

Report to:	Special Meeting of Overview and Scrutiny Committee (Regeneration and Skills)	Date of Meeting:	9 September 2021
Subject:	Item Called In - Proposed Temporary Traffic Regulation Order – Angers Lane, Melling – One-Way		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	Molyneux
Portfolio:	Cabinet Member – Locality Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

- (1) To advise the Overview and Scrutiny Committee of the relevant aspects of the Constitution and the reasons for the call-in of the decision of the Cabinet Member – Locality Services on the above item, as set out in paragraph 2.3 to this report.
- (2) To seek the views of the Overview and Scrutiny Committee.
- (3) In the event of the Committee being concerned about the decision, the Overview and Scrutiny Committee must decide which of the following courses of action is to be taken in relation to this matter:-
 - a) referral of the matter to the Cabinet Member – Locality Services for re-consideration, setting out the nature of the Overview and Scrutiny Committee’s concerns; or
 - b) referral of the matter to Council for the Council to decide whether it wishes to object to the decision (subject to the guidance set out in paragraph 2.5).
- (4) In the event of the Committee being satisfied with the decision, the decision can proceed for implementation immediately following the meeting.

Recommendation(s):

- (1) That the Committee considers the reasons set out in the extract of the Constitution (see paragraph 2.3) and the requisition for call-in (see paragraph 2.2) and determines its jurisdiction accordingly;
- (2) That the Committee determines whether it is concerned about the decision made by the Cabinet Member – Locality Services; and

- (3) If the Committee is concerned about the decision, that the Committee indicates which of the two options set out in paragraph (3) of the summary set out above, it wishes to pursue.

Reasons for the Recommendations:

The decision of the Cabinet Member – Locality Services has been called in. The Overview and Scrutiny Committee is required to consider the concerns raised by Councillors.

Alternative Options Considered and Rejected: (including any Risk Implications)

Not applicable. The Council’s Constitution requires the Overview and Scrutiny Committee to consider called in items.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no direct revenue costs associated with this report detailing the call-in of the item. Furthermore, the original report to Cabinet Member – Locality Services indicated that:

“All costs associated with the introduction of the Traffic Regulation Orders will be funded by the developer.”

(B) Capital Costs

None.

Implications of the Proposals:

The Implications of the Proposals are set out within the attached Cabinet Member report, as follows:

Resource Implications (Financial, IT, Staffing and Assets): All costs associated with the introduction of the Traffic Regulation Orders will be funded by the developer.	
Legal Implications: There are no legal implications.	
Equality Implications: There are no equality implications.	
Climate Emergency Implications: The recommendations within this report will:	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y

This report to Cabinet Member sought to authorise the implementation of a Temporary Traffic Regulation Order to control the safe movement of construction traffic. It does not include any Climate Change implications, positive or negative.

Contribution to the Council’s Core Purpose:

The original report to Cabinet Member indicated the following contributions to the Council’s core purpose:

Protect the most vulnerable: Will assist residents and other road users
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and has no comments on this report. (FD6482/21)

The Chief Legal and Democratic Officer is the author of this report. (LD4683/21)

(B) External Consultations

Not applicable

Implementation Date for the Decision

To be determined by the decision of the Overview and Scrutiny Committee.

Contact Officer:	Paul Fraser
Telephone Number:	Tel: 0151 934 2068
Email Address:	paul.fraser@sefton.gov.uk

Appendices:

The following appendix is attached to this report:-

- Report to Cabinet Member – Locality Services dated 28 July 2021 Appendix 1

- Call-in procedure to be adopted at the meeting – Appendix 2

Background Papers:

All relevant papers in relation to the Cabinet decision are attached to the report.

1. Introduction/Background

1.1 Cabinet Decision

- 1.2 The report attached as **Appendix 1** to this report was considered by the Cabinet member – Locality Services on 28 July 2021.
- 1.3 The decision of the Cabinet Member – Locality Services is set out below:

Decision Made: That

- (1) the temporary one-way Order on Angers Lane, Melling be approved; and
- (2) the necessary legal procedures be carried out, including the advertising of the temporary Order.

Reason for Decision:

The Council has the power to make temporary Traffic Regulation Orders under Section 14 of the Road Traffic Regulation Act 1984.

Alternative Options Considered:

None.

