

<b>Title of Report</b>	Call-in of an Executive Decision: CES382 Amhurst Road/Pembury Circus Transformation
<b>For Consideration By</b>	Scrutiny Panel
<b>Meeting Date</b>	11 November 2024
<b>Classification</b>	Open
<b>Ward(s) Affected</b>	Hackney Central, Dalston & Homerton
<b>Director</b>	Louise Humphreys, Monitoring Officer and Acting Director of Legal, Democratic and Electoral Services

## 1. **Summary**

- 1.1. A call-in request has been received in relation to an executive decision taken by the Assistant Director, Streetscene under delegated authority on 11 October 2024
- 1.2. In accordance with the Council's Call In Procedure Rules set out at [Part 4E of the Council's Constitution](#), the Monitoring Officer has assessed the call-in request and ruled that it meets the requirements set out in these Rules. The matter is, therefore, referred to the Scrutiny Panel
- 1.3. On considering the information presented, including advice from statutory officers as to whether the decision is within the budgetary and policy framework, the Scrutiny Panel is required to make a decision in relation to the call-in. Options available to the Panel are detailed at paragraph 5 of this report

## 2. **Recommendations**

- 2.1. **The Scrutiny Panel reviews the Assistant Director of Streetscene's decision (provisional, subject to call in) contained within CE S382 Amhurst Road & Pembury Circus Transformation, Delegated Authority Report attached at Appendix 2 of this report; and**
- 2.2. **Consider the requisition to call-in the Officer Key Decision attached as Appendix 1 and determine whether to:**
  1. Take no further action and uphold the original decision;
  2. Refer the decision to original decision-maker for reconsideration, setting out the Panel's concerns;

3. Refer the matter to Cabinet for its consideration (as the decision was taken by an officer under delegation) setting out the Panel's concerns; or
4. Refer the matter to Full Council where the Panel considers that the decision was contrary to the Council's Budget and Policy Framework

3. **Background**

- 3.1. The Call-In Procedure Rules are set out at [Part 4E of the Council's Constitution](#). The Rules prescribe that once a validated call-in request has been notified to the Monitoring Officer, the Scrutiny Panel must meet to decide what action to take. In the meantime, all action to implement the original decision is suspended.
- 3.2. A decision taken by Cabinet on 11 December 2023, [granted delegation](#) to the Assistant Director, Streetscene to *'make and implement the necessary Traffic Orders for the Hackney Central & Pembury Circus Green Corridor, subject to the requirements of Local Authorities' Traffic Order (Procedure) (England and Wales) Regulations 1996; and following the relevant statutory consultation with all objections/responses received to be considered, recorded in writing, and signed by the Assistant Director, Streetscene in consultation with the Cabinet Member for Climate Change, Environment and Transport.*
- 3.3. As set out at **Appendix 2** of this report, the Assistant Director exercised this authority on 11 October 2024 (published on 14 October 2024) and took the following Officer Key Decision(s):

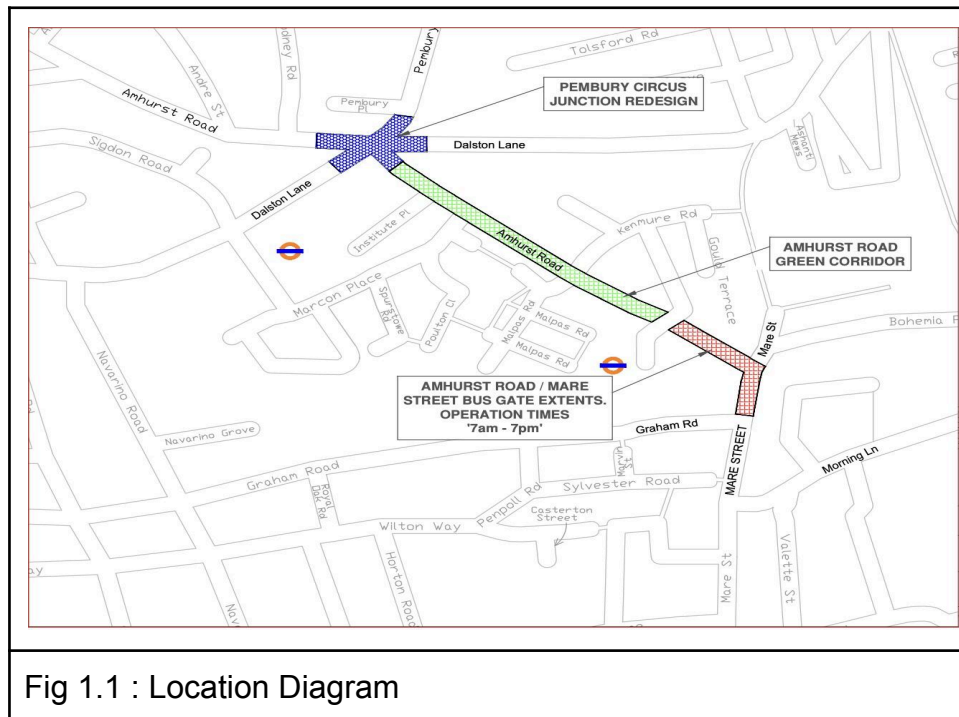
1. Approved the decision to proceed with the statutory process of advertising the necessary Traffic Management Orders, subject to the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, to implement the proposed designs of the Hackney Central Green Corridor, as listed below:

