


<p>Non-Executive Report of the:</p> <p>Overview and Scrutiny Committee</p> <p>23 October 2023</p>	 <p>TOWER HAMLETS</p>
<p>Report of Janet Fasan Divisional Director Legal and Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p>Call in - Liveable Streets Bethnal Green Consultation outcome and measures</p>	

Originating Officer(s)	Thomas French, Democratic Services Officer (Committee)
Wards affected	All

CONSIDERATION OF THE CALL IN

A call in request has been received on the decision of Cabinet on 20 September 2023.

In accordance with the Council's call in procedure rules, the matter is referred to the Overview and Scrutiny Committee (OSC) for its consideration and to decide whether to refer the matter back to Cabinet for further consideration. The following procedure is to be followed by the Committee for consideration of the Call In:

- i. Chair to invite a call-in member to present call-in.
- ii. Chair to invite members of the Committee to ask question.
- iii. Chair to Invite Cabinet Member to respond to the call-in.
- iv. Chair to invite members of the Committee to ask questions.
- v. Followed by a general debate.

It is open to the OSC to either resolve to take no action (which would have the effect of endorsing the original Cabinet decisions), or to 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.

RECOMMENDATION

That the Overview and Scrutiny considers:

1. The contents of the attached report, review the Cabinet's decision (provisional, subject to call in) arising; and
2. Decide whether to accept the decision or to refer the matter back to the Cabinet with proposals and reasons.

INTRODUCTION

At the 20 September 2023 meeting of Cabinet, the Chief Executive was delegated to make this decision, as a result on 25 September 2023 **APPROVED** the following:

1. Receive and conscientiously consider the results of the engagement to date and two public consultations held in Weavers and Old Bethnal Green Road.
2. To approve one of the three options summarised in section 2 of this report.
3. Note that the Appendix F - EqIA identifies a number of positive and negative impacts of the options upon individuals that share particular protected characteristics (summarised in paragraphs 4.1 – 4.5 of this report).
4. Approve any changes to be implemented through experimental traffic orders so that amendments can be made to mitigate any adverse impacts that are identified through monitoring.
5. Approve a 12-month review of traffic flows and air quality to assess the impact of the proposals for the purposes of identifying any negative impacts and developing mitigation measures.
6. Approve the use of existing frameworks or term contracts to award an order up to the value determined for completion of the works.

The decisions above have been Called-In by Councillors Asma Begum, Sirajul Islam, Rebaka Sultana, Faroque Ahmed and Mufeedah Bustin. This is in accordance with the provisions of the Overview and Scrutiny Procedure Rules of the Council's Constitution.

In accordance with the OSC Protocols and Guidance adopted by the Committee at its meeting on 4th June 2013, any Member(s) who present(s) the "Call In" is (are) not eligible to participate in the general debate.

REASONS FOR THE CALL IN

The call in requisition from the Councillors noted above has provided reason(s) for the call-in. The reason(s) are replicated below:

The aforementioned Councillors, call in the above decision taken by Cabinet at its meeting on the 20/9/23, they do so on the following grounds:

1. It is in contravention to Part A, Article 3, Section 1, Subsections b,e and d of the Borough of Tower Hamlets Constitution: 'Principles of Decision-Making':

b) due consultation and the taking of professional advice from officers;

e) clarity of aims and desired outcomes;

The consultation process was criticised by the mayor in cabinet on 20/09/23 and by the interim service lead at overview and scrutiny on 18/09/23 as having failed to have consulted hard to reach communities.

This decision had previously been consulted on under the previous administration however the process faced criticism and so the current Mayor commissioned a new consultation process to take place.

Online and Postal copies were provided to residents with the consultation forms also being available in various languages.

However, upon receiving and presenting the results of the consultation process the interim service lead expressed disappointment that the valid respondents to the consultation from the affected area were from predominantly one ethnic group and it was his opinion therefore that the results of the process were not a true reflection of the wishes of the consultation area.

