



Minutes of meeting

SURREY COUNTY COUNCIL LOCAL COMMITTEE (GUILDFORD)

Date: WEDNESDAY 10 DECEMBER 2008

Time: 7.00 pm

Place: East Horsley Village Hall, Kingston Avenue,
East Horsley KT24 6QT

Members present:

Surrey County Council

Mr Bill Barker (Horsleys) (Chairman)
Mr David Davis (Shere)
Ms Sarah Di Caprio (Guildford South-East)
Mr David Goodwin (Guildford South-West)
Mrs Marsha Moseley (Ash)
Mr Mike Nevins (Worplesdon)
Mr Edward Owen (Guildford East)
Mr Tony Rooth (Shalford)
Ms Pauline Searle (Guildford North)
Ms Fiona White (Guildford West) (Vice Chairman)

Guildford Borough Council (for Transportation matters)

Ms Diana Lockyer-Nibbs (Normandy)
Mr Nigel Manning (Ash Vale)
Mr Tony Phillips (Onslow)
Ms Jenny Wicks (Clandon & Horsley)
Ms Caroline Reeves (Friary & St Nicolas)
Mr Matt Furniss (Christchurch)*
Ms Liz Hogger (Effingham)*

* substitute

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The following issues were raised during the informal public questions session:

- Byways Open to All Traffic (budgets, surveys, enforcement of Traffic Orders) – Mr Peter Hattersley
- Speed limits in Effingham - Mr Anthony Clark (Effingham Parish Council)
- Closure of Forest Road Rail bridge (effect of diverted traffic, pavement , effect on local businesses) - Mr Richard Deighton, Mr Peter Blackbourn (East Horsley Parish Council), Mr Philip Barker (local businessman),
- Pegasus school bus scheme – Mr Peter Wear, Governor at Tillingbourne School
- A31/B3000 Wanborough interchange – Mr Ken Baker, Wanborough Parish Council

All references to Items refer to the Agenda for the meeting.

IN PUBLIC

51/08 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Cllrs Patrick (substituted by Cllr Furniss), May (substituted by Cllr Hogger), Carpenter, Laker and Garrett.

52/08 MINUTES OF THE LAST MEETING (8 OCTOBER 2008) [Item 2]

Agreed and signed by the Chairman.

53/08 DECLARATIONS OF INTEREST [Item 3]

- Eddie Owen declared a personal interest in Item 7 as Chairman of Voluntary Action South West Surrey.
- Marsha Moseley declared a personal interest in Item 9 as a Trustee of Ash CAB, and Item 10 as a member of Ash Parish Council.
- Nigel Manning declared a personal interest in Item 9 as a member (representing Guildford Borough Council) of the Ash CAB management committee, and Item 10 as a member of Ash Parish Council.
- Sarah Di Caprio declared a personal interest in Item 7 as a Trustee Director of Voluntary Action South West Surrey.
- Fiona White declared an interest in Item 7 as a Trustee Director of Voluntary Action South West Surrey, a member of the Barn Youth Project management committee, the Park Barn and Westborough Community Association committee, and Local Committee representative on the Safer Guildford Partnership.
- Diana Lockyer-Nibbs declared an interest in Item 16 as a member of the British Horse Society.

54/08 PETITIONS [Item 4]

None received.

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55/08 WRITTEN PUBLIC QUESTIONS [Item 5]

One question had been received which is appended, with the written answer to these minutes. Nick Wenman expressed frustration at the delay, and offered to support efforts to have the issue resolved at the next meeting of the Committee.

56/08 WRITTEN MEMBERS' QUESTIONS [Item 6]

Two questions had been received which are appended, with the written answer to these minutes.

- David Davis sought further clarification on the responsibilities of the Environment Agency.
- Caroline Reeves indicated she pursue the issues relating to 'parking stress'.

57/08 SELF RELIANCE UPDATE [Item 7]

The Area Director informed the Committee that Guildford Borough Council had indicated that they would not be able to 'host' or line manage the workers and that they would therefore be located within Surrey County Council's Local Partnerships Team from April 2009.

