

London Borough of Enfield

Overview & Scrutiny Committee

Meeting Date: 21 June 2021

Subject: Call in – Programme for Transport for London Local Implementation Plan funding 2021/22
Cabinet Member: Cllr Guney Dogan, Cabinet Member for Environment and Sustainability
Key Decision: KD 5301

Purpose of Report

1. This report details a call-in submitted in relation to the following decision:
Portfolio Decision taken on (1 June 2021). This has been “Called In” by 7 members of the Council; Councillors Lindsay Rawlings, Joanne Laban, Mike Rye, Andrew Thorp, Maria Alexandrou, Edward Smith, Glynis Vince & Chris Dey

Details of this decision were included on Publication of Decision List No.3/21-22 (Ref. 1/3/21-22 – issued on 1 June 2021

In accordance with the Council’s Constitution, Overview and Scrutiny Committee is asked to consider the decision that has been called-in for review.

Proposal(s)

2. That Overview and Scrutiny Committee considers the called-in decision and either:
 - (a) Refers the decision back to the decision-making person or body for reconsideration setting out in writing the nature of its concerns. The decision-making person or body then has 14 working days in which to reconsider the decision; or
 - (b) Refer the matter to full Council; or
 - (c) Confirm the original decision.

Once the Committee has considered the called-in decision and makes one of the recommendations listed at (a), (b) or (c) above, the call-in process is completed. A decision cannot be called in more than once.

If a decision is referred back to the decision-making person or body; the implementation of that decision shall be suspended until such time as the decision making person or body reconsiders and either amends or confirms the decision, but the outcome on the decision should be reached within 14 working

days of the reference back. The Committee will subsequently be informed of the outcome of any such decision

Relevance to the Council's Plan

3. The council's values are upheld through open and transparent decision making and holding decision makers to account.

Background

4. The request (received 8 June 2021) to "call-in" the Portfolio decision of 1 June 2021 was submitted under rule 18 of the Scrutiny Procedure Rules. It was considered by the Monitoring Officer.

The Call-in request fulfilled the required criteria and the decision is referred to the Overview & Scrutiny Committee in order to consider the actions stated under 2 in the report.

Implementation of the Portfolio decision related to this report will be suspended whilst the "Call-in" is considered.

Reasons and alternative course of action proposed for the "Call in"

5. The Call-in request submitted by (7) Members of the Council gives the following reasons for Call-In:
 - Para 5. The Cabinet Member for Environment and Sustainability agrees to delegate authority to officers to change programmes, allocations and schemes where this offers best value and still delivers against regional and local priorities. **Although we understand that priorities might change this removes any scrutiny by elected members therefore lacks any accountability so this should be relooked at by OSC.**
 - Para 7. It should be noted that flexibility is being sought in respect of both reducing and increasing funding. **This again relates to my comments above regarding accountability and elected member engagement.**
 - Para 21. "The LIP programme and schemes as outlined here will make transport in Enfield much more health-promoting by increasing physical activity and reducing the health costs of motorised transport."
 - "Improving the walking and cycle infrastructure would also be likely to positively impact upon health inequalities as income or wealth would become a less significant factor in a person's ability to travel within the borough e.g. access to employment, healthcare, social networks etc." **There is no action plan or evidence as to how this will be achieved and how success will be measured in the report.**
 - Para 24 states that increased walking and cycling offers many other advantages including cleaner air, less noise, more connected neighbourhoods, less stress and fear, and fewer road traffic injuries. **However, the report fails to set out how it will mitigate the concerns raised by women that with fewer cars around it makes them feel more fearful walking home late at night. There were comments by the Police about the potential for crime to take place in**

quieter areas that were sent as part of the emergency services consultation prior to the implementation of the LTNS.

