

Committee: OVERVIEW AND SCRUTINY	Date: 10th January 2012	Classification: Unrestricted	Report No.	Agenda Item No.
Report of: Service Head, Democratic Services		Title:		
Originating Officer(s): Antonella Burgio, Democratic Services		Cabinet Decision Called-in: Olympic Games Parking and Traffic Management Issues		
		Wards: All		

1. SUMMARY

- 1.1 The attached report of the Corporate Director (Communities Localities & Culture) was considered by the Cabinet on 7th December 2011 and has been “Called-In” by Councillors Marc Francis, Carli Harper-Penman, Abdul Ullah, Ahmed Omer and Shiria Katun, in accordance with the provisions of Part Four Sections 16 and 17 of the Council’s Constitution.

2. RECOMMENDATION

- 2.1 That the Committee consider the contents of the Cabinet attached report, review the provisional decisions arising and
- 2.2 decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

Brief description of “background paper”

**Cabinet Report CAB 053/112 –
7 December 2011**

Name and telephone number of holder and address
where open to inspection

Antonella Burgio

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3. BACKGROUND

- 3.1** The request to call-in the Cabinet's decision dated 16th December 2011 was submitted under Overview and Scrutiny (O and S) Procedure Rules Sections 16 and 17. It was considered by the Assistant Chief Executive, Legal Services who has responsibility under the constitution for calling in Cabinet decisions in accordance with agreed criteria. The call-in request fulfilled the required criteria and the decision is referred to Overview and Scrutiny Committee in order to consider whether or not to refer the item back to the Cabinet, at its meeting on 10th January 2012, for further consideration. Implementation of the Cabinet decision is suspended whilst the call-in is considered.

4. THE CABINET'S PROVISIONAL DECISION

- 4.1** The Cabinet after considering the report attached, at Appendix 1, provisionally decided:-

- "1. That the experimental introduction of full parking controls in Fish Island, as set out in Section 10 of the report (CAB 053/112), be agreed as a way to manage increasing parking pressures and the major risks the area faces during Games time;*
- 2. That Tower Hamlets Council make arrangements for Transport for London to exercise the Council's powers as a Traffic Authority for the Borough Roads, as proposed in paragraph 8.1.3 of the report (CAB 053/112); and*
- 3. That the Corporate Director Communities Localities and Culture be authorised, after consultation with the Assistant Chief Executive (Legal Services), to agree the terms of an agreement to effect the arrangements referred to in Decision 2 above; and the Assistant Chief Executive (Legal Services) be authorised to execute the agreement on behalf of the Council."*

4.2 Reasons for Decisions

These were detailed in paragraph 3.1 of the report (CAB 053/112) and stated that *"The proposals have been developed by LOCOG and their agents to facilitate Olympic traffic movement and protect residents and businesses from indiscriminate parking. Their implementation requires the cooperation of the local authority and as the Olympic Act places a legal obligation on the Borough to facilitate games delivery it is recommended that the Borough facilitates their delivery whilst making it clear that the measures are led by Olympic Delivery Organisations. The Fish Island proposals are brought forward as this is the only area of the Borough that is not covered by a*

Controlled parking zone and is particularly vulnerable to Parking in the run up to and during the Olympic Games.”

4.3 Alternative Options Considered

These were detailed fully in paragraph 4 of the report (CAB 053/112); in summary the options were:

- *Non-cooperation is not considered to be a realistic option as this would place the Council in breach of its duty to help to facilitate Olympic Games operations.*
- *The only alternative to agreeing arrangements to enable TfL to make Traffic Orders would be for the Borough to make the orders on behalf of TfL.*

5. REASONS / ALTERNATIVE COURSE OF ACTION PROPOSED FOR THE ‘CALL IN’

5.1 The Call-in requisition signed by the five named Councillors gives the following reason for the Call-in:

“This report authorises officers to undertake an “experimental” introduction of full parking controls as set out in Section 10 (CAB/053/112) to manage increasing parking pressures and the major risks the area faces during Games time.

We appreciate that it would not be sensible for Fish Island to be the one part of Tower Hamlets that is not a Controlled Parking Zone (CPZ) during the Olympics and Paralympics next summer and we agree that there has been some increase in parking in the past 18 months. However, we are not persuaded that the introduction, under section 9 of the Road Traffic Regulation Act 1984, of CPZ controls for up to 18 months is an appropriate response to the specific problems that will arise during games time.

Specifically, we note that most residents currently living on Fish Island are in properties that are subject to a Car Free Zone (CFZ) agreement, and so they would not be able to obtain a Resident Parking Permit. While it may be argued that those residents bought or rented their homes in the knowledge that it was subject to the CFZ policy, it is also true that the CPZ was not in place when they did so.

Consequently, those residents not renting a private parking space within their development will have nowhere to park their vehicle. They are entitled to two books of Visitors Parking Scratchcards, but these will not cover a full day at work and in any case would not be sufficient for anything other than a few short weeks. No other mitigation is proposed for residents in this situation.

The report argues that the response to the consultation was “a slight majority against full parking controls being introduced, with residents views equally divided.” It also notes that the consultation took place in December 2010 and January 2011 and that only 10 per cent of the 1,000 questionnaires were returned. We believe the consultation taking place over Christmas and New Year 2010/11 helps explain this relatively low response rate.”

5.2 The requisition also proposed the following alternative course of action:

“We call on the Mayor to amend his decision by restricting the duration of the experimental CPZ to a maximum period of three months, including the period of the Olympics and Paralympics.

We ask the Mayor to consider whether residents in Fish Island whose homes are subject to the CFZ policy should be allowed to purchase a Temporary Resident Parking Permit for this three-month period.

And we request the Mayor to commit to undertake a full consultation with the residents and businesses of Fish Island before any decision is made to permanently introduce a CPZ in that area.”

6. CONSIDERATION OF THE “CALL IN”

6.1 Having fulfilled the call-in request criteria, the matter is referred to the Overview and Scrutiny Committee in order to determine the call-in and decide whether or not to refer the item back to the Cabinet at its next meeting. The implementation of the Cabinet decision regarding “Olympic Games Parking and Traffic Management Issues” is suspended pending the Committee’s decision in accordance with call-in procedures.

6.2 The following procedure is to be followed for consideration of the “Call In”:

- (a) Presentation of the “Call In” by one of the “Call In” Members followed by questions.
- (b) Response from the Lead Member/officers followed by questions.
- (c) General debate followed by decision.

N.B. – In accordance with the Overview and Scrutiny Committee Protocols and Guidance adopted by the Committee at its meeting on 5 June, 2007, any Member(s) who presents the “Call In” is not eligible to participate in the general debate.

6.3 It is open to the Committee to either

- resolve to take no action which would have the effect of endorsing the original Cabinet decision(s), or
- the Committee could refer the matter back to the Cabinet for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.