

# **CALL-IN OF DECISION**

**(please ensure you complete all sections fully)**

Please return the completed original signed copy to:  
Claire Johnson, Scrutiny Team, 1<sup>st</sup> Floor, Civic Centre

**TITLE OF DECISION: Fox Lane Area Quieter Neighbourhood**

**DECISION OF: Cllr Caliskan, Leader of Enfield Council**

**DATE OF DECISION LIST PUBLICATION: 7 February 2022**

**LIST NO: 49/21-22 KD 5403**

(\* N.B. Remember you must call-in a decision and notify Scrutiny Team within **5 working days** of its publication).

A decision can be called in if it is a corporate or portfolio decision made by either Cabinet or one of its sub-committees, or a key decision made by an officer with delegated authority from the Executive.

**(a) COUNCILLORS CALLING-IN (The Council's constitution requires seven signatures or more from Councillors to call a decision in).**

**LEAD CLLR MARIA ALEXANDROU**

**(1) Signature:.....**

**Print Name: Cllr Glynis Vince**

**(2) Signature:.....**

**Print Name: Cllr Andrew Thorp**

**(3) Signature:.....**

**Print Name: Cllr Maria Alexandrou**

**(4) Signature:.....**

**Print Name: Cllr Edward Smith**

**(5) Signature:.....**

**Print Name: Cllr Chris Dey**

**(6) Signature:.....**

**Print Name: Cllr Lindsay Rawlings**

**(7) Signature:.....**

**Print Name: Cllr Jim Steven**

**(1) Reason why decision is being called in:**

The decision for the Fox Lane Quieter Neighbourhood (QN) has been called in:

According to the statement of reasons in the traffic order, the main purpose of the trial was to reduce motor traffic within the Fox Lane area, reduce the speed of motor traffic and to improve air quality within the area. Instead, traffic has been diverted onto boundary roads, causing severe congestion and localised concentrations of pollutants on boundary roads, three roads within the area have seen an increase in motor traffic, speed reduction is negligible and air quality has not improved.

1. The Council falsely refers to the scheme as having more benefits than disbenefits. Then, it admits there are many areas of concern that warrant looking at mitigating measures:

- Adverse impact on people with disabilities
- Adverse impact on Southgate Circus
- Adverse impact on congestion if the model filter at The Meadway is amended
- Adverse impact of emergency services if filters on The Mall, Selbourne Road and Oakfield Road are amended
- Adverse impact of traffic speed and volume on boundary roads
- Adverse impact on bus journey times

The Council intends to produce a report to look at mitigating measures for improving access to disabled residents. This ignores the stark reality that these residents will still face traffic jams on boundary roads and carers will not benefit. No analysis has been carried to show the impact of these new measures and the time scale of implementation is unknown.

Further funding ideas for infrastructure improvements of Southgate Circus are mentioned, but no plans are cited.

No comprehensive studies have been produced to look at these mitigating measures or if they are workable.

The above points highlight the disasters of the scheme through-out and the Council is now forced to admit the scheme's failures by having to consider mitigating measures.

The decision to make this scheme permanent was based on improper Traffic Orders and flawed evidence.

The author will not allow a public enquiry into the report as it would reveal the multiple errors, misleading information, and large-scale incompetence.

The Leader's decision to make the Fox Lane LTN permanent is irrational based on the significant negative impacts identified in paragraph 6 of the report, that require mitigating measures to be explored without clarity on timing, the uncertainty and

feasibility of delivering such mitigations, and whether such mitigations will indeed make any improvement to a scheme that has proven not to work.

2. The Fox Lane QN was implemented using funding through the Streetspace Plan. TFL guidance on Low Traffic Neighbourhoods shows that the Fox Lane area is least suitable as it is one of the most affluent areas with wide pavements, low population density, high car ownership, low deprivation, two large parks- Grovelands Park and Broomfield Park. Indeed, a study conducted by Rachel Aldred shows the Fox Lane scheme to be the least equitable in London as reported in the Guardian on 2 March 2021

(source: <https://www.sciencedirect.com/science/article/pii/S0966692321002477>)

The Council's reasons for the implementation are spurious.

