

**LONDON BOROUGH OF BRENT  
HIGHWAYS COMMITTEE**

**16<sup>th</sup> October 2003**

REPORT NO : /03 FROM THE DIRECTOR OF ENVIRONMENT

FOR INFORMATION / ACTION

NAME OF WARD:

Queensbury

<b>REPORT TITLE :</b>	<b>QUEENSBURY STATION AREA (ZONE QA) CPZ – PROGRESS REPORT</b>
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**1.0 SUMMARY**

1.1 This report informs Members on progress with the Zone QA CPZ and on the receipt of an objection in response to the statutory consultation.

**2.0 RECOMMENDATIONS**

2.1 That Committee notes the progress on the Zone QA CPZ.

2.2 That Committee overrules the objection received in response to the advertising of the Public Notice, as part of the Traffic Management Order making process for the CPZ, and agrees to proceed with the implementation of the scheme.

**3.0 FINANCIAL IMPLICATIONS**

3.1 The cost of implementing the CPZ, which is estimated at £50,000 will be met from the Transportation Service Unit's revenue funds (Parking Account). The 23 July 2003 Committee was informed that a number of CPZ schemes have been progressed through informal consultation and are awaiting statutory consultation and implementation. The revenue budget allocation for the current financial year is £214, 000 and the priorities for utilising funding are as detailed in Appendix A. Funding for the Zone QA implementation has been approved by Committee on this basis.

**4.0 STAFFING IMPLICATIONS**

4.1 The Transportation Service Unit is undertaking the scheme development, public consultation, statutory consultation and implementation work associated with the Zone QA CPZ.

**5.0 ENVIRONMENTAL IMPLICATIONS**

5.1 The implementation of the CPZ is in line with Government guidelines and policies relating to integrated transport policy and road traffic restraint. The CPZ will enhance the local environment by removing commuter parking and the wider environment by discouraging certain car journeys.

## **6.0 LEGAL IMPLICATIONS**

- 6.1 The "pay and display" and permit parking methods of parking control and parking prohibitions (waiting and loading restrictions) associated with implementing the CPZ detailed will require the making of a traffic regulation order under the Road Traffic Regulation Act 1984. The procedures to be adopted for making the actual orders and any amendments thereto are set out in the Local Authorities ' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 6.2 The procedures require a period of statutory consultation, which means the authority must properly consider any comments and objections to the schemes. If it fails to do this the implementation of the scheme would be unlawful and it would be impossible to enforce. If the process is not carried out properly the decision could be challenged by way of judicial review with the same result.
- 6.3 Members have authorised the Director of Transportation to commence the statutory consultation process in respect of the Zone QA CPZ scheme and to consider and reject objections or representations if he thinks appropriate prior to him implementing the various schemes following that statutory consultation process. There has been an objection, which he believes should be brought back to members to consider. Members must now decide whether this objection is sufficient to cancel the scheme or require the scheme to be amended. If they fail to give proper consideration to the objection then the process and subsequent order could be subject to judicial review. The outcome of that could be the quashing of the scheme.
- 6.4 The objection raises substantial matters of concern that allege the Council through its officers and members have rigged the result of a consultation process. That allegation, if substantiated, would obviously be sufficient to stop the scheme. There are also issues of probity that would have to be dealt with by reference to the Council's Monitoring Officer and the Standards Board for England. If members ignore the allegations and proceed there is a risk the decision could be judicially reviewed or a complaint made to the Ombudsman. The outcome of that could be the quashing of the scheme. However, officers claim previously to have investigated these allegations and found them to be unsubstantiated. It should be noted that no individuals have been named. If members are satisfied with the results of that investigation and that the letter raises no new matters of concern then it would be safe to proceed with the decision, although, of course that may not prevent a judicial review, but it would be easier to defend.
- 6.5 Members must now decide whether this objection is sufficient to cancel the scheme or requires the scheme to be amended. They could also defer the item for further investigation.

