

At a meeting of the ENVIRONMENT AND ATTRACTIVE CITY SCRUTINY COMMITTEE held in the CIVIC CENTRE on MONDAY, 21st SEPTEMBER, 2009 at 6.00 p.m.

Present:-

Councillor Miller in the Chair

Councillors Ball, E. Gibson, Howe, Kelly, Tye, Vardy, Wakefield, Whalen and Wood

Also Present:-

Councillor Tate, Chair of Management Scrutiny Committee

Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Stephenson.

Minutes of the Last Meeting of the Environment and Attractive City Scrutiny Committee held on 13th July, 2009

1. RESOLVED that the minutes of the previous meeting be confirmed and signed as a correct record.

Declarations of Interest

Item 6 – Parking Enforcement

Councillor Ball declared a personal interest as she was a relative of Mr Herron.

Councillor Wakefield declared a personal and prejudicial interest as he had a friendship with Mr Herron.

Change in the Order of Business

It was agreed that Item 6 – Parking Enforcement would be considered at this juncture.

Parking Enforcement

The Director of Development and Regeneration submitted a report (copy circulated) which informed Members of the background to the article which had appeared in the Sunderland Echo on 29th July, 2009.

(For copy report – see original minutes)

The Chairman advised that Mr Herron had submitted a significant amount of documentation which he had requested to be put to the committee. The item related solely to the small number of parking appeals which were the subject of the Echo article. Mr Herron had referred in his documentation to other issues which were not the subject of this report and therefore would not be discussed. He requested that Officers provided a position statement on the various challenges made by Mr Herron in respect of the parking enforcement regime.

Councillor Wood enquired about the timescale for provision of this information and it was agreed that a report be submitted to the next meeting.

Phil Barrett, Director of Development and Regeneration, agreed to provide such a report.

Burney Johnson, Head of Transport and Engineering, presented the report. He advised the committee of the Council's policy for loading in pay and display parking spaces and that it had been implemented in order to assist the efficient and effective operation of businesses adjacent to the parking space. He explained the observation periods as detailed in the report. He advised that a penalty charge notice would only be issued if there was no evidence of loading or unloading or if there was no pay and display ticket or a ticket which had expired by more than 10 minutes.

The case in point highlighted that the parking adjudicator did not always require evidence of loading to support an appeal and therefore the Order was vulnerable to exploitation. This could lead to the Council considering the withdrawal of the provision.

Councillor Wood expressed concern over the article that had appeared in the Echo. He felt that with regards to paragraph 2.6 of the report and the possible revocation of the clause in the Parking Places Order that this was unacceptable as it was necessary in order to help businesses in the city, there was a need for common sense to be applied when issuing tickets.

He then commented on the small number of appeals allowed which had been included in the newspaper article, he asked for further information regarding the number of appeals upheld, adjourned and dismissed.

Earl Belshaw, Parking Services Team Leader, agreed to provide the information regarding the numbers of appeals. At the request of the Chairman this information would be included in the report to the next meeting.

Councillor Wood then commented that with regards to paragraph 2.2 of the report he felt that there was the suggestion that there had been a change to the policy. He asked for clarification of whether there had been a change and if so, what and why.

Mr Belshaw advised that the Civil Enforcement Officer would engage in a conversation with the motorist to establish whether loading was taking place. If the vehicle was locked with no sign of loading taking place then a ticket would be issued. If there was loading taking place then a reasonable amount of time would be allowed. At the request of the Chairman Mr Belshaw agreed to provide clarification of how long the policy had been in place in the report to the next meeting.

Councillor Wood then asked whether it was true that the adjudicator had ruled that there was no need for proof of loading or unloading taking place. Mr Belshaw confirmed that this was correct.

Councillor Kelly asked whether the distance between the premises and the parking was taken into account when determining whether the vehicle was adjacent to the premises.

Mr Johnson stated that the Enforcement Officers were trained to use reasonable judgement as to whether the vehicle was adjacent to the premises as it was not always possible to park directly adjacent.

Councillor Tye expressed concerns that there was a lot of discretion involved. He felt concerned that the procedures were not set in stone and stated that there needed to be clarity regarding how much time people would have. He also commented that people do not tend to leave their vehicles unlocked.

