

London Borough of Enfield

Overview & Scrutiny Committee

Meeting Date 20 January 2022

Subject: Call in – Bowes Primary Area Quieter Area Neighbourhood

Cabinet Member: Councillor Nesil Caliskan

Key Decision: KD 5402

Purpose of Report

1. This report details a call-in submitted in relation to the following decision: Portfolio decision (taken on 8 December 2021). This has been “Called In” by 7 members of the Council; Councillors Smith, Dey, Steven, Vince, Thorp, Alexandrou and Rawlings

Details of this decision were included on Publication of Decision List No. 42/21-22).

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; (NB: this option is only available if the decision is outside of the policy framework)
 - (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 to "call-in" the Cabinet decision 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. Two separate call ins have been received on this item and are set out below.

Call in 1:

The Call-in request submitted by (7) Members of the Council gives the following reasons for Call-In:

"1. The Council must provide its reasons for an experimental traffic order (ETO) and those reasons must be set out in the Statement of Reasons and not use the Mayor's Transport Strategy to support this.

Amendments to an ETO can only be made within the first 12 months of its 18-month cycle to enable the statutory 6-month statutory objection period to run. No further amendments can be added to this traffic order.

2. Enfield Healthy Streets Framework policy post-dates the implementation of the Bowes QN ETO and cannot be applied to support the scheme retrospectively.

3. Lack of comprehensive training for officers attending those focus groups with disabled people in relation to the Public Service Equality Duty which meant they could not fully understand the consequences of this scheme for the disabled.

4. Blue Badge Holders - not everyone received a letter/survey to complete-of those that did participate in the survey, 76% claimed they suffered negatively from the scheme.

5. Contradictory reports on bus delays – Bowes report says bus journey times improved yet the Green Lanes Priority Scheme shows buses are operating with significant delays. This point has not been explored in the report.

6. Active travel shows no increase – only 3 sites were monitored for pedestrian activity- this is a very small sample to make any comment that would be taken into account for making a decision.

7. Cycling data is misleading- some roads recorded a large increase in cycling due to the abnormally low traffic flow before the scheme. If you exclude these 3 roads, the 15 roads show a decrease.

8. Traffic data is not representative. The report has been selective on traffic data - traffic data is missing from 8 of the 29 roads monitored.

9. Inaccuracy of traffic counters – The report references that traffic counters measured between 16th-28th September. However, this was during the petrol shortage period and therefore is not representative.

10. Pollution and Noise Modelling- the report data is misleading as traffic data is missing and therefore an accurate analysis cannot be made- limited time modelling carried out.

11. Bias against car owners- car owners have mostly reported negative responses and make up a large number of respondents. However, these views appear to have been disregarded by the decision maker despite them being the biggest group. The report does not give the same weight to responses from car owners as it does to non-motorists otherwise the decision would not be to make the scheme permanent.

12. Residents rejecting the LTNs- the report ignores the survey participants' views - there were overwhelming reasons opposing scheme.

13. Crime offences have increased 8% across Bowes. Crime figures are higher compared to the rest of Enfield showing a clear link of higher crime levels with the implementation of the QN scheme.

14. Poor street lighting in Bowes. The report fails to take into account the poor street lighting in Bowes which in addition to the scheme compounds the safety of residents especially women who have reported that they have felt vulnerable since the QN was implemented.

15. The impact on mental health has been ignored – the report fails to mention the scheme's impact on mental health due to the isolation and anxiety of people living within the QN.

16. Traffic volumes have not been significantly reduced but have been displaced. The report fails to state why the decision maker is confident that the traffic volumes have not been just displaced.

17. Impact of Covid pandemic - the report does not thoroughly address the impact that COVID-19 has had on traffic flows during different times of the pandemic.

18. Ignored warnings from the London Ambulance Service. The report ignores warnings from London Ambulance Service about patient safety from traffic delays.

19. Ignores the benefits of electric cars. The report fails to take into consideration the role of electric cars as a part solution to reducing emissions which is one of the reasons for the scheme.

