

At a meeting of the ENVIRONMENT AND ATTRACTIVE CITY SCRUTINY COMMITTEE held in the CIVIC CENTRE on MONDAY, 19th OCTOBER, 2009 at 6.00 p.m.

Present:-

Councillor Miller in the Chair

Councillors Ball, Howe, Kelly, Stephenson, Tye, 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 E. Gibson.

Minutes of the Last Meeting of the Environment and Attractive City Scrutiny Committee held on 21st September, 2009

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

Declarations of Interest

Item 4 – Civil Parking Enforcement – Position Statement

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.

Civil Parking Enforcement – Position Statement

The Executive Director of City Services and the Chief Solicitor submitted a report (copy circulated) which provided information on the Council's position with regards to civil parking enforcement and provided additional information regarding the appeals heard on 29th July, 2009.

(For copy report – see original minutes)

Bob Rayner, Chief Solicitor, presented the report and advised that the purpose of the report was to provide the information as requested at the previous meeting in relation to the history of the numerous challenges to the Council's CPE regime. Those issues which would be determined by an appropriate body; for example: Court, Adjudicator or District Auditor; would not be for debate at this meeting. The report set out the outcome of earlier hearings, before the most recent one in July.

Mr Rayner stated that there had not been a date set for the Judicial Review hearing but to date Mr Herron's allegations that the Council's CPE regime and the Controlled Parking Zone were unlawful had not been sustained.

Councillor Wood asked what action would be taken by the Council to pursue unpaid PCN Payments.

Mr Rayner advised that generally enforcement action was taken by the Parking Services Team through Northampton County Court.

Councillor Wood then stated that it had been suggested that all cases for PCNs issued for parking on single yellow lines be adjourned.

Mr Rayner advised that the adjudicators were mindful of the Judicial Review. Adjourning the appeals was a neutral action by the adjudicator and seemed sensible in the circumstances.

Councillor Wood then advised that the Council was not unique in having a provision for loading and unloading in pay and display spaces. All of the London Boroughs allowed this.

Earl Belshaw, Parking Services Team Leader, explained the history behind the policy. He advised that it had been introduced by the Tyne and Wear Council in 1981, there had been no changes to the policy since. Vehicles observed parked in pay and display spaces without a parking ticket would receive a PCN unless continuous loading was observed. If the provision was abused then it could be necessary to remove it from the Parking Places Order. The department had been unaware of other authorities having this clause in their Parking Places Order.

Elaine Waugh, Deputy Chief Solicitor, advised that she had attended the appeals and the adjudicator had commented that he had never seen such a provision before.

Councillor Wood then commented on the discrepancies identified in some of the signing. He asked whether these discrepancies had been corrected and whether the bays were now lawful.

Mr Rayner advised that the consistent advice given was that refunds should be made if the necessary provision was not in place in the Traffic Regulation Order. Some of the signage, while clearly showing when the restrictions apply, was not strictly in accordance with the Manual. Adjudicators tended to take a pragmatic approach and would look at whether notwithstanding the fact that the signage did not strictly conform it conveyed the nature of the restriction to the motorist, in which case the appeal would not be upheld. It was agreed to provide Members with the photographs showing the existing and revised signage at the dual use bays.

Mr Belshaw advised that enforcement of parking contraventions would be continued.

The Chairman commented that if people continued to abuse the loading and unloading provision then it was possible that the provision may be removed.

2. RESOLVED that the report be received and noted.

Policy Development and Review 2009/10 – Evidence Gathering

The Chief Executive submitted a report (copy circulated) which allowed the committee to consider evidence from Mr Jeremy Forsberg, Communications Manager for Northumbria Safer Roads Initiative, in relation to the Committee's study into Traffic Issues and Network Management.

(For Copy report – see original minutes)

Mr Forsberg presented the report and spoke about 20mph speed limits. He advised that:-

- There were two types of 20 mph speed restriction. Zones were not legally enforceable where they were not backed up by a relevant Traffic Regulation Order; these were self enforcing and used engineering methods to reduce speeds. Limits were legally enforceable speed limits, the Police and Speed Camera Partnerships were able to carry out enforcement in these areas.
- Limits were going to become more significant over the coming years and there was going to be enforcement carried out. Enforcement would be taking place in areas with a collision history and with 85th percentile speeds of more than the ACPO guideline speed for enforcement; the speed limit plus 10 percent plus 2mph.
- Different methods of speed reduction were used in different areas. Engineering had been used over the last 10 years in Hull, while in London average speed cameras had been used.

- There was a significant cost involved with implementing 20mph speed limits as there was a need for signage including repeater signs. Enforcement was often difficult as there was a specific amount of space required for enforcement to take place.
- Engineering involved both physical and psychological factors. Psychological factors included narrowing roads to encourage drivers to slow down. Physical methods included speed humps and chicanes which forced a reduction in speeds.
- Education was important. A high level campaign to educate drivers as to the reason behind speed limits would increase compliance with the limits; this could lead to a reduction in the number of people killed or seriously injured.

Councillor Tye stated that he had not known about the difference between 20mph speed limits and zones before the previous meeting of the committee. He asked whether there had been any enforcement action in locations where there was not a TRO in place.

Mr Forsberg stated that there had not been any enforcement carried out in 20mph limits or zones. Before any enforcement could take place there was a requirement to ensure that the necessary TRO was in place. Enforcement was a last resort where engineering methods had not reduced speeds or where engineering could not be used. The majority of motorists complied with 30mph speed limits. Enforcement led to education, there were speed awareness courses offered to motorists who had been caught breaking the speed limits.

