

TO: COUNCIL  
30 APRIL 2014

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**CALL- IN OF EXECUTIVE DECISION – INTRODUCTION OF NO RIGHT TURN  
RESTRICTION AT BEEHIVE ROAD/B3408, LONDON ROAD, BINFIELD  
Assistant Chief Executive**

**1 PURPOSE OF REPORT**

- 1.1 To consider the Overview and Scrutiny Commission's request that Council should recommend to the Executive Member for Planning and Transport that he should reverse his decision I043555, concerning the introduction of no right turn restriction - Beehive Road/B3408, London Road, Binfield (Shoulder of Mutton - Junction Improvement), and make a fresh decision.

**2 RECOMMENDATIONS**

**That Council:**

- 2.1 **Considers the Overview and Scrutiny Commission's request that Council should recommend to the Executive Member for Planning and Transport that he should reverse his decision I043555 and make a fresh decision.**
- 2.2 **Determines whether or not to refer the decision back to the Executive Member for Planning and Transport.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 To consider the referral from the Overview and Scrutiny Commission.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None.

**5 SUPPORTING INFORMATION**

- 5.1 On 4 March 2014 the Executive Member for Planning and Transport considered the attached report (Annex 1) entitled, 'Shoulder Of Mutton Junction Improvement Integrated Transport Capital Programme 2013/14'. The Executive Member agreed the recommendations in that report, and the record of the Executive Member's decision at Annex 2 was published on 4 March, for implementation after 11 March, subject to any Call-In.
- 5.2 At its meeting on 17 March, the Overview and Scrutiny (O&S) Commission considered the Executive Member for Planning and Transport's decision I043555, which had been Called – In at the request of Councillors Leake, Harrison and McLean. The draft minutes of the Commission meeting are attached at Annex 3. The O&S Commission resolved by majority vote:

## Unrestricted

*'That the Overview and Scrutiny Commission has the following concerns with the decision of the Executive Member for Planning and Transport, concerning the introduction of no right turn restriction - Beehive Road/B3408, London Road, Binfield (Shoulder of Mutton - Junction Improvement), and refers the decision to Council. The concerns are:*

- 1. There has been no adequate, relevant and realistic rationale given for the proposal.*
- 2. The consultation that has been carried out has been inadequate on the basis that whatever the alleged rationale is for the proposal, there has been no adequate public consultation on the relevance of the rationale in respect of the reasons for the proposal.*
- 3. The proposal is destructive and divisive to the life of the village and prevents residents using village amenities.*
- 4. The proposal deals only with the alleged peak hour problems which in themselves are caused by factors not related to the junction.*
- 5. The data is flawed.*
- 6. Proper and adequate consideration has not been given to the views of the Parish Council or residents.*
- 7. The proposal will increase local environmental pollution and local traffic movements and is therefore contrary to the Council's own environmental policies.*

*The Overview and Scrutiny Commission asks Council to recommend to the Executive Member that he should reverse the decision, and make a fresh decision, following a 12 month trial period, based on a more careful study of the junction, after putting in a 'yellow box' on the junction, and restoring the original time phasing on the traffic lights at the junction together with sensor led detectors controlling the Beehive Road and St Marks Road exit points onto the junction.'*

5.3 The relevant sections of the Constitution are below.

### Part 4 Section 9 – Overview And Scrutiny Procedure Rules

#### 20. Call-in

g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was made by the Executive, as a whole or a committee of it, a meeting will be convened to reconsider within 7 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.

h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Statutory Scrutiny Officer

- 6.1 This paper clearly sets out the reasons for the Call in of the Executive Member's decision, the views of the Commission and the options open to the Council. This is the first call in of an Executive decision in this municipal year.

### Borough Solicitor

- 6.2 Decisions relating to Traffic Regulation Orders are Executive Functions. As the decision which has been called-in is not contrary to the Council's Policy Framework (and indeed is in accordance with the Local Transport Plan) the final decision on whether or not to confirm the Traffic Regulation Order will rest with the Portfolio Holder following consideration of the views expressed by Council.

### Borough Treasurer

- 6.3 The costs associated with the no right turn restriction have been provided for within the existing capital programme.

### Equalities Impact Assessment

- 6.4 This was addressed in the Executive report, attached.

### Strategic Risk Management Issues

- 6.5 This was addressed in the Executive report, attached.

### Other Officers

- 6.6 Advice from the Director of Environment, Culture and Communities is attached at Annex 4.

## **7 CONSULTATION**

### Principal Groups Consulted

- 7.1 This was addressed in the Executive report, attached.

### Method of Consultation

- 7.2 This was addressed in the Executive report, attached.

### Representations Received

- 7.3 This was addressed in the Executive report, attached.

### Contact for further information

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