

TRANSPORT AND ENVIRONMENT

DECISIONS made by the Lead Cabinet Member for Transport and Environment, Councillor M Lock, on 31 March 2008 at County Hall, Lewes.

Councillor Dowling spoke on item 4 (see minute 95)
Councillor Daniel spoke on items 5, 6, 7, 8 and 10 (see minutes 96, 97, 98 99 and 101)
Councillor O’Keeffe spoke on items 7, 10 and 11 (see minutes 98, 101 and 102)
Councillor St. Pierre spoke on items 7 and 8 (see minutes 98 and 99)
Councillor Freeman spoke on item 7 (see minute 98)
Councillor Livings spoke on item 7 (see minute 98)
Councillor Martin spoke on item 9 (see minute 100)
Councillor Gadd spoke on item 11 (see minute 101)

92. MINUTES

92.1 Councillor Lock approved as a correct record the minutes of the meeting held on 25 February 2008.

93. DECLARATIONS OF INTEREST

93.1 Councillor Lock declared personal, non prejudicial interests in the following:

(a) item 5 (Petition requesting speed reduction measures in Elphinstone Road, Hastings) as the road bordered his Ward;

(b) items 10 (Traffic Calming: priority assessment of requests) and 11 (Integrated Transport Capital Programme) insofar as there were any references in the reports to his Ward or to areas which bordered his Ward; and

(c) item 13 (A New Approach to Development Contributions: Interim Supplementary Guidance) as Lead Member for Planning and Regeneration at Hastings Borough Council. If the issue was discussed at Hastings Borough Council he would declare a prejudicial interest and take no part in the discussion.

93.2 Councillor Daniel declared personal, non-prejudicial interests in the following:

(a) item 8 (Traffic Management Act Parking Policy) as the holder of a disabled badge; and

(b) Item 10 (Traffic Calming: priority assessment of requests) insofar as he lived in one of the roads included on the 2008/09 Proposed Priority List, but wished to speak in relation to other roads in his Ward which were included on the list and did not impact on the position of his road.

94. REPORTS

94.1 Copies of the reports referred to in the minutes below are contained in the minute book.

95. PETITION CONCERNING TRAFFIC SAFETY ISSUES IN CROSS IN HAND

95.1 Councillor Lock considered a report by the Director of Transport and Environment. Mr P Newnham addressed the Lead Member on behalf of the petitioners.

DECISIONS

95.2 To advise the petitioners that (1) the County Council will assist the Parish Council in the initial consultation with local residents and businesses to develop a local parking scheme as a short term measure along the Cross-in-Hand High Street;

(2) the County Council will continue to develop proposals for improvements to the A267/B2102 junction;

(3) an area of non-essential repairs to the pavement in Cross-in-Hand High Street will be completed in 2008/09; and

(4) a Scheme to repair and resurface the pavements in Cross-in-Hand High Street is currently programmed for 2009/10 in the current three year Maintenance Programme, subject to availability of funding.

Reasons

95.3 The County Council currently is developing the design for the A267/B2102 junction to be implemented through the Integrated Capital Programme. However, in the short term, the County Council will develop, in partnership with the Parish Council, a local parking scheme to help address concerns about pedestrian safety due to uncontrolled parking causing vehicles to overrun the carriageway.

95.4 Although the defects to the pavement in Cross-in-Hand High Street do not meet the adopted standards for repair, a small section of footway patching will be undertaken. They will continue to be monitored regularly and a more comprehensive scheme is programmed for 2009/10.

96. PETITION REQUESTING SPEED REDUCTION MEASURES IN ELPHINSTONE ROAD, HASTINGS

96.1 Councillor Lock considered a report by the Director of Transport and Environment. He reported receipt of a letter from Councillor Birch welcoming the recommendations set out in the report, on behalf of the petitioners, and expressing the hope that a final scheme would be drawn up as swiftly as possible.