Mr Barrett advised that there was a loading and unloading facility in the Council's regulations. This was probably unique, most authorities did not have this provision and people would need to pay while loading or unloading. The Council had implemented this possibly in the 1970s or early 1980s as a way to help businesses. If no-one was observed loading then a ticket would be issued. Motorists appealed and if all appeals were upheld then this could lead to no-one paying for parking in pay and display areas.

Councillor Kelly asked whether there were any figures showing a breakdown of vehicle types which had been issued with tickets.

Mr Belshaw advised that he did not have this information.

The Chairman commented that he felt that the Council had tried to help businesses but that this had resulted in the difficulties described by the adjudicator in paragraph 2.9 of the report. He felt that if the situation escalated it could be necessary to take away the provision which would be detrimental to businesses.

2. RESOLVED that the report be received and noted and a report be submitted to the next meeting which will include:
 - a. A general position statement on the challenge to the CPE scheme.
 - b. With regard to the appeals held in July, details of the number of appeals upheld, dismissed and adjourned and information on how long the policies for loading and unloading had been in place..

Performance Report and Value for Money Self Assessment 2008/09 – Environmental Services, Planning and Highways, Roads and Transport

The Chief Executive submitted a report (copy circulated) which provided Members with a value for money assessment for the period April 2008 to March 2009.

(For copy report – see original minutes)

Mike Lowe, Assistant Head of Performance Improvement, presented the report. In addition to the value for money assessment the Council had also carried out a Place Survey. The results from the place survey would be used to calculate a number of new national perception indicators.

Councillor Wood asked whether the £98million awarded by the government for the new Wear Bridge was definitely available; was there a signed and sealed contract or could the government remove the funding.

Phil Barrett, Director of Development and Regeneration, advised that the funding was earmarked and would not be awarded until the final approval, it was expected that it will be confirmed in 2011/12. The project was progressing on time and budget and there were no concerns.

Councillor Wood then asked how many penalty notices had been issued for flytipping and other environmental crime.

Norma Johnston, Assistant Head of Environmental Services, agreed to provide the information.

Councillor Wood then commented that the feedback from the redesign of the bus network had been received; he asked whether it would be possible to see the proposals.

Burney Johnson, Head of Transport and Engineering, advised that the redesigning works were being undertaken by Nexus and a consultant who had been commissioned for the preliminary work. There was consultation with the Area Committees and this committee would also be consulted.

3. RESOLVED that the report be received and noted and that the comments made be included in the report to Cabinet in October 2009.

Policy Development and Review 2009/10 – Baseline Position

The Director of Development and Regeneration and the Chief Executive submitted a report (copy circulated) which set out the baseline position in relation to the Committee's policy review into Traffic Issues and Network Management.

(For copy report – see original minutes)

Phil Barrett, Director of Development and Regeneration, delivered a presentation on the road safety strategy. The numbers killed and seriously injured were reduced when speed was reduced. There were two different forms of 20mph area; 20mph zones where supporting traffic calming features were included and 20mph limits where there were no traffic calming features but speed limit repeater signs. Zones would be used where the 85th percentile speeds were above 24 mph and Limits would be used when the speeds were below 24mph. Zones were more effective when targeting accidents, speeds or environmental problems. Newcastle Road was to be reviewed again following a fatal accident which had occurred in February 2009.

Councillor Wakefield commented that the 40 and 60mph zones had been reviewed separately; he felt that it would have been better to look at them together. The road linking the A690 to Newbottle was a 60mph limit and he felt that it should be lower.

Mr Barrett advised that this was a valid point, a risk assessment had taken place and it was felt that reviewing 40mph zones was more urgent. He expected that the results would show that the right decision had been made. The 60mph zones would now be looked at.

Councillor Tye thanked the department for the work that had been carried out. Premier Road was a 40mph limit and the roads into Plains Farm had a 20mph limit. He queried whether such a change in speed limits should be used and welcomed the consistent approach to speed limits on the main road.

