



# CALL-IN SUB COMMITTEE

## THURSDAY 27 OCTOBER 2005

### SUPPLEMENTAL SUB-COMMITTEE AGENDA (SCRUTINY)

**Protocol for the Operation of the Call-in Sub-Committee (Pages 1 - 2)**

**Protocol for Handling Portfolio Holder Decisions Referred Back by the Call-in Sub-Committee (Pages 3 - 4)**

#### **AGENDA - PART I**

5. **Call-in of Environment and Transport Portfolio Holder Decision: Proposed Extension of Stanmore Controlled Parking Zone - Objections and Re-Consultation Results including Howberry Road and Howberry Close:**

5.(d) Advice from the Director of Corporate Governance

6. **Call-in of Environment and Transport Portfolio Holder Decision: Roxeth Green Avenue, South Harrow:**

Enc. 6.(a) Notice Invoking the Call-in (Pages 5 - 8)

[Note: The decision was published on 17 October 2005 and the deadline for receipt of any notice of call-in was 24 October 2005 at 5.00pm. However, the call-in deadline advertised on the Council's website was 25 October 2005 at 5.00pm. Accordingly, the deadline for receipt of a call-in was extended by one day and the above call-in notice, received prior to the extended deadline, has been referred to the Sub-Committee for consideration].

Enc. 6.(b) Record of the Decision of the Environment and Transport Portfolio Holder (Pages 9 - 10)

Enc. 6.(c) Documentation sent to the Environment and Transport Portfolio Holder (Pages 11 - 20)

#### **AGENDA - PART II - NIL**

*Note: In accordance with the Local Government (Access to Information) Act 1985, the following agenda item has been admitted late to the agenda by virtue of the special circumstances and urgency detailed below:-*

<u>Agenda item</u>	<u>Special Circumstances/Grounds for Urgency</u>
5. (d) Advice from the Director of Corporate Governance	The Chair has requested that the Sub-Committee receive procedural advice from the Director of Corporate Governance.
6. Call-in of Environment and Transport Portfolio Holder Decision: Roxeth Green Avenue, South Harrow	A valid call-in notice for this decision was only received after the issue of the main agenda. Members are requested to consider this item, in order to meet the timescale for consideration of called-in decisions as set out in Overview and Scrutiny Procedure Rule 22.6.1.

1. Call-in is the process whereby a decision of the Executive, Portfolio Holder or Officer (where the latter is taking a Key Decision) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. The Overview and Scrutiny Committee has established the Call-in Sub-Committee to carry out this role. Overview and Scrutiny Procedure Rule 22 sets out the rules governing the call-in process.

### **The process for call-in**

2. Any six of the Members of the Council and the co-opted members on the Lifelong Learning Scrutiny Sub-Committee can call in a decision of the Executive which has been taken but not implemented. (NB: Co-opted members of the Lifelong Learning Scrutiny Sub-Committee may only sign up to requests to call in decisions relating to education matters). Only decisions relating to Executive functions, whether delegated or not, may be called in.
3. Decisions of the Executive will not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in within this period (this does not apply to urgent decisions - Overview and Scrutiny Procedure Rule 23 refers). The notice of the decision will state the date on which the decisions may be implemented if not called in.
4. Call-in must be by notification to the Borough Solicitor in writing or by fax, signed by all six Members/co-opted members requesting the call-in. A request for call-in by e-mail will require a separate e-mail from each of the six Members/co-opted members concerned. A proforma of a notice for call-in has been circulated for the use of Members and co-opted members.
5. In accordance with Overview and Scrutiny Procedure Rule 22.5, a notice by Members/co-opted members to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:-
  - (a) inadequate consultation with stakeholders prior to the decision;
  - (b) the absence of adequate evidence on which to base a decision;
  - (c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
  - (d) the action is not proportionate to the desired outcome;
  - (e) a potential human rights challenge;
  - (f) insufficient consideration of legal and financial advice.

The call-in notice should also provide details of the evidence to support the grounds for call-in.

6. Requests for call-in which, on investigation by the Borough Solicitor, are found to have been made without the support of the required number of Members or co-opted Members, or without specifying one of the grounds set out under Overview and Scrutiny Committee Rule 22.5, will not be referred to the Call-in Sub-Committee.

