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MEETING	SCRUTINY MANAGEMENT COMMITTEE (CALLING IN)
DATE	23 APRIL 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), RUNCIMAN (VICE-CHAIR), BARNES, CUNNINGHAM-CROSS, KING, MCILVEEN, POTTER AND STEWARD
IN ATTENDANCE	COUNCILLORS D'AGORNE, MERRETT, SCOTT AND TAYLOR

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#### **49. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

#### **50. PUBLIC PARTICIPATION/OTHER SPEAKERS**

It was reported that there had been five registrations to speak at the meeting under the Council's Public Participation Scheme and that one Member of Council had also requested to speak.

Paul Hepworth pointed out that one of the Council's Cycling City objectives had been to create a continuous network of cycle routes and improve safety at junctions. The Water End scheme had achieved that, however some members had suggested that the previous arrangements were safer for cyclists but the latest cycling data had not been included in the report to Cabinet. Reference was made to last year's Kings Cross cyclist fatality and ongoing Police enquires which could create a legal precedent and members were urged to reconsider the risks if cyclist safety was degraded at the junction.

Peter Fay addressed the meeting as both a cyclist and motorist who regularly used the Water End junction. He confirmed that he accepted the longer waiting times at the junction following the addition of the cycle lane which provided additional safety for cyclists. His main concern now related to any reinstatement which could create an accident trap for cyclists and which ignored safety advice received from the Police and would

hamper progress of emergency vehicles. He urged members to retain the existing layout.

Peter Walker spoke as a Westminster Road resident of six years and a Chartered Surveyor. He referred to the changes made at the junction with no mitigation measures being put in place for the adjacent residential roads or prior consultation undertaken. Existing legislation could have been used to provide off road facilities for cyclists rather than the work undertaken which had destroyed the amenities of local residents. Concern was raised at the speed of vehicles which used the residential roads and a request made for point closure on Westminster Road, reinstatement of the two lanes and provision of an off road cycle/pedestrian lane following the cut back of adjacent hedges.

Dr Andrew Pringle referred to the evidence which underpinned the present scheme, particularly the recruitment of additional cyclists and evaluation of the percentage of non cyclists engaged. Generally there appeared to have been a small take up by non cyclists. Reference was also made to the significant failings in the schemes implementation which included increased pollution, congestion and additional use of minor roads affecting resident's quality of life.

Ron Healey expressed his support for the reference back of this decision for further consideration particularly as there had been little of consultation. Questionnaires he felt should have been sent out to a wider area, together with the offer of a 'do nothing' option with note also being taken of the emergency services responses.

Councillor Scott outlined the history of the scheme and referred to the reasons put forward for the calling in, which he felt presented no grounds on which to amend the decisions already made. Reference was again made to the failure to take account of the safety implications with no record of injuries being recorded at the junction in the 3 years prior to the reconstruction. Other options for cyclists had previously been considered and these should be re-examined as the decision to reinstate the left turn lane was correct.

## 51. MINUTES

RESOLVED: That the minutes of the last meeting of the Scrutiny Management Committee (Calling In) meeting held on 26 March 2012 be approved and signed by the Chair as a correct record.

## 52. CALLED-IN ITEM: WATER END/CLIFTON GREEN JUNCTION: OPTIONS FOR REINSTATING A SEPARATE LEFT TURN TRAFFIC LANE ON THE WATER END APPROACH

Members received a report which asked them to consider the decisions made by Cabinet at their meeting held on 3 April 2012, in relation to the reinstatement of two traffic lanes on the Water End approach to the Clifton Green junction. Further information on the options and results of consultation undertaken in respect of the two options put forward for consideration were detailed in the report.

Details of the Cabinet's decisions were attached as Annex A to the report, with the original report to Cabinet attached as Annex B. The decisions had been called in by Cllrs D'Agorne, Taylor and Hyman on the following grounds:

- a) *Failure to give due consideration to the representations of all three emergency services and the outcome of the public consultation*
- b) *Failure to take full account of the safety implications and potential increase in cycle accidents given the doubling of users since the left turn layout was last in place prior to the changes*
- c) *Decision is contrary to the council's transport hierarchy and priorities for increasing the use of non motorised means of transport, risking damage to the overall strategy by devaluing the orbital cycle route as a high quality strategic cycle route*

- d) *Decision is likely to undermine confidence of external funders in financing sustainable travel initiatives in the city*
- e) *Decision will not achieve the reason given "To address the issue around traffic congestion caused by the external layout at the Water end junction" as Cllr Merrett stated to the cabinet meeting that the junction will continue to be overloaded at peak times after the proposed change is made.*
- f) *Decision could lay the council open to potential injury /corporate manslaughter claims by making changes that safety audit has indicated would create greater risks for vulnerable road users. (ref Death at Kings Cross, London Oct 2011 and potential case against TfL)*
- g) *Decision will not achieve the objective of reducing delays in the long term and does not address the concern about 'rat running' through Westminster Rd/ The Avenue which will continue unless a trial closure is introduced at the same time as any increase in capacity at the junction.*

Members were asked to decide whether to confirm the decisions (Option a) or to refer them back to the Cabinet for re-consideration (Option b).

Councillor D'Agorne addressed the meeting on behalf of the Calling-In members he reiterated the grounds for the call-in. Particularly the emergency services lack of support for the reinstatement options and the increase in cycling take up since the addition of the cycle lane. Reference was made to the affect the decision would have on confidence of external funders with the scheme's assistance in providing a modal shift to sustainable transport. The call-in members felt that changes at the junction were not justified as they would only have minimum impact on peak time delays at the junction. The minority view of residents of Westminster Road/The Avenue should also not be ignored with consideration given to point closure of the road on a trial basis followed by an assessment of its impact.

The Cabinet Member for City Strategy responded to the points raised, confirming that a number had already been covered by Cllr Scott. The representations received had all been carefully considered as had the lack of injury accidents recorded at the junction. He stated that it had been a Labour manifesto commitment to reinstate the left hand lane with investigations being undertaken to ascertain the safest manner in which to carry out this work, which included taking legal advice. He confirmed that any reinstatement would retain the route for cyclists approaching the junction from Clifton Bridge. In respect of the issues at Westminster Road/The Avenue he acknowledged the increased use of the estate roads however the reintroduction of the left hand lane would assist in alleviating this problem. He also confirmed that Officers would investigate point closure options however the implications needed to be understood prior to any measures being implemented.

After a full debate, it was

**RESOLVED:** That Option (a) be approved and that the decisions of the Cabinet be confirmed.

**REASON:** In accordance with the requirements of the Council's Constitution.

Cllr J Galvin, Chair

[The meeting started at 5.00 pm and finished at 6.05 pm].