This presents two concerns regarding the decision the mayor took in cabinet regarding the consultation process – by the admission of himself and interim lead officer, the consultation process did not do a good enough job at consulting hard to reach communities and therefore their opinions on this scheme could not be accurately reflected.

The decision to disregard the results of the consultation process was partially based on the fact that the interim service lead and Mayor believed that it do not fully reflect the wishes of residents from the consultation area – however there was no evidence-based approach to determining if that was truly the case. Therefore, there was a lack of confidence in the consultation process from the Mayor, which ultimately lead to him disregarding its results when taking his decision.

There was a lack of face to face consultation with residents and no evidence to suggest that officers visited the affected area to speak to residents.

In making the decision the mayor instead relied on the evidence presented by officers and the opinion of partner organisations.

There are multiple issues with the officer report and with the way that evidence was presented by partner organisations suggesting there was a lack of **e) clarity of aims and desired outcomes** in taking this decision.

The officer report included no analysis or appraisal of the current scheme against the original project objectives.

Evidence provided by partner organisations such as TFL, the Met Police and London Ambulance Service appear to have been not presented in full.

There is extensive qualitative data presented with testimony provided in the form of quotations from residents and businesses. However, this data is anecdotal and with the consultation ballot being considered to be unacceptable by the Mayor and interim service lead, then it is not a strong enough evidence to rely on to make a decision.

The scoring matrix presented to the mayor to inform his decision seems like it does not have a fully developed qualitative method:

The text wrongly defines traffic as only vehicles, ignoring the Act's network management duties for all road users, such as pedestrians and cyclists.

The "local access" evaluation ignores walking and cycling access and only considers motor vehicles. This excludes residents (most of whom do not have or use cars) and businesses that rely on bikes or foot travel in the project area.

The "Financial cost" evaluation lacks cost breakdowns for each option's scheme elements, clarity on inflation or abortive costs, and details on allowances for Option 3's experimental nature. It also omits the cost implications of TfL's funding or withdrawal for the original or revised schemes.

The scores for each option under each evaluation range from -5 to +5, without any justification. This makes it hard to understand the one-point difference between the options.

There were numerous errors throughout the report including referring to the "[increases in traffic flows on Horatio Street and Ropley Street].... are directly attributable to closures of... Columbia Road" at para 3.40 – a road which is one-way and in no way closed); and a reference at section 7.4 in the legal comments to "Schedule 9, paragraph 27 of the 1996 Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations". Such a schedule does not exist.

The above information means that there was a serious risk that the Mayor took a decision in cabinet whereby he did not have full and proper

consultation to rely on, inaccurate evidence from officers potentially affecting the desired outcomes and aims of the decision,

However,

If the aim of this decision and report was to remove the liveable streets scheme as detailed [in Priority 7 of the strategic plan under 'what changes do we want to see?' ... 'Number of roads removed from the Liveable Streets scheme'](#) then this decision has contravened the constitution and principles of decision making as there was not

d) a presumption in favour of openness.

If it was the decision of the mayor to remove the liveable streets schemes irrespective of the consultation outcome, evidence presented by officers and/or partner organisations.

Then this decision was taken without the presumption of openness – as residents and officers engaged in good faith with the consultation. Officer time and council funds were utilised to produce the consultation and report and the decision ultimately has budgetary consequences for the council.

ALTERNATIVE COURSE OF ACTION PROPOSED

1. Delay and reconsider the implementation of both options 2/3.
2. Rewrite the report utilising industry recognised assessments and data methods to better inform the mayor's decision making.
3. Conduct a full and thorough consultation process on all of the options with a concerted effort to consult hard to reach communities.
4. Consider convening a citizen's assembly to help the mayor bridge communal divides and find compromise between residents with strong feelings regarding the decision.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 - Liveable Streets Bethnal Green consultation outcome and measures

Local Government Act, 1972 Section 100D (As amended) List of "Background Papers" used in the preparation of this report

- None.