### **Referral to the Call-in Sub-Committee**

7. Once a valid notice invoking the call-in procedure has been received, a meeting of the Call-in Sub-Committee will be arranged, in consultation with the Chair and Nominated Member(s) of the Sub-Committee, within seven clear working days of the receipt of the request for call-in. The other Members of the Sub-Committee will be notified of the need for a meeting, and the date thereof, at the earliest possible opportunity.
8. The papers to be considered by the Call-in Sub-Committee will be all those considered by the decision-taker when the decision was taken, the record of the decision and the written details of the call-in request. Where information material to the decision is known to officers and was not available to the decision taker, either because it only became known after the date of the decision or otherwise, such information should be drawn to the attention of Members of the Call-in Sub-Committee.

9. The papers will be sent to all Members and Reserve Members of the Sub-Committee, the Executive, the relevant Chief Officer, and all those who had signed up to the call-in. Relevant Ward Councillors will also be notified of the meeting if the issue in question is specific to a particular Ward or Wards. The Chair of the Sub-Committee may also request that the papers be sent to any other persons that he/she feels is appropriate.
10. Members sitting on the Call-in Sub-Committee should bring to the meeting an open mind and an impartial approach. Where a Member of the Sub-Committee is one of the Members calling in the decision, that Member should send a Reserve Member to the meeting of the Sub-Committee which considers the call-in, unless (for example because they are a co-opted member) they do not have a nominated Reserve.
11. The relevant Portfolio Holder and the relevant Chief Officer (or his/her representative) will be invited to attend the meeting to explain the reasons for the decision and to clarify any aspects associated with the issue in question.
12. The Members initiating the call-in will be invited to nominate one of their number or another Member who is not a Member of the Call-in Sub-Committee to advocate on their behalf and on behalf of others who may oppose the decision. Such a Member will be entitled to speak at the Call-in Sub-Committee on an equal footing with the Portfolio Holder and the relevant Chief Officer (or his/her representative).
13. The Chair of the Call-in Sub-Committee, in consultation with the meeting, may invite any other persons (for example, a legal adviser or other appropriate officer) to assist during the meeting as he/she feels appropriate.
14. The Chair of the Call-in Sub-Committee, in consultation with the meeting, will determine how the call-in will be dealt with. The rules on deputations and petitions shall apply as they apply to the Overview and Scrutiny Committee.
15. Having considered the call-in, the Sub-Committee may come to one of the following conclusions:-
  - (i) that the grounds for the call-in be upheld and
    - (a) in the event that it is upheld that the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework, the decision be referred to the Council. In such a case the Call-in Sub-Committee must set out the nature of its concerns for Council. The nature of such concerns would usually be expected to be significant and well proven in the context of the decision under consideration; or
    - (b) the decision be referred back to the decision taker for reconsideration. In such a case the Call-in Sub-Committee must set out the nature of its concerns for the decision taker. The nature of such concerns need only be sufficient to indicate that reconsideration is warranted, and need not necessarily indicate that the Sub-Committee believes the decision should be reversed, unless so stated by the Sub-Committee.
  - (ii) that the grounds for the call-in be rejected and the decision be implemented.

**PROTOCOL FOR HANDLING PORTFOLIO HOLDER DECISIONS REFERRED BACK BY  
THE CALL-IN SUB-COMMITTEE**

- (1) This protocol applies to decisions made by individual Portfolio Holders (whether or not on the recommendation of an Advisory Panel) which are (a) the subject of call-in by the Call-in Sub-Committee of the Overview and Scrutiny Committee and (b) the Call-in Sub-Committee refers the decision back to the Portfolio Holder for reconsideration under Overview and Scrutiny Procedure Rule No 22.8(c).
- (2) In every case where the circumstances in the preceding paragraph arise, a local protocol shall apply to the effect that the Call-in Sub-Committee shall refer the matter to the Leader of the Council who will determine whether the matter should be referred to the Cabinet or to the Portfolio Holder.

Agreed by Cabinet, 17/12/02.