20. Residents overwhelmingly reject the Bowes QN - three quarters oppose the scheme, yet the council concludes that there are more benefits than disbenefits and no solutions provided to the traffic volumes on the main roads.”

Call in 2

The Call-in request submitted by (7) Members of the Council gives the following reasons for Call-In:

“KD 5402 is being called in on the basis of there being a lack of any robust evidential basis to support the decision, nor the statement, as outlined in point 2 of the decision statement, which says, *“Taking into account the various matters set out in the body of the report, the factors in favour of making the experimental traffic orders permanent outweighs the dis-benefits and/or disadvantages.”*

The arguments for the call-in are in summary as follows:

- The assumptions made and models used are not presented in the report
- The impact of the petrol crisis has not been properly accounted for
- There are serious sampling inconsistencies and evidence of a methodological bias
- The analysis is missing from key roads indirectly impacted by the scheme
- There is unclear and missing information relating to traffic assessments, pedestrian assessments and cycling analysis
- There is biased and inconsistent interpretation and reliance on opinions, and
- The report fails to explain how it will mitigate the key objectives of Council’s Corporate Plan undermined by the implementation of the LTN

These arguments are detailed below:

The assumptions made and models used are not presented in the report:

The comprehensive list of factors referred to in the decision statement have not been defined. There is a lack of any evidenced-based assumptions, or provision of the models used to independently verify the statements contained within the report, which therefore fails to provide measurable criteria for reaching the conclusions that have been presented. Instead, the report relies upon opinions, hopes and wishful thinking of a change in behaviour.

For example, item 2 under the section ‘Reasons for Proposal’ it states, *“With transport accounting for 39% of the Borough emissions, it is essential that this sector plays a key role in moving towards the goal of being a carbon neutral Borough by 2040.”* However, the Bowes Low Traffic Neighbourhood

(LTN) objectives are specifically limited to the area directly within the scheme. The precise contribution of the scheme to creating any overall reduction in borough-wide emissions has not been evidenced, i.e. specified, estimated, or measured.

The scheme therefore fails to model or measure the changes to overall 'traffic minutes' resulting from the introduction of the LTN that can theoretically have a significant bearing on emission levels.

The Impact of the petrol crisis has not been properly accounted for:

Norman, Rourke & Pryme (NRP Report titled "*Traffic bus pedestrian cycle analysis post scheme monitoring*" in Appendix 2) conducted post-implementation analysis during the petrol crisis, so the data cannot be relied upon as a meaningful comparison. It is concerning that the original report did not mention the potential impact of the petrol crisis. Following complaints about the first report, some efforts were subsequently made by NRP to account for the impact of the petrol crisis, but the actions taken by NRP have not been properly thought out, consistently applied, or adequately justified. For example, Bounds Green Road was significantly impacted by the petrol crisis, but the data for this road has not been re-assessed. Only three of the 37 sample test sites were re-assessed by NRP, which is far too few. Indeed, the re-assessment of the three sites has proven the substantial impact the petrol crisis has on the data. For example, the original data said there was a reduction of 5,970 vehicles over a 24-hr period on Green Lanes, the adjustment of just a single day (27th September) to try and account for the petrol crisis has reduced this to 1,186 vehicles. However, assessment has not been undertaken by removing other days impacted by the petrol crisis days i.e. 23rd, 24th, 27th, and 28th September from other test sites.

The current data is therefore not robust and is not a sound evidential basis for decision making or for concluding that traffic volumes have fallen.

There are serious sampling inconsistencies and evidence of a methodological bias

There are multiple problems with the sampling methodology used in the analysis. For instance, different months of year were used for the pre- and post-implementation analysis, so are not directly comparable. No reasons have been provided as to why different months were selected, nor has there been any attempt to explain the potential pitfalls of doing this.

The appendix slides show that the pre-implementation analysis for Wilmer Way and Powys Lane was based on counts from a single day, i.e. Friday 4th October 2019, which was pre-pandemic as well as being the busiest day of the week for 24-hour traffic. It is therefore completely inappropriate to compare a single day's data in 2019 with the average data taken across an entire week in 2021 and attribute any differences to the implementation of the LTN. The data points are not in any way comparable. It is not surprising that the data shows a reduction in traffic on these roads. This reduction is more likely to be the result of comparing a single busy day of the week in 2019, with the average across less busy days in 2021 than because of the

impact of the LTN. However, these important methodological issues are not referenced in the report.

