

CALL-IN SUB COMMITTEE

30 JUNE 2004

Chair: Councillor Mitzi Green

Councillors: * Blann (1) Osborn
 * Jean Lammiman (in the Chair) Thammaiah
 * Marie-Louise Nolan

* Denotes Member present
 (1) Denotes category of Reserve Member

[Note: Councillors Miss Lyne and John Nickolay also attended this meeting to speak on the item indicated at Minute 32 below].

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**23. **Appointment of a Chair for the Meeting:**

In the absence of the Chair of the Sub-Committee, Councillor Mitzi Green, it was

RESOLVED: That Councillor Jean Lammiman be appointed Chair for the Meeting.

24. **Appointment of Chair:**

RESOLVED: To note the appointment of Councillor Mitzi Green as Chair of the Sub-Committee for the 2004/2005 Municipal Year, as agreed at the Special Meeting of the Overview and Scrutiny Committee held on 17 May 2004.

25. **Attendance by Reserve Members:**

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Member:-

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Mitzi Green	Councillor Blann

26. **Declarations of Interest:**

RESOLVED: To note that there were no declarations of interests from Members present in relation to the business transacted at this meeting.

27. **Appointment of Vice-Chair:**

RESOLVED: To appoint Councillor Jean Lammiman as Vice-Chair of the Sub-Committee for the 2004/2005 Municipal Year.

28. **Arrangement of Agenda:**

RESOLVED: That (1) in accordance with the Local Government (Access to Information) Act 1995, the following items be admitted to the agenda by virtue of the special circumstances and reasons for urgency detailed below:

<u>Agenda item</u>	<u>Special circumstances/Grounds for Urgency</u>
Items 9 (a), (b), (c) and (d): Call in of Environment and Portfolio Holder Decision: Cedars School/Whittlesea Road 20 mph Zone	In accordance with Overview and Scrutiny Procedure Rule 22.6 (Part 4f of the Constitution), a meeting of the Call-In Sub-Committee must be held within seven clear working days of the receipt of the request for call-in. This meeting was therefore arranged at short notice and it was not possible for the agenda to be published five clear working days prior to the meeting.

These items are now admitted to the agenda to allow the Sub-Committee to consider all the information relevant to the decision referred to them under the call-in procedure.

(2) all business be taken with the press and public present.

29. **Minutes:**

RESOLVED: That the minutes of the meeting held on 5th February 2003, having been circulated, be taken as read and signed as a correct record.

30. **Protocol for the Operation of the Call-In Sub-Committee:**

RESOLVED: That the above protocol be noted.

31. **Protocol for Handling Decisions Referred Back by the Call-in Sub-Committee:**

RESOLVED: That the above protocol be noted.

32. **Call-In of Environment and Transport Portfolio Holder Decision: Cedars School/Whittlesea Road 20 mph Zone:**

The Sub-Committee gave consideration to the decision of the Environment and Transport Portfolio Holder dated 12 June 2004 regarding the Cedars School/Whittlesea Road 20 mph Zone, which had been referred to them under the Call-In Procedure.

The Sub-Committee received the notice invoking the Call-In Procedure, the officer report on which the Portfolio Holder's decision had been based, the record of the Portfolio Holder's decision, and a statement submitted by the Portfolio Holder.

It was noted that the decision had been called in on the basis that there had been inadequate consultation with stakeholders prior to the decision, by virtue of the fact that a petition signed by 66 residents of Stafford Road, presented to Council on 29th April 2004 and standing referred to the Traffic and Road Safety Advisory Panel, had not yet been presented to that Panel for consideration and decision.

The petition had set out local residents' concerns in relation to the lack of parking in Stafford Road and concerns that this situation would be exacerbated by the parking restrictions proposed under the Cedars School/Whittlesea Road scheme.

A Member representing the signatories to the notice of Call-In put the case for the Call-In of the decision. He emphasised that he supported the scheme itself but considered that the response given to the particular concerns outlined in the above petition had been inadequate.

He explained that the Head Petitioner had originally sent the petition to the Transportation Section but, after several weeks, had not received any response from that Section. He had therefore then e-mailed officers and had subsequently received an acknowledgement of receipt of the petition but no detailed response to the points the petition had raised. The Councillor advised that at this stage the Head Petitioner had contacted him and he had, in turn, contacted the Transportation Section to discuss the petition with them. He informed the Panel that he had felt that the concerns expressed in the petition had not been given due consideration and he had therefore presented the petition to the meeting of Full Council which took place on 29 April 2004. Council had, at this meeting, referred the petition to the Traffic and Road Safety Advisory Panel, the next meeting of which had been due to take place on 22 June 2004, but which meeting had subsequently been cancelled. The Councillor reported that, as a Nominated Member of the Traffic and Road Safety Advisory Panel, he had been consulted regarding the cancellation of the meeting and it was noted that he had objected to it.