## 7.0 DETAIL

- 7.1 The 11 December 2002 Highways Committee considered a report informing Members on the receipt of a petition from residents and businesses in the Queensbury Station Parade area requesting that consideration be given to a CPZ. Committee agreed that officers carry out informal consultations on the CPZ proposals with local residents and businesses.
- 7.2 The results of the consultations, which were carried out in February/March 2003, showed that 44% of the respondents indicated support for the CPZ, whilst 38% were against. Committee agreed that the CPZ be progressed to statutory consultation and implementation. Committee also approved the hours of operation of the CPZ as 10 am to 3 pm, Monday to Saturday, as supported in the consultation. The area approved for the CPZ is shown at Appendix B.
- 7.3 The Public Notice, which is part of the statutory consultation (traffic regulation order) process in respect of the CPZ, was advertised in the local press, and in the London Gazette, for a 21-day period commencing 20 August 2003. One objection was received in response to the Public Notice; from the Queensbury Area Residents (and traders) Association (“QARA”) and the objection can be seen in Appendix C.
- 7.4 The objections listed in the letter refer in the main to the consultation procedure, the apparent “misconduct and malpractice by Council Members and officers”, and false manipulation and misreporting of results, however, there are no objections to the actual design of the scheme. The officer’s response to the objection is detailed below following a detailed investigation of all files and paperwork relating to the scheme and all officers involved with the scheme.

OBJECTION	OFFICERS’ RESPONSE
1.1 Disagreement with the validity of a petition from residents and businesses reported to the December 2002 Highways Committee suggesting that Councillors mislead signatories of the petition and that this is substantiated by witness statements.	The Council’s standing orders specify that petitions should be checked for validity by verifying the number of bona fide signatures which are listed against the Council’s registered list of electors. This petition had more than 50 valid signatories and a report was therefore presented to Committee in accordance with the standing orders. Officers were required to present their findings on the content of the petition.  This ground for objection is rejected because Council procedures have been followed correctly.
1.2 Members abused their position to bring this matter to the Highways Committee	Ward councillors are at liberty to address the committee if the Chair permits them to speak. providing they have no prejudicial interests.. Many petitions initiated by councillors have been brought to the Highways Committee and this does not breach standing orders.  This ground for objection is rejected because

	<p>Council procedures have been followed correctly and there is no evidence put forward of abuse of position.</p>
<p>1.3 Reference to a fax dated 9/4/03 in which QARA raise concerns about the results, a request is made to view the questionnaires and a request is made to delay the decision on the scheme to the following Committee meeting.</p>	<p>This is not a specific objection. The fax was received before the Committee met and made the decision to progress the scheme. The fax was highlighting the serious concerns of QARA at that time.</p> <p>A meeting was subsequently held with Mr Dunwell on the 9<sup>th</sup> May at which he was allowed to inspect questionnaires. He was only permitted to see the addresses on questionnaires where Legal Services were satisfied that he had authority to do so and was not in breach of the Data Protection Act. No comments were received following the inspection.</p>
<p>1.4 Statements and evidence to show that consultation results had been falsely manipulated / misreported.</p>	<p>The officers completely refute the allegation that any consultation material has been interfered with. It was clear at the inspection on the 9<sup>th</sup> May that all the consultation returns were in their original condition. The officers simply reported the results of the consultation exactly as they were received. The number of photocopied responses (not original material sent out by the Council) was of concern and was indicated separately in the consultation results table shown in Appendix D for the Committee's consideration. No statements or evidence have been forthcoming.</p> <p>This ground for objection is rejected because there is no evidence to support the allegation.</p>
<p>1.5 Statements and affidavits substantiating that Council consultation material had been manipulated and altered to read in favour of the CPZ.</p>	<p>This is the same as the response to 1.4</p>
<p>2.1 An allegation that the Director of Transportation was not correct when he stated that photocopied returns had not been previously sanctioned and that there are witness statements to that effect.</p>	<p>The Director of Transportation at the 15<sup>th</sup> April 2003 Highways Committee meeting indicated very clearly that he had not specifically sanctioned the use of photocopied material. No statements or evidence to contradict that statement has been forthcoming.</p> <p>This ground for objection is rejected because there is no evidence to support the allegation.</p>

- 7.5 Committee is requested to note the objections and the officers' comments and recommended to overrule the objection and approve the implementation of the CPZ.
- 7.6 The Assistant Director (Streets and Transportation) will formally respond to the various points raised by QARA in detail.

