

**TO: OVERVIEW AND SCRUTINY COMMISSION
17 MARCH 2014**

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

Assistant Chief Executive

1 PURPOSE OF DECISION

To consider the Executive Member for Planning and Transport's decision I043555, concerning the introduction of no right turn restriction - Beehive Road/B3408, London Road, Binfield (Shoulder of Mutton - Junction Improvement), which has been Called – In at the request of Councillors Leake, Harrison and McLean. The Council's Constitution requires that the Overview and Scrutiny Commission shall review the Executive's decision within 7 working days of the decision to call-in. If, having considered the decision, the Commission is concerned about it, then it may refer it back to the Executive for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council.

2 RECOMMENDATIONS

That the Overview and Scrutiny Commission:

- 2.1 Invites the Councillors requesting the Call-In to explain their concerns over the Executive decision.**
- 2.2 Invites the Executive Member for Planning and Transport to comment on Members' concerns.**
- 2.3 Reviews the Executive's decision and determines whether to refer it back to the Executive, or to full Council.**

3 REASONS FOR URGENT MEETING

- 3.1 Under the terms of Government legislation and the Council's constitution it is a statutory requirement that a minimum of five clear working days notice are given of any public meeting and that papers for a public meeting are made available at least five clear working days before the meeting occurs. The Council's Constitution also states that an Overview and Scrutiny Commission meeting must be arranged to take place within seven working days of the Proper Officer's decision to call-in a decision.**
- 3.2 This meeting has been arranged for 17 March 2014, the only available date within the seven day window to hear the call-in. Consequently the meeting is being held under the Council's Special Urgency procedures and the five clear day notice period has been waived.**

4 SUPPORTING INFORMATION

- 4.1 The Overview and Scrutiny (O&S) procedure rules relating to Call-In are in the Council's Constitution at Annex 1.
- 4.2 On 4 March the Executive Member for Planning and Transport considered the attached report 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's decision at Annex 2 was published on 4 March, for implementation after 11 March, subject to any Call-In.
- 4.3 On 11 March, Councillor Leake, supported by Councillors Harrison and McLean, formally notified the Head of Democratic and Registration Services (the 'Proper Officer' under the terms of the Constitution) that he wished to call-in the Executive's decision at Annex 2. Councillors Leake, Harrison and McLean cited their reasons for the call-in as follows:
- 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 deliberately 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.*
- 4.4 Based on that request, the Head of Democratic and Registration Services called-in the Executive decision on 11 March. An additional meeting of the Overview and Scrutiny Commission has been arranged at short notice as under the Constitution, the Commission have until 20 March to consider the Call-In. The Council's Executive Member for Planning and Transport will be present. Officer attendance is planned to include the Chief Officer: Planning and Transport, and the Transport Development Manager.

5 ADVICE RECEIVED FROM STATUTORY OFFICERS

Borough Solicitor

- 5.1 Nothing to add to the report

ALTERNATIVE OPTIONS CONSIDERED/ ADVICE RECEIVED FROM OTHER OFFICERS/ EQUALITIES IMPACT ASSESSMENT/ STRATEGIC RISK MANAGEMENT ISSUES / OTHER OFFICERS/ CONSULTATION – Not applicable

Background Papers

Local Government Act 2000

Contact for further information

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Bracknell Forest Council Constitution (Extract)

Part 3

2.2 Terms of Reference

The Overview and Scrutiny Commission shall:

(iii) review decisions made, but not yet implemented, by the Executive and any other Committee, where these have been called-in.

Part 4 Section 9 – Overview And Scrutiny Procedure Rules

20 Call-in

a) When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a Key Decision is made by an officer with delegated authority from the Executive, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. The chairmen of the Overview and Scrutiny Commission and overview and scrutiny panels will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

b) The notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the date the decision is published, unless the decision is called in as described below.

c) During the period, the proper officer may call-in a decision for scrutiny by the Overview and Scrutiny Commission if so requested by the chairman and any 2 Members of the Overview and Scrutiny Commission, or any 5 Members of the Council and shall then notify the decision-maker and all other Executive members of the call-in, a Member requesting a call-in shall provide the proper officer with a brief written summary of their reasons for the request, and insofar as they are able to do so, briefly set out what action arising from the call-in they wish to be taken. The proper officer shall call a meeting of the Commission on such date as he/she may determine, where possible after consultation with the Commission chairman, and in any case within 7 working days of the decision to call-in.

d) For the purposes of this section, where the decision relates to the exercise of an education function, the duly appointed diocesan representatives and parent governor representatives shall have the same rights to seek or support the calling-in of a decision as any other member of the Overview and Scrutiny Commission.

e) If, having considered the decision, the Commission is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred back the decision maker shall

then reconsider within a further 7 working days, amending the decision or not, before adopting a final decision.

f) If following an objection to the decision, the Overview and Scrutiny Commission does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body or to the Council, the decision shall take effect on the date of the meeting, or the expiry of the period in which the meeting should have been held, whichever is the earlier.

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.

i) The call-in procedure set out above shall not apply where the decision being made by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions made as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

j) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

Annex 2

Bracknell Forest Council Record of Decision

Work Programme Reference	I043555
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1. **TITLE:** Introduction of no right turn restriction - Beehive Road/B3408, London Road, Binfield (Shoulder of Mutton - Junction Improvement)

2. **SERVICE AREA:** Environment, Culture & Communities

3. **PURPOSE OF DECISION**

To approve the introduction of No Right Turn restriction at the junction of Beehive Road and B3408 London Road, Binfield.

4. **IS KEY DECISION** No

5. **DECISION MADE BY:** Executive Member for Planning & Transport

6. **DECISION:**

1. The Traffic Regulation Order consultation results in Appendix 1, including the Officer responses to the objections received be noted;

2. The proposed junction improvement outlined within the report (Option B within Table1 and shown on attached plan Appendix 2) be approved for implementation; and

3. That no public inquiry be held be approved and accordingly the Borough Solicitor be authorised to make the Traffic Regulation Order banning the right turn from Beehive Road.

7. **REASON FOR DECISION**

To facilitate delivery of the transport system in line with the Council's Local Transport Plan 3 (LTP3) and the Council's Medium Term Objectives including planning for the necessary changes that accompany a regenerated town centre and future strategic housing sites.

8. **ALTERNATIVE OPTIONS CONSIDERED**

To abandon improvement proposals at the Shoulder of Mutton junction. This would result in significant short and long term congestion and difficulties in managing the B3408 corridor with the resultant implications for delivering the Council's adopted Local Transport Plan objectives and commitment to supporting economic growth.

To implement a revised scheme. Revised proposals have been investigated but do not deliver an effective medium or long term solution.

The Executive Member could approve the scheme but defer implementation until after major development has been completed. This would be inadvisable for a number of reasons. Whenever possible, it is preferable to increase junction capacity in advance of development so that existing and new road users can have immediate benefit from the improvement rather than enduring an under-capacity junction followed by disruptive road works.

Additionally, in operational terms, there are numerous junction improvements planned in the coming years all scheduled to minimise overall disruption to motorists and to delay this junction improvement would put unnecessary pressure on the overall road network and a more negative impact on motorists.

9. **PRINCIPAL GROUPS CONSULTED:** Local Members, Winkfield Parish Council, Bracknell Town Council, Emergency Services, Local Bus Operators, Freight Transport Assoc. & Road Haulage Assoc.
10. **DOCUMENT CONSIDERED:** Report of the Director of Environment, Culture & Communities
11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
Tuesday, 4 March 2014	Tuesday, 11 March 2014
