

MINUTES: of the meeting of the Tandridge Local Committee held at 3.30 pm on Tuesday 14th December 2010 at Oxted Fire Station.

County Council Members

- * Mr N W Skellett - Chairman
- * Mrs Sally Ann B Marks - Vice-chairman
- * Mr Tony Elias
Mr David Hodge
- * Mr John Orrick
- * Mr Michael Sydney

District Council Members

- * Cllr Jill Caudle
- * Cllr Nick Childs
Cllr Michael Cooper
- * Cllr Martin Fisher
- * Cllr Ken Harwood
- * Cllr Marian Myland

* = Present

[NOTE: This meeting was rescheduled from 3rd December 2010 in the District Council Offices due to severe weather conditions making travel hazardous.]

58/10 APOLOGIES FOR ABSENCE [Item 1]

Apologies were received from District Councillor Michael Cooper who did not nominate a substitute but provided a note relating to those items which he wished to comment on, namely County Councillors' Allocations 2010/11 [Item 7 para 67/10] where he wished to support the a bid from the Caterham Community Partnership with regard the Soper Hall, and Church Hill/Harestone Valley Road, Caterham Revocation Of Right Turn Ban [Item 13 para 72/10], which he also wished to support.

59/10 MINUTES OF THE MEETING HELD ON 24 SEPTEMBER 2010 [Item 2]

Agreed as a true record.

60/10 DECLARATIONS OF INTEREST [Item 3]

Mrs Sally Marks declared a non-prejudicial interest as a director of the Caterham Community Partnership with regard to Item 7 para 2.1.7. – a bid in support of the transfer of ownership of the Soper Hall.

[NOTE: Because of the necessity to reschedule this meeting for late afternoon, the Chairman requested that the running order of the agenda be amended to accommodate those members of the public with a specific interest in items 14, 15 and 16. With Committee approval, he therefore moved the Rights of Way items [15 and 16] to the top of the agenda and followed with Item 14 – Grants Lane Bridge.]

61/10 **ALLEGED PUBLIC BRIDLEWAY BETWEEN AVENUE ROAD (TATSFIELD) AND THE GROVE (BROMLEY) – BROMLEY AND TATSFIELD** [Item 15]

The County Council has a duty under Section 53 of the Wildlife and Countryside Act 1981 (WCA 1981) to modify the Definitive Map and Statement (DMS) if it discovers evidence which on balance supports a modification.

In 2006 Mrs Ann Hayes submitted an application to the London Borough of Bromley for a Map Modification Order (MMO) to add a public bridleway over Clarence Road, Footpath No. 270 (Bromley) and from The Avenue/Avenue Road (Tatsfield) to The Grove (Bromley). The claimed routes were shown on plans 1a and 1b of the report. Most of these routes fell within the London Borough of Bromley but a small part between B and C fell within Surrey.

It was considered that the evidence showed that public bridleway rights could reasonably be alleged to subsist over the route A-B-C-D on Plan 1b including that part which fell within Surrey. A legal order could therefore be made to modify the definitive maps and statements for Surrey and Bromley made jointly by both Authorities.

RESOLVED that the Tandridge Local Committee AGREED that:

- (i) Public bridleway rights be recognised over those parts of route A-D on plan 1b [Page 67] which fall within Surrey (i.e. B-C) and that this part of the application for a MMO under sections 53 and 57 of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by the addition of a bridleway be approved.
- (ii) A joint order be made by Surrey and Bromley Councils. Bromley will advertise and defend said order to implement these changes with proportionate financial input from Surrey. If objections are maintained to such an order, it will be submitted to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Reason for decisions

To satisfy the legal requirements attendant to the officers' recommendations.

62/10 **APPLICATION FOR A MAP MODIFICATION ORDER TO MODIFY THE DEFINITIVE MAP AND STATEMENT FOR SURREY BY UPGRADING PART OF FOOTPATH NO. 55, PART OF FOOTPATH NO. 56 AND THE ENTIRE LENGTH OF FOOTPATH NO. 61 LIMPSFIELD TO A BRIDLEWAY AND TO ADD THAT PART OF TENCHLEY'S LANE NOT RECORDED AS A FOOTPATH TO THE DEFINITIVE MAP AND STATEMENT AS A BRIDLEWAY** [Item 16]

The County Council has a duty under Section 53 of the Wildlife and Countryside Act 1981 (WCA 1981) to modify the Definitive Map and Statement (DMS) if it discovers evidence which on balance supports a modification.

