

**CALL-IN SUB COMMITTEE**

**11 JANUARY 2005**

Chair: \* Councillor Mitzi Green

Councillors: \* Gate \* Seymour (1)  
 \* Osborn \* Mrs R Shah (3)

\* Denotes Member present  
 (1) and (3) Denote category of Reserve Member

[Note: Councillors C Mote, John Nickolay and Romain also attended this meeting in a participatory role].

**PART I - RECOMMENDATIONS - NIL**

**PART II - MINUTES**

40. **Appointment of Chair:**

**RESOLVED:** To note the appointment at the Overview and Scrutiny Committee meeting on 24 November 2004 of Councillor Mitzi Green as Chair of the Sub-Committee for the remainder of the 2004/05 Municipal Year.

41. **Attendance by Reserve Members:**

**RESOLVED:** To note the attendance at this meeting of the following duly appointed Reserve Members:

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Jean Lammiman	Councillor Seymour
Councillor Thammaiah	Councillor Mrs R Shah

42. **Declarations of Interest:**

Councillors Mitzi Green and Seymour declared personal interests in agenda item 8, "Call-in of Environment and Transport Portfolio Holder Decision: Stanmore CPZ – Consultation Results", by virtue of being members of the Edgware Reform Synagogue, which was close to the area of the proposed extension to the CPZ.

**RESOLVED:** To note the personal interests declared by Councillors Mitzi Green and Seymour in agenda item 8, and that the Members participated in the discussion and decision on that item.

43. **Arrangement of Agenda:**

**RESOLVED:** That (1) agenda item 8, "Call-in of Environment and Transport Portfolio Holder Decision: Stanmore CPZ – Consultation Results", be considered prior to agenda item 7;

(2) in accordance with the Local Government (Access to Information) Act 1985, this meeting be called with less than 5 clear working days' notice by virtue of the special circumstances and grounds for urgency stated below:-

Special Circumstances/Grounds for Urgency: Under Overview and Scrutiny Procedure Rule 22.6, a meeting of the Call-in Sub-Committee must be held within 7 clear working days of the receipt of a request for call-in. This meeting therefore had to be arranged at short notice and it was not possible for the agenda to be published 5 clear working days prior to the meeting.

(3) in accordance with the Local Government (Access to Information) Act 1985, the following agenda items be admitted late to the agenda by virtue of special circumstances and urgency detailed below:-

<u>Agenda item</u>	<u>Special Circumstances/Grounds for Urgency</u>
7(d). Statement by the Environment and Transport Portfolio Holder	) Due to the short timescales for arranging and publishing the agenda for meetings of the Call-in Sub-Committee, this documentation was not available at the time of publishing the main agenda. These items were admitted to the agenda in order to enable the Portfolio Holder, who was unable to attend the
8(d). Statement by the Environment and Transport Portfolio Holder	

meeting, to explain the reasons for the decisions and to respond to the issues raised in the call-in notices.

(4) all items be considered with the press and public present.

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

**RESOLVED:** To appoint Councillor Jean Lammiman as Vice-Chair of the Sub-Committee for the remainder of the 2004/05 Municipal Year.

45. **Minutes:**

**RESOLVED:** That the minutes of the meeting held on 3 November 2004, having been circulated, be taken as read and signed as a correct record.

46. **Call-in of Environment and Transport Portfolio Holder Decision: Stanmore CPZ - Consultation Results:**

Members considered a decision of the Environment and Transport Portfolio Holder dated 20 December 2004 to introduce limited extensions to the Stanmore CPZ, and to undertake further consultation with residents of a number of roads within the planned extensions. The Sub-Committee received the notice invoking the call-in procedure, the record of the Portfolio Holder's decision, the documentation sent to the Portfolio Holder to inform his decision, and a statement from the Portfolio Holder, who was unable to attend the meeting.

The decision had been called-in on two grounds: inadequate consultation with stakeholders prior to the decision, and the absence of adequate evidence on which to base a decision.

At the meeting, a Member representing the signatories to the call-in notice stated that the concerns relating to the evidence on which the decision had been based had now been addressed by officers. The concerns relating to the adequacy of consultation remained, however, and these applied specifically to paragraph (5) of the Portfolio Holder's decision, which was as follows:

"that a Controlled Parking Zone be created in Howberry Road between Cloyster Wood and Wychwood Avenue including Howberry Close as shown at Appendix M of the officer report to operate, Monday to Friday, 2pm to 3pm, and the residents of Howberry Road and Howberry Close be written to in parallel to the statutory consultation in order to explain the benefits of the scheme".

It was confirmed that the remainder of the Portfolio Holder's decision was not disputed.

