

DRAFT

Minutes of the meeting of the
ELMBRIDGE LOCAL COMMITTEE
held at 4.00 pm on 10 September 2012
at Council Chamber, Elmbridge Civic Centre, High Street, Esher, KT10 9SD.

Surrey County Council Members:

- * Mr Mike Bennison (Chairman)
- * Mrs M A Hicks (Vice-Chairman)
- * John V C Butcher
- * Nigel Cooper
- * Mr Peter Hickman
- * Mr Ian R Lake
- * Mr Ernest Mallett
- * Mr Tom Phelps-Penry
- Mr Tony Samuels

Borough / District Members:

- * Borough Councillor Barry Fairbank
- Borough Councillor Jan Fuller
- * Borough Councillor Ramon Gray
- * Borough Councillor Peter Harman
- * Borough Councillor Stuart Hawkins
- * Borough Councillor Neil J Luxton
- * Borough Councillor Dorothy Mitchell
- * Borough Councillor John O'Reilly
- * Borough Councillor Karen Randolph

* In attendance

18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Councillor Tony Samuels sent his apologies.
Councillor James Vickers substituted for Councillor Janet Fuller.

19 MINUTES OF PREVIOUS MEETING [Item 2]

The minutes of the meeting held on 14 June 2012 were agreed as a correct record, subject to the following amendment:

- Item 11/12, resolution iii be changed to read: "Subject to (iv), the Local Committee delegate consideration and agreement of the proposed controlled pedestrian crossing to the Area Team Manