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## **Executive**

**6<sup>th</sup> July 2010**

Report of the Head of Civic, Legal & Democratic Services

## **Cover Report – Water End Councillor Call for Action**

### **Summary**

1. This report presents the final report (Appendix 1 and its associated annexes refer) arising from the Water End Councillor Call for Action (CCfA). Councillor Hudson, Chair of the Task Group, which undertook the work on this matter, will be in attendance to present the report.

### **Background**

2. In coming to a decision to review this topic, the Economic & City Development Overview & Scrutiny Committee recognised certain key objectives and the following remit was agreed:

### **Aim**

3. To determine the best solution for the problems local residents are experiencing and to look at what lessons can be learnt in order to inform the implementation of similar schemes within the city.

### **Key Objectives**

- i. To establish whether local concerns still exist in the light of the Executive Member's decision
- ii. To explore whether further improvements can be made to address the current traffic issues
- iii. From experience to date, identify those measures or actions that can be taken to assist in the smooth implementation of similar schemes in the City
- iv. To understand the context of the Land Compensation Act 1973 in relation to this CCfA

### **Consultation**

4. Consultation took place with the relevant technical officers within the Council. A public event was also held to hear residents' views. In addition to this residents

have spoken under the Council's Public Participation Scheme at various public meetings where this issue has been discussed.

## **Summary of Recommendations Arising from the Councillor Call for Action**

5. The recommendations arising from the Councillor Call for Action are as follows:
  - i. That Council Officers urgently develop new, comprehensive proposals for the Water End junctions to improve the current junction and reduce greatly traffic flows in Westminster Road/The Avenue
  - ii. That the Council should, in future, use traffic models which incorporate side streets when assessing and designing junction improvements
  - iii. That the present policy of reviewing new highway schemes only after a period of 12 months should be modified to enable a review after three months when unforeseen consequences have arisen and when Ward Members request.

## **Options**

6. Having considered the findings contained within the final report and its annexes, Members may choose to support all, some or none of the recommendations shown in paragraph 5 of this report.

## **Analysis**

7. In regards to the aims and objectives of this review, the final report attached analyses all of the information gathered. The final report was presented to the Economic & City Development Overview & Scrutiny Committee on 17<sup>th</sup> May 2010 and they endorsed the recommendations within it.
8. At a meeting of the Executive Member for City Strategy on 1<sup>st</sup> June 2010 the final report was annexed (for information) to the Water End Cycle Scheme Evaluation Report in relation to the alterations at this traffic junction. The Executive Member noted the recommendations arising from the Councillor Call for Action and:
  - i. Suggested that the Scrutiny Committee, in the light of Officer concerns about the limited options available to them, should make it clear precisely what changes they would expect to see covered by the recommendation for 'new comprehensive proposals for the Water End junctions to improve the current junction and reduce greatly traffic flows in Westminster Road and The Avenue'
  - ii. Indicated that the Executive would, on 6<sup>th</sup> July 2010, endorse recommendation (ii) and (iii) arising from the review.

9. In light of the request from the Executive Member for City Strategy, detailed in paragraph 8 (i) of this report the Task Group have provided the following clarification in relation to recommendation (i) of their final report:

*'The Task Group's response to the request of the Executive Member for an indication from Members of the Task Group, as to what it is they envisage could be done is for the reinstatement of the left hand turning at Water End by cutting back the hedges, removing the cobbles and providing enough space for the footpath, cycle path and the left hand filter lane for motor vehicles. In addition to this we would suggest the installation of chicanes in Westminster Road in order to discourage / divert traffic from this route whilst trialling the new 20 mph limit.'*

10. The decision of the Executive Member for City Strategy, made on 1<sup>st</sup> June, was subsequently called in by Councillors Douglas, King & Scott on the grounds that:

*'The Executive Member misdirected himself*

- *He failed to approach the report objectively and to make proper enquiries of the Officers*
- *He failed to consider the definition of a 'success' of the cycling scheme*
- *He failed to consider whether the traffic implications of the cycling scheme are proportionate and a legitimate consequence of the scheme*
- *He failed to take any positive action to alleviate the problems identified by residents of Westminster Road and The Avenue*
- *He failed to honour his commitment to re-instate the left hand turn lane at the Clifton Green junction as promised at the City Strategy EMAP of October 2008*
- *He failed to consider the reputational issues identified in the report to the City Strategy EMAP of October 2008 and to take steps to resolve them*

*The Executive Member has pre-determined his response to the Scrutiny Committee report before it has been before the Executive Committee.*

*The Executive Member has reached a decision that no reasonable Executive Member could have reached.'*

11. At a meeting of the Scrutiny Management Committee (Calling In) held on 14<sup>th</sup> June 2010 the item was referred back to the Executive for reconsideration. In particular resolutions (i) to (iv) arising from the decision made on 1<sup>st</sup> June were referred back with the request that the Executive Member:

- Confirm the terms under which he considered the Water End Cycle Scheme a success as referred to in resolution (i) of the minutes of the City Strategy Executive Member Decision Session (held 1<sup>st</sup> June 2010)
- Reconsider the decisions in the light of the emerging final report of the Councillor Call for Action Task Group and specifically to indicate how

resolution (ii) would address the consequences for residents of Westminster Road and the Avenue.

And that:

- Resolution (v) not be referred back and this Committee (Scrutiny Management Committee Calling In) expresses its strong concern that in effect the Executive Member had pre-empted the proper constitutional and full consideration by the Executive of the final CCfA Task Group report and recommendations on 6<sup>th</sup> July 2010.
12. At a meeting of the Executive (Calling In) held on 15<sup>th</sup> June 2010 it was resolved that resolutions (i) to (iv) made by the Executive Member for City Strategy on 1<sup>st</sup> June 2010 be confirmed.
  13. Consideration of the outcome of the CCfA Task Group's Final Report, the Executive Member's recommendations on them and the views of the Scrutiny Management Committee was deferred for consideration at the Executive Meeting scheduled for 6<sup>th</sup> July 2010.

### **Corporate Strategy 2009/2012**

14. Although this topic does not directly fall in line with any of the themes in the Corporate Strategy 2009/2012, the Economic & City Development Overview & Scrutiny Committee had an obligation to address the issues raised within the formally registered CCfA. They have done this by forming a Task Group, which directly reported to the Economic & City Development Overview & Scrutiny Committee with their findings.

### **Implications**

15. There are no implications associated with this report. The implications arising from the Councillor Call for Action and its subsequent recommendations are set out in paragraphs 128-133 of the final report.

### **Risk Management**

16. Risks associated with the outcome of the Councillor Call for Action are identified at paragraphs 134 to 136 of the final report.

### **Recommendations**

17. Members are asked to
  - i. Note the contents of the attached final report and its annexes and the clarification from the Task Group at paragraph 9 of this report
  - ii. Approve the recommendations arising from the Councillor Call for Action (paragraph 5 of this report refers)

Reason: To inform the Executive's consideration of the final report.

## Contact Details

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**Specialist Implications Officer(s)** Detailed in the final report at Appendix 1

Wards Affected: Clifton

All

For further information please contact the author of the report

**Background Papers:**

Detailed within the Final Report attached at Appendix 1 to this report

**Annexes**

**Appendix 1 and Associated Annexes** – Final Report of the Water End Councillor  
Call for Action