Nigel Manning expressed support for the network of agencies in Ash, to address aspects of deprivation in Ash Wharf ward. Pauline Searle and Fiona White praised the workers for getting involved, finding funding, and engaging with isolated members of the community. Tony Rooth stressed the importance of volunteers and supported training for skilled trades.

The Committee

- 1 supported the approaches in North Guildford and Ash
- 2 acknowledged the consideration that GBC are making regarding hosting the community development workers, and the resource implications needed from all the key partners to continue this work
- 3 supported the proposal that this work be taken forward in partnership, and that Guildford's Local Strategic Partnership adopt tackling inequality as one of its thematic delivery groups and priorities from January 2009.
- 4 commented on progress in developing a countywide Stronger Communities Strategy that has a clear emphasis on priority places.

Reason for decision:

To better meet the needs of some of the borough's most deprived communities and so that these communities continue to receive the support of a partnership of agencies.

**58/08 LOCAL COMMITTEE CAPITAL AND REVENUE SPENDING UPDATE
2007/8 [Item 8]**

Sarah Di Caprio and Jenny Wicks urged others to support the Credit Union.

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The Committee

- i) noted this review of the Capital & Revenue allocations for 2007/8
- ii) commented on progress made and any concerns about delayed projects.

Reason for decision:

To formally acknowledge the range of outcomes achieved from this use of SCC funding.

59/08 PROPOSALS FOR THE COMMITTEE'S CAPITAL ALLOCATIONS [Item 9]

The Area Director explained that due to the available funds being oversubscribed, he had made a suggestion for prioritising funds to those projects with the greatest number of beneficiaries, and where funding might be matched from other sources.

Nigel Manning encouraged support for the Citizen Advice Bureaux in both Ash and Guildford, due to the recent rise in referrals to CABs relating to mortgage arrears.

The Committee agreed to fund amounts, for the capital projects, as proposed by the Area Director and as detailed in the report, totalling £36,000.

Reason for decision:

To enhance the wellbeing of Guildford residents.

60/08 PROPOSALS FOR THE COMMITTEE'S REVENUE ALLOCATION [Item 10]

The Committee

- a. noted the allocations agreed under delegated authority from the 2008/09 budget since the Local Committee meeting held on 8 October 2008
- b. approved the proposed expenditure from the Members' Revenue Allocation budget listed in paragraph 5 (and detailed in Appendix A) of the report.
The Committee also approved a bid for £4000 for CCTV in Ash (from Marsha Moseley's allocation) and £3520 for flashing safety signs outside schools (from David Goodwin's allocation).
- c. approved the return of funding as listed in paragraph 6 of the report.

Reason for decision:

To enhance the wellbeing of Guildford residents.

61/08 FORWARD PROGRAMME [Item 11]

The Committee agreed the Forward Programme 2008/9, as outlined in Appendix 1 of the report, and made suggestions for other items for discussion by the Committee, its Transport Task Group or for briefings to Committee members.

Reason for decision:

To enable officers to plan and publicise the meetings and prepare reports

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**62/08 A324 PIRBRIGHT ARCH, PIRBRIGHT. PROPOSED PEDESTRIAN
IMPROVEMENTS [Item 12]**

Mike Nevins indicated that £10,000 developer funds were still available for this kind of improvement, and requested signage to make drivers aware of pedestrians in the tunnel. The Local Highways Manager advised of a correction needed in the report in paragraph 13 to replace 'Local Transport Plan' with 'Local Allocation'.

The Committee agreed that the scheme shown on the drawing attached as ANNEXE A be approved for implementation, and that this be funded as set out in paragraphs 13 (as corrected) and 14 of the report.

Reason for decision:

To address a clearly identified need, with a scheme that is considered to be the best that is achievable.

**63/08 PROPOSED IMPROVEMENT A322 WORPLESDON ROAD, GUILDFORD
[Item 13]**

Pauline Searle welcomed most of the proposals, but expressed concern about benches in the scheme. Fiona White expressed concern about poor parking on corners, restricting visibility for drivers.

The Committee agreed that the proposed pavement and highway improvements as shown in the plan attached at ANNEXE A of the report be approved for implementation.

