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**Meeting:** Traffic Management Meeting  
**Date:** 25 April 2013  
**Subject:** Poynters Road and Leagrave High Street Area, Dunstable.  
**Proposed 7.5 tonnes Goods Vehicle Weight Restriction**  
**Report of:** Andrew Emerton, Managing Solicitor - Planning Property Highways  
and Transportation  
**Summary:** The report advises of a potential legal challenge to the decision of the  
Traffic Management Meeting on 5 February 2013 and recommends a  
course of action.

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**Contact Officer:** Andrew Emerton, Managing Solicitor - Planning Property  
Highways and Transportation  
**Public/Exempt:** Public  
**Wards Affected:** Dunstable Icknield and Houghton Hall  
**Function of:** Council

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

- Enhancing Central Bedfordshire – creating jobs, managing growth, protecting our countryside and enabling businesses to grow.
- Better infrastructure – improved roads, broadband reach and transport.

### **Financial:**

1. The cost of introducing the Order and undertaking the signing and road marking changes will be approximately £85,000. The cost of a legal challenge to the Decision of the Meeting on 5 February 2013 could exceed £20,000.

### **Legal:**

2. The basis of the potential legal challenge is set out in the letter of DLA Piper of 1 March.

### **Risk Management:**

3. There is a risk that if the decision of the Meeting of 5 February 2013 is successfully challenged there will be a considerable cost implications to the Council as well as not being able to implement the traffic order.

### **Staffing (including Trades Unions):**

4. Not Applicable.

### **Equalities/Human Rights:**

5. None as part of this Report

**Public Health**

6. None as part of this Report

**Community Safety:**

7. None as part of this Report

**Sustainability:**

8. None as part of this Report

**Procurement:**

9. Not applicable.

**RECOMMENDATION:**

**The Executive Member is asked to:**

- 1. Reconsider the matter of a 7.5 tonnes Goods Vehicle Weight Restriction on Poynters Road Dunstable at a future Traffic Management Meeting.**

**Background and Information**

10. On 7 January 2013 the Traffic Management Meeting considered the report of Mr Chapman concerning the resolution of objections to the making of the Poynters Road Dunstable proposed 7.5 tonnes goods vehicle weight restriction. The decision of the meeting was  
  
“That the following be agreed  
  1. (i) the refurbishment and improvement of Boscombe Road Traffic controlled junction to allow traffic to move more freely  
(ii) Poynters Road be resurfaced  
(iii) Preferred HGV routes be signed on Boscombe Road and the A505  
(iv) Air quality to be monitored for both Poynters Road And Boscombe Road  
(v) To note that the proposals for the implementation of the Woodside Link are progressing
  2. the proposed 7.5 tonnes goods vehicle weight restriction will not be implemented and the decision will be deferred to allow the impact of the above to be considered.”

11. The decision taken at the Traffic Management Meeting on 7 January 2013 was a decision of an individual member of the Executive. The decision was the subject of a call-in request which was deemed valid and was considered at the next available meeting of the relevant Overview and Scrutiny Committee on 17 January 2013. Having considered the call-in and the reasons given ("to clarify the Portfolio Holders decision") the Sustainable Communities Overview and Scrutiny Committee referred the matter back to the Executive member for consideration setting out in writing the nature of its concerns and its alternative recommendation.
12. On 5 February the Traffic Management Meeting considered the matter again in the context of the referral from the Sustainable Communities Overview and Scrutiny Committee. The relevant extract from the Decisions Digest is at Appendix A

### **Pre Action Protocol for Judicial Review**

13. By letter dated 1 March 2013 DLA Piper LLP on behalf of A S Watson (Health and Beauty UK) wrote to the Head of Legal and Democratic Services challenging the lawfulness of the decision of the Traffic Management Meeting of 5 February. The letter is attached at Appendix B. The letter sets out in detail the basis of the claim why the decision of 5 February is flawed. By letter of 25 March the Council replied indicating the matter would be referred to Traffic Management Meeting for review.

### **Consideration and next steps**

14. An oral report will be given to the meeting on the matter.

### **Appendices:**

Appendix A – Decision of Traffic Management Meeting 5 February 2013

Appendix B – DLA Piper letter 1 March 2013

### **Background Papers: (open to public inspection)**

Traffic Management Meeting 7 January 2013

Sustainable Communities Overview and Scrutiny Committee 17 January 2013

Traffic Management Meeting 5 February 2013