- Paragraph 25 says that more walking and cycling has the potential to support local businesses and promote vibrant town centres but **provides zero see evidence put forward to support this claim.**
- Equalities Impact of the Proposal
- Para 28-30– broad statements unsubstantiated with any evidence. Nothing about specific groups that will be impacted ie blue badge holders. All groups have been ‘lumped together’ which is unsatisfactory and discriminatory as each group have their own special needs. For example “Actions to improve air quality are likely to benefit older and/or disabled people with respiratory illnesses more than for the general population. Similarly, children and young people also will benefit disproportionately.” **What does this mean? The comments to complete the section without any real consideration of each groups needs.**
- Para 29 Managing growing demand for on-street parking may benefit some of the protected groups, especially where they are afforded greater priority in parking allocations. **The report does fails to mention how the on street parking will be managed?**
- Para 29 Policies to improve the reliability and accessibility of public transport will benefit protected groups with a greater reliance on public transport than the public at large to a disproportionate extent. **The report does not set out how this will be achieved with no mention in the report on goals except a comment that “a range of schemes have been identified” but does not state what are they and when will anyone be informed of them.**
- Para 33 Financial Risk:
- Not agreeing a programme and making an annual spending submission will mean the Council cannot access a significant source of funding. Mitigation: Agree programme and make annual spending submission to TfL. Why is this a risk when the report is an annual spending submission? **The report is unclear as to why it is a risk which is important information for members.**
- Financial implications
- Para 34 - TfL makes payments against certified claims as soon as costs are incurred, ensuring the Council benefits from prompt reimbursement. In para 37 “Underspends occurring during a financial year are normally returned to TfL and there is no presumption given that funding not required in a particular year can be carried forward.” **The report does not state how can underspends can be returned when they haven’t been given yet?**
- Appendix A
- Access to bikes- 12- Planning of bike access events and services. Booking of Dr Bike, Bike Markets. **The report fails to set out whether the funding is just for the planning or the funding to pay for the events and services, not clear in the report.**
- Appendix B
- Indicative programme – **The report fails to state whether the programme’s projects are in order of priority depending on funding? Is there an order of priority? How will any funding be spent?**

Consideration of the “Call in”

6. Having met the “Call-in” request criteria, the matter is referred to the Overview and Scrutiny Committee in order to determine the “Call-in” and decide which action listed under section 2 that they will take.

The following procedure is to be followed for consideration of the “Call-in”:

- The Chair explains the purpose of the meeting and the decisions which the Committee is able to take.
- The Call-in lead presents their case, outlining the reasons for call in.
- The Cabinet Member/ Decision maker and officers respond to the points made.
- General debate during which Committee members may ask questions of both parties with a view to helping them make up their mind.
- The Call in Lead sums up their case.
- The Chair identifies the key issues arising out of the debate and calls for a vote after which the call in is concluded. If there are equal numbers of votes for and against, the Chair will have a second or casting vote.
- It is open to the Committee to either;
 - take no further action and therefore confirm the original decision
 - to refer the matter back to Cabinet -with issues (to be detailed in the minute) for Cabinet to consider before taking its final decision.
 - to refer the matter to full Council for a wider debate (NB: full Council may decide either to take no further action or to refer the matter back to Cabinet with specific recommendations for them to consider prior to decision taking)

Main Considerations for the Council

7. To comply with the requirements of the Council’s Constitution, scrutiny is essential to good governance, and enables the voice and concerns of residents and communities to be heard and provides positive challenge and accountability.

Safeguarding Implications

8. There are no safeguarding implications.

Public Health Implications

9. There are no public health implications.

Equalities Impact of the Proposal

10. There are no equality implications.

Environmental and Climate Change Considerations

11. There are no environmental and climate change considerations.

Risks that may arise if the proposed decision and related work is not taken

12. There are no key risks associated with this report.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

13. There are no key risks associated with this report.

Financial Implications

14. There are no financial implications

Legal Implications

15. S 21, S 21A-21C Local Government Act 2000, s.19 Police and Justice Act 2006 and regulations made under s.21E Local Government Act 2000 define the functions of the Overview and Scrutiny committee. The functions of the committee include the ability to consider, under the call-in process, decisions of Cabinet, Cabinet Sub-Committees, individual Cabinet Members or of officers under delegated authority.

Part 4, Section 18 of the Council's Constitution sets out the procedure for call-in. Overview and Scrutiny Committee, having considered the decision may: refer it back to the decision-making person or body for reconsideration; refer to full Council or confirm the original decision.

The Constitution also sets out at section 18.2, decisions that are exceptions to the call-in process.

Workforce Implications

16. There are no workforce implications

Property Implications

17. There are no property implications

Other Implications

18. There are no other implications

Options Considered

19. Under the terms of the call-in procedure within the Council's Constitution, Overview & Scrutiny Committee is required to consider any eligible decision called-in for review. The alternative options available to Overview & Scrutiny Committee under the Council's Constitution, when considering any call-in, have been detailed in section 2 above

Conclusions

20. The Committee following debate at the meeting will resolve to take one of the actions listed under section 2 and the item will then be concluded.

Report Author: Claire Johnson
Head of Governance & Scrutiny
Email: Claire.johnson@enfield.gov.uk
Tel No. 020 8132 1154

Date of report 11 June 2021

Appendices

Portfolio Report

Response to Call in reasons (To follow)

Background Papers

The following documents have been relied on in the preparation of this report:
None