Reason for decision:

To provide improvements to the pedestrian environment for the benefit the local community and the vitality of this shopping parade.

64/08 GUILDFORD PARK AND RIDE BUS CONTRACTS [Item 14]

Members made various comments. Jenny Wicks argued that the Local Committee should continue to guard its determination of the On-Street Parking fund and proposed (with Fiona White seconding) the following amendment to the recommendation, which was agreed:

The Committee:

- (i) agreed to approve the continued funding of the Guildford Park and Ride local bus network from the on-street parking account surplus.**
- (ii) welcomes the continued commitment to the Park and Ride system as a result of re-tendering the bus services and approves the continuation of current and future surpluses in the on-street parking account being used for the revenue support of Park and Ride**

Reason for decision:

To support the Guildford transport strategy and to enable officers to seek the approval of the County Council's Executive to award the contracts.

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**65/08 ON STREET PARKING PROCUREMENT AND AMENDMENTS TO
PARKING ORDERS [Item 15]**

John Twining (Downsedge Residents Association) requested that the Traffic Orders be advertised in two parts so that any objections to one part would not delay implementation of the proposals for the other part. Officers explained that the proposals needed to be advertised, and orders made for one scheme.

Members made various comments. Jenny Wicks regretted that Surrey County Council was not willing to pay costs of routine maintenance of On-Street Parking (maintaining white lines, handheld computers) from parking income.

The Committee agreed:

- (i) that an estimated £39,600 from the Highways and Transportation Reserve be used for the replacement of handheld computer terminals as described in paragraphs 1 to 9 of the report.
- (ii) an estimated £173,000 from the Highways and Transportation Reserve be used to reline the town centre Controlled Parking Zone and areas outside as described in paragraphs 10 to 14 of the report.
- (iii) the two Guildford Orders relating to restrictions outside the town centre be altered in line with legal advice and a notice to this effect be published as per paragraph 16 of the report.
- (iv) once recommendation (iii) is complete each of the three Guildford Orders be consolidated and the appropriate notices are published.
- (v) once recommendation (iv) is complete notices be published regarding the proposed schemes listed in paragraph 18 inviting any further objections.
- (vi) if no further objections are received concerning the East Guildford CPZ Extension that the order be made
- (vii) if any further objections are received that these be considered together with existing undetermined objections (i.e. those that were not previously considered as part of the East Guildford scheme) by the Committee at a future meeting.

Reason for decision:

To maintain effective enforcement; to consolidate Guildford Traffic Regulation Orders relating to parking restrictions; to ensure a robust process to proceed with proposed schemes.

**66/08 COUNTRYSIDE ACCESS: TRAFFIC REGULATION ORDERS ON BYWAYS
[Item 16]**

The Countryside Access Team manager introduced the report and explained the proposed change in policy to a more proactive approach to Traffic Regulation Orders (TROs) for Byways Open to All Traffic (BOATs) in poor condition.

Bill Barker was concerned that TROs are not properly enforced, and that little action is taken when contravention of TROs is reported by the public. Motor vehicles simply go around any physical barriers, thereby trespassing on

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surrounding land. He had hoped there would be a response from the Police on this issue at the Committee.

Mike Nevins felt that Government guidance ('Making the best of byways') was not currently being observed; many BOATs are not passable for users, particularly disabled people and adults with small children. If there is not enough money to repair a BOAT, he suggested it should be closed to motorised traffic until it is safe. The new policy needs to have more strength.

Fiona White endorsed these comments and suggested that the policy should enable Surrey County Council officers to take action to stop the use of BOATs (by 4-wheel drive vehicles) that precludes non-vehicular users from enjoying the use of BOATs.

Jenny Wicks supported the Select Committee's proposal on the use of TROs. She reported the view of GBC Cllr David Wright, chair of the Surrey Hills Board's working group on use of BOATs, which hopes to encourage SCC to pursue its policy more energetically, and secure more resource and political interest in protecting BOATs.

David Davis gave examples of BOATs where the route was unpassable for horse drawn vehicles (Ride Lane, Albury) and where loosened soil is washed away by rainwater to cause flooding problems (London Lane, Shere). He supported more strenuous action to protect BOATs.