Councillor Wood commented on the use of the twenty's plenty campaign which had been used in Glasgow.

Councillor Whalen commented that this had been brought to the committee at the right time. Residents in Washington Village had been asking for 20mph zones recently.

Councillor Howe expressed concerns around irresponsible parking around schools. He had observed the problems at Fulwell School where people were parking on crossings and on the zig-zag markings. There had been a child almost knocked over by a car due to the irresponsible parking.

Mr Forsberg stated that he was not an expert on parking issues however there was an obvious safety risk around schools due to the lack of respect from parents. Decriminalised parking was a problem as the police were reluctant to become involved as parking was now beyond their remit.

Councillor Tye advised that he had reported the parking problems around the schools in Silksworth to the Local Multi Agency Problem Solving Group. The teachers were patrolling outside of the schools.

The Chairman commented that a child had been killed on one of the city's roads recently. He felt that had the speed limit been 20mph this child might not have died. The number of people killed or seriously injured had reduced and people were complying with 30mph speed limits more.

Councillor Kelly advised that the task and finish working group had produced a report which would be delivered to the committee.

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

Holmeside Triangle Development Framework

The Deputy Chief Executive submitted a report (copy circulated) which advised the committee of the responses received following public consultation on the Holmeside Triangle Development Framework and sought the committee's comments on the revised development framework. The comments would be reported to Cabinet on 4th November, 2009.

(For copy report – see original minutes)

Dave Giblin, Planning Implementation Manager, presented the report and advised that the Holmeside Triangle was a priority redevelopment site. The proposals included the creation of a new mixed use area including high quality areas of public realm which would complement and enhance the surrounding City Centre area.

The draft Development Framework had been the subject of consultation for an initial period between 23rd March and 1st May, 2009 however this had been extended to 19th June, 2009. Following the consultation there had been minor amendments made to the Development Framework.

Councillor Wood queried the possibility of Park Lane becoming fully pedestrianized.

Mr Giblin advised that the Framework had been produced purely in respect of the Triangle; it did not include Park Lane. If Park Lane was to be pedestrianized it would cause problems with access to the west of the Holmeside Triangle.

4. RESOLVED that the report be received and noted and the comments be referred to Cabinet for consideration.

Sunniside (Central Sunderland) Conservation Area: Character Appraisal and Management Strategy

The Deputy Chief Executive submitted a report (copy circulated) which informed the committee of the responses received following consultation on the draft version of the Sunniside Conservation Area Character Appraisal and Management Strategy and which sought comments from the committee on the revised document.

(For copy report – see original minutes)

Mike Lowe, Principal Planner for Conservation, presented the report and advised that this was the ninth report in recent years and that there would be another three reports produced by the end of next year.

The comments received during the consultation had been supportive and there had been minor amendments made to the document following the consultation. The name of the conservation area had been changed from Sunderland Central Conservation Area to Sunniside Conservation Area as a result of the regeneration and rebranding initiative which was taking place in Sunniside.

Councillor Howe expressed concerns over the low number of responses to the consultation. He had attended consultation sessions where there had been very poor attendances and he wanted to know why people did not become involved in consultation.

Mr Lowe advised that there had been a lot of consultation relating to the Sunniside area. The work and the plans were generally well understood; this report reaffirmed what was already known.

The Chairman commented that Sunniside had been a victim of its own success, people already knew about the work in the area and this resulted in the poor response. People normally only responded to the consultation if they had a concern or complaint. He fully supported the document.

5. RESOLVED that the report be received and noted.

Overview and Scrutiny Handbook

The Head of Overview and Scrutiny submitted a report (copy circulated) which provided Members with an update on the refresh of the Council's handbook for Overview and Scrutiny in relation to the draft protocol for the appointment of Co-opted Members.

(For copy report – see original minutes)

Jim Diamond, Scrutiny Officer, presented the report. He advised that the protocol had been developed to provide guidance to each scrutiny committee considering co-option and to define the roles and responsibilities of co-opted members and also informed the committee of the guidance for the procedures for co-opting members. It was recommended that the committee give consideration to whether there would be any benefits from co-option.

The Chairman welcomed the clear guidance included in the report.

6. RESOLVED that the report be received and noted and consideration be given to the possibility of appointment of co-opted members to the committee.

Forward Plan – Key Decisions for the Period 1st October, 2009 to 31st January, 2010

The Chief Executive submitted a report (copy circulated) which allowed Members to consider the Executive's Forward Plan for the period 1st October, 2009 to 31st January, 2010.

(For copy report – see original minutes)

Jim Diamond, Scrutiny Officer, presented the report and advised that since the agenda had been published there had been an updated forward plan released which covered the period 1st November, 2009 to 28th February, 2010. This had been distributed to Members separately.

Keith Lowes, Head of Planning and Environment, advised that item 01241 – the approval of the amended Stadium Village Development Framework for public consultation purposes; would now be considered by Cabinet in November rather than December, this was due to a request from Sunderland Arc to bring the report forward earlier as there would be more consultation requested in the report.

Councillor Tye queried whether the Conservation Area Character Appraisals should be key decisions.

Mr Lowes advised that the Character Appraisals were only classed as key decisions if they covered more than one ward.

Dave Giblin, Planning Implementation Manager, added that Sunnyside should have been included on the forward plan and the plan would be amended to reflect this.

7. RESOLVED that the report be received and noted and consideration be given to the forward plan.

(Signed) G. MILLER,
Chairman.