

**SPECIAL MEETING OF THE
REGENERATION AND TECHNICAL
OVERVIEW AND SCRUTINY COMMITTEE
Tuesday 14th July 2009**

PRESENT – *Councillors McGarvey (in the Chair), Pearson (for Browne), Gordon (for Tapp), Huggill (for Foster), Bateson (for Mulla), Doherty (for Surve), Walsh (for Kay) and Mike Johnson.*

ALSO PRESENT –

*Councillor Cottam – Executive Member for Regeneration and Environment
I. Richardson – Director Capita Symonds
L. Hall – Director of Finance (for T. Stannard – Director of Policy and Communications and Link Chief Officer)
M. Green – Senior Property Solicitor
R. Saghir - Solicitor
B. Aspinall – Scrutiny and Elections Support Manager
N. Ghani – Scrutiny and Councillor Support Officer*

PRESENTING THE CASE – *Councillor Talbot
Mr J Balko*

RESOLUTIONS

1 Welcome and Apologies

The Chair welcomed everyone and explained that Members would hear a Call In of the Executive Member decision published on 19th June 2009 relating to the Preston Old Road Bus Lane (Traffic Regulation Order). She confirmed that ten Members of the Council had duly requested the Call In in writing together with the reasons for the request.

The Chair asked for apologies or substitutes. No apologies were received. Substitutes for the Call In meeting were recorded as follows: Councillors: Pearson for Browne, Gordon for Tapp, Huggill for Foster, Bateson for Mulla, Doherty for Surve and Walsh for Kay.

RESOLVED – That the information be noted.

2 Declarations of Interest in items on this Agenda

No Declarations of Interest were made.

3 Procedure for the Call In

The Committee's Legal Advisor outlined the procedure to be followed for hearing the Call In of the decision. The Call In form had been circulated with the agenda and stated the reasons for the Call In as:

- Inadequate consultation with local residents – informing residents of plans as opposed to considering responses.
- Insufficient consideration given as to the effects on traffic and the safety of road users and on residential parking both during the operation time of the bus lane and throughout the day.
- Failure to satisfy residents as to the methodology to be used when assessing the impact of the bus lane.

RESOLVED – That the information be noted.

4 Preston Old Road Bus Lane (TRO)

The Chair asked the Lead Petitioner, Councillor Talbot, to outline in detail the basis of the Call In.

It was made clear by the Lead Petitioner that neither he nor his colleagues signing the Call In petition or the residents who had appealed for the decision to be looked at again were against the principle of bus lanes. Concerns were related to the processes the Council had followed and the impact on the local community and road users.

He reported that Members Calling In the decision had made the request on three issues and summarised their concerns as follows -:

1. Consultation – Residents were led to believe that parking would not be affected, as the letter sent to residents which formed the Councils formal consultation process stated that ‘on street parking would be retained’. Consequently responses at this stage were small.
 - When road markings were re-laid it became apparent that parking space had been reduced hence any normal car could not fit into it without parking partly onto the pavement.
 - It was further stated that the strength of response received since, highlighted the view that the consultation had been misleading. Reference to a public meeting attended by approximately 100 residents was made.
2. Insufficient consideration of the effects of the bus lane - The Lead Member highlighted that the narrowing of the road was a result of manipulating the lane width of the existing roadway with the pavements either side remaining unaltered, resulting in a series of narrow lanes and a particularly confusing situation for inbound traffic, which could be hazardous.
 - It was further added that the bus lane caused the roadway to be untidy in appearance and it blocked the pathway for pedestrians,

which was against the law to do so, yet it was stated that at the Planning and Highways Committee the Executive Member encouraged residents to do so.

- Joe Balko, attending in support of the Lead Petitioner, distributed a range of photographs to the Committee demonstrating that a large number of vehicles had to straddle the middle line which was a road safety hazard.
 - In relation to the operation of the bus lane the Lead Petitioner argued that the narrowing of lanes would not slow traffic down and increase safety, to the contrary. It was felt that in actual fact a wide roadway on the approach to town – almost a dual carriageway - was created.
3. The final reason for challenging the decision related to the monitoring of the bus lane once in operation. An extract from a letter sent by the residents group to the Executive Member was read out and the Executive Members tone of response was referred to. It was felt there were many unanswered concerns.

The Lead Petitioner stated that residents felt they and their properties had been placed at risk as a result of the introduction of the bus lane without widening the roadway or dropping the kerb. The Lead Petitioner stated that the Leader had been quoted as saying that the cost of dropping the kerb would be between £9,000 and £15,000. It was argued that the work should be carried out with the cost covered by the Council. The Committee was asked to consider referring the decision back to the Executive Board with a recommendation that the kerb on this section of Preston Old Road is dropped.

The Executive Member was invited to seek clarification on issues raised by the Lead Member. No clarification was sought.

Members of the Committee questioned the Member representing those responsible for the Call In. The supporting Member was asked whether residents would have objected if they had known of the road widths in the original document, to which the response was 'yes'. He further added that residents felt they were deliberately misled by the Executive Member in order to avoid objection from residents

It was stated that the Executive Member and Ian Richardson, Director – Capita Symonds, had suggested possible ways of relieving kerbs, but this information was only relayed to two people and not at a residential meeting. It was further added that in an email sent by the Director, he was quoted as stating 'residents parking will be sacrificed'.