DECISIONS

96.2 To advise the petitioners that (1) Elphinstone Road was included in the last assessment of traffic calming requests and was found to have a relatively high priority;

(2) preliminary investigations into a traffic calming scheme are currently being undertaken with a view to construction during the 2008/09 financial year; and

(3) request the Director of Transport and Environment to keep Councillors Birch and Daniel informed of progress as Elphinstone Road sits in both their wards.

Reason

96.3 Elphinstone Road has been assessed as having a high priority for traffic calming when compared with other requests across the County. A Scheme is being developed for construction during the 2008/09 financial year.

97. PETITON REQUESTING THE GATING OF CLARENCE ROAD, HASTINGS

97.1 Councillor Lock considered a report by the Director of Transport and Environment.

DECISION

97.2 (1) That Hastings Borough Council be instructed to seek a permanent Traffic Regulation Order under sections 1, 2 and 3 of the Road Traffic Regulation Act 1994 to close Upper Clarence Road to public vehicular traffic between the hours of 8pm and 8am; and

(2) request the Director of Transport and Environment to report back to the Lead Member in due course on the effectiveness of the Traffic Regulation Order in addressing the problems in Clarence Road.

Reasons

97.3 In circumstances where the public is likely to be significantly inconvenienced by the closure of a road, it is unlikely that a Traffic Regulation Order (TRO) could be viewed as reasonable measure for dealing with the problem of fly tipping. Crucially, in this case the road is unsuitable for use as a through route. As a result, vehicular use is limited to the owners of those properties and businesses on the road, all of whom fully support the measure of a gating order. The residents' association, which represents all property owners on the road, will be responsible for the opening and closing of the gate.

97.4 In view of the benefits of preventing the fly tipping, and the lack of any inconvenience to the wider public, it is felt that a Traffic Regulation Order could be justified to address the problems of fly tipping on Upper Clarence Road.

97.5 The costs of both a Traffic Regulation Order and the gates and bollards proposed can be funded by the Borough Council's Neighbourhood Renewal Team through its crime reduction initiative.

98. PETITION RELATING TO THE LEWES PARKING SCHEME AND PARKING CONTROLS IN FERRERS ROAD, LEWES

98.1 Councillor Lock considered a report by the Director of Transport and Environment. Mr Y Luthra and Mr K Scott addressed the Lead Member on behalf of the petitioners.

DECISIONS

98.2 To (1) note the content of the petitions submitted by residents of Ferrers Road and the Lewes Chamber of Commerce;

(2) bring forward specific proposals and traffic orders to extend parking controls into Ferrers Road and to instigate other detailed changes to the parking scheme, as set out in Appendix D to the report, undertaking appropriate consultation; and

(3) publish, as a basis for consultation, a Parking Charter set out in Appendix C to the report, and invite comments on detailed parking policies.

Reasons

98.3 The petition from the Chamber of Commerce is not specific about the nature of the changes that signatories seek and its “open” wording may have contributed to the large number of signatures, but the belief in some quarters that enforcement is over zealous cannot be ignored and a review would be timely. However, whilst finding common cause in calling for a review, individual signatories will undoubtedly have widely diverging views as to what specific changes they would like to see. Introducing changes to accommodate disparate views and local circumstances tends to militate against simplicity (which the petitioners also call for) and any scheme is inevitably a compromise between conflicting ideals. Nevertheless, various detailed changes to the scheme are proposed in Appendix C and these may address some of the petitioners’ concerns.

98.4 It is unclear whether, in describing the scheme as too far reaching, the petition organisers intended to refer to its geographical extent or the nature of the enforcement regime. The geographical extent of the scheme is established following extensive consultation with those living and having businesses in the streets that are directly affected and controls are only introduced if there is majority support. This process is reasonable and robust and there is no evidence of any significant demand from those living in streets directly affected for the scheme to be scaled back. On the contrary, residents in streets such as Ferrers Road, currently outside the scheme, are pressing to be brought within. I recommend, therefore, that the review should focus on the enforcement regime since this is the area where there is greatest scope and, in some respects, need for change.

