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| REPORT TO: | SCRUTINY AND OVERVIEW COMMITTEE 23 March 2021 |
| SUBJECT: | CALL IN: Crystal Palace & South Norwood Low Traffic Neighbourhood |
| LEAD OFFICER: | Stephen Rowan, Head of Democratic Services and Scrutiny |
| CABINET MEMBERS: | Councillor Muhammad Ali, Cabinet Member for Sustainable Croydon |

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| ORIGIN OF ITEM: | This item has been triggered by the call-in of the decision (6520SC) by the Cabinet Member for Sustainable Croydon on 23 February 2021. |
| BRIEF FOR THE COMMITTEE: | To consider and respond to the Call-In in accordance with the procedure set out in the Council's constitution (set out in paragraph 2.3 below). |

1. EXECUTIVE SUMMARY

- 1.1 The decision taken on the Crystal Palace and South Norwood Low Traffic Neighbourhood by the Cabinet Member for Sustainable Croydon on 23 February 2021 has been called-in by fourteen members of the Council. The decision was made by the Leader to delegate this decision to the Cabinet Member for Sustainable Croydon.
- 1.2 Attached to this report are:
- **Appendix A** is the completed call in form that was received by the Monitoring Officer
 - **Appendix B** is the Key Decision Notice and the Crystal Place and South Norwood Low Traffic Neighbourhood decision report.
 - **Appendix C** is a copy of a second call-in request received on the same decision (for the information of the Committee).

2. CALL-IN – CRYSTAL PALACE AND SOUTH NORWOOD LOW TRAFFIC NEIGHBOURHOOD

- 2.1 The decision taken by the Cabinet Member for Sustainable Croydon, that is the subject of this call-in, was as follows:

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 to:

1. *Subject to Spending Control Panel agreeing to the spending of ring fenced grant funding to implement an Experimental Low Traffic Neighbourhood at Crystal Palace and South Norwood 'Experimental LTN' by the making of an Experimental Traffic Regulation Order (Experimental TRO) to operate for up to 18 months, to:*

- a. *prohibit access and egress by motor vehicles (other than certain exempt vehicles) at the following locations:*
 - i. *Sylvan Hill at the common boundary of Nos.11 and 13*
 - ii. *Lancaster Road junction with Goat House Bridge*
 - iii. *Fox Hill junction with Braybrooke Gardens*
 - iv. *Stambourne Way junction with Auckland Road*
 - v. *Bus gate introduced at the common boundary of Nos. 86 and 84a (Auckland Road Surgery) Auckland Road*
 - b. *These restrictions to be enforced through Automatic Number Plate Recognition (ANPR) camera technology.*
 - c. *The restrictions shall not apply in respect of:*
 - i. *a vehicle being used for fire brigade, ambulance or police purposes;*
 - ii. *anything done with the permission of a police constable in uniform or a civil enforcement officer;*
 - iii. *a vehicle being used for the purposes of a statutory undertaker in an emergency, such as the loss of supplies of gas, electricity or water to premises in the area, which necessitates the bringing of vehicles into a section of road to which the order applies;*
 - iv. *buses;*
 - v. *licensed taxis*
 - vi. *Dial-a-Ride vehicles;*
 - vii. *vehicles to which a valid exemption permit has been provided.*
 - d. *Introduce two disabled persons Blue Badge parking bays outside Nos 84 and 86 Auckland Road.*
2. *Instruct officers to continue to seek to work with those in Bromley Council to mitigate effects predicted to arise from the Experimental LTN in certain residential access streets in Bromley and to address concerns about potential effects on air quality.*
 3. *Delegate to the Director of Public Realm the authority to vary the provisions of the Experimental TRO including the exemptions to the restrictions.*
 4. *In relation to Equality, agree:*
 - a. *that the equality implications of the recommended Experimental Traffic Regulation Order have been the subject of careful consideration in compliance with the Council's obligations under sections 1 and 149 of the Equality Act 2010;*
 - b. *nevertheless there should be further equality impact analysis including through focused engagement with the members of groups with protected characteristics potentially most affected by the proposed change in and around the area of the Experimental LTN during the operation and any change of the Experimental TRO;*
 5. *Ensure that a recommendation on the future for the Experimental LTN be brought to the Traffic Management Advisory Committee at the appropriate time if considered desirable prior to the expiry of the Experimental TRO and in any event as soon as is practicable after 12 months of the experimental order being in place.*

2.2 The call-in pro-forma is attached at Appendix A. The decision form was received on 23 February 2021 from Councillor Stephen Mann and signed by fourteen Councillors: Nina Degrads, Pat Ryan, Mary Croos, Jerry Fitzpatrick, Patricia Hay-Justice, Chris Clark, Maddie Henson, Caragh Skipper, Alison Butler, Humayan Kabir, Jamie Audsley, Patsy Cummings and Pat Clouder.