The Member put the case for the call-in. He felt that the officer report, specifically paragraph 2.3.11.11, had misrepresented the views of the Canons Park Residents' Association (CAPRA), in that it suggested that CAPRA favoured a Controlled Parking Zone incorporating a residents' parking scheme. The Association's preferred option was, in fact, yellow line waiting restrictions. In addition, he felt that the results of the Council's consultation had been inconclusive. Consultation undertaken by CAPRA, the results of which were tabled at the meeting, showed that the majority of respondents did not want a residents' parking scheme. Residents wanted to be re-consulted and given the choice of a residents' parking scheme or yellow line waiting restrictions. The arguments for the call-in were endorsed by a Ward Councillor who was backbenching; he stated that the views of residents were not accurately reflected by the decision and requested that the properties in the affected area, of which there was approximately 68, be re-consulted.

Upon being invited to respond, officers advised that the report made no suggestion that the scheme offered in the consultation document was CAPRA's preferred option, but stated only that the relevant area was included in the consultation as a result of requests from CAPRA. It was explained that the yellow line waiting restrictions preferred by CAPRA discriminated against residents without off-street parking, as they made no provision for residents parking during the restricted hour; when the Council had introduced the existing yellow line scheme south of Cloyster Wood, a number of complaints about this had been received. In addition, officers considered that the consultation had not been inconclusive – of the 17 responses received, 13 had been in favour of the residents' parking scheme offered in the consultation document, and 4 against, only two of which had requested a yellow line scheme. There had also been

two stakeholder meetings, to both of which CAPRA had been invited. It was emphasised that the merits of both schemes had been fully debated at the Traffic and Road Safety Advisory Panel meeting on 1 December 2004, upon the recommendation of which the Portfolio Holder had made his decision, and that the Panel had reached the conclusion that the yellow line option would be an inferior scheme.

Members of the Sub-Committee asked detailed questions on a number of issues. In particular, it was clarified that the initial consultation had only offered residents the option of a residents' parking scheme, not the alternative of a yellow line scheme; Members representing the signatories to the call-in considered this the key failing of the consultation. Ward Councillors had been consulted on the draft consultation documents, however, and had not raised this as an issue. In addition, it was noted that over 60% of residents had not responded to the consultation. It was advised that if residents were re-consulted, this may result in both a delay in the implementation of the scheme and additional costs. It was noted, however, that the re-consultation could be carried out in parallel with the statutory consultation for the residents' parking scheme in order to minimise any delay.

Discussion having turned to the decision before the Sub-Committee, Members were concerned that, although consultation had taken place, it had not offered residents both the available options. It was therefore agreed to uphold the call-in of the decision. A Member also commented that if the Council introduced a scheme to which residents were opposed, they would have to live with it for some time before it was reviewed; he suggested that residents be re-consulted, but also informed that the re-consultation may result in a delay in the implementation of the scheme and additional costs.

**RESOLVED:** That (1) the call-in of paragraph (5) of the decision be upheld on the grounds of inadequate consultation with stakeholders prior to the decision, and that this part of the decision be referred back to the Portfolio Holder for re-consideration; and

(2) the remainder of the decision be implemented.

47. **Call-in of Environment and Transport Portfolio Holder Decision: Petts Hill Bridge - Scheme Design and Consultation Results:**

Members considered a decision of the Environment and Transport Portfolio Holder dated 20 December 2004 to implement a scheme to improve traffic and pedestrian access at the Petts Hill Bridge junction. The Sub-Committee received the notice invoking the call-in procedure, the record of the Portfolio Holder's decision, the documentation sent to the Portfolio Holder to inform his decision, and a statement from the Portfolio Holder, who was unable to be present. In addition, appendix 19 to the Borough Spending Plan, which related to the Petts Hill Bridge Scheme, had been circulated to Members, and the public consultation document and the business case summaries for both the 3-lane and the 4-lane schemes were tabled at the meeting.

The decision had been called-in on two grounds: inadequate consultation with stakeholders prior to the decision, and the absence of adequate evidence on which to base a decision.

Upon being invited to put the case for the call-in, a Member representing the signatories to the call-in notice stated that the concerns relating to the evidence on which the decision had been based, specifically, the availability of the minutes of the Traffic and Road Safety Advisory Panel meeting on 1 December 2004, had now been addressed by officers. He outlined the reasons why the decision had been called in on the grounds of inadequate consultation. He highlighted that the Borough Spending Plan stated that the Petts Hill Bridge scheme "would be designed in consultation with local people". However, all the consultation about the scheme, including the public consultation document and the display of the proposals at Welldon Park First School, had only given the option of the 3-lane interim scheme, not the 4-lane new bridge option.

In addition, the Member considered that the public consultation document was inadequate as it had asked only two questions, namely "Do you feel that something needs to be done about the bottleneck at the Petts Hill Bridge?" and "Do you feel that this scheme will help to improve the situation?". The Member considered that, given the problems of congestion at the junction, these were loaded questions which were unlikely to elicit a negative response. He also called into question the accuracy of the illustrations in the consultation document.