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To: The Chief Executive

24 OCT 2005

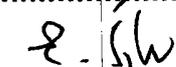
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1. NOTICE OF CALL-IN OF EXECUTIVE DECISION

Received in Room 131

Received in Room 131

In accordance with Overview and Scrutiny Procedure Rule 22, we, the undersigned, hereby give notice that we wish to call-in the Executive decision detailed in section 2 below:-

<u>NAME (PLEASE PRINT)</u>	<u>SIGNATURE</u>
CUR MRS E. M. KINNEAR	
CLLR DON BILSON	
CLLR MRS. M. H. JOHN.	
CLLR RAYMOND ARNOLD	
CIA ERIC SILW	
CLLR Julie Champagne	JULIE CHAMPAGNE

2. DETAILS OF EXECUTIVE DECISION

The details of the Executive decision are as follows:-

Decision: PHD 050/05 - ROXETH GREEN AVENUE

Made by: ENVIRONMENT & TRANSPORT PORTFOLIO HOLDER  
(Cabinet/relevant Portfolio Holder)

Published On: 17 OCTOBER 2005  
(Date)

3. GROUNDS FOR CALL-IN

Please specify below the grounds for the call-in, in accordance with Overview and Scrutiny Procedure Rule 22.5 (the grounds on which an Executive decision may be called in are set out overleaf). Please note that the considerations of the Call-in Sub-Committee will focus on the grounds stated, and the Sub-Committee will seek evidence to support them. Please therefore also set out below details of the evidence to support the grounds for call-in, continuing on a separate sheet if necessary.

SEE PAGE 2 ATTACHED

Once completed, please forward this form to Claire Vincent in Room 138, Civic Centre or send it by fax to 020 8424 1557 WITHIN 5 WORKING DAYS OF THE DATE OF PUBLICATION OF THE DECISION.

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GROUNDS FOR CALL-IN Roxeth Green Avenue are per

Rule 22.5 (b)(d) and possibly (e). It is contended that there is an absence of adequate evidence on which to base the decision, and that the actions proposed are not proportionate to the desired outcome given the very limited response to the Council's suggestions. There was less than 10% response to the first consultation and only 5.6% to the second. These reasons are amplified below.

Cllr Eileen Kinnear

GROUNDS FOR CALL-IN - PHD 050/05 – ROXETH GREEN AVENUE

1. The problems to be addressed are Speeding traffic, Congestion and Parking: each exacerbates the other. It is not clear from the report how the measures proposed will provide adequate solutions. They may lead to greater rat-running through the side-roads, and it is recognised they may reduce parking capability. This needs discussion to define priorities if need be.
2. Building out at the corners of roads may not necessarily provide the intended benefit for residents.
3. The provision of additional pedestrian refuges as indicated may not be the best or safest course in this location.
4. Loss of trees - The existing trees are features of the area. Removing most of them does not seem to be best practice (even given the intention to replace some) nor does it appear to add to the Borough's green credentials.

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Record of Environment and Transport Portfolio Holder's Decision

Ref: PHD 050/05

<b>Subject:</b>	<b>Roxeth Green Avenue, South Harrow – Cycling, Parking and Traffic Congestion Relief – Design and Results Consultations</b>  (The report sought authority to implement a traffic scheme in Roxeth Green Avenue following two consultation exercises).
<b>Date of Decision:</b>	13 October 2005
<b>Declaration of interest (if any):</b>	None
<b>Key decision (Yes/No?):</b>	No
<b>Urgent/Non Urgent decision?:</b>	Non-Urgent
<b>Public/Exempt?:</b>	Public
<b>Options considered:</b>	As set out in paragraph 2.2 of the published officer report.
<b>Any other option identified by the Portfolio Holder:</b>	None
<b>Decision:</b>	That the implementation of the scheme, as shown at Appendix D of the officer report, be authorised.
<b>Reasons for decision:</b>	The scheme will address an on-going, very severe, and worsening traffic congestion problem caused by resident and commuter parking.

**Is the decision subject to call-in? YES**

**YES** - *The call-in period expires on 24 October 2005 (5.00pm). The decision can be implemented on 25 October 2005 if not called in.*

**NO** - *The decision is Urgent and can be implemented now.*

**CALL-IN** - this is the process whereby a decision taken by the Executive or a Portfolio Holder may be examined by the Overview and Scrutiny Committee. The Overview and Scrutiny Committee may recommend that the Executive reconsider the decision.