Councillor Talbot added that an area that had many public events should look to make things easier for car users. He would expect contingencies to drop the kerb.

Members questioned whether there were any up to date plans of the area. The Director tabled two plans – one was of the original consultation without parking and the current plan with parking.

When questioned whether residents had asked for dimensions, the response was that the majority of people felt that parking would remain the same, as a result questions were limited. Mr Balko referred to various letters and email that had been sent from himself to the Council, Officers and Members, and the lack of response received.

The following questions/issues were also raised by the Committee:

- A Member questioned why residents weren't informed parking would change and the charge for residential parking - £50 per year.
- How many people were affected by narrow footpath
- What difference would dropped kerb make – raised kerb isn't good for cars – would be easier for cars to move in.
- Question whether kerb would be practical for both parking and pedestrians to which it was stated that it was. It was only wished for the kerb to be dropped on one section of the road.

The Executive Member was invited to explain the reasons for the decision made. Members were provided with background to the decision which referred to the production of an original Local Transport Plan for this Road Traffic Order (RTO) under the previous administration. The original plans contained no parking, but under the new administration it was considered that the widths were wide enough for the bus lane and the scheme was reversed to retain parking. Whilst parking may be considered restricted it was adequate and felt that generally people would use the bus lane when it became official - the Executive was noted to use the bus lane himself.

The Executive Member covered the following issues in his comments to the Committee:

- He clarified the times the bus lane would be in operation – 7:30 – 9:00 adding that it was not illegal to park on the pavement but to drive and if the footpath remained 1.2 metres wide it was legal.
- Members were also informed of other work which had been carried out under the scheme, including the Buncer Lane traffic lights system.
- The Executive Member added that measures had been put in place to protect parking in the area as it was considered an important aspect, whilst also adding that prioritising public transport was on the government agenda.

- The Committee was informed that there were contingencies at the beginning of the project, not towards the end, but this is something the Executive Member would ask the engineers to look into re: health and safety.
- The Executive Member added that he was not invited to the public meeting organised by residents in the area.
- Monitoring of the scheme would be ongoing including a traffic count and a log of each incident.
- The lanes were narrowed in order for the bus lane, car lanes and residential parking to share the road.
- The Executive Member informed Members that he had discussed the option to have white lines painted on the footpath and park on the path, the cost of which would be low and effective and would require an order and white line.
- He added that residential parking had no right to remain if there were other uses and that the benefits of the scheme for all users were considered.
- It was further added that cars were able to use the bus lane when not in operation and this would be advertised.

The Member representing those who requested the Call In was invited to ask questions of the Executive Member and/or Chief Officer. Councillor Talbot questioned whether the Executive Member accepted that parking had been restricted and what was meant by 'on street parking would be retained', to which the Executive Member responded that parking had been restricted but had also been retained – the size was not referred to. The Lead Petitioner further questioned whether it was right for the Executive Member to encourage road users to park on the pavement to which the response received included that to widen the road was a major job. If the pavement remained a minimum of 1.2 metres wide the police would take no action against those parked on the pavement. The Director confirmed that 7 buses were scheduled to use the bus lane and 66 services used the area during the week.

Members of the Committee asked questions of the Executive Member/Chief Officer. Questions regarding the following issues were raised: Buncer Lane traffic lights, the bus stop on a junction and the use of the word 'sacrifice' when referring to parking.

Councillor Cottam stated that he had received one letter which he had replied to and another which he hadn't responded to due to this meeting. The Director added that the original email sent to an Officer was not received as the name of the recipient was misspelt. He was not aware of any letter sent to George Bell and would take disciplinary action if there was evidence of any letters having not been addressed. The Director added that he was aware of a telephone discussion that took place with an Officer. The Lead Petitioner and Mr Balko referred to letters/emails sent on 9th, 11th and 23rd March. The Director responded that those sent on 9th and

23rd March were spelt wrong and not replied to, to which Mr Balko responded that they were resent to the general Council email address but still received no response. The Director confirmed he had received an email sent to the Councils general email address and as a result went to visit two residents in the area concerned.

The Executive Member added that he had no objections to a dropped kerb – which was new information received at this meeting that had not been highlighted in the reasons for the Call In. If any budget remained it would be suitable to use for this but added that he was confident there wasn't. It was further added that if parking remained it could not be considered displaced – it had been retained.

A Member of the Committee asked whether last years Regeneration budget was over or under spent. The Executive Member stated that there had been an overspend but lower than previous years. It was added that the Local Transport Plan had its own budget.

In answer to further questions the Executive Member added that a dropped kerb would have to come up as a new scheme alongside many others and that engineers would monitor and write a report in the early days that the bus lane comes into operation.

It was further clarified, in response to the Executive Member stating that he was not invited to the residents meeting, that his attendance was originally sought but he was unable to attend due to the clash with another meeting that night. The Leader of the Council was then invited. The Director was also invited but unable to attend due to personal reasons.