Diana Lockyer-Nibbs said the Select Committee was right to recognise the needs of horse-drawn vehicles. Liz Hogger welcomed a more proactive approach by SCC.

The Committee agreed:

- (i) that the Environment and Economy Select Committee Report as attached to the report as ANNEXES A and B be noted.
- (ii) that any views expressed by the Committee be reported to the meeting of the County Council's Executive on 6 January 2009.

Reason for decision:

To inform SCC's Executive of the views of the Committee.

67/08 PEGASUS REVIEW [Item 17]

The SCC Lead Manager for the review of Pegasus introduced the report and answered questions from Members.

David Davis hoped that there would be a reduction in the cost of the service from third-party usage of the buses.

Caroline Reeves suggested that smaller vehicles be used.

Bill Barker suggested that the overall seat occupancy could not be 93% capacity if buses were not being used during the day.

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David Goodwin asked for clarity on the costs of the scheme: the subsidy required from SCC and the unit cost per (fee-paying) child.

Eddie Owen felt Pegasus was good value for money considering the high cost of taxi transport (£16m) that SCC was obliged to pay.

The Committee agreed that its views be conveyed to SCC's Executive in time for its meeting on 16th December 2008.

Reason for decision:

To inform SCC's Executive of the views of the Committee.

[Meeting ended 9.25 p.m.]

.....(Mr Bill Barker - Chairman)

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The next meeting of the Committee will be on WEDNESDAY 11 MARCH 2008 at 7pm. The venue is Ash Manor School, Manor Road, Ash, Aldershot, GU12 6QH.

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ITEM 5: PUBLIC QUESTIONS

NICK WENMAN on behalf of ALBURY PARISH COUNCIL

Q1 In view of the "User Evidence" Forms delivered to Surrey County Council Highways Officers on 10 November 2008 concerning the bus stop at the Old Mill in Albury:-

1. What action is being taken to restore public rights over the land enclosed by the recent development at the Old Mill?
2. What consideration is being given to restoring the bus stop to its previous position?
3. Given the urgency of the situation, why have SCC officers failed to include a report for the committee's consideration at this meeting?"

- A**
1. Cllr. David Davis handed 25 User Evidence forms to the Highways Information Team (HIT) on 11 November 2008 and 2 further forms have been submitted subsequently. The HIT team is in the process of examining these in detail to determine whether or not sufficient evidence exists to declare the lay-by to be part of the public highway. This examination will include oversight by the County Council's legal services team. When a conclusion has been reached, the matter will be placed before the Local Committee with an appropriate recommendation. The decision will rest with the Committee. It is expected that the matter will be brought to Committee at its next meeting on 11 March 2009.
 2. If the Committee's decision is that the area in question is highway, then the developer or landowner will be required to set back his boundary thereby removing the obstruction. In the event that he does not comply, the County Council (SCC) has powers to carry out the work, and to recover our costs from the developer or landowner. The Committee should be aware, however, that the bus stop has already been moved from its former position. Irrespective of the decision regarding highway land, a further decision will be required regarding the optimum position for the bus stop.
 3. SCC officers at County Hall are working on the user evidence forms. The advice they have from SCC's solicitors is that the evidence needs careful consideration in order to ensure that the Committee is properly advised in order to reach its decision. It is possible that, if the Committee does decide as Albury Parish Council hopes, that this decision could be appealed against, and the matter could end up with the courts. If SCC were unable to demonstrate that the matter had been properly considered, there is a real risk that such an appeal could be lost. The forms reached County Hall on 11 November, and the deadline for draft reports was 14 November. It would be very easy for an appellant to cast doubt on the depth of consideration given in 3 days, especially as the officers concerned have a wide range of other responsibilities. Officers consider that it is in the best interests of Albury Parish Council's objective that the matter is considered at the next meeting in March.