For further information, please contact Daksha Ghelani on 020 8424 1881 or by e-mail: [daksha.ghelani@harrow.gov.uk](mailto:daksha.ghelani@harrow.gov.uk)

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Ref: PHD 050/05

Subject:	<b>Roxeth Green Avenue, South Harrow – Cycling, Parking and Traffic Congestion Relief – Design and Results of Consultations.</b>
Responsible Officer:	Transportation Manager, Urban Living
Contact Officer:	Paul Edwards, Principal Engineer - West Area Transportation Team
Portfolio Holder:	Cllr. Phil O'Dell, Environment and Transport
Key Decision:	No
Urgent/Non Urgent:	Non urgent
Power to be exercised:	“Extraordinary Council, 28 <sup>th</sup> May 2002 – item 6” Role and Delegated Powers of Portfolio Holders – Section 8 and 16(b).
Status:	Part I

### **Section 1: Summary**

#### **Decision Required**

**That the Portfolio Holder for Environment and Transport authorises the implementation of the scheme as shown at APPENDIX D.**

#### **Reason for report**

To present the proposals to the Portfolio Holder and report the results of two consultations that were carried out during the design process and to obtain the Portfolio Holder's approval to implement the scheme.

## **Benefits**

The scheme will address an on-going, very severe, and worsening traffic congestion problem caused by resident and commuter parking.

## **Cost of Proposals**

The cost of the congestion relief scheme is estimated at £400,000 and would be met from the council's capital budget. Whilst implementing the congestion relief works the opportunity would be taken to provide a required component of the local cycle network at an estimated additional cost of £150,000. The cost of the cycle network works would be met from Transport for London's cycling budget.

## **Risks**

The scheme will organise on-street parking such that one clear unobstructed lane will exist in each direction. It is possible that this might lead to increased vehicle speeds.

The measures will also reduce on-street parking capacity.

## **Implications if recommendations rejected**

The existing problems of traffic and parking congestion would almost certainly worsen beyond what is already considered to be at unacceptable levels.

## **Section 2: Report**

### **2.1 Brief History**

- 2.1.1 Awareness of the ever-worsening traffic conditions in Roxeth Green Avenue was raised towards the end of 2002 following the results of a MORI poll commissioned by the South Harrow Pilot Project and the receipt of a petition signed by 39 residents.
- 2.1.2 In 2003 the "New Harrow Project" invited the residents and businesses of Roxeth Green Avenue and area to a public meeting. The purpose of the meeting was to outline possible solutions to the identified problems and to increase the council's knowledge of the concerns of local residents and businesses. More than 50 members of the public attended the meeting.

2.1.3 The increasing demand for parking had led to a breakdown of the informal agreement, which had existed amongst local residents that they park only on the northwest (odd numbers) side of the road thus leaving the remainder of the road clear for a two-way traffic flow.

2.1.4 Since 2002 the traffic situation has continued to worsen. Residents continue to report a shortage of on-street parking and traffic congestion. Often, parking reduces the available road width to a single lane. This leads to much frustration and bad temper and consequent damage to soft verges caused both by vehicles parking on them and moving traffic driving onto them to pass approaching vehicles.

## 2.2 Options considered

2.2.1 The project team considered several options that would have required the relocation of existing kerb lines. These were discounted following careful and thorough assessment of each in turn. The main problems of these options were that they required the relocation of the existing telephone poles, the expense of this coupled with the cost of the new kerb lines outweighed any advantages.

2.2.2 The simple solution would be to reinstate the pre 2002 situation, when everyone parked on the north-west side. However since 2002 increases in the parking demand have continued such that parking on one side only would not provide sufficient parking. A solution was sought therefore that provided parking on both sides of the road.

2.2.3 The preliminary proposals as shown at **APPENDIX A** were prepared on the basis that vehicles will park on the existing northwest (odd numbers) kerb-line, except at the rail bridge and within 10 metres of road junctions.

2.2.4 At the road junctions the footway will be built out to assist pedestrians crossing Roxeth Green Avenue and vehicles turning out of the junctions.