2.3 The reasons stated for the Call-In are that:

“We wish to call in the LTN decision to Overview and Scrutiny Committee following the recent TMAC Decision to review the process the Council has followed in developing and implementing the LTN.

While we welcome the changes considered at the February meeting to include an expanded exemption scheme and work to improve car club provision, we believe that the Council could have better communicated the vision and policy drivers behind the scheme; better timed interventions during the temporary phase and could be more ambitious in what it seeks to deliver for the area.

We recognise the high level of opposition shown as a result of the consultation both inside and outside the LTN zone and wish the Cabinet Member to set out how the Council will work with these residents, and those in favour, to ensure the scheme works for all.

We wish the Committee and the Cabinet Member to review the following suggestions for improvement to the scheme as set out during the meeting:

1. Air Quality monitoring along South Norwood Hill, Church Road, Westow Hill, Crown Dale, Beulah Hill, Central Hill is undertaken and appropriate resolution is looked at.
2. Explore improving cycling along Church Road and the wider main road network
3. Talks resume with Bromley Council to address the Milestone, Patterson, Cintra issue
4. The Council sets out its engagement strategy with residents, businesses and the five Boroughs at the outset and this is at the heart of the experimental period
5. The Council should consider staging a Citizens Assembly on the LTN and the delivery of the Fresh Air Suburb.
6. Engagement takes place with businesses to paint a clear picture of customer travel patterns and congestion on the Triangle and appropriate interventions are made to reduce congestion and pollution while driving up active travel.
7. Explore working with delivery firms, app companies and developers to pilot sustainable deliveries in and around the zone using (e-)bikes and ZE-Vehicles.”

2.4 The outcomes desired from the Call-In are stated as bringing forward and reviewing the lessons learned from this decision we wish the Council to look at best practice as set by other Boroughs to deliver a clear vision and plan for reducing congestion and improving air quality on all roads, creating healthier streets for residents be this via a rolling programme of LTNs or other interventions:

2.5 The Call-In request has also set out the information it requires to assist the consideration of the referral. The information requested is stated as:-

- i. All relevant documents relating to the Crystal Palace & South Norwood Low Traffic Neighbourhood.

ii. Relevant documents relating to other relevant LTN programmes

2.6 In addition to the call-in request presented to the Scrutiny and Overview Committee for its consideration, a second call-in request was received for this decision. As the Council's Constitution only allows a decision to be subject to one call-in request, the first received is the one presented to the Committee. A copy of the second call-in request is attached at Appendix C for the information of the Committee.

3. CALL-IN PROCEDURE

3.1 The Council's Constitution, Part 4E Scrutiny & Overview Procedure Rule, states:

“11.08 The referral shall be considered at the next scheduled meeting of the Scrutiny and Overview Committee unless, in the view of the Borough Solicitor, this would cause undue delay. In such cases the Borough Solicitor, will consult with the decision-taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny and Overview Committee may only consider a maximum of three referrals at any one meeting.

11.09 At the meeting, the referral will be considered by the Committee which shall determine how much time it 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 the 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.

11.10 The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision taken by the Leader or Cabinet is outside the Budget and Policy Framework of the Council. 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.

11.11 If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.

11.12 If the Council determines that the decision was within the Policy Framework and consistent with the Budget, it 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 after the referral from the Council.

11.13 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.

11.14 If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 11.08 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.”

CONTACT OFFICER:

Simon Trevaskis

(Senior Democratic Services and Governance
Officer)

020 8726 6000 x 84384

Simon.Trevaskis@croydon.gov.uk

Appendix A is the completed call in form that was received by the Monitoring Officer

Appendix B is the Key Decision Notice and the Crystal Place and South Norwood Low Traffic Neighbourhood decision report.

Appendix C is a copy of a second call-in request received on the same decision (for the information of the Committee).

PROFORMA

CALL-IN - REFERRAL OF A KEY DECISION BY THE SCRUTINY AND OVERVIEW COMMITTEE

For the attention of Cllr Muhammad Ali

Key Decision Number 6520SC

We wish to call in the LTN decision to Overview and Scrutiny Committee following the recent TMAC Decision to review the process the Council has followed in developing and implementing the LTN.

While we welcome the changes considered at the February meeting to include an expanded exemption scheme and work to improve car club provision, we believe that the Council could have better communicated the vision and policy drivers behind the scheme; better timed interventions during the temporary phase and could be more ambitious in what it seeks to deliver for the area.

We recognise the high level of opposition shown as a result of the consultation both inside and outside the LTN zone and wish the Cabinet Member to set out how the Council will work with these residents, and those in favour, to ensure the scheme works for all.