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ITEM 6: MEMBER QUESTIONS

CLLR. DAVID DAVIS

- Q1**
- 1 What duties and/or discretionary powers do County and Borough authorities and the Environment Agency have to ensure that the owners of “non-main” and “main” drainage systems maintain their ditches, culverts and other water courses to provide adequate land drainage?
 - 2 Which authority or authorities have duties or powers to improve “non-main” or “main” land drainage systems – or to require their owner to effect improvements – in order to increase capacity, required as a result of changes in land management practices, development, or climate change?
 - 3 In Albury, the railway embankment effectively forms a dam across the Little London valley. A culvert under the railway embankment drains the valley. Which authority is responsible for ensuring that Network Rail maintains and clears this culvert?
 - 4 What powers do authorities, including the Police, have to control camping and caravanning, refreshment vans and the marketing of vehicles on roads and verges that form the public highway?
 - 5 How are camping in caravans, refreshment vans, trailer parking for more than a few hours and overnight HGV parking managed on the west bound part of B2215 London Road, west of the Burnt Common Roundabout?

- A**
- 1 Surrey County Council (SCC) as highway authority has the power to maintain systems designed to drain the highway. In doing so we are entitled to use systems such as ditches, culverts or water courses which are in the ownership of other authorities or landowners. We may use our influence to encourage the proper maintenance of systems which provide land drainage, but have no powers to compel this. Guildford Borough Council (GBC) is the land drainage authority for the borough. As well as owning and maintaining a number of such systems in its own right, GBC also has the necessary powers to require others to carry out proper maintenance.
 - 2 SCC has powers to improve systems designed to drain the highway, for example by replacing blocked or damaged pipes or replacing pipes with others of greater size, increasing their capacity. GBC may have powers as land drainage authority in respect of land management practices, or as planning authority in respect of development.
 - 3 GBC as land drainage authority has the necessary powers to require Network Rail to carry out such maintenance work. SCC may influence the position, as the culvert also drains the highway. [Work has been carried out this culvert by Network Rail in the last few days, and officers are hopeful that the drainage in the area will be much improved when this is complete.]
 - 4 It is illegal to reside on the highway; GBC have the powers to enforce this. Refreshment vans require a licence from GBC, who would seek the agreement of SCC. It is illegal to advertise on the highway; again GBC have the necessary enforcement powers.
 - 5 The length of road in question is not subject to any waiting, loading or clearway restrictions. Provided that vehicles using this road are taxed, insured and roadworthy, no offence against highway or traffic legislation is being committed irrespective of how long they stay. GBC powers are as described in 4, above.

GBC CLLR. CAROLINE REEVES, FRIARY & ST NICOLAS WARD

Q2 ON STREET PARKING PERMITS

Please advise the committee of the legal view of Surrey County Council if Guildford Borough Planning Committee were to give planning permission for permit free developments in the Controlled Parking Zone (CPZ) areas affected by parking stress outside the controlled parking hours?

A Surrey County Council policy provides that bays for the exclusive use of residents may be provided within a CPZ. The only reason stated why an on-street space may be withheld is where off-street parking is available. The policy, which has not been recently updated, is silent on the issue of parking stress and permit-free development. This may be interpreted as meaning that it would be against the current policy to withhold permits from residents of such developments.

Informal discussion at officer level acknowledges the reasoning behind permit free developments. A new resident would purchase or rent the property in the full knowledge of the facilities which are, and are not, available. A number of London Boroughs have successfully proceeded with permit free developments, although it must be said that the degree of 'parking stress' is probably significantly higher in these areas than in Guildford.

The question arises as to whether the Local Planning Authority can use its planning powers to manage parking on the highway, which is a matter for the highway authority using separate legal powers. Those who hold this view argue that if a development is unacceptable because of fears over parking displacement on-street causing problems of safety, congestion or unsustainable travel behaviour, SCC as highway authority should either recommend the LPA refuse planning permission, or use its powers as highway authority to control parking.

Additionally one of the stated objectives of parking policy is to ensure a fair distribution of suitable on-street space. Once a development is occupied, it is no longer a development and its residents are part of the community and, it could be argued, should have the same rights as any other member of the community. It is possible that a resident of such a development could take action under the Human Rights Act if s/he felt that such a policy was discriminatory.

This matter has been considered by the GBC Executive, which resolved that the matter be kept under review.