98.5 The Council already has policies to guide the operation of the scheme. Information about the scheme is publicly available and the Council was commended by the National Parking Adjudication Service for being the first authority to publish an annual report. In keeping with that open approach, the request by the Chamber of Commerce for a comprehensive review represents an ideal opportunity to draw the wider community into the process of reviewing operational policies (which need reviewing, in any event, to take account of the Traffic Management Act).

98.6 Enforcement involves judgements about balance: the balance between protecting the interests of motorists and protecting the interests of those who suffer the consequences of uncontrolled parking; the balance between treating law-abiding motorists who make a mistake sensitively and taking effective action against those who flout the law. It is proposed to establish a Parking Charter (Appendix C) which will define how, in principle, these balances will be drawn and what motorists and those enforcing the scheme can expect of each other. Detailed policies covering the application of those principles will be published (see separate report) and organisations and individuals will also be invited to contribute to discussions about those policies. The aim is to establish the widest possible consensus about what constitutes fair and effective enforcement.

99. TRAFFIC MANAGEMENT ACT PARKING POLICY

99.1 Councillor Lock considered a report by the Director of Transport and Environment.

DECISIONS

99.2 To (1) provisionally adopt the policies, set out in Appendix B to the report, pending further consultation and subject also to revisions suggested during the meeting;

(2) set the tariffs for Penalty Charge Notices under the provisions of the Traffic Management Act 2004 at £70 for the higher rate and £50 for the lower rate

contraventions; and

(3) incorporate reserve powers into traffic orders to enable clamping or removal of illegally parked vehicles of persistent evaders or vehicles causing obstruction.

Reasons

99.3 Currently 38.15% of the Penalty Charge Notices (PCNs) issued on street in Lewes District would fall into the higher category of contravention and 61.85% into the lower. As indicated in Appendix A, if the lower tariff (£60 and £40) were to be adopted, it is estimated that income would be reduced by over £100,000 pa. If the higher tariff (£70 and £50) were adopted the loss would be around £20,000. The one-off cost of introducing the two tier arrangement with either tariff is estimated to be £21,500. In addition to the directly incurred loss of income from the Lewes scheme, proportionally similar reductions in income are likely to be incurred from the Hastings scheme (operated by the Borough Council) and from any scheme introduced in Eastbourne under decriminalised powers.

99.4 Adoption of the lower tariff would entail a substantial loss of income which would require an increase in permit, pay & display or other charges in order to maintain the scheme's viability. The higher tariff straddles the current flat rate charge and would incur a smaller loss in income and, for these reasons, I recommend that option.

99.5 The Traffic Management Act (TMA04) also requires authorities to publish policies and reports. The Council already has policies and has taken a leading role in promoting transparency. The authority was commended by Chief Adjudicator of the National Parking Adjudication Service for being the first in the Country to publish an annual report.

99.6 With the new legislation coming into force it is necessary to make various technical modifications to policies and the opportunity has been taken to review and extend policies, particularly clarifying policy in respect of the consideration of challenges to PCNs.

99.7 Although not directly related to the introduction of the TMA04, when the Council took decriminalised powers, the power to clamp or remove vehicles was to be held in reserve. Such powers would only be used selectively but the absence of such power is an obstacle to effective enforcement.

100. LAND AT EASTBOURNE ROAD/HUGGETTS LANE JUNCTION, WILLINGDON

100.1 Councillor Lock considered a report by the Director of Transport and Environment.

DECISION

100.2 To rescind the Eastbourne Road/Huggetts Lane Junction Lane Improvement Scheme as shown on plans P/060/3/2 and P060/9/1

Reason

100.2 The area of land shown hatched on the site plan attached to the report is no longer required by the Transport and Environment Department because there is no prospect of the Scheme being implemented.