The British Horse Society submitted an application in March 2009 to modify the definitive map and statement for Surrey to upgrade that part of:

- Footpath No. 61 Limpsfield from its junction with Kent Hatch Road (point A) to its junction with Footpath No. 56 Limpsfield (point B); and
- Footpath No. 56 from its junction with Footpath No. 61 Limpsfield (point B) through point C to its junction with Footpath No. 55 Limpsfield (point D); and
- Footpath No. 55 from its junction with Footpath No. 56 Limpsfield (point D) to its junction with Bridleway No. 54 Limpsfield (point E)

and to add that part of Tenchley's Lane not recorded as a footpath (x-y) to the DMS as a bridleway as shown 'A' - 'B' - 'C' - 'D' - 'x' - 'y' - 'E' on drawing no 3/1/28/H40. The application was supported by documentary evidence.

The test for making a decision to add a path to the definitive map or to upgrade a path that is already recorded is contained in section 53 Wildlife and Countryside Act 1981 (WCA 1981), i.e. whether or not, on balance, public rights subsist or are reasonably alleged to subsist. It was considered in this case, that the evidence was insufficient to satisfy the test. This report sought support for the officer's recommendation in refusing this application.

The reporting officer commended the applicant on supplying a copious and detailed amount of research material, which was subsequently submitted to close scrutiny before arriving at the recommendations.

Recommendation (i) was agreed unanimously but the Chairman queried what action the Committee was required to take on recommendation (ii) and, having ascertained that Committee only needed to note it, the recommendation was amended to reflect this.

RESOLVED that the Local Committee (Tandridge) AGREED:

- (i) that no bridleway rights are recognised over 'A' - 'B' - 'C' - 'D' - 'x' - 'y' - 'E' on drawing no. 3/1/28/H40, and the application to modify the definitive map and statement for Surrey to include a bridleway from Kent Hatch Road to the junction of Footpath No. 55 with Bridleway No. 54 (Tandridge) is not approved;
- (ii) to NOTE that in the event of the County Council being directed to make a MMO by the Secretary of State for the Environment, Food and Rural Affairs following an appeal by the claimant, the County Council as surveying authority will adopt a neutral stance at any public inquiry, making all evidence available to help the inspector to determine the case.

Reason for decisions

To satisfy the legal requirements attendant to the officers' recommendations.

[NOTE: Given that these items were being taken out of order, the Chairman asked whether members of the public wished to ask any questions at this point. Mr John Butler spoke on behalf of a number of local residents listing their objections to the imposition of a permanent weight and width restriction and asked for some assurance that any restriction be temporary pending repair by Network Rail and that Members bring pressure to bear for the work to commence as soon as possible, given the unsuitability of the alternative routes.]

63/10 **D431/1015 GRANTS LANE BRIDGE** [Item 14]

A strength assessment of Grants Lane Bridge found that it only had capacity to carry vehicles of 3 tonnes gross vehicle weight. The committee approved the imposition of a permanent 3 tonne weight restriction and 6'6" width restriction on 5 March 2010 with the proviso that, if any objections to the proposed Traffic Orders were received, they be reported to the committee. This report presented the findings from the consultation and sought Committee approval to confirm its endorsement of the officers' recommendations.

After some discussion, Members accepted that to allow the permanent weight restriction to be put in place could seriously impact on the local economy, which is mainly farming where large vehicles will need to travel longer distances to cover the same ground along roads, which are effectively single-track. They also appreciated the concern that, to impose a permanent order would mean that there would be no urgency for Network Rail to effect the repair. The attending officer said that there were about 20 bridges in Surrey which were similarly under review and that the cost implications were significant for Network Rail and that, despite

negotiations continuing, the company was reluctant to give any indication of when works would be commenced.