3. The scheme was pushed through without proper consultation with residents, businesses, the disabled and the ward councillors, to discuss the consequences of increased traffic, idling cars, and exposure to increased pollution. The consultation letter was only distributed to residents within the QN area and perimeter roads, not the surrounding roads, even though they would be impacted. The Council has not considered the cumulative traffic impact on the roads situated between both the Bowes and Fox Lane QN such as Powys Lane.
4. The cost of the Fox Lane QN scheme is excessive, costing over £500,000, outstripping the original budget cost implementation figure of £160,000, approved in 2020. There is no breakdown of costs to explain this difference.
5. The Traffic Order between 7.9.20 and 26.10.20 did not have a Statement of Reasons. The Traffic Order was created on 26.10.20, but this Traffic Order is signed and dated by David Taylor on 26.8.20, two months before. No formal modification of these orders was done to include a Statement of Reasons. Consequently, the public were denied the right to challenge the Traffic Order, since the Statement of Reasons was published on 26.10.20, seven weeks after the Traffic Order came into effect, and one week after the deadline to make a challenge.
6. One of the Council's aims in the amended Statement of Reasons is to reduce the volume of motor traffic in the residential streets, TFL guidance shows that traffic is low for the Fox Lane area. The Statement of Reasons states the roads in the Fox Lane area are narrow with close-fronting homes. This is false and a material error of fact, as the roads are wide with tree lined pavements and set back with front gardens and driveways.
7. 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 or a document incorporated within it. The Fox Lane ETO does not reference any local or national strategies and yet the decision for the Fox Lane scheme heavily relies on

extraneous documents including the Mayor's Transport Strategy, which is wrong as these are not the context in which the ETO was made

8. Enfield Healthy Streets Framework policy post-dates the implementation of the Fox Lane QN ETO and cannot be applied to support the scheme retrospectively. The policy aligns to the traffic order and not the other way round.
9. Another aim is to reduce speed, but 20mph speed limits and other calming measures achieve this without the need to block roads. The report shows there are no significant improvements in speed.
10. The aim of reducing traffic has failed as traffic has just been displaced onto boundary roads, clogging the main artery roads of Enfield. Daily congestion on Bourne Hill and Winchmore Hill Road is causing more problems on the Southgate Circus roundabout. The report says traffic on boundary roads has increased by 6%, with 11% on the High Street, 10% on Winchmore Hill Road and 6% on Bourne Hill.
11. Traffic data is flawed - the 2020 pre LTN report, shows lower traffic flows than the decision report, to hide the huge traffic increases. Traffic count data is missing from the report, such as Cannon Hill and Bourne Hill, which carry large volumes of traffic. Just 4 days of post scheme traffic data is used. The Council failed to collect data on many other days, yet it did so during the fuel shortage. Pre and post counts were taken at different months, March, and September. The counters within the QN, were placed at the middle of the roads, to produce lower traffic figures.  
  
There was no proper analysis of a control survey for the impact of the pandemic and the petrol shortage. The anomalies between pre-scheme 24-hour vehicle flows and the data provided by the Council under FOI, reveal false traffic figures. Why has the Council not reported on its traffic counts conducted in June and July 2021 as indicated in its monitoring plan?
12. Bus routes (W9, 121, 298, 299, W6, 329) are experiencing an increase in journey times, these delays are also connected to the traffic approaching the High Street. The Council admit traffic is impacting the Southgate Circus roundabout. The report acknowledges these negative impacts on bus journey times and that some of the mitigations require major infrastructure amendments that require 3<sup>rd</sup> party approval and investment from TfL. How does the Council propose to secure such funding given TfL's current funding crisis?
13. Baseline pedestrian data is non-existent which is unacceptable, considering an increase in walking is a key objective. This shows the Council's contempt for evidence. The post implementation data therefore cannot show any significant uptake in walking. Poor maintenance of pavements discourages pedestrians and wheelchair users.
14. Cycling data is false and differs from the Cycle Enfield data. Daily average cycle counts from the Palmers Green counters in March 2019 show 328 trips and 494

in September 2021. In the report, the traffic count (March 2019) had 31 cycle trips at traffic count point 10, 133 trips at count point 45, and 22 trips at traffic point 12. The figures do not add up. Cycling figures have been affected by the pandemic and seasonal variation, rather than the QN scheme, as stated in the report. Seven roads have no data to analyse.

15. Inadequate traffic camera signage not meeting regulatory requirements. On the 11 January 2022, the adjudicator ruled in favour of the appellant, quashing the fine issued in November 2020. The Fox Lane QN signage was insufficiently visible in the hours of darkness as they were not illuminated. The low-level signs are inadequate, giving the driver little time to react to the oncoming restrictions. This proves that many residents have been wrongly fined.

With a 30mph limit, signs must be illuminated, yet the cameras on Fox Lane, Meadway and Conway Road are not. The Council have known since March 2021 that this is wrong, as an adjudicator ruled that speed limits on the Meadway were not clear (case 2210055258 dated 20.3.21).

With £4m in penalty fines accumulated so far due to unclear signage, the Council's solution is to look at "*investigate converting the fixed modal filters (bollards) at Oakfield Road, The Mall and Selborne Road to camera enforced filters*". This will create more confusion and more penalty notices. There is a serious financial impact for residents, but the Council dismisses this. The Council wrongly claim the signage is fully compliant, but the adjudicator has proved otherwise.