Mr Barrett agreed that 40mph down to 20 was a big ask, however when negotiating the junctions people should be travelling at less than 20 anyway. The signs on entering the 20mph zones could be illuminated to make them more noticeable.

Councillor Vardy advised that for the police to carry out speed enforcement there needed to be a long stretch of road, most estates did not have roads suitable for enforcement. This would result in the goodwill of motorists being necessary. He commented that speed humps were unpopular with the emergency services. Road paint could be used to slow down motorists as the road could be narrowed and cross hatch markings would distract motorists and encourage them to slow down.

Mr Barrett advised that the police had limited resources for speed enforcement, to carry out enforcement they needed to have a certain distance to measure the speed. Where the speeds could not be measured accurately Careless Driving could be used to punish motorists who were not driving safely. The ambulance service did not like speed humps however they did not have a problem with speed cushions as the ambulances could straddle them. Other factors such as paint needed to be used appropriately, a 20mph sign on a wide road would generally be ignored, hatching had been used to narrow roads and prevent overtaking in order to keep speed down.

Councillor Kelly asked whether there was the likelihood that 20mph zones would divert traffic onto other routes. He agreed with what had been said about ambulances but added that the new ambulances needed narrower speed cushions which would result in a reduction in the amount other vehicles needed to slow down. There needed to be a proactive approach to reducing accidents. He felt that speed indicator cameras reduced speeds.

Mr Barrett advised that there was a need to look at the surrounding area to ensure that traffic would not be displaced to other sensitive areas. If vehicles were aligned properly over speed cushions then there would be no loss of comfort but there would be a need to slow down to assist with positioning. It was possible to position the speed cushions so that the road was narrowed.

Councillor Tye stated that speed bumps caused a lot of problems and noise issues and were unpopular with local residents.

The Chairman commented that this was one of the most impacting policy reviews the committee could do as it would reduce injuries and deaths. He was pleased to see the strategy.

Councillor Vardy commented on the '20s Plenty' campaign which was being carried out in Scotland. This involved having speed activated signs showing smiley or sad faces. He wondered whether this been looked at as a possibility for Sunderland.

Mr Barrett advised that he was aware of the scheme; other authorities had looked at it. There appeared to be benefits however there needed to be an examination of the long term effect as it was possible that speeds would increase over time.

The Chairman commented that he expected that the task and finish group would be examining this scheme further.

4. RESOLVED that the report be received and noted and that consideration be given to the evidence provided as part of the committee's study.

Forward Plan – Key Decisions for the Period 1st September to 31st December 2009

The Chief Executive submitted a report (copy circulated) which provided Members with an opportunity to consider the Executive's Forward Plan for the period 1st September to 31st December, 2009.

(For copy report – see original minutes)

Jim Diamond, Scrutiny Officer, presented the report, he advised that the extract from the plan attached to the report showed the items relevant to this Committee; there had been an updated plan issued on 14th September, 2009 and there had been the following amendments made:

Item 01242	The approval of the amended Holmeside Development Framework	The Decision date was moved back to 4 th November, 2009
Item 01293	The approval of the St Peter's Riverside and Bonnersfield Planning Framework draft Supplementary Planning Document	The Decision date was moved back to 4 th November, 2009
Item 01090	The approval of the submission document and sustainability appraisal for development in the Hetton Downs area	The decision date was moved back to 2 nd December, 2009

The following new items had been added to the plan:

No.	Description of Decision	Anticipated Date of Decision
01312	To consider the award of a contract for the supply of wheeled bins for the purposes of the new kerbside recycling arrangements.	07/Oct/2009
01313	To consider the award of a contract for the supply of vehicles to be used in the provision of the new kerbside recycling arrangements.	07/Oct/2009
01314	To consider the award of a contract for the acceptance and treatment of recovered garden waste ('Green Waste Contract') for an initial period of 3 years from 1 April 2010.	04/Nov/2009

The Chairman requested that in future an updated version be provided rather than a verbal update at the meeting.

Mr Diamond agreed to provide this.

5. RESOLVED that the report be received and noted.

The Chairman closed the meeting and thanked everyone for their attendance.

(Signed) G. MILLER,
Chairman.