Likewise, the bus analysis also seeks to compare non-comparable time periods. For example, pre-implementation analysis took place across the Winter of 2019 before the onset of the pandemic, whilst post-implementation analysis was carried out in the Autumn of 2021 during both the pandemic and the petrol crisis. It is therefore not at all possible to know what impact this has had on the data, but at the very least the data should have been benchmarked against data from other sites across the same time periods and the potential issues should have been red flagged within the report.

In terms of the impact of the LTN on cycling, the data from some of the biggest increases, i.e. Wilmer Way and Powys Lane, are the result of comparing just one day, i.e. a Friday in 2019, with two entire weeks in 2021. However, there is no benchmark analysis to show how cycling activity has changed in those areas away from the LTN, therefore it is impossible to tell if any changes to cycling activity have been due to the introduction of the LTN or due to other factors, such as the pandemic (e.g. working from home), the weather, the petrol crisis, the introduction of school streets etc.

The current sampling issues therefore render the data useless, and it should not be relied upon.

The analysis is missing from key roads indirectly impacted by the scheme
Key roads at risk of being negatively impacted by the LTN have not been consistently surveyed and have not been incorporated into the main analysis, i.e. sites 23-27, making it impossible to properly assess the impact of the scheme on the surrounding residential areas and to establish the accurate overall impact.

For example, there does not appear to have been any monitoring on the A406 Telford Road or on Pinkham Way, yet these roads would have been indirectly impacted by the implementation of the LTN. However, no reasons have been given as to why they were not included in the assessment

The impact analysis is therefore incomplete and missing essential data and cannot be considered a robust evidential basis for decision making.

There is unclear and missing information relating to traffic assessments, pedestrian assessments and cycling analysis

Traffic assessments: The pre-implementation analysis dates on slide 5 of the report do not match the data collection dates on slide 49. The correct dates are not given. The specific date for sample point 37 - Station Road - is not given. This is missing from the appendix. For most sites, but not all, up to seven days of pre-implementation analysis was conducted (including one weekend), but for post-implementation there was 13 days analysis (including two weekends). However, how this has been accounted for in the average weekly data figures is not explained. In addition, the differences

between the post-implementation survey data from week one and week two have not been reported because only one week's data have been used.

The report fails to provide daily data for both north and southbound traffic flows for each data point to illustrate any irregularities in the data e.g. spikes.

Pedestrian assessments: There was only 3 days of pedestrian assessment carried out across 3 sites (i.e. 1 day per site). This is an extremely small sample and would not be sufficient to form a robust basis for decision-making. No dates/months/days of week have been provided for either the pre- or post-implementation analysis, so it is unclear whether survey dates are comparable. There is no information about where the video cameras counting the pedestrians were located or even if they were situated in the exact same locations for both the pre- and post-implementation analysis. The report does not explain how family groups were recorded e.g. how were children that are carried or pushed in push chars are counted and whether this was done consistently. Furthermore, the report does not describe whether the video data was analysed by a computer program or human assessment, and what quality controls were put in place.

The report fails to provide any benchmark analysis to show how pedestrian activity changed in areas away from the LTN, therefore it is impossible to tell if changes in data were caused by the LTN or because of other factors, such as the pandemic (e.g. working from home), the weather, the petrol crisis, school streets, other LTNs etc.

Cycling analysis: How groups of cyclists are recorded is not explained. Whether the dates and locations that were used were the same as for the vehicle survey is not stated in the report, and data is not available for some of the key locations. For example, it is unclear why Station Road appears to have disappeared.