16. The Council disregarded its statutory duty under the Equality Act 2010. They did not action a thorough Equalities Impact Assessment before making the Traffic Order. The adverse impact for those with protected characteristics who cannot walk or cycle, has not been considered. The report states a *neutral impact* on people with disabilities.

The focus group meeting was poorly managed as officers are not trained to deal with disabled residents' needs. No healthcare professionals were at this meeting. No minutes were taken to address the issues raised. Some of those that attended, felt interrogated by the inexperienced officers and at least two residents were reduced to tears.

The protected group digital survey was time limited- opening on 4.3.21 and closing on 31.3.21.

The Council does not acknowledge the high number of care homes in the Fox Lane area (residential care homes, assisted living homes, day care nurseries), nor does it consider the high number of elderly residents and why they may require motor transport. 72% of the disabled respondents stated the scheme had a negative impact on them.

Any future alterations/exemptions to the scheme, reflect the Council's inability to understand the complex needs and car reliance and how the disabled will still be

stuck in gridlock traffic on main roads. There have been incidents where children on the disabled bus, soil themselves due to the longer traffic journeys. The afterthought of contacting the disabled many months into the QN implementation, was nothing more than a tick box exercise. This scheme is tantamount to the abandonment of the disabled.

17. According to the report, pregnant women or new mothers can cycle as an option- this is impossible if you are suffering from medical complications. Yet the report says the scheme will have a *neutral impact* on them.
18. The Council did not evaluate the impact of the scheme on residents living directly outside the scheme and the effects of the traffic delays and pollution. Issues of mental health, anxiety, frustration, and isolation were not taken into account.
19. Many people responded to the consultation, mostly negatively (72%), but their views have been ignored. Most respondents were car owners (92%), yet the Council does not give their views equal weight as to those who were positive about the scheme.
20. Only the online survey responses, not the 2755 emails and subsequent 1315 email responses, were considered for analysis. On the Council's website, on Letstalk, it clearly states you can email your objections to [healthystreets@enfield.gov.uk](mailto:healthystreets@enfield.gov.uk) or send a letter. This was confirmed by the report's author at the webinar on 26.5.21. Most responses to the statutory consultation have been ignored by the Council.
21. Crime has increased in Winchmore Hill, similar to the 8% increase in crime in Bowes since the QN implementation. The Council is ignoring the safety of residents. The Metropolitan Police Commissioner, Cressida Dick (14.5.21) expressed that LTNs in London are harming the police's ability to catch criminals. Unfortunately, this scheme has increased safety fears, especially with no natural surveillance from passing cars. At the councillor briefing on 21.1.22, post scheme crime figures for Winchmore Hill showed an increase of 7%, yet the revised figure is now 3%, without explanation.
22. Bias against particular organisations- Responses from Winchmore Hill Residents Association (WHRA) are not recorded in the list of submissions, breaching Regulation 13 of LATORs 1996. Cllr Barnes accused the WHRA of being "*a thinly disguised right-wing organisation posing as a RA*" in an email to Cllr Neville. Cllr Barnes declined to attend the WHRA (14.10.21), where he is a ward councillor, even though the main agenda item was the Fox Lane QN.
23. Bias for particular organisations- the author of the report has been meeting regularly with Better Streets for Enfield (7.7.20, 9.11.20, 24.2.21, 7.6.21, 20.9.21), where FOI requests indicate confidential information was disclosed and BS4E were shaping the design of the QN "*before we do anything public facing*". No formal record of discussions exist.

24. The decision is predetermined by the Leader, stating it “*is a political commitment*” at the Environment Scrutiny Meeting on 10<sup>th</sup> March 2021, instead of making the decision based on evidence. Cllr Barnes, who has been heavily involved in the project, said it is not a “*referendum*”. However, government guidance fully endorses ‘*the use of objective methods, such as professional polling, to provide a genuine picture of local opinion*’ alongside ‘*robust, empirical evidence*’ none of which have been taken into consideration in the officer report or by the Leader.

Source: [Traffic Management Act 2004: network management to support recovery from COVID-19 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/traffic-management-act-2004-network-management-to-support-recovery-from-covid-19)

25. According to the DfT Manual for Streets, fire service vehicles must not **reverse** more than 20m. This requirement is not met. The road closures have forced vehicles including lorries to reverse back out onto roundabouts and busy roads causing dangerous manoeuvres and tailbacks. There are no risk assessments or road safety audit regarding reversing vehicles. The safety of vehicle movements has been glossed over in the officer report.

26. London Ambulance Service (LAS) wrote an open letter to all authorities in June 2021 about LTNs impeding access. The resulting congestion causes delays in reaching patients. The 22 instances of delays shown in the report is evidence of this. The LAS shared concerns from crews about response times but the Council ignored this.