101. TRAFFIC CALMING: PRIORITY ASSESSMENT OF REQUESTS

101.1 Councillor Lock considered a report by the Director of Transport and Environment.

DECISIONS

101.2 To (1) note the results of the priority assessment procedure, set out in Appendix A to the report, and current position on schemes being developed as set out in Appendix B to the report ; and

(2) authorise the Director of Transport and Environment to initiate new preliminary investigations, in priority order, according to the funds available.

Reason

101.3 Tackling sites in the assessed priority order gives the greatest opportunity to develop worthwhile schemes that are appropriate and cost effective.

102 INTEGRATED TRANSPORT CAPITAL PROGRAMME

102.1 Councillor Lock considered a report by the Director of Transport and Environment. He reported receipt of representations from (a) Councillor Simmons expressing concern that the report did not confirm the commencement of the Heathfield – A265/A267 Eastbourne Road right hand turn lane in 2008/09; and (b) Councillor Field supporting any money scheduled to be spent in Battle.

DECISIONS

102.2 To approve (1) the programme of integrated transport schemes for 2008/09 as set out in the Appendix to the report;

(2) the allocation of County Council capital funding within the Integrated Transport Block towards specific schemes identified in the 2008/09 Programme and authorise the Director of Transport and Environment, in consultation with the Lead Member for Transport and Environment, to continue work on maximising the use of existing and potentially available contributions to augment the delivery of the programme; and

(3) the indicative programme of integrated transport schemes for subsequent financial years as set out in the Appendix to the report which will be reviewed annually.

Reason

102.3 To This programme, informed by consultation with Councillors as well as a cross party panel of Members, represents a balanced programme of schemes which will help deliver not only the local transport plan objectives, but also contribute to achieving the broader corporate objectives. I recommend that the funding approved by County Council to support this programme of integrated transport be allocated as outlined in the Appendix to this report.

103. CYCLING DEMONSTRATION TOWN FUNDING

103.1 Councillor Lock considered a report by the Director of Transport and Environment.

DECISIONS

103.2 That (1) the County Council should not submit a bid for funding as part of the Cycling Demonstration Towns initiative, primarily due to the scale of match funding requirements and the impact this would have on delivery of the agreed three year Integrated Transport Capital Programme; and

(2) the Lead Member will write to Cycling England expressing his concern about the very short timescale set for submission of bids for funding under Phase 2 of Cycling England's Cycle Demonstration Towns initiative.

Reason

103.3 The magnitude of match funding requirements would distort significantly the Integrated Capital programme being considered elsewhere on the Lead Member's agenda. There may be future opportunities to submit bids through this initiative and every effort will be made to take advantage of these should circumstances permit.

104. A NEW APPROACH TO DEVELOPMENT CONTRIBUTIONS: INTERIM SUPPLEMENTARY GUIDANCE

104.1 Councillor Lock considered a report by the Director of Transport and Environment. He noted that the last sentence of the Introduction to Appendix A would need to be reworded before publication to refer to the Lead Member rather than Cabinet. The sentence would now read "It was approved by the Council's Lead Member for Transport and Environment on 31 March 2008, on behalf of the Cabinet, and it is applicable to planning applications with effect from April 2008."

DECISIONS

104.2 To (1) approve the updated information, set out in Appendix A to the report, (a) relating the Council's new statutory duties under the Childcare Act 2006 to the assessment of needs for development contributions towards early years provision and (b) revising stress areas and contribution costs; and

(2) commend the updated information on stress areas and contribution costs to the East Sussex District and Borough Councils.

105. ABANDONED VEHICLE CONTRACTS

105.1 Councillor Lock considered a report by the Director of Transport and Environment.

DECISION

105.2 To approve the continued use of the existing Abandoned Vehicle Contractor for six months while the re-tendering process for a new contract is carried out.

Reason

105.3 A Countywide Abandoned Vehicle Collection and Disposal contract is key to looking after the environment and meeting the current Local Area Agreement stretched target to remove abandoned cars within 24 hours. Extending the existing arrangement while the re-tendering process is being carried out will ensure continuity of service, helping targets to be met and fulfilling environmental safety objectives.