After some discussion about the legalities of the situation, the Chairman suggested that, should there be an accident as a result of the order being postponed, Surrey County Council could be held negligent in its duty of care to the general public using the highway, and that an order should therefore be put in place, pending further information to the contrary. He also ascertained that, if a temporary order for 18 months were put in place on the grounds of public safety, a permanent order could be put in place immediately following, if the situation had not been resolved within that timescale. Having heard that this situation had already been dragging on since 2009, he then proposed that two further recommendations be added in order to reassure local residents that the Local Committee would do all it could to try to ensure that remedial work on the bridge was not delayed any longer than was absolutely necessary.

RESOLVED that the Local Committee (Tandridge) AGREE that:

- (i) a temporary weight restriction of 3 tonnes combined with a 6'6" width restriction be imposed on Grants Lane Bridge.
- (ii) that Cabinet and the Chief Executive be requested to bring urgent pressure on Network Rail to repair the bridge in view of the inadequacies of the alternative routes.
- (iii) that Cabinet and the Chief Executive be requested to proceed to legal action against Network Rail in view of their inaction over the last year.

Reason for decision

The Committee considered the options and decided, in the light of public opinion, that to impose a permanent weight restriction as recommended would allow Network Rail to postpone work indefinitely without incurring any liability and to the detriment of the local economy (largely farming) where vehicles require free access between adjacent fields and where the alternative routes are unsuitable in the longer term. They therefore further agreed to request that SCC pursue the matter through legal channels in order to ensure that the remedial work on the bridge is begun as quickly as possible. They agreed the temporary order on the grounds of public safety in the interim.

[NOTE: Committee adjourned for refreshments at 4.40 pm and reconvened at 4.55 pm.]

64/10 **PETITIONS** [Item 4]

There were none.

65/10 **PUBLIC QUESTIONS AND COMMENTS** [Item 5]

There were none.

66/10 **MEMBERS' QUESTIONS** [Item 6]

Mr Michael Sydney asked a question on the subject of Surrey Fire and Rescue Service's proposed service plan, which is currently out for consultation, and received a written response from Gavin Watts, the Area Manager (Policy and Performance). (Attached at Annex A).

67/10 **COUNTY COUNCILLORS' ALLOCATIONS FOR 2010/11** [Item 7]

This report set out the funding available to County Councillors from the delegated budget for 2010/11 and asked them to consider requests for received bids. Each County Councillor has £8,250 revenue and the Committee as a whole has a further £30,000 capital to spend on local projects meeting the agreed criteria. The constitution further allows Members to delegate authority to the Area Director to agree applications up to £1,000.

RESOLVED that The Local Committee (Tandridge):

- (i) CONSIDERED new requests for funding from the Members' Allocations budget as set out in Annex A, and APPROVED the following:

TVSC	£3,000.00
Hurst Green Choir	£1,000.00
Godstone at Play	£4,000.00
St Peter & St Paul's Church Chaldon	£3,000.00
TVSC and RBVS	£1,000.00
Tatsfield Parish Council	£ 800.00
The Soper Hall	£5,000.00
Ridge Radio	£4,000.00
Nutfield Memorial Hall	£4,800.00

A further bid from Warlingham Parish Council for the installation of a grit bin at a cost of £2,500.00 was rejected

- (ii) NOTED the following payments under delegated authority, also at Annex A:

Lingfield Chamber of Commerce, Christmas lights	£250.00
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Reason for decisions

All projects under consideration had been sponsored by, and has the support of, the appropriate Local Member. Members were requested to consider them as a group and to decide whether or not to approve them. Applications for funding where the sum is less than £1,000 and the timing is crucial may, with the approval of the Members, be processed outside of the formal meeting but must be recorded in public at the next formal meeting. Lingfield Chamber of Commerce's bid for £250.00 was duly noted.

The Warlingham parish Council bid for a grit bin was considered and rejected on the grounds that formal applications for grit bins had not yet been considered by Committee and it was therefore premature. Committee added that an effective approach to these issues needed to be agreed urgently.

68/10 **TANDRIDGE 'DRIVE SMART' ACTIVITIES TO NOVEMBER 2010** [Item 8]

In the Leader's speech to full Council in June 2009, he announced a new budget of £1m to be used in partnership with Surrey Police to tackle road safety concerns arising from anti-social driving behaviour in the County, which included speeding, inconsiderate parking, for example, blocking emergency vehicles, and driving without due care to the endangerment of other road users. The resulting approach looked at engineering solutions, a programme of education through engagement with drivers and an advertising campaign aimed at raising public awareness. This was due to come to an end in 2010. However, the Leader has announced that, due to the success of the campaign, funding of £320,000 has been set aside to support it for a further 12 months.

This report sought to update members on the progress of initiatives within Tandridge.

District Inspector Elaine Burtenshaw gave an overview of the success of the campaign in Tandridge in cutting the number of accidents due to anti-social driving and was pleased to announce that she had been successful in bidding for a new vehicle, which could be lent out to neighbouring borough if the need arose, which could operate in rural areas where the nature of the geography meant that speed cameras could not be deployed safely or effectively. They are currently awaiting delivery. In relation to this, she pointed out that the most recent public education event, known as a REED day, had coincided with the onset of the snow. She said that she was disappointed that the Press had chosen to run an article criticising officers for stopping drivers in poor conditions to check on the condition of vehicles, which was made to appear inappropriate. It was unfortunate that the Press had not published their full response which would have shown that these random checks had identified a significant number of vehicles which were not safe and which had been effectively dealt with, thus saving lives. She went on to point out that, once the weather worsened, her officers were taken off to other duties more appropriate to the weather conditions and that the situation was not quite as publicised. Inspector Burtenshaw was satisfied with the performance of her officers and the outcomes of the campaign and was pleased that the Leader of Surrey County Council had financed it for a further year.

Further to this report, the chairman asked Inspector Burtenshaw to update Committee on the Operational Police Review and she announced that she was due to retire from active service as of 31st March and that her replacement would be Inspector Angie Austin, whom she hoped to introduce to the Local Committee at the first opportunity. Inspector Burtenshaw also updated on the proposals for locating police officers in the District although these have not yet been confirmed. It is likely that officers will be posted at Lingfield Community Centre and in Oxted although there is insufficient room for the whole complement of Tandridge Police staff to move into the District Council Offices at this time so the Police Station in Timberhill Road, Caterham may be retained.

On behalf of the Committee, the Chairman thanked her for her valued work in Tandridge and also her staff who worked so effectively in the District. Inspector Burtenshaw said that she was proud of the commitment of her staff and cited two who had walked from Godstone to Caterham in the snow in order to carry out their routine patrol.

The Local Committee (Tandridge) NOTED the content of this report.

Reason for decision

This report was for information only.

69/10 **PETITIONS** [Item 9]

There were none.

70/10 **PUBLIC QUESTIONS AND COMMENTS** [Item 10]

Mr Rodney Fuller, a farmer from Woldingham requested that liaison with the County Council on gritting be improved as he had arrived at one location intending to spread salt only to find that it had been done by someone else and that there were issues about how information was communicated.

Mr John Lawlor, South East Area Highways Manager, agreed to arrange a meeting with the relevant officers to review the process and to ensure that measures currently in place would be effective.

[NOTE: Items 12 and 13 were taken next out of order to allow time at the end of the meeting to look at Members' issues.]

71/10 **ADDITIONAL £92,000 CAPITAL BUDGET FOR HIGHWAYS IN 2010 / 2011** [Item 12]

In September 2010, the Local Committee agreed a list of schemes for implementation, to be funded from the additional £92,000 Capital Budget for Highways in 2010/2011. The list of schemes approved for progression included four Local Structural Repair (LSR) schemes, which are now being funded by Department for Transport. As a result, there was funding available to progress some additional LSR schemes. This report listed the possible schemes in order of priority and included two schemes identified as high priority by Members at the informal Local Committee meeting held on 5 November 2010. The intention being to work down the list until the budget is exhausted.

This report sought approval of the amended list of schemes for Local Structural Repair (LSR) funded from the additional £92,000 capital budget for highways in Tandridge in 2010/2011.

RESOLVED that the Local Committee (Tandridge) **AGREED** to:

- (i) approve additional Local Structural Repair schemes to be funded from the £92,000 capital funds for Tandridge, as set out in Annex A.

