

Leader's Decision

Minutes

1 February 2023

Present:

Chair: Councillor Paul Osborn

In attendance (Councillors): David Perry For Minute 8 - 14

8. Declarations of Interest

RESOLVED: To note that there were no declarations of interests.

9. Petitions

RESOLVED: To note that no petitions had been received.

10. Public Questions

RESOLVED: To note that no public questions had been received.

11. Matters referred to the Executive Member

RESOLVED: To note that no matters had been referred to the Leader of the Council for consideration.

Resolved Items

12. The Mayor of London's Decision to Extend the Ultra Low Emission Zone to the London Borough of Harrow

The Leader received a report from the Director of Legal and Governance Services on the extension of the Ultra-Low Emission Zone to the London Borough of Harrow from August 2023 and set out the route and possible grounds for challenging it in the High Court.

The Director of Legal and Governance advised that whilst the London Borough of Harrow was formally collaborating with Hillingdon, Bromley and Bexley councils, the process was dynamic and other authorities could join the High Court challenge. He also stressed that the claim must be brought promptly to High Court within 3 months of the decision being challenged and that the deadline for doing so was 24 February 2023.

A Member expressed concern at the process in terms of the late publication of the report and sought clarification on the formal approach of other local authorities, the likelihood of success and the impact on the council budget considering the potential costs associated with the legal challenge.

Having agreed to take any questions from the Member on the tabled confidential Appendix 3 in a Part II session, the Leader agreed that the recommendation set out in the officer report be agreed, subject to the following amendments:

RESOLVED: That

- (1) the Director of Legal & Governance Services, **following consultation with the Leader of the Council**, be authorised to issue Proceedings in the High Court against the Mayor of London and Transport for London ('TfL') to challenge the decision made in November 2022 to extend the Ultra-Low Emission Zone ('ULEZ') to the whole of Greater London from 29 August 2023, **taking into account the latest legal advice and the position of other authorities.**

Reason for Decision: If Harrow were to issue a legal challenge to the ULEZ decision, it must be submitted by no later than 24 February 2023.

Alternative Options Considered and Rejected: As set out in the report.

Conflict of Interest relating to the matter declared by Leader/Dispensation Granted: None.

[Call-in did not apply to the decision above as it had been waived by the Chair of the Overview and Scrutiny Committee for the reasons set out in the Public Notice.]

13. **Exclusion of the Press and Public**

RESOLVED: That in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public be excluded from the meeting for the following item for the reason set out below:

| <u>Item</u> | <u>Title</u> | <u>Reason</u> |
|-------------|---|--|
| 14. | The Mayor of London's Decision to Extend the Ultra-Low Emission Zone to the London Borough of Harrow – Appendix 3 | Information under paragraph 5 in respect of which a claim for legal profession privilege could be maintained in legal proceedings. |

14. The Mayor of London's Decision to Extend the Ultra-Low Emission Zone to the London Borough of Harrow

The Leader received a tabled Appendix which set out confidential legal advice. Having responded to questions, it was

RESOLVED: That the Appendix be noted.

(Note: The meeting, having commenced at 12.04 pm, closed at 12.26 pm).

(Signed) Councillor Paul Osborn
Chair