2.2.5 New parking lay-bys will be provided on the southeast (even numbers) side of the road. These have been curtailed as necessary to avoid the prohibitive cost of relocating the existing telephone poles.

2.2.6 The formalisation of the parking and the introduction of several vehicle speed reduction features might reduce the overall parking capacity in the road. The residents of Roxeth Green Avenue will be consulted later this year to find out if they would like to be included in an extension of the existing South Harrow controlled parking zone. Representations received from some residents suggest that they will opt for inclusion. This will provide the opportunity to address any parking problems that still remain following the works the subject of this report.

- 2.2.7 The project team, in consultation with the council's arboriculture officer, formed the view that existing trees could only be retained at high detriment to the improvement proposals. It is considered that the right of residents and businesses to enjoy vehicular access to the public highway, reinforced by the desirability of off-street parking, was paramount on this occasion.
- 2.2.8 The arboriculture officer has joined the project team and will prepare a tree-planting scheme, following the completion of the construction works, when details of underground services will be known. The tree species will be chosen to be appropriate for on-street use and will display none of the problems inherent in the current tree stock.

## 2.3 Consultations

### First Consultation

- 2.3.1 The first consultation was carried out during January and February 2005. The consultation document gave the background of the scheme and preliminary outline (conceptual) design, as shown at **APPENDIX A**, and included a comment return card and stamped addressed envelope. These were delivered to all properties in Roxeth Green Avenue and Thornley Drive, a little less than 250 in total.
- 2.3.2 A staffed exhibition was held at the Windsock Club on Eastcote Avenue from 7pm to 9pm on Wednesday 26<sup>th</sup> January 2005 where ward councillors and officers were able to answer residents' questions and address their concerns.
- 2.3.3 Twenty-four comment sheets were completed and returned. A spreadsheet attached at **APPENDIX B** summarizes the comments and provides a rudimentary analysis of the concerns of the residents.
- 2.3.4 Two of the 24 residents that responded expressed opposition to the scheme and around 14 residents were clearly in favour of the scheme. Eight residents did not express a view.
- 2.3.5 The residents listed their concerns related to the existing situation in Roxeth Green Avenue as traffic and parking congestion, "rat-running" and traffic volume, with some mention of road rage and non-resident parking. Seven residents suggested that the problem was caused or made worse by the new residential development in the area. It should be noted that Roxeth Green Avenue is classified as a Local Distributor Road and as such is a designated route for traffic between locations in the Borough and some of the surrounding area.

- 2.3.6 Six residents pointed out that the new proposals would make it easier for drivers to speed along Roxeth Green Avenue. It should be noted that:
- a) The possible increase in speed of vehicles, following the implementation of the proposals, is acknowledged as a potentially significant problem to be addressed during detailed design. Although the proposal will provide unobstructed flows in each direction the lane width will not be excessive and the road configuration might not be conducive to high vehicle speed.
  - b) Council policy does not allow the use of conventional speed reduction features (road humps, chicanes etc.) on a “Local Distributor Road” and we therefore propose to provide an additional mini round-a-bout and will investigate other possible measures during detailed design.
  - c) “Vehicle speed activated” signs will be provided. These are signs that display a ‘SLOW DOWN’ message, and include an electronic display of the speed limit roundel, which are triggered when drivers exceed a set threshold speed. The sign face would remain blank when not activated. Two signs will be provided, one on each side of the carriageway, in positions that will be finalised when the construction works are substantially complete and nearby residents have been consulted.
  - d) It will be necessary to monitor vehicle speed, and any reports of accidents, very closely during the first year of the operation of the new proposals and to respond quickly to any undesirable events.
- 2.3.7 Only three residents expressed concern about non-resident parking although this is without doubt a problem in the area and other representations have been received confirming this. Roxeth Green Avenue will be consulted later this year as part of the review of the South Harrow CPZ.
- 2.3.8 Three residents suggested that the cycle tracks are not required (one other welcomed the cycling proposals). The Council are providing cycling facilities to encourage the use of cycling as a sustainable mode of transport. Roxeth Green Avenue is part of the local cycle network and therefore the opportunity has been taken to incorporate cycling facilities in the proposals.
- 2.3.9 Three residents expressed concern about damage to grass and trees, one of the three referred to the matter more directly than the other two, expressing the hope that not too many trees would be lost. The proposals will therefore include a planting scheme and it is planned to provide more new trees than will be removed.
- 2.3.10 Although only 30 of the 250 or so residents and businesses responded to the consultation indications are that the scheme will be well received by both those who live in the area and those who travel along Roxeth Green Avenue.