The Councillor concluded by re-affirming his concern that a solution to the matter be progressed urgently and a way forward be presented to the Traffic and Road Safety Advisory Panel meeting scheduled to take place in September.

The Sub-Committee then offered the Head Petitioner, who was also present, the opportunity to address the Sub-Committee. The Head Petitioner explained that he also was broadly in favour of the Cedars School/Whittlesea Road Scheme, but reiterated his concerns that the introduction of waiting restrictions outside of school hours would exacerbate the existing parking problems, and added that he did not feel that the traffic calming measures which were proposed were necessary, as the presence of parked cars effectively slowed traffic down. He explained that he had found officers response to his e-mail dismissive and did not consider that his objections to the scheme had been taken on board.

The Sub-Committee then invited officers from the Transportation Section to address the Sub-Committee. The Transportation Manager offered his sincere apologies to the

Head Petitioner for the delay in acknowledging the receipt of the petition. He pointed out, however, that, when the Head Petitioner had made e-mail contact, an invitation to discuss the parking problems in Stafford Road with officers had been extended. The Transportation Manager submitted to the Sub-Committee a copy of his e-mail to the Head Petitioner dated 23rd April 2004 in which this invitation had been made. He indicated that the Head Petitioner had not taken officers up on this offer. The Head Petitioner stated that he had no recollection of receiving the offer.

The Transportation Manager explained that the Cedars School/Whittlesea Road scheme had been the subject of a lengthy consultation process, involving the school in question, local residents and Ward Councillors, and had attracted widespread support. Following the conclusion of the initial consultation process, the Authority had proceeded to the publication of the statutory orders and notices needed to implement the measures, and it was at this stage that the petition in question had been received. He assured the Sub-Committee that the concerns raised had been taken on board and, indeed, officers had advised the Portfolio Holder of the petition received and had recommended that the parking problems be investigated further, but that the scheme be proceeded with in the meantime. The Portfolio Holder had endorsed the officer recommendations and it was this decision which had been called-in.

The Transportation Manager explained the reasoning behind the recommendation to proceed with the scheme, advising that, whilst he accepted that there was a parking problem in Stafford Road, he did not feel that reducing the restrictions would be acceptable as the only additional waiting restrictions proposed were those around junctions, where, he pointed out, motorists should not be parking in any event as it inhibited access by emergency vehicles, refuse vehicles and school coaches.

The Transportation Manager stressed that, subject to the Portfolio Holder decision being agreed, officers had authority to begin investigation of the parking problems immediately, and the works then identified as being needed would be added to the Transportation work programme. In response to a question from a Member, the Transportation Manager confirmed that, given that resources were limited, the investigation and works could only be prioritised at the expense of another scheme. He added that this could also prove problematic as the majority of funds for traffic schemes were received from Transport for London and failure to implement in the financial year of the allocation could result in the Council losing the funding.

A Ward Councillor for the area who was also present expressed support for the Cedars School/Whittlesea Road scheme but emphasised that parking in Stafford Road was problematic. She explained that residents sought the introduction of grass verge parking to create extra parking capacity rather than footway parking, which would merely move the parked cars further to the side. She noted and welcomed the undertaking to investigate the parking problems further.

Having asked a number of questions of the Councillor presenting the case for call-in, the Head Petitioner, and of officers, the Sub-Committee turned to discussion of the decision before them. The Members acknowledged that, from the point of view of the Head Petitioner, the consultation process for the Cedars School/Whittlesea Road scheme had not been satisfactory, but agreed that they were satisfied that there had been a full consultation and that the Portfolio Holder had taken into consideration all the objections received to the scheme. They welcomed officers' commitment to investigate the parking problems in Stafford Road further and noted that officers had now extended a further invitation to discuss the problems with the Head Petitioner.

Accordingly the Sub-Committee agreed not to uphold the grounds for call-in, but emphasised the importance of the public believing that their response to consultation was valued and given proper consideration. The Sub-Committee also requested that officers give consideration to including the works necessary to remedy the parking problems in Stafford Road in the work programme. They agreed to refer their concerns regarding response times to correspondence to the Publications Panel which, it was noted, was already investigating this subject.

RESOLVED: That (1) the grounds for call-in be rejected and the decision be implemented;

(2) officers note the comments of the Sub-Committee set out above; and

(3) the matter of response times to correspondence be referred to the Publications Panel.

(Note: The meeting having commenced at 6.00 pm, closed at 6.56 pm)

(Signed) COUNCILLOR JEAN LAMMIMAN
Vice-Chair (in the Chair)