that if a decision made by a previous planning committee was superseded then the current equivalent committee should be informed. Dr Carlton Brand, Corporate Director, clarified that the decision of the predecessor planning committee was not sustainable on legal grounds and could not be enforced. Other members of the Committee accepted that clarification and agreed it was not reasonable to expect all superseded decisions to be reported back to the original decision-maker.

**Resolved:**

**On balance of the written and oral evidence presented, to find that there were insufficient grounds to demonstrate that the principles of decision making had not been followed by the Cabinet Member in this case, and therefore the decision can be implemented with immediate effect.**

**77 Date of next meeting**

(Duration of meeting: 2.05 - 4.05 pm)

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