We wish the Committee and the Cabinet Member to review the following suggestions for improvement to the scheme as set out during the meeting:

- 1) Air Quality monitoring along South Norwood Hill, Church Road, Westow Hill, Crown Dale, Beulah Hill, Central Hill is undertaken and appropriate resolution is looked at.
- 2) Explore improving cycling along Church Road and the wider main road network
- 3) Talks resume with Bromley Council to address the Milestone, Patterson, Cintra issue
- 4) The Council sets out its engagement strategy with residents, businesses and the five Boroughs at the outset and this is at the heart of the experimental period
- 5) The Council should consider staging a Citizens Assembly on the LTN and the delivery of the Fresh Air Suburb.
- 6) Engagement takes place with businesses to paint a clear picture of customer travel patterns and congestion on the Triangle and appropriate interventions are made to reduce congestion and pollution while driving up active travel.

- 7) Explore working with delivery firms, app companies and developers to pilot sustainable deliveries in and around the zone using (e-)bikes and ZE-Vehicles.

In bringing forward and reviewing the lessons learned from this decision we wish the Council to look at best practice as set by other Boroughs to deliver a clear vision and plan for reducing congestion and improving air quality on all roads, creating healthier streets for residents be this via a rolling programme of LTNs or other interventions.

Alternative decision proposed:

N/A – recommendations to be adopted into the scheme

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

All relevant documents related to the CPUN & SN LTN

Relevant documents relating to other relevant LTN programmes

Signed:

Stephen Mann

Date:23 Feb 2021

Nina Degrads

Date:23 Feb 2021

Pat Ryan

Date:23 Feb 2021

Mary Croos

Date:23 Feb 2021

Jerry Fitzpatrick

Date:23 Feb 2021

Patricia Hay-Justice

Date:23 Feb 2021

Chris Clark

Date:23 Feb 2021

Maddie Henson

Date:23 Feb 2021

Caragh Skipper

Date:23 Feb 2021

Alison Butler

Date:23 Feb 2021

Humayan Kabir

Date:23 Feb 2021

Jamie Audsley

Date:23 Feb 2021

Patsy Cummings

Date:23 Feb 2021

Pat Clouder

Date:23 Feb 2021

PROFORMA

REFERRAL OF A KEY DECISION TO THE SCRUTINY AND OVERVIEW COMMITTEE

For the attention of: Victoria Lower, Democratic Services & Scrutiny
e-mail to
Victoria.lower@croydon.gov.uk and cliona.may@croydon.gov.uk

Meeting:
Meeting Date:
Agenda Item No:

The constitution of the low traffic neighborhood (LTN) in Crystal Palace and South Norwood / introduction of experimental traffic management order etc

Reasons for referral:

- i) The decision is outside of the Policy Framework: Yes
 - ii) The decision is inconsistent with the budget
 - iii) The decision is inconsistent with another Council Policy: Yes
 - iv) Other: Please specify: Yes (see below)
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Outside policy framework (evidence-based policy making)

No evidence of positive change – no baseline assessment was conducted prior to the introduction of the scheme. As such there is no evidence that this scheme is improving local air quality or any other aspect of the local environment. We are being asked to rely on intuitive assumptions or studies from outside the area. Some studies indicate that low traffic neighborhoods are bad for the local environment. This does not seem to have been fully considered by the council.

Fiscally motivated – the introduction of ANPR cameras looks set to raise over £3million for the council. Increased revenue figures from ANPR technology have been included in early versions of the emergency budget. There is a huge concern that this decision has been motivated by the council's financial crisis and as such, pre-determined prior to the beginning of the consultation.

Inconsistent with another council policy (bad for business)

Bad for local businesses – the council has identified supporting local businesses as a corporate priority. But these measures are bad for business. They risk driving away footfall. At a time when businesses are already struggling because of the Covid-19 crisis and corresponding lockdowns/social media, there is a strong feeling that the council should be going out of its way to show support. Not introduce experimental

schemes.

Other: lack of opportunity for member scrutiny

Lack of opportunity for members to scrutinise – this decision has never been properly discussed and debated at cabinet or full council. It was discussed at TMAC but given the scale of opposition to it as expressed through the consultation, more debate by members would be appropriate.

The outcome desired:

Scrutiny to have confidence that members have properly had chance to question and scrutinise the policy

Scrutiny to have confidence the policy has been based on evidence

Scrutiny to have confidence that the policy is not fiscally motivated

Scrutiny to have confidence that the policy does not harm local businesses

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

All evidence around the impact of LTNs, including studies that suggest negative impact

Evidence of a timeline of decision making. This should include a breakdown of the ANPR figures in the emergency budget. Which cameras were expected to generate the revenue?

Signed: Gareth Streeter, Opposition spokesperson for Environment, Transport and Regeneration

Date: 22/01/2021

Member of _____ Committee