

Appendix C

Call-In Sub-Committee Minutes 30 July 2009

CALL-IN SUB COMMITTEE

30 JULY 2009

Chairman: * Councillor Anthony Seymour

Councillors: † B E Gate * Stanley Sheinwald
* Mitzi Green * Dinesh Solanki (3)

* Denotes Member present
(3) Denotes category of Reserve Member
† Denotes apologies received

[Notes: Councillor Susan Hall attended this meeting to speak on the item indicated at Minute 4 below.

Councillors Julia Merison, John Nickolay and Bill Stephenson also attended].

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**40. **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 Mark Versallion	Councillor Dinesh Solanki

41. **Declarations of Interest:**

RESOLVED: To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
4. West Harrow Area – Proposed CPZ	Councillor Julia Merison	Personal interest as a West Harrow Councillor.

42. **Minutes:**

RESOLVED: That the minutes of the meeting held on 7 April 2009, be taken as read and signed as a correct record.

43. **West Harrow Area Proposed CPZ:**

Prior to the commencement of the consideration of the Call-In matter, the Chairman advised that the Portfolio Holder for Environment Services & Community Safety was in attendance at the Sub-Committee to respond to the call-in as part of the requirement of that process.

The Portfolio Holder for Environment Services & Community Safety had agreed a decision in relation to the Proposed West Harrow Area Controlled Parking Zone (CPZ) – Results of Public Consultation. A Call-In Notice calling in the decision had been subsequently received, signed by more than 150 members of the public and the decision had therefore been referred to this Sub-Committee for consideration.

The Sub-Committee received the notice invoking the call-in procedure, the report of the Corporate Director of Community & Environment submitted to the Portfolio Holder and the relevant Decision Notice.

The decision had been called-in on four grounds:

- inadequate consultation with stakeholders;
- absence of adequate evidence upon which to base a decision;
- decision contrary to the Policy Framework;
- potential human rights challenge.

The Chairman, after outlining the procedure to be followed at the meeting, noted the submission of additional information by the West Harrow Residents Group. The Sub-Committee agreed the information be considered and adjourned from 7.40 pm to 7.50 pm to allow members to consider the content of the additional papers.

Upon reconvening the meeting the Chairman invited Nick Goodhart to speak on behalf of the signatories. Mr Goodhart addressed each of the points raised within the Call In Notice outlining the concerns the West Harrow Residents Group had with regard to each and where they felt failures had occurred to the process followed to date.

Mr Goodhart referred to the consultation documents circulated stating that he considered these to not fully set out the implications of the proposed CPZ, together with the implications of the loss of parking spaces that would result. He further expressed the view that he did not believe all persons affected had been consulted and in referring to the evidence presented by officers noted the admission of discrepancies, stating that this demonstrated the decision had been made prior to the full evidence being available. He referred to the policy framework and human rights elements of the Call In Notice setting out how he believed these had been contravened. Mr Goodhart concluded by requesting the sub-committee to approve the reasons for Call In of the decision and to request that the matter be referred for consideration by the full Council.

Upon being invited to respond, the Portfolio Holder for Environment Services & Community Safety advised that the process leading to her decision had been underway for some considerable time and had included reports to Transport and Road Safety Advisory Panel. The purpose of considering CPZ's arose when an area was identified as experiencing issues with parking. The process undertaken most recently had been an informal consultation process to seek the views of the affected residents and businesses in respect of whether they would wish such a zone to be introduced. The cluster effect identifying two specific zones had been reached as a result of the responses which identified those lengths of road where there was majority support for a CPZ, from those who did not support the proposal. Arising from this she had agreed the decision to undertake statutory consultation to ask residents whether they would wish to see introduced a CPZ introduced.

The Portfolio Holder advised that she recognised the solutions offered by CPZ's were not always welcomed by all parties but, in considering the introduction of such it was always the intention to support those people who wanted a CPZ, whilst respecting the views of those people who did not want a CPZ in their road. She further noted that any statutory consultation process could result in a CPZ not being favoured by the majority of affected residents etc and that in such instances it was not her intention to impose these.

The Portfolio Holder advised that the decision related to the outcomes from the informal consultation and related proposals progressing to a statutory consultation process in respect of the proposals, prior to any final decision being made with regard to a West Harrow CPZ.

In response to questions from Members of the Sub-Committee, clarification was provided on the following issues by the signatories:

- they were aware the call in requested related to an informal consultation process
- they believed that the proposed CPZ process did not achieve value for money and that the system should be revisited by officers, in association with residents, to identify alternative parking solutions;
- they wished the current process to be put on hold to find alternative ways forward and noted that to date no Member had approached them with regard to gaining their ideas on alternatives;
- they believed the consultation process to be inadequate as the information in relation to the initial stakeholders meeting was not sent to all parties and the circulated brochure was, in their view, misleading;

In response to questions from Members of the Sub-Committee, clarification was provided on the following issues by the Portfolio Holder:

- clarified the signatories to the petition in respect of the call in notice;
- the "YES" responses had been double checked to ensure accuracy as part of the process;

- the consultation process had followed the Council's standard pro forma in relation to CPZ's;
- in terms of the discrepancies raised she regarded the consultation responses as a living document that was constantly updating to better inform views;
- documentation had been delivered to 100% of the identified area;
- a meeting had been arranged with representatives of West Harrow Residents Group on 28th July at the residents request but, this had been cancelled by the Group on 26th July, with a subsequent request to rearrange it;
- the issue would have to be part of a future decision making process after a statutory consultation had been undertaken which would inform the decision making at that time.

The Chairman thanked Nick Goodhart and the Portfolio Holder for their attendance.

(The Sub-Committee then adjourned from 8.55 pm – 9.38 pm to receive legal advice).

Members of the Sub-Committee, having considered all the evidence, summarised their individual views relating to the grounds for call-in, noting that:

- on grounds one (inadequate consultation with stakeholders) and two (absence of adequate evidence upon which to base a decision) Members expressed various views both supporting and opposing the stated grounds.
- on ground three (decision contrary to the Policy Framework) it was the opinion of the Sub-Committee, following legal advice, that there was insufficient evidence to support the validity of the challenge.
- on ground four (potential human rights challenge) it was the opinion of the Sub-Committee, following legal advice, that there was insufficient evidence to support the validity of the challenge.

On being put to the vote, the majority decision was that the Call In was not proven on the stated grounds.

RESOLVED: That the challenge to the decision be taken no further and the decision may be implemented.

(Note: The meeting having commenced at 7.30 pm, closed at 9.56 pm)

(Signed) COUNCILLOR ANTHONY SEYMOUR
Chairman