

APPENDIX 5 - TERMS OF REFERENCE

Call-in the Cabinet decision: E2439

Introduction

At the Cabinet meeting on the 10th April 2013 decision (E2439) was taken by the full Cabinet based on whether to implement bus priority measures in Dorchester St, Manvers St and Pierrepont St, Bath.

On 18th April 2013 a call-in notice was received and validated on the 19th April 2013, signed by 13 Councillors, objecting to this decision. The reasons given for the call-in were as follows:

We believe this decision will result in additional traffic problems on roads within Bath whilst producing little benefit in meeting the Council's aim of reducing congestion and pollution and should therefore not go ahead before the Council has agreed upon a Transport Strategy for Bath.

We believe that the Cabinet has not taken adequate note of the results of the Council's consultation, which showed 62% of respondents to be opposed to a closure of Dorchester St to cars.

We are concerned about the displacement of traffic onto neighbouring roads and the additional congestion this will cause, in particular the additional 160 cars per hour anticipated to use the A36 and 130 cars per hour anticipated to use North Parade at the inner-peak. We have serious concerns that the Cabinet has ignored the Officer advice over the proposal's detrimental impact on the A36 at the evening peak rush-hour, ignoring the Officer recommendation that the bus gate should be operative until 4pm and instead agreeing a 6pm finish.

We are particularly concerned about the timing of the proposals and believe the Cabinet is undertaking the wrong sequence of policy making. The proposals will impact on Rossiter Road during the period that work is expected to take place on the Rossiter Road traffic project, and have been agreed prior to the Council completing work on producing a Transport Strategy for Bath.

We question the benefits of the proposals to walkers, cyclists and buses given that the restriction will only be in one direction and operate only between the hours of 10am and 6pm.

We are concerned at the length of the traffic experiment and believe that such a trial could be reviewed within a far shorter time frame than 18 months. We are also concerned that it is unclear by what measure the plans will be deemed a success at the end of the trial period.

In conclusion, we are not convinced of the benefits of the decision and are deeply concerned about the detrimental impact of the plans on Bath's wider road network. We

therefore believe the proposals should be abandoned until work on Rossiter Road and the Council's Transport Strategy have been completed.

Relevant O&S Panel

The 'call-in' request has been referred to Bath & North East Somerset Council's Planning, Transport & Environment Policy Development and Scrutiny panel to review the decision.

The Panel must hold their first meeting within 14 working days after receiving a validated call-in request (i.e. by 10th May).

Call-in Meeting

At the Panel meeting on 7th May 2013 the Panel will investigate and determine the matter. They will assess in detail the reasons for the Cabinet decision and consider the objections stated in the call-in notice via a range of information from Councillors, Officers and members of the public (further details below).

Objective

The objective of the Call-in review is to determine whether or not the decision made by the Cabinet not to proceed with bus priority measures in Dorchester St, Manvers St and Pierrepont St, Bath should:

- Be referred back to the Cabinet for reconsideration [**'Uphold' the call-in**]
- Proceed as agreed by the Cabinet [**'Dismiss' the call-in**], or
- Be referred to Full Council to undertake the role of the Panel [*the ultimate decision would still remain with the Cabinet*].

Method

To achieve its objective, the Panel will investigate the original decision and the objections stated in the call-in notice. The Panel will hear statements from members of the public who have registered to speak about both the substance and processes behind the decision. Public statements will be limited to 3 minutes per speaker. It will also require attendance and/or written submissions from:-

- Representative Councillor(s) for the call-in request - Cllr. Tim Warren
- Representative Councillors from the Cabinet – Cllr. Roger Symonds

Outputs

The Panel's view and supporting findings will be made publicly and will include:

- Minutes & papers from public Panel call-in meetings.
- A summary note will be provided, setting out the result of the call-in meeting

Constraints

- **Timescales.** The Panel must hold its initial meeting within 14 working days to consider the call-in request. The Panel has a total of 21 working days to reach its decision.
 - **Initial Public Meeting must be held by 10th May 2013.**
 - **If meeting adjourned, a second public meeting must be held within 21 working days i.e. 21st May 2013.**
 - **If referred back to the Cabinet, without an adjournment, a response must be received by 21st May 2013.**
 - **If the meeting is adjourned and then referred back to the Cabinet Member a response must be received within 10 working days of the reconvened meeting.**
 - **If referred to Council, a Council meeting will be arranged at the earliest opportunity**
- **Resources.** The call-in process must be managed within the budget and resources available to the Panel.
- **Council Constitution.** Part 4E, Rule 13 requires that “*Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources*”. Section 3.1 of the cover report (formal agenda papers) provides further explanation.

Key Dates for the Call-in