2. Details of the Call-In of the Cabinet Member Decision

- 2.1 The following Members of the Council (who are not Members of the Cabinet) signed the requisition for the call-in, in relation to the Proposed Temporary Traffic Regulation Order – Angers Lane, Melling – One-Way, in accordance with the provisions of the Overview and Scrutiny Committee Procedure Rules in Chapter 6 of the Council's Constitution:

- Councillor Dodd
- Councillor Pugh
- Councillor Carr

- 2.2 In the requisition for the call-in, the following reasons were given:

Councillor Dodd

I feel this decision has been arrived at without full working knowledge of the potential dangers this decision will have on our community and the alternatives

available to the developers such as a Haul Road developed on site as our own planning officers have requested, this would have absolutely no impact whatsoever on our traffic flows and residents, Angers Lane is little more than a cinder path which has had a thin layer of tarmac laid. After reviewing the proposed road changes, I must question the idea of turning Angers Lane into a one-way street to route construction traffic down to the proposed building site in Maghull. I have identified the following grounds to scrutinise.

1. Air Quality and Pollution • Currently Angers Lane has low traffic volumes, the increase in traffic due to the routing of thousands of HGVs over the next few years will significantly decrease the air quality and increase particulate pollution.
2. Noise Pollution and Vibration Damage • The buildings on Angers Lane are of either Georgian or Victorian and the deep concern is that the vibrations from the increased HGV traffic will result in damage to the fabric of the buildings and the additional traffic will cause noise pollution that is not presently a concern.
3. Road Traffic Speed • Angers Lane is currently a narrow two-way street where motor vehicles need to slow down to pass each other, changing the road to a one-way street will increase vehicle speeds. Vehicle drivers may also be tempted to drive faster because they do not expect any oncoming vehicles. If motor vehicle speeds increase, this will reduce how safe the road is.
4. Highway Pedestrian Safety • I am aware that Angers Lane is an adopted road and that as such any vehicle can currently use it. However just because its legal does not make it the right choice in this instance. When it comes to building sites the law states that, pedestrians or vehicles must be able to use a traffic route without causing danger to the health or safety of people near it. Angers Lane has no footway or grass verge for 80% of its length so pedestrians have no refuge when confronted by the occasional HGV that currently uses the route. Furthermore, the hedges that run the length of the lane are sufficiently high to obscure oncoming traffic from pedestrians and pedestrians from the driver of a vehicle, even the cab of an HGV thus creating blind bends. The lack of visibility is further exacerbated in the winter months as the road has no street lighting. In the past the fact pedestrians are in the highway with traffic has caused some issues and indeed there have been RTCs involving pedestrians, but the low traffic levels mean these incidents are few and far between. The proposed plan to route thousands of HGVs down Angers Lane will force pedestrians into the same space as thousands of HGVs and potentially speeding cars over the next few years. Further road traffic incidents are inevitable and fatalities entirely possible.
5. Highway visibility • The entrance of number of properties are hidden as the entrances are set back and hidden by high hedges. Likewise, the length of Angers Lane is lined with high hedges that provide a lovely rural feel not to mention a habitat for wildlife but provide next to no visibility on a high-speed route. The low traffic volumes currently enjoyed mean that this has not caused an issue however the higher traffic volumes that will result in construction traffic using the narrow Angers Lane to access the building site will increase the risk of collision.
6. Vehicular access • The road is 4.1 meters wide at points occasionally this can cause issues when HGVs deliver to the plant nursery on Angers Lane which travel east to west on Angers Lane and cannot get past due to the legally parked vehicles. It's fair to say that on occasion Angers Lane is blocked by farm machinery, maintenance vehicles attending to the overhead po"

Councillor Pugh

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Councillor Carr

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2.3 The Constitution sets out the following requirements with respect to call-in:

"All requisitions for call-in shall refer to a specific decision and provide a reason. A decision may only be the subject of one call-in. A decision may only be called-in for the following purposes:

a) to seek more understanding of the decision and its implications;

- b) to question the soundness of the decision based on facts taken or not taken into account;
- c) to identify the need for Council policies to guide decisions;
- d) to make recommendations to the Cabinet and/or Council;
- e) to question whether the decision conforms with agreed policies.”

2.4 Members are asked to consider the requisition cited above (in paragraph 2.2) and determine which ground or grounds apply to the requisitions, if any. If the Committee determines that the requisitions fall within one of the grounds, then it can proceed to consider whether it is concerned with the decision.

2.5 The Secretary of State in his guidance recommends that the Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary or not wholly in accordance with the budget.