The Member made a number of other points about the two options for the scheme. In particular, he expressed concern that the 3-lane scheme would not alleviate congestion in Northolt Road, and that the pedestrian tunnels proposed as part of the 3-lane scheme would be a focus for crime and vandalism. He also pointed out that it would cost less to implement the 4-lane scheme (£7m), than to proceed with the interim 3-lane scheme now and to upgrade to a 4-lane scheme at a later date (£9.12m). He questioned the efforts made to secure the funding for the 4-lane option and suggested that, if there were a round table discussion with local MPs, the Mayor and GLA Members, it may still be possible to find a way of securing this. He tabled some correspondence exchanged with the Portfolio Holder.

Upon being invited to respond, officers agreed that the 4-lane new bridge scheme would be the preferred option and would cost less in the long term. However, it had not been possible to secure sufficient funding for the 4-lane scheme despite extensive efforts in this regard, which were outlined. The Cabinet had therefore made a decision to proceed with the 3-lane interim scheme. For this reason, the public had not been consulted on the 4-lane scheme.

With regard to the public consultation document, it was advised that this had been produced by the Council's Communications section, which was experienced in producing such documents, and that it had been designed to maximise response. Such documents needed to be short and simple, otherwise the public would not read and respond to them. The first two questions had been designed to start to engage with consultees, and to get a flavour of high-level views. A third question had invited comments about the scheme. This had resulted in comments relating to 20 different aspects of the scheme, including pedestrian safety in the tunnels; it had therefore been successful in drawing out design issues. It was also confirmed that the illustrations on the consultation document were accurate.

A Member who was backbenching argued that the consultation should have informed the public that it may be possible to proceed with a better, 4-lane option at a later date, and suggested that there should have been greater liaison with the London Borough of Ealing, as this may have produced a better consultation document. Officers advised, however, that the consultation had been very much a joint exercise agreed with the London Borough of Ealing. In addition, it was pointed out that there was no guarantee that the Council would ever secure the funding for the 4-lane new bridge scheme, as it did not currently feature in any published future spending plans of TfL or the Mayor of London. The alternative to proceeding with the 3-lane interim scheme would therefore have been to do nothing; the questions in the consultation document had given the public the opportunity to choose that option.

Members asked detailed questions on a number of issues. It was advised that the level of response to the public consultation document, of which 11,000 copies had been distributed, had been considered adequate. A Member representing the signatories to the call-in notice stated that some residents had not received the consultation document. It was advised, however, that the Council had not received any complaints about the leaflets not having been received. In addition, Members noted that the consultation had been widely publicised in the press.

There was some discussion about the extent to which the comments made in response to the consultation had influenced the design of the scheme. In addition, the Member representing the signatories to the call-in notice argued that the public had been presented with a *fait accompli*; he suggested that the consultation should have been carried out a year earlier in order to enable the public to have an input into the scheme design. Officers advised, however, that it was normal practice to consult on a specific proposal, because if the public were presented with a blank piece of paper, it would not engage them. In addition, it had not been possible to carry out the consultation a year earlier, as at that stage funding for the 3-lane interim scheme had not been confirmed. If the Council consulted on a scheme for which the funding was not secured, this would raise public expectations which the Council may not be able to deliver on, and would be an abortive expense if the scheme did not go ahead.

It was also noted that, if the Council proceeded with the 3-lane interim scheme, the case for the upgrade to the 4-lane new bridge scheme would be reduced, because some of the benefits of the 4-lane scheme would already have been achieved. However, this would be offset by the reduced costs that would be needed to upgrade from the interim scheme to the final new bridge scheme. In addition, if the Council waited to go ahead with 4-lane new bridge scheme, funding for the 3-lane interim scheme would be seriously prejudiced and probably lost.

Discussion having turned to the decision before the Sub-Committee, Members agreed that the 4-lane new bridge scheme was the preferred option, but that there was no definite funding for it. The Sub-Committee was also satisfied with the breadth of the consultation and that the consultation had been widely publicised. With regard to the option which had been consulted upon, some Members felt that residents should have been given the alternative option of a scheme which may be several years away, and that the consultation was therefore flawed. Other Members felt, however, that the consultation had given residents the opportunity to reject the 3-lane scheme, and that it would not have been right to consult on a scheme that might not be implemented. It was therefore

**RESOLVED:** That the grounds for the call-in be rejected and the decision be implemented.

[Note: Councillors Osborn and Seymour wished to be recorded as having voted against the above decision].

48. **Call-in Notices:**  
Further to this having been raised as an item of any other business, Members requested that call-in notices be date-stamped upon receipt. Officers undertook to do this.

(Note: The meeting having commenced at 7.35 pm, closed at 9.42 pm)

(Signed) COUNCILLOR MITZI GREEN  
Chair