Reason for decision

This decision allowed officers to use the entire £92,000 capital budget.

72/10 **CHURCH HILL/HARESTONE VALLEY ROAD, CATERHAM REVOCATION OF RIGHT TURN BAN** [Item 13]

This report sought approval for the revocation of the right turn ban into Harestone Valley Road, Caterham prior to the proposed construction of a mini-roundabout at the junction with Church Hill/Station Avenue.

Mrs Sally Marks spoke for District Councillor Michael Cooper who was unable to attend, in order to express his support for this project as he felt that the proposal would ease traffic flow in Caterham Town Centre.

RESOLVED that the Local Committee (Tandridge) **AGREED** that:

- (i) subject to the legal procedure and consultation, the Traffic Regulation Order banning the right turn from Church Hill into Harestone Valley Road, Caterham be revoked either for all vehicles or for all vehicles with the exception of Heavy Goods Vehicles, dependent on the outcome of further design work.
- (ii) consideration and resolution of any objections received following advertisement of the proposed revocation of the right turn ban from Church Road into Harestone Valley Road is delegated to the Area Team Manager in consultation with the Chairman of the Local Committee and the local Elected Member.

Reason for decision

To enable the effective operation of the proposed mini-roundabout at the junction of Church Hill and Harestone Valley Road

73/10 **MEMBERS' QUESTIONS** [Item 11]

District Councillor Martin Fisher said that a letter had been sent by the Leader and the Chief Executive of Tandridge District Council, expressing concern about the winter maintenance arrangements currently in place and requesting that the Local Committee address this. There

was a desire to improve relationships and communication between the local authorities although recent press coverage had been unhelpful.

An additional 20 tonnes of salt had been offered to all districts and boroughs at no cost in order to prepare for extreme weather conditions by ensuring that small amounts could be stored where most needed to keep communities moving. Mr Tony Elias debated that this was not helpful unless the cost of the equipment and manpower to deploy it could be borne by the County Council. The Chairman maintained that communities looked to their local authorities to provide emergency support in such circumstances and that this was not intended to form part of a formal agreement but to allow some flexibility to respond in a crisis using staff who were unable to carry out normal duties and were already being paid to stay at home.

Mrs Sally Marks went on to add that the Parish Councils were already participating in arrangements to keep local roads and pathways clear, including the purchase of spreaders which could be deployed by farm vehicles and that it was working well.

At the request of the Chairman, Mr Lawlor agreed to convene a meeting between district and county officers as soon as possible, with some input from Members, in order to review the situation.

Several Members also queried the agreed salting routes and whether they had, in fact, been treated in the worst of the weather. Mr John Lawlor responded on behalf of the County Council that 37 runs had been made countywide and 450,000 tonnes of grit had been spread. The exceptional snow fall of 8 inches in a single night had made it impossible to ensure that roads were kept clear as continuing snow meant that roads that had been gritted were, in some places, quickly covering over but that staff were working flat out to try to keep traffic moving.

Mr Lawlor went on to say that Highways was due to meet in the Merrow Depot to review performance in the recent event and said he would feed in Members' comments, particularly the need for better communication to Members so that they were aware of what was being done.

The Chairman accepted that, following the recent spell of exceptional weather, there was a need to look at this issue in more detail and requested that this be added to the agenda of the next informal local committee meeting on 28th January 2010.

In the meantime, Mr Lawlor agreed to supply large-scale maps of the gritting routes for Members, which the clerk would distribute.

The Chairman summarised by calling for proposals that would expand capacity without increasing the budget and said that while priority one and two routes were the responsibility of the local authority, there was a case for priority 3 routes which would address the isolation of rural communities away from the main roads and transport hubs. He also recommended asking Cabinet to invest in spare capacity utilising reserve equipment, as with green goddesses, which could be loaned or borrowed as appropriate.

The Area Director took the opportunity to remind Committee of all the good work that had been done locally by both local authorities, whose officers continued to provide a service to the most vulnerable in the community in challenging circumstances.

[Meeting Ended: 6.07 pm]

Chairman