## **8.0 BACKGROUND INFORMATION**

### **Details of Documents:**

- 8.1 Environment Committee 29<sup>th</sup> July 1998 (report No. 53)  
Transportation Sub Committee 12 December 2001  
L.B. Brent Parking Strategy  
A New Deal for Transport: Better for Everyone (DETR)  
Traffic Management and Parking Guidance for London (GOL)  
Objection received.
- 8.2 Any person wishing to inspect the above papers should contact David Eaglesham, Transportation Service Unit, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ,  
Telephone: 020 8937 5140

**Richard Saunders**  
**Director of Environmental Services**

**Queensbury Station Area CPZ (Zone QA)**  
**APPENDIX A**

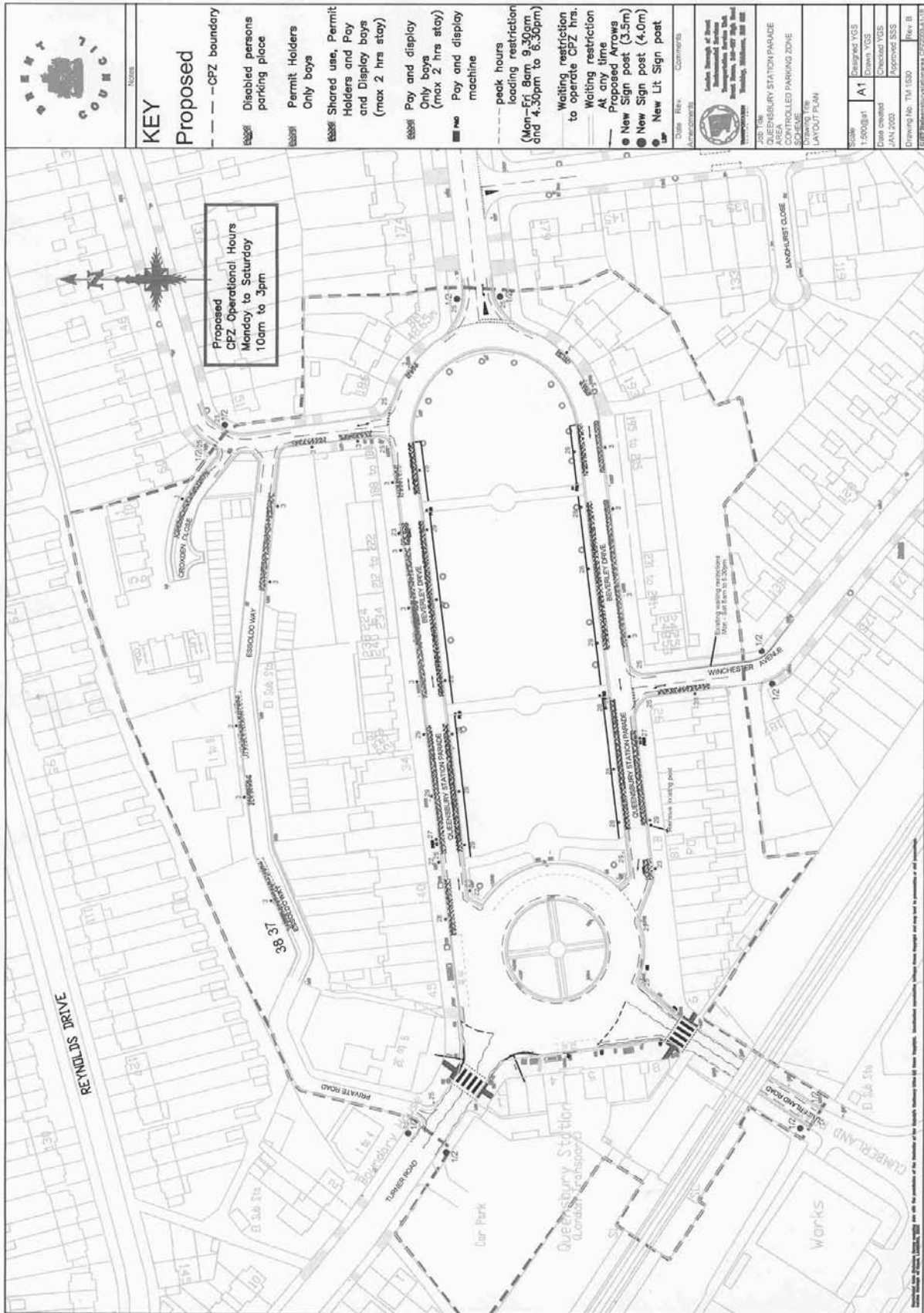
**Prioritisation of Transportation Service Unit CPZ Revenue funds**

There is a proliferation of schemes to be funded from the Transportation Service Unit Revenue budget (parking account) for CPZ schemes and consequently the projects need to be prioritised. Schemes will be implemented in priority order such that the total costs will not exceed the overall revenue budget of £214,000 for the 2003/2004 financial year. The priorities will be as follows:

- 1) Schemes currently being implemented and continuing to completion
- 2) Schemes already approved in the 2002/2003 financial year awaiting implementation
- 3) Agreed actions or scheme amendments arising from petitions
- 4) Scheme reviews
- 5) New schemes or schemes under development

**Queensbury Station Area CPZ (Zone QA)  
APPENDIX B**

**Zone QA Controlled Parking Zone, Queensbury**





**Queensbury Station Area CPZ (Zone QA)  
APPENDIX C**

**Queensbury Area Residents  
(and traders) Association  
QARA**

84 Barn Hill  
Wembley Park  
Middlesex HA9 9LQ  
U.K.

Tel: 020 8904 9094  
Fax: 020 8933 1008

18 September, 2003

The Director of Transportation  
Transportation services Unit  
2<sup>nd</sup> Floor (east) Brent House  
349 – 357 High Road  
Wembley  
Middx. HA9 6BZ

**Ref: TO/12/061/BFM                      Queensbury Station Parade CPZ – (QA Zone)**

Dear Sir,

I wish to raise serious objections to the whole above CPZ scheme, its acceptance by Brent council and any further steps to implement such a scheme, i.e. this order and scheme should be withdrawn and "scrapped". These objections are based on the following grounds: -

1. Grossly flawed "build up" in council consultation process, grossly flawed application of council procedures and regulations, Apparent misconduct and apparent malpractice by Council Members and Council Officers in the Council procedures and consultation process leading up, from 11<sup>th</sup> Dec. 2002 Committee Meeting, to the Highway Committee Meeting Tuesday 15<sup>th</sup> April 2003 and decisions taken at that committee. This in fact goes back to decision relating to a report about a petition supposedly from residents and traders that was discussed and actioned at the Highways Committee Meeting 11<sup>th</sup> Dec. 2002. This includes but is not restricted to: -
  - 1.1. Definitive witnessed statements **that signatories** of that initial petition presented at committee 11 Dec. 2002, supporting some CPZ, **had been grossly misled by the Councillors bringing round that petition.**
  - 1.2. **Members apparently abusing their position in relation to these mentioned matters, resulting in the approval and presentation of the CPZ (QA zone ) scheme to present.**
  - 1.3. Details already explained in my lengthy fax to Mr Rankmore 09/04/2003 copies to Saunders / Chisnell and Goss. (now including evidence to substantiate concerns previously highlighted)
  - 1.4. Statements and written evidence to show that crucial consultation **results** presented at the 1st April 2003 meeting **had been falsely manipulated and misreported.** I.e. apparently a "cover-up" exercise had been conducted.
  - 1.5. Statements / affidavits substantiating that individual original council consultation forms returned to "Council" had been apparently manipulated and altered to read in favour of the CPZ, totally against the wishes of the particular individuals.
2. Council officers / members gave grossly misleading and inaccurate statements (verbal and written) in the lead up to and during the Highways Committee meetings cumulating in that held 15th April 2003. These false statements resulted in Highways Committee reaching their decisions to approve the introduction of the CPZ scheme to which the above Traffic Orders relate. For example: -



**Queensbury Station Area CPZ (Zone QA)  
APPENDIX C (continued)**

● Page 2

September 18, 2003

2.1. The director of Transportation clearly stated that use of photocopied council consultation questionnaires had not been previously sanctioned in any way in consultations of this type. Witnesses, and their statements, across the Borough substantiate this statement to be untrue. (statements etc available)

These are the main grounds of objection to the above scheme and traffic order. The seriousness of these situations is such that in addition to this objection to the Traffic order it may become necessary to submit the case to the "Standards Board". I trust that the details will be thoroughly examined and discussed with myself and the order withdrawn / rescinded. If such action does not result then it may become necessary for further legal action to be pursued.

I would welcome a prompt reply and discussions

Sincerely,



Robert Dunwell  
Chairman of QARA and of the QARA Group

**Queensbury Station Area CPZ (Zone QA)**  
**APPENDIX D**

Supplementary information provided at the 15<sup>th</sup> April 2003 Highways Committee

Committee are advised that the consultation results presented in the main report do not include a number of photocopied consultation returns received. It has been normal practice to date to analyse consultations on the basis of the original consultation material being returned. This is to maintain the integrity of the consultation process and to ensure that questionnaires are considered with the information leaflet provided and within the consultation area agreed. Usually only original questionnaires are received within the areas under consultation and Table 2 gives a comparison of the usage of council produced questionnaires and the response rates for consultation results being considered on the agenda. The consultation in Queensbury is very unusual because 22% of the total numbers of responses received were photocopies of original material and this raises some concerns about why original material was not used to communicate views and how they have been completed and returned. However, following concerns raised by the Queensbury Residents Association a revised analysis has been prepared to demonstrate the effect of including them on the basis that the addresses shown are within the consultation area, there are no duplications per address and no indication on the questionnaires was made about requiring the use of that form. All the consultation returns have been rechecked for accuracy as a part of this exercise. Table 1 shows the effect of including the responses in the analysis which are summarised as follows:

- There is no majority support for the proposals as a whole. Support has reduced from 55% to 43% if photocopied responses are included,
- On a street by street analysis there is still support for measures in Croxden Close and Queensbury Station Parade.
- All the photocopied responses except one are opposed to the CPZ,
- The photocopied responses were focused on Beverley Drive and Essoldo Way.

It should be taken into account that the main reason for undertaking a public consultation was as a result of a petition being received from local traders and residents in the vicinity of the station. In particular strong support from local traders was shown for a CPZ to be considered around the local shops. If the consultation analysis including photocopied responses is accepted it should be noted that there is still majority support in Queensbury Station Parade for a CPZ. Committee are advised that it would be possible to proceed with a smaller CPZ focused on the local shops and station in this road, however, it would not be recommended to proceed with Croxden Close in isolation from this area as it would not permit an inclusive area of parking controls.

Should Committee decide that the inclusion of the photocopied responses is invalid then the original recommendation to proceed with the whole proposal can be considered as there is majority support for the proposals in this instance.

**Queensbury Station Area CPZ (Zone QA)**  
**APPENDIX D (continued)**

If a decision on the validity of the photocopied consultation results cannot be agreed then Committee can defer a decision on the basis of another public consultation. In this instance it would be advisable to stipulate a requirement for respondents to use Council questionnaires to record their views.

The Committee now have a number of options to consider in determining a course of action on as follows:

- a) Proceed with the whole CPZ, with operational hours of 10am – 3pm, Monday - Saturday, on the basis of the original consultation analysis detailed in the report, and proceed to statutory consultation.
- b) Proceed with a CPZ in Queensbury Station Parade only with operational hours of 10am – 3pm, Monday - Saturday, on the basis of the consultation analysis including photocopied responses in the supplementary information, and proceed to statutory consultation,
- c) Do not proceed with the CPZ on the basis of the consultation analysis including photocopied responses in the supplementary information,
- d) Defer a decision until another public consultation has been undertaken with a requirement that Council consultation material is used,

**Queensbury Station Area CPZ (Zone QA)  
APPENDIX D (continued)**

<b>TABLE 1</b>																					
<b>QA – Controlled Parking Zone Public consultation Analysis of results</b>				<b>Question 2</b>				<b>Question 3</b>				<b>Question 4</b>				<b>Question 5</b>		<b>Question 6</b>			
<b>Road Name</b>	<b>No. of addresses</b>	<b>No. returned</b>	<b>%</b>	<b>Yes</b>	<b>(%)</b>	<b>No</b>	<b>(%)</b>	<b>Yes</b>	<b>(%)</b>	<b>No</b>	<b>(%)</b>	<b>Yes</b>	<b>(%)</b>	<b>No</b>	<b>(%)</b>	<b>8am-6.30pm Mon-Fri</b>	<b>10am-9pm Mon-Fri</b>	<b>Yes</b>	<b>%</b>	<b>No</b>	<b>%</b>
<b>Beverley Drive</b>	75	30	40%	21	70%	8	27%	13	43%	16	53%	7	23%	9	30%	7	2	11	37%	7	23%
		15	20%	8	53%	7	47%	0	0%	15	100%	0	0%	7	47%	0	0	0	0%	0	0%
		45	60%	29	64%	15	33%	13	29%	31	69%	7	16%	16	36%	7	2	11	24%	7	16%
<b>Croxden Close</b>	18	10	56%	4	40%	6	60%	6	60%	4	40%	5	50%	2	20%	2	0	3	30%	2	20%
		1	6%	0	0%	1	100%	0	0%	1	100%	0	0%	1	100%	0	0	0	0%	0	0%
		11	61%	4	36%	7	64%	6	55%	5	45%	5	45%	3	27%	2	0	3	27%	2	18%
<b>Queensbury Station Parade</b>	74	37	50%	26	70%	9	24%	22	59%	15	41%	11	30%	5	14%	7	3	18	49%	2	5%
		2	3%	1	50%	1	50%	1	50%	1	50%	1	50%	0	0%	0	0	0	0%	0	0%
		39	53%	27	69%	10	26%	23	59%	16	41%	12	31%	5	13%	7	3	18	46%	2	5%
<b>Essoldo Way</b>	32	11	34%	6	55%	5	45%	7	64%	4	36%	3	27%	3	27%	2	2	6	55%	2	18%
		7	22%	3	43%	4	57%	0	0%	7	100%	0	0%	4	57%	0	0	0	0%	0	0%
		18	56%	9	50%	9	50%	7	39%	11	61%	3	17%	7	39%	2	2	6	33%	2	11%
<b>TOTAL</b>	199	88	44%	57	65%	28	32%	48	55%	39	44%	26	30%	19	22%	18	7	38	43%	13	15%
		25	13%	12	48%	13	52%	1	4%	24	96%	1	4%	12	48%	0	0	0	0%	0	0%
		113	57%	69	61%	41	36%	49	43%	63	56%	27	24%	31	27%	18	7	38	34%	13	12%

Black – Original Council forms (Analysis shown in CPZ progress report) Red – Photocopied material Blue – Total number of returns

**Queensbury Station Area CPZ (Zone QA)  
APPENDIX D (continued)**

**TABLE 1 -CONTROLLED PARKING ZONE QUESTIONS**

- (Q1.) Are you a Resident or Business?  
(Q2.) Do you experience parking difficulties in your street?  
(Q3.) Are you in favour of a CPZ for your street?  
(Q4.) Do you support the suggested operational hours of 10am - 3pm, Monday to Friday?  
(Q5.) If you do not support the suggested operational hours, which of the following alternatives used in Brent would you prefer?  
8am - 6.30pm, Monday to Friday? or  
10am - 9pm, Monday to Friday?  
(Q6.) Are you in favour of the scheme operating on Saturday?  
(Q7.) If you do not support the operational hours above what are your preferred times/days of operation?  
(Q8.) If you own a vehicle, where do you park it: On the road/off street?  
(Q9.) If a scheme came into operation, how many permits would you require?

**NOTE:**

- (a) Answers to Question No.7 are not shown in the above analysis as these were inconsistent.  
(b) Answers to Question Nos.1, 8, 9 are not shown in the above analysis.

**TABLE 2 - COMPARISON OF USAGE OF COUNCIL SUPPLIED QUESTIONNAIRES AND RESPONSE RATES**

CONSULTATION	ZONE WL	ZONE WO	ZONE WP	ZONE WT	ZONE QA	ZONE Old Kenton Lane	ZONE PN
<b>Number of questionnaires delivered</b>	<b>1307</b>	<b>1957</b>	<b>1183</b>	<b>963</b>	<b>199</b>	<b>64</b>	<b>1023</b>
<b>Total number of returns</b>	<b>261</b>	<b>780</b>	<b>363</b>	<b>338</b>	<b>113</b>	<b>25</b>	<b>555</b>
<b>Number of returns (using council supplied questionnaire)</b>	<b>261</b>	<b>780</b>	<b>363</b>	<b>338</b>	<b>88</b>	<b>25</b>	<b>555</b>
<b>Number of returns (not original council forms)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>0</b>	<b>0</b>
<b>% of total number of returns which were not originals</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>22%</b>	<b>0%</b>	<b>0%</b>