1	Prohibition of motorised vehicles on Amhurst Road / Mare Street, from its junction with Graham Road to its junction with Brett Road, 7am to 7pm. Access through the restrictions will be allowed for: Local buses (Buses as Public Service Vehicles), Emergency service vehicles, Hackney waste services, HAC01 permit holders, pedal cycles and vehicles needing access for loading and unloading purposes within this zone.
2	Existing loading and disabled bay on Mare Street outside Iceland to be converted to a single shared used bay (loading and disabled) starting 13m from the junction of Graham Road and continuing for a length of 18m.

3	Permanent removal of all parking bays on the north-eastern kerbline of Amhurst Road between its junction with Brett Road and Marcon Place and replace with a combination of “at any time” waiting and loading restrictions, zebra crossings and a bus stop.
4	Permanent removal of the existing loading bay on Amhurst Road O/S No 72 and replace with a zebra crossing.
5	Revoke existing bus lane on south-western kerbline of Amhurst Road between the junctions of Mare Street and Pembury Circus and replace it with a combination of “at any time” waiting and loading restrictions, zebra crossings and bus stops.
6	Existing signalised pedestrian crossings on Amhurst Road between the junctions of Pembury Circus and Mare Street to be replaced with zebra crossings.
7	Install left turn ban from Pembury Road into Dalston Lane (east).
8	Install right turn ban from Pembury Road into Amhurst Road (west)
9	Install raised table in Pembury Place at its junction with Pembury Road.
10	Existing northbound bus lane on Mare Street between its junction with Wilton Way and Morning Lane to be reduced from 41m to 15m.
11	Introduce new northbound bus lane on Mare Street between its junction with Morning Lane and Graham Road, operating hours of 7am-7pm.
12	Permanent removal of all existing pay & display bays on Amhurst Road (west) between No 79 & No 89.
13	Permanent removal of 20 existing shared used bays within Amhurst Road car park.
14	Install two electric vehicle charging bays, two car club bays and a designated cycle hire bay within Amhurst Road car park.

2. Subject to the outcome of the statutory consultation to proceed with the implementation of the scheme as set out in Section 5 of the report and further detailed in Appendix A of the report.

3. Figure 1.1 gives a location plan and shows the main parts of the proposal



- 3.4. A request to call-in this decision was received by the Monitoring Officer on 21 October 2024 and was ruled to have fulfilled the criteria required by the Constitution. Reasons for the call in can be found in the Call In Requisition Form at **Appendix 1** of this report. The requisition was signed by five Members - Councillors Binnie-Lubbock, Garbett, Premru, Turbot-Delof and Wrouth. Members of the Scrutiny Panel were notified of the call-in on 22 October 2024. The Elected Mayor and Cabinet were also notified of the call-in on the same date.
- 3.5. In accordance with [Part 6C Paragraphs 11.1-11.5](#) of the Council's Constitution, notice of the intention for the Assistant Director to consider the officer key decision on Amhurst Road and Pembury Circus was included on the Council's Forward Plan published on 30 July 2024. This was under the initial title 'Hackney Central Green Corridor' and listed as an officer key decision. This title was later changed to Amhurst Road & Pembury Circus Transformation' on the Forward Plan on 30 August. Although listed as an officer key decision to be taken on 11 October, the Cabinet date of 28 October was also inadvertently listed. A signed report, detailing the decision taken as well as a decision notice was published on the Council's website on 14 October 2024, the next working day following the decision being taken.
- 3.6. The call-in decision is related to previous decisions taken by Cabinet:
- [Hackney Central & Pembury Circus Green Corridor](#) - December 2023

- [Hackney Central Town Centre Strategy adoption & acceptance of Levelling Up Fund from the Department for Levelling Up, Housing and Communities \(DLUHC\) - April 2023](#)

However, these decisions in themselves are now outside the timeframe for call-in.