The Director informed the Committee that LTP2 determined the policy and that the designer felt that he was 'doing a favour' when adding parking to the original plans.

The Chair invited the Lead Petitioner to sum up. Councillor Talbot drew the attention of the Committee to the news that the Council was further consulting with residents with three options: to do nothing, allow residents only parking or take away parking.

The Lead Petitioner stated that it was the Council's responsibility to consider residents issues. Had they known of narrowed parking they would have raised concern earlier. Councillor Cottam has accepted that a white line is needed, which suggests that the road is not wide enough. The Committee should consider that the decision go back to the Executive Board with a view to splayed work with a 45 degree angle at no cost to residents.

The Executive Member was invited to sum up. Councillor Cottam stated that a white line and sign indicating that car users were allowed to park on the pavement could be introduced with little cost. This did not mean that

the road was too narrow but a compromise. It was added that a splayed edging did not confine traffic and that a defined kerb was important. It would be formal with clear markings – box would be clearly defined. The bus lane is not operational yet but there will be ample room for traffic in both directions. A dropped kerb would set a precedent across the borough. The Executive Member recommended that a white line and Traffic Regulation Order (TRO) be implemented.

At this point of the meeting, the Legal Officer informed the Committee that as it is an Executive Member decision that has been called in, the decision, if referred back, would go to the Planning and Highways Committee (as opposed to the Executive Board if it was an Executive Board decision). It was further clarified that the Executive Member could accept or reject the recommendation following consideration of all the options.

The Chair asked representatives of those Members who requested the Call In and the Executive Member to leave the table and sit in the public area or to leave the area should they wish. The Lead Petitioner moved to the public seating area whilst the Executive Member left the room.

The Chair requested any final contributions from Members and on receiving a negative response, she then indicated that Members of the Committee would now consider what they had heard and decide how to proceed. The Legal Advisor outlined the options available to Members of the Committee as:

- To accept the decision
- To refer the decision back to the Executive Member

The third option of referring the decision to full Council was not available to Members as evidence had not been produced suggesting that the decision was not contrary to either the budgetary or policy framework.

5 Decision of the Meeting

The Chair advised that the Committee would now move to a named vote and that individual reasons for each decision would be recorded.

Councillor Gordon

The public have a right to consideration. Accept that the bus lane is needed and the Executive Members decision. The Executive Member should:

- Consider the white line and dropping the kerb where the width is tight – do not think this will set a precedent.

Councillor Pearson

Sympathise with the residents over the length of time they have been trying to obtain information and face to face meetings, this could have been avoided if a meeting with Councillor Cottam had been arranged at his convenience

Do not think it is excessive for residential parking to cost £50 a year and do not support the Call In as if the £9,000 to £15,000 was spent there other areas in the borough would be wanting similar projects.

Councillor Huggill

Concern over the communication with the public. The LTP was approved under the previous Administration and continued – residents didn't see the potential difficulties until late.

- Agree that a white line should be painted with a full TRO
- Suggest a system where traffic lights will indicate when lanes are open for cars/buses.

Councillor Bateson

The consultation letter was misleading and there was no proper opportunity to raise objections at that stage - residents led to believe that parking would remain in current format. Proper provision for residents to park elsewhere should have been made and finance should have been found to do it. Confusion regarding how people consult with the Council and the difficulties faced. Executive Members responsibility to sort out the situation now that parking has changed.

Councillor Doherty

The LTP was approved by the whole Council. When the individual scheme was changed proper consultation should have taken place. Residents did not clearly know the plans.

- A proper TRO and a dropped kerb should be put in place

Councillor Johnson

Reasons for Calling In the Executive Member decision stated for decision: inadequate consultation with local residents, insufficient consideration given as to the effects on traffic and the safety of road users and on residential parking both during the operation time of the bus lane and throughout the day, failure to satisfy residents as to the methodology to be used when assessing the impact of the bus lane.

- The Executive Members should introduce a dropped kerb.

- Bus lane signage and hours of operation must be clearly stated.

Councillor Walsh

Insufficient communication with residents.

- Dropped kerb should be put in place – funding should be found for this.

Councillor McGarvey

Opportunity to apply for funding through Neighbourhood Boards available.

- Would firstly like the kerb to be dropped
- Second option would be white lines.

The Chair thanked Members for all their contributions, but asked Members to clarify their vote, by simply indicating whether they accepted the Executive Members decision or voted to refer the decision back, as the outcome of the vote was at that stage unclear.

Members clarified their vote as follows:

- Councillor Gordon – accept the decision
- Councillor Pearson – accept the decision
- Councillor Huggill – accept the decision
- Councillor Bateson – refer the decision back
- Councillor Doherty – refer the decision back
- Councillor Johnson – refer the decision back
- Councillor Walsh – refer the decision back
- Councillor McGarvey – accept the decision

With the Chairs casting vote the decision was accepted.

RESOLVED –

1. That the decision of the Executive Member be supported as carried by 4 votes to 4 with the Chairs casting vote.
2. That the Executive Member be informed of the decision as soon as possible.

Signed.....

Chair of the meeting at which the Minutes were signed

Date.....