2.3.11 The work carried out by the Project Team to the date of the first consultation clearly indicated that the proposals consulted upon were the most feasible and effective of available options. The design was conceptual at that stage and with the benefit of the consultation feedback the scheme was amended and the council's arboriculture officer prepared a provisional tree-planting scheme.

## **Second Consultation**

2.3.12 The second consultation was carried out during July and August 2005. The consultation document described, and indicated on a plan, as shown at **APPENDIX D**, additional proposals to reduce vehicular speed and provide better pedestrian facilities in Roxeth Green Avenue.

2.3.13 The first additional proposal would provide pedestrian refuges each side of the proposed mini-roundabout at Maple Avenue. The refuges would cause motorists to change their direction as they enter the roundabout with a consequent decrease in speed. This would also provide a safer pedestrian crossing facility.

2.3.14 The second proposal was the provision of a pedestrian refuge near the Rayners Lane end of Roxeth Green Avenue. This would provide a vehicle deflection that would cause a reduction in vehicle speed and a safer pedestrian crossing facility.

2.3.15 The third proposal was the provision of two speed reactive signs, to be strategically placed, one each side of the carriageway.

2.3.16 The consultation document also explained why most of the existing trees would need to be removed and described a tree-planting scheme that would provide around 200 new trees.

2.3.17 Only 15 responses were received from approximately 250 leaflets distributed. The questionnaire enclosed with the consultation leaflet requested comments and did not ask if respondents were in favour of the proposals. However, six of the respondents said they were in favour of the proposals with one against; the remaining 8 did not express a view.

2.3.18 A summary of the comments received together with officer's responses is attached at **APPENDIX C**. As a result of the consultation further consideration will be given to the tree-planting scheme, particularly in respect of the numbers of trees to be provided which is now thought to be excessive.

2.3.19 The initial drafts of the consultation documents and this report were circulated to ward councillors and amended as appropriate before being finalised.

## **2.4 Financial Implications**

- 2.4.1 The estimated cost of the new cycle track is £150,000 and would be funded from Transport for London's London Cycle Network budget.
- 2.4.2 The estimated cost of the carriageway and footway works is £400,000 and will be funded from Harrow's Capital budget.

Signature ..... Date .....  
Anil Nagpal

## **2.5 Legal Implications**

- 2.5.1 The Highway Authority (the Council) is permitted to provide approved signs and road markings, on the public highway, under the Traffic Signs Regulations and General Directions 2002.
- 2.5.2 Cycle tracks can be provided by resolution under Section 65 of the Highways Act 1980.
- 2.5.3 Advisory cycle routes including cycle lanes on the carriageway and signed routes can be introduced under delegated powers.

Signature ..... Date .....  
John Hannington

## **2.6 Equalities Impact**

- 2.6.1 The proposals have been prepared having regard of the Council's Corporate Equality Plan.

## **Section 3: Supporting Information/ Background Documents**

### **3.1 Appendices:**

- Appendix A: Initial Scheme Layout Drawing.  
Appendix B: Summary of responses to first consultation.  
Appendix C: Summary of results of second consultation and officer's responses.  
Appendix D: Final Scheme Layout Drawing.

### **3.2 Supporting Information:**

- 3.2.1 Copies of the consultation documents and questionnaires distributed to residents and businesses for consultation in January and February 2005 and July and August 2005.
- 3.2.2 Copies of returned consultation questionnaires.

Signature: .....

Steve Swain, Transportation Manager, Urban Living

Date:

**FOR PORTFOLIO HOLDER**

- \* I do agree to the decision proposed
- \* I do not agree to the decision proposed
- \* Please delete as appropriate

Notification of personal interests (if any) :-  
(Note: if you have a prejudicial interest you should not take this decision)

Additional comments made by and/or options considered by the Portfolio Holder

Signature: .....

Cllr Phil O'Dell - Portfolio Holder Environment and Transport

Date:

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