The LAS clearly state in their open letter and in their response attached at Annex 2 of the report that hard closures ‘*should be avoided ... and soft closures implemented to all LTNs for unhindered emergency vehicle access and egress, due to the potential risk hard closures have in delaying an ambulance response and therefore impact patient safety*’. Why is the Council therefore ignoring the request of the LAS? Even if the Council introduces filters on The Mall, Selbourne Road and Oakfield Road, this still leaves 5 hard closures within the Fox Lane LTN despite LAS request for no hard closures. What criteria has the Council used to determine the proposed filters when evidence shows ambulance delays in all the hard closed roads?

The London Fire Brigade (LFB) data showed that these road closures contributed to record number of delays to emergency vehicles responding to 999 calls (The Telegraph 22.1.22).

27. No air quality measurements pre QN were captured on perimeter roads. The Council updated its website on 12.5.21, advising that only 3 diffusion tubes were in place. No improvement in air quality.

28. The Council has not assessed the impact of air quality on Grovelands Park and Broomfield Park, both are exposed to extra pollution from diverted traffic. No pre and post scheme air quality measurements have been done, even though these

green spaces are used by families and children, and especially residents without private gardens.

29. The Council has not assessed the effects on engine idling from the displaced traffic. A study by Dudley Metropolitan Borough Council states *“an engine idling can produce up to twice as many exhaust emissions as an engine in motion”*. The traffic congestion on Bourne Hill and Winchmore Hill Road has consequently resulted in more engine idling. There is no effective anti-engine idling campaign. The Council admits in the report of *“some increase in carbon emissions on the surrounding primary road network.”*

This conflicts with the Council’s own climate change strategy. Aspiring to reduce carbon emissions is not a strategy.

30. The Council failed to apply for enough grant funding for electric charging points even though Winchmore Hill Ward has high car ownership. The Council only received £96,000 in grants unlike Barnet Council that secured £4.65m in grants.
31. No comprehensive risk assessment was carried out on local businesses. The Council has not looked at the impact on the local economy-the decline in footfall, parking, the added costs associated with journeys taking longer and the closure of local shops along Green Lanes. The Council’s advice to the negative impact on shops is navigational solutions.
32. The Council references obesity and cancer risks as reasons to promote these road closures but ignores the important link to a healthy diet. Furthermore, the Council has failed to consider the public health implications on those residents living on the boundary roads where there are now concentrated levels of air pollutants due to displaced traffic.
33. On the 19.11.20. the Council modified the original Traffic Order by replacing the modal filter at the junction of Conway Road and Fox Lane with ANPR cameras. This meant the 6-month objection period started with a new deadline for statutory objections on 19.5.21. On 12.5.21, the Council extended this consultation deadline from 19.5.21 until 11.7.21. There is no provision in law to do this. An error on the modified Traffic Order dated 19.11.20 referred to the incorrect location of the ANPR camera- No 11 Fox Lane instead of No 111 Fox Lane. This meant either the ANPR camera was on the wrong site or the Traffic Order was incorrect.
34. On the 4.7.21, the Council announced the error of the modified Traffic Order of 19.11.20 and a *“new ETO has now been made to redefine the restriction in Conway Road at its junction with Fox Lane...and will come into operation on 12 July. This redefines the restriction in Conway Road at its junction with Fox Lane and applies to this location only; no changes to the layout or operation of the camera enforced filter have been made. Objections and representations regarding this new ETO can be made for 6 months”*.



By trying to create a new Conway Road ETO, the Council restricted objections purely to the specifics of that Traffic Order, i.e. the ANPR cameras at Conway Road. By law, any variation of the original Traffic Order, such as this modification, requires a further 6-month objection period for the whole Fox Lane QN scheme until the 11.1.22. The public were denied their statutory right to object for almost four out of the six months required.

The Council (during the period of 12.7.21 and 9.11.21) wrongfully rejected residents' objections instead of accepting them.

On 9.11.21, the Council sent a letter to residents in and around the Fox Lane LTN area, notifying residents that objections can continue to be made. This statement is false since residents could not object during the four months. That letter contained an error giving the objection deadline as 11 January 2021, instead of 2022. The unacceptable catalogue of errors in law and unlawful actions, has caused confusion and prejudiced the public's right to access correct and lawful information.

On this basis, the Council has erred in law in using the truncated procedure to make this ETO permanent. Therefore, any decision made using flawed information and unlawful practice cannot be acceptable for implementation.

**(2) Outline of proposed alternative action:**

**(3) Do you believe the decision is outside the policy framework?**

**(4) If Yes, give reasons:**

**For Governance Use Only:**

Checked by Monitoring Officer for validation –

Name of Monitoring Officer:

Date: