

LTN Legal challenge September 2022 – Notes. Tara Hawkins

Spoke with Solicitor Anne Marie Irwin -16.09.22. She works at <https://rookirwinsweeney.co.uk/>

She has been dealing with legal challenges against LTNs in Hackney and Lambeth. Both challenges were defeated although they are currently appealing the Lambeth result and are waiting for an appeal date.

Statutory Review

If we want to appeal the decision, we would need to request a statutory review where we can have a hearing regarding whether the scheme is lawful or not. This has to be made WITHIN 6 WEEKS of the date the traffic order for the LTN was made. From what I can see from the notices on the street the order was made on 2nd August which means we are out of time for this. It may be possible to ask for an extension of this date, this request may not be guaranteed.

Traffic Order

Regarding the date of the traffic order, Anne Marie also had a look for us and stated the following:

You can search for Notices of the Experimental Traffic Orders in the London Gazette <https://www.thegazette.co.uk/all-notices> . On the left, filter by Notice type: infrastructure and environment and Location: London Borough of Haringey. The relevant orders will be headed 'Road Traffic Acts.'

On a very quick look, I can see for example that there was an amendment to an Experimental Traffic Order made on 30 August 2022 and published on 31 August 2022 – the Notice is here <https://www.thegazette.co.uk/notice/4150908> . You need to look for Notices of Experimental Traffic Orders like this.

You could also email the Council and ask them to provide you with copies of the Experimental Traffic Orders which have resulted in X, Y and Z closures.

Is there anyone that could look at this i.e where we can take the date of 30 August?

Costs

The cost to prepare and issue a statutory review is around **£5000 + VAT**

This would then proceed to the high court for a final hearing. Cost of this is around **£50k** (approximately). If our case was unsuccessful, we would be liable for the councils' legal costs. If we were successful, the council would be liable for our costs. We can request a capping order to cap the payment of the councils' legal costs to e.g. **£5000** although note the council can also request the same.

We can go to a specialist barrister before we request a statutory review (even though we may be out of time) who could advise whether we had a good case. This would cost around **£3000 + VAT**

Raising Money

We could crowdfund our challenge. Anne-Marie said best platform to use was

Crowdjustice website <https://www.crowdjustice.com/>

Out of interest if you would like to look at Lambeth's crowdfunding page as an example, they used GoFundMe: <https://www.gofundme.com/f/jzdfd-appeal>

Other Notes

I asked Anne-Marie if she had any experience of dealing with LTNS around high streets/businesses. She said in Lambeth (I think it was Lambeth), there were many businesses that were affected but when they prepared the challenge they decided to challenge the Lambeth LTNs on the basis of disability because there is a statutory provision for those that are classed as disabled and e.g need to use their car to move around. There is no statutory provision for business.

It doesn't mean they couldn't mount a challenge citing loss of business/revenue although she believes it may be more difficult.

My impression was just because you are running a business and are losing revenue , doesn't mean you would accomplish a successful challenge against the council on this basis.

I also asked Anne-Marie about requesting a public enquiry which is what the other solicitor I spoke with yesterday suggested. She said she did not know anything about this.

Anne-Marie strongly encouraged us to engage in consultation with the council throughout the next 18 months and as we come to the end of the trial period her firm could act for us in challenging the order (if we don't do it now) . She did say contact her at least 6 months before the trial period ends so they had time to prepare the work.