

LONDON BOROUGH OF CROYDON

To: All Members of Council
Croydon Council website

PUBLIC NOTICE OF KEY DECISIONS MADE BY CABINET MEMBER FOR SUSTAINABLE CROYDON ON 27 JANUARY 2021

This statement is produced in accordance with Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

In accordance with the Scrutiny and Overview Procedure Rules, the following decisions may be implemented from **1300 hours on 4 February 2021** unless referred to the Scrutiny and Overview Committee (ie after 13.00 hours on the 6th working day following the day on which the decision was taken). The call-in procedure is appended to this notice.

The following apply to the decision below:

Reasons for these decisions: As set out in the Part A report.

Other options considered and rejected: As set out in the Part A report.

Details of conflicts of interest declared by the decision maker: None

Note of dispensation granted by the Head of Paid Service in relation to a declared conflict of interest by that decision maker: None

The Leader of the Council has delegated to the decision maker the power to make the Key Decisions noted out below:

Decision Title: CRYSTAL PALACE AND SOUTH NORWOOD LOW TRAFFIC NEIGHBOURHOOD

Key Decision No: 6520SC

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the reports, the Cabinet Member for Sustainable Croydon

RESOLVED

- 1.1 To consider:
 - a) the responses received to the informal consultation on the options for the future of the Crystal Place and South Norwood Temporary Low Traffic Neighbourhood and other feedback.
 - b) the Mayor of London's Transport Strategy and the Council's plan to implement it within the Borough (the Croydon Local Implementation Plan).
 - c) the Council's statutory duties, including its duties under the Road Traffic Regulation Act 1984, in particular its duties under s.9, s.121B and s.122, its duties under the Traffic Management Act 2004, in particular its duty under s.16, its duties under the Equality Act 2010, in particular under s.1 and s.149 (the public sector equality duty). .
 - d) the statutory guidance 'Traffic Management Act 2004: network management in response to COVID-19' as updated on 13 November 2020.
 - e) the other matters within and referred to within this report.
- 1.2 To agree to the removal of the measures implementing the Temporary Low Traffic Neighbourhood as soon as practicable and in any event prior to the implementation of the recommended Experimental TRO.
- 1.3 To request the following additional information to enable consideration of the recommendations 1.1 and 1.3 – 1.7 of the January 2021 report
 - a) An addendum to the January 2021 report addressing the judgement of Mrs Justice Lang in the case of (R (UTAG & LTDA) v Mayor of London and TfL [2021]) and the impact, if any, on the recommendations in respect of the proposed experimental order which were made to the Traffic Management Advisory Committee in the January 2021 report.
- 1.4 To request the following question be put to the Traffic Management Advisory Committee/officers/persons who made representations to the Committee/in response to the consultation to facilitate further consideration of the recommendations in paragraph 1.1 and 1.3 – 1.7 of the January 2021 report
 - a) Following the preparation of the addendum to the January 2021 report, does the Traffic Management Advisory Committee endorse the recommendations 1.1 and 1.3 – 1.7 of the January 2021 report, or such other recommendation in the addendum, in respect of the proposed experimental order.
- 1.5 To request the additional information and questions be put to the Traffic Management Advisory Committee/officers/persons who made representations to the Committee/in response to the consultation to enable further consideration of the recommendations at 1.1 and 1.3 – 1.7 of the January 2021 report.
 - a) **Response from local school and how we will work with them to resolve their concerns**

The two local schools have both expressed concern with regards access to their establishments by teachers and other staff. The team are to investigate how these concerns can be addressed to best effect for all concerned

b) Access for care workers

The needs of our residents who require home care, be that via professionals or family members, must be considered so that they and their care givers are not disadvantaged by this scheme. Clarity needs to be given as to how the Council will deal with the essential needs of those affected.

c) Access for car clubs

Car clubs do mean that there are less cars on our roads at any one time as households can rely on the use of such clubs almost entirely. Residents living within the zone that do not have access to their own car or rely from time to time on the use of car club alternatives should not be penalised for trying to reduce their reliance upon the ownership of a car or similar. The team is to investigate how car clubs can be incorporated into the operation of the zone in a similar way to Care Givers.

d) Period of experimental order

It is acknowledged that the Committee did not want the Experimental TRO to last beyond 12 months, with a review at that stage.

e) Engagement with the London Borough of Bromley

Officers to report to TMAC on a regular basis to allow for the updating of the committee as we work together with Bromley to progress the scheme. Notwithstanding the above, since the meeting of TMAC I have been made aware of the judgment of Mrs Justice Lang in the case of (R (UTAG & LTDA) v Mayor of London and TfL [2021] EWHC 72 which has quashed the London Streetspace Plan and Transport for London's "Interim Guidance to Boroughs". Whilst I understand that the quashing order is stayed pending appeal by TfL, I consider it necessary to fully understand the impact of the judgment, if any, on the recommendations to the Traffic Management Advisory Committee, to take a decision in relation to the proposed Experimental Orders which will comprise the Low Traffic Neighbourhood.

Signed: Council Solicitor and Monitoring Officer

Notice Date: 03 February 2021

Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 4 February 2021** (the 6th working day following the day on which the decision was taken) unless referred to the Scrutiny and Overview Committee.
2. The Council Solicitor shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
 - i) the Chair and Vice Chair of the Scrutiny and Overview Committee and 1 member of that Committee; or for education matters the Chair, Vice Chair and 1 member of that Committee; or
 - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Victoria Lower by the deadline stated in this notice. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
 - i) The grounds for the referral
 - ii) The outcome desired
 - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
 - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision. The Chair of the Scrutiny & Overview Committee shall also be notified.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Council Solicitor, this would cause undue delay. In such cases the Council Solicitor will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to Cabinet for reconsideration, setting out in writing the nature of the concerns. The Cabinet shall then reconsider the decision, amending the decision or not, before making a final decision.
8. The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision is outside of the budget and policy framework of the Council. In such circumstances, the provisions of Rule 7 of the Budget & Policy Framework Procedure Rules (Part 4C of the Constitution) apply. The Council

may decide to take no further action in which case the decision may be implemented. If the Council objects to Cabinet's decision it can nullify the decision if it is outside the Policy Framework and/or inconsistent with the Budget.

9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.
10. If the Council determines that the decision was within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision, to the Cabinet. The Cabinet shall choose whether to either amend, withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
11. The responses of the decision-taker and the Council shall be notified to all Members of the Scrutiny and Overview Committee once the Cabinet or Council has considered the matter and made a determination.
12. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
13. **URGENCY:** The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process. The Chair of the Scrutiny and Overview Committee must agree that the decision proposed cannot be reasonably deferred and that it is urgent. In the absence of the Chair, the Deputy Chair's consent shall be required. In the absence of both the Chair and Deputy Chair, the Mayor's consent shall be required. Any such urgent decisions must be reported at least annually in a report to Council from the Leader including the reasons for urgency.

Signed: Council Solicitor and Monitoring Officer

Notice Date: 03 February 2021

Contact Officers: victoria.lower@croydon.gov.uk and cliona.may@croydon.gov.uk

PROFORMA

**REFERRAL OF A KEY DECISION TO THE
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Victoria Lower and Cliona May, Democratic Services & Scrutiny
e-mail to

Victoria.lower@croydon.gov.uk and cliona.may@croydon.gov.uk

Meeting:

Meeting Date:

Agenda Item No:

Reasons for referral:

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

The outcome desired:

**Information required to assist the Scrutiny and Overview Committee to consider
the referral:**

Signed:

Date:

Member of _____ Committee