#### 4. **Alternative Course of Action Proposed in the Call-in Requisition**

- 4.1 An alternative option proposed in relation to Pembury Circus., is detailed in the call-in requisition at **Appendix 1** of this report. Although the request has been made to call in the entire decision, it should be noted that the primary focus is on the Pembury Junction aspect of the design only. There are no objections to the sections on Mare Street and Amhurst Road.

#### 5. **Options for the Scrutiny Panel**

- 5.1 When considering the officer key decision, it is open to the Scrutiny Panel to:
- a) Uphold the original decision: In this case, the original decision stands and can be implemented.
  - b) Uphold the call-in: In this case, the decision will be referred to either:
    - (i) The original decision maker for reconsideration.
    - (ii) The Cabinet for its consideration where the original decision was taken by an officer under delegation.
    - (iii) Full Council, if the Scrutiny Panel concludes that the decision was contrary to the Council's Policy Framework or contrary to (or not wholly in accordance with) the approved Budget.
- 5.2 In the event that the Scrutiny Panel concludes that the decision is, or if made would be, contrary to the Council's adopted Budget and Policy Framework, then the matter must be referred to Full Council for consideration. It is important to note that only those documents listed in paragraph 4.8 of Article 4 of the Council's Constitution ([Part Two](#)) comprise the Council's adopted policy framework documents. Any other policy documents that the Council may publish from time to time are not part of the adopted framework and would not warrant a referral to Full Council in the event of non-compliance.
- 5.3 The report to Full Council will include an opinion from the Monitoring Officer and s151 Officer as to whether the decision is or is not contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget as the case may be. Prior to consideration by Full Council, the proposed report must be presented to a meeting of Cabinet for consideration and for Cabinet to determine what action it may wish to take in light of those findings and they will likewise submit a report to Full Council. Details of the options

available to Full Council in the event of a call-in referral from the Scrutiny Panel can be found at [Part 4E Paragraph 8.5](#) of the Council's Constitution.

5.4 Once the Panel has considered the call-in and resolves to take one of the actions set out at paragraph 5.1 of this report, the call-in process is completed. A decision cannot be called in more than once.

**6. Comments of the Interim Group Director of Finance**

6.1 The delegated powers report subject to this call-in sought approval to proceed with the statutory process of advertising the necessary Traffic Management Orders and then implement the scheme outlined in that report.

6.2 The proposals within the report are to be funded from Central Government funding and matched funding contributions.

6.3 The majority of the funding consists of the Hackney Central Levelling Up Fund grant and the matched funding associated with this grant. There is also a smaller amount of funding from grants within the Mayor's Air Quality fund.

6.4 The Hackney Central Levelling Up Fund grant for £19.04m was accepted by cabinet for the council in April 2023. The report for acceptance is attached as a supplementary document to this paper. The paper also outlined £2.12m of matched funding which is a combination of Council resources, Section 106 funding, Community Infrastructure Levy Funding and contributions from the private sector.

6.5 The Mayor's Air Quality fund consists of two grants: Zero Emissions Network - £884k and Hackney Central Super LEN project - £600k. Funding for the Amhurst Road / Pembury Circus proposed works subject to call in is allocated from the Hackney Central Super LEN project. These grants were accepted for the council by a delegated powers' report in September 2024. The report provides details of £600k match funding for the Hackney Central Super LEN project.

6.6 The overall funding is summarised below:

£k	Match	Grant	Total
Levelling Up Fund		19,045	19,045
S106	872		872
CIL	425		425
Local Transport Funding	150		150
Private contributions	670		670
Total	2,117	19,045	21,162

£k	Match	Grant	Total
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Mayor's Air Quality Hackney Super LEN		600	600
S106	180		180
Match LUF	340		340
Match in kind contributions	80		80
Total	600	600	1,200

6.7 The current capital programme contains entries to enable monitoring of the expenditure of both these elements: W8950 Pembury Circus & Amhurst Rd and W8783 Mayor's Air Quality Fund. Spend approval for the Levelling Up Fund and matched funding was given by cabinet in April 2023 and then noted by cabinet in June 2023. Spend approval for the Mayor's Air Quality fund and match funding given by cabinet in October 2024.

7. **Comments of the Acting Director of Legal, Democratic and Electoral Services**

7.1 Other than as contained in this report, there are no direct legal implications arising from the call-in.

**Appendices**

**Appendix 1** - Call-in Requisition

**Appendix 2** - Delegated Authority Report of the Assistant Director, Streetscene CE S382 Amhurst Road & Pembury Circus Transformation with Appendices A-D

**Exempt**

None

**Confidential**

None

**Background documents**

None

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