The report fails to sufficiently explain the weighting factor applied in the sensitivity testing. The pre-implementation analysis should have been shown in the first column, and then weighted data shown in the second column (i.e. the change in pre-and post-implementation data recorded at the benchmarking sites). This would have shown what the difference could have been without the impact of the LTN. Then the post-implementation analysis results would be shown in a third column and compared to the weighted pre-implementation analysis. Any differences could then be more fairly attributed to the implementation of the LTN (notwithstanding the issues that could be attributed to relevance of benchmarking sites).

The report therefore fails to provide the in-depth, detailed benchmarking data for the three sites for vehicles and cycling to assess the general trends versus the impact of the implementation of the LTN. There is biased and inconsistent interpretation and reliance on opinions

The data has not been interpreted consistently or even handedly.

For example, the conclusions state that the *“increases on roads such as Highworth Road, Natal Road, Sidney Road, Spencer Avenue, Nightingale Road and Marquis Road are, on average, less than an additional vehicle per minute and are not likely to be noticeable or have a significant impact”*. However, some of these increases e.g. Nightingale Road (+ 739) and Spencer Avenue (+689) are far higher than decreases recorded elsewhere, yet decreases are not marked out as being either insignificant or not noticeable.

Furthermore, the mitigation measures suggested, based on Haringey Council’s decision to implement a potential LTN, is not evidence-based, but supposition, given it is not clear at this stage as to whether they intend to introduce such a scheme on a temporary or permanent basis.

According to the data provided, the reductions in traffic on the ladder of roads directly linking the LTN to Green Lanes i.e. between Sidney Avenue to the north and Nightingale Road to the south, are outweighed by the increases in traffic on other roads within the same area that directly link the LTN to Green Lanes. i.e. the decrease in traffic for link roads to Green Lanes (Sidney Avenue, Melbourne Avenue, Belsize Avenue and Sidney Road) is 851, whereas the increase on link roads between the LTN and Green Lanes (Spencer Avenue, Myddelton Road, Truro Road and Nightingale Road) is 1,718. Palmerston Road is excluded as it is not a direct link road to Green Lanes and to include it would double count vehicles i.e. the vehicle is counted on Palmerston Road and at least one other counter.

In other words what is happening is the traffic has just shifted from the northerly streets linking the LTN to Green Lanes, to other roads further south. It has not reduced overall.

The reductions in traffic along Green Lanes and Bounds Green Road could reasonably be explained by the location of fuel/service stations on these roads i.e. southbound blockages on Green Lanes caused by the Shell Service Station and westbound blockages on Bounds Green Road caused by the Applegreen Service Station. However, this too was not mentioned in the report.

Some significant changes, i.e. on Green Lanes, Powys Lane, and Wilmer Way, can be better explained by sampling issues rather than due to the implementation of the LTN e.g. the impact of the petrol crisis on cars flowing southbound along green lanes (due to blockages caused by queues at the Shell Garage further along Green Lanes), using pre-pandemic data for some pre-implementation analysis, using data from a single day (i.e. a Friday), and missing data from certain key roads impacted by the LTN.

The report therefore fails to provide consistent or even handed data and instead relies on opinions.

The report fails to explain how it will mitigate the key objectives of Council’s Corporate Plan undermined by the implementation of the LTN

(1) Good homes in well-connected neighbourhoods: By blocking off roads and reducing access

for people who are required to make essential medium to long distance car journeys, for health or work-related reasons, the LTN disconnects rather than creates well connected neighbourhoods, but no mitigation measures are documented in the report.

(2) Sustain strong and healthy communities: By dispersing traffic and pollution onto adjacent and boundary roads is harmful to residents living and working there and the LTN undermines the objective of sustaining strong and healthy communities, but no mitigation measures are documented in the report.

(3) Build our local economy to create a thriving place: No evidence has been provided to demonstrate how the LTN will not detrimentally impact hourly-paid workers, care workers, gardeners, carers, delivery drivers, or businesses, which are required to make multiple daily medium distant journeys (e.g. estate agents). The LTN will work against the objective to build our local economy to create a thriving place, but no mitigation measures are documented in the report.

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.

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Date of report 12 January 2021

Appendices

Bowes Primary Area Quieter Neighbourhood report & appendices
Response to Call in reasons

Background Papers

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