

		AGENDA ITEM 8
		PSEG/04/17
Committee:	Place Services and Economic Growth Scrutiny Committee	
Date:	17 January 2017	
CALL IN OF DECISION - FP/686/12/16 PROPOSED ONE WAY 7.5 TONNES WEIGHT LIMIT ON OAK ROAD, RIVENHALL		
Enquiries to:	Christine Sharland, Scrutiny Officer Tele no 03330134569 Christine.sharland@essex.gov.uk	

On 12 December 2016 Councillor James Abbott called in - FP/686/12/16 Proposed one way 7.5 tonne weight limit on Oak Road, Rivenhall. A copy of his notification of call in is attached at Appendix A.

Councillor Abbott, as the Local Member, acquired the agreement of the Committee's Chairman to call the decision in.

For ease of reference a copy of the report accompanying the Cabinet Member's decision is attached at Appendix B.

A copy of the full decision papers can be found on the Council's website www.essex.gov.uk From the Home Page, click on 'Your Council', then on 'Meetings and Agendas', then on 'Decisions' and enter the full FP reference number.

Alternatively you can use the following electronic link:

http://cmis.essexcc.gov.uk/essexcmis5/Decisions/tabid/78/ctl/ViewCMIS_DecisionDetails/mid/422/Id/6997/Default.aspx

In line with normal practice an informal meeting was arranged for 9 January 2017 for Councillor Abbott to discuss his call in with Councillor Johnson, the Cabinet Member for Highways and Transport. However, as this agenda has been published prior to that meeting it will be necessary to provide an oral update confirming if the call in has been withdrawn formally following the informal meeting, or if it is referred to this meeting for the Committee's consideration.

A note of the informal meeting will be published with this agenda once it has been written and agreed following that meeting.

If this call in is not withdrawn following the informal meeting then it will be considered by the Committee at this meeting in which case the format that will be followed is set out below:

Format for the Committee's consideration of this Call In

The focus of any consideration by the Committee at today's meeting should be the Cabinet Member's decision to abandon the proposal to introduce a one way 7.5 tonne weight limit on Oak Road, Rivenhall, and in particular the specific reasons given for the call in as set out at Appendix A to this report. All parties to the call in will be reminded of the Committee's expectation that only the issues raised in the 'Notification of Call In' will be considered and that if anyone wishes to raise new matters then they may only do so with the permission of the Chairman.

In line with the Call In Procedure, the format for consideration of this call in will be held according to the following stages:

1. Councillor Abbott, as the local member who has called in the decision with the support of the Chairman, will be given the opportunity to make the case for calling in the decision, including an allocation of time to any other contributors whom he may wish to call as set out in stage 1 and 2.

Please note that 30 minutes in total is allocated for stages 1 and 2, and that everyone addressing the Committee should ensure that their speeches are relevant to an issue identified in the Notification of Call In, unless the Chairman agrees otherwise.

2. Other interested parties will then provide evidence to the Committee. A maximum of three minutes is allowed for each individual to address the Committee, and up to three witnesses will be permitted all subject to the discretion of the Chairman.
3. As the decision maker Councillor Johnson will then be given the opportunity to answer the case and seek to justify the decision taken, and he may call other contributors to support his case.

Please note that 30 minutes in total is allocated for this stage. Everyone speaking must ensure that their speech is relevant to an issue in the Notification of Call In, unless the Chairman agrees otherwise or they are responding to an issue raised at the meeting by the person calling in the decision.

4. There will then be an opportunity for other members of the Committee to ask questions of anyone who has provided information in support of or in opposition to the call in and to discuss any issues in open debate.
5. The Scrutiny Committee shall then consider whether:
 - to accept the decision be implemented without further delay;
 - to refer the decision back to the person who made it (i.e the Cabinet Member, Councillor Johnson) with such recommendations as the Committee think appropriate; or
 - to refer the matter to the Full Council (although Full Council cannot itself overturn the decision and can only itself allow the decision to be implemented or refer to the Cabinet Member who made it.

6. A member of the Committee must move a motion to do one of the above actions, and another member must second that motion. The Committee will then vote upon that motion.

Action required by the Committee:

The Committee will be advised in advance of this meeting of the outcome of the informal meeting and confirm what action may be necessary at this meeting.

If the call in is referred to the Committee for consideration then the procedure set out above should be followed. Ultimately a member of the Committee must move a motion to do one of the following actions:

- **to accept the decision be implemented without further delay;**
- **to refer the decision back to the person who made it (i.e the Cabinet Member, Councillor Johnson) with such recommendations as the Committee think appropriate; or**
- **to refer the matter to the Full Council (although Full Council cannot itself overturn the decision and can only itself allow the decision to be implemented or refer to the Cabinet Member who made it.**

Another member of the Committee must second that motion. The Committee will then vote upon that motion.

Appendix A

Notification of Call-in

Decision title and reference number Proposed One Way 7.5 tonne weight limit on Oak Road, Rivenhall Ref FP/686/12/16	
Cabinet Member responsible Councillor Johnson, Cabinet Member for Highways and Transport	Date decision published 7 December 2016
Last day of call in period 12 December 2016	Last day of 10-day period to resolve the call-in 12 December 2016

Reasons for Making the Call in

I wish to call in this decision as it is flawed on a number of grounds.

The documents do not include any specific information to evidence the concerns of the farmer in terms of the location of the field in question and his grain store. I think I know where these are located, but someone reading these decision papers not familiar with the area would likely have very little idea as to what is being discussed.

In any case it should be possible to amend the order to allow for specific access. The objector already is allowed access via the existing weight restriction in Oak Road for his agricultural vehicles so presumably could for the new order.

There is no evidence in the decision as to how many HGVs of the objector would need to be diverted (if there is a need) in any given time period. It is believed that reference is being made to an arable field which has an access from Oak Road. If the field is the one I believe it to be, the grain store can be accessed off Braxted Road directly without diversion - as HGVs can still go in that direction. Furthermore, the proposed weight restriction does not extend to any part of Braxted Road and so access is not altered at all in or out of that location.

The documents do not explain that there was unanimous support for the proposal from residents of Oak Road, whose safety is directly threatened by having HGVs running down the footways, sometimes very close to their homes. They regularly ask me about the progress of this longstanding scheme and having spent years working it through its various stages they will be shocked if it is abandoned at this late stage.

The same objector raised a series of access concerns about another BDLHP scheme at the railway bridge in respect to his agricultural HGVs and amendments were made to accommodate his requirements and that scheme has now been implemented.

There is no evidence supplied to explain why up to 16 additional HGVs could be diverted through Kelvedon and Feering by the new order. Only HGVs that currently access the A12 northbound via Oak Road would be the ones being diverted. Those HGV drivers are trying to get on to the A12 northbound and would similarly do so via the Colemans bridge junction after being diverted. There is no reason given as to why such drivers would choose to turn off to Kelvedon and Feering when they have achieved their objective of getting on to the A12 northbound.

Finally, the decision to abandon this very long standing and strongly supported scheme is not a balanced one. The benefit to local residents of reducing HGV traffic along Oak Road and greatly reducing incidents of vehicles running down the footways greatly outweighs what would appear to be the diversion of a likely relatively small number of local agricultural HGV movements which it may be possible anyway to allow unfettered access for by amending the order and indeed the objector already runs his vehicles through the existing weight limit further along Oak Road.

Signed:

Cllr James Abbott
(The Place Services and Economic Growth
Committee has given his agreement to the
Local Member calling this decision in)

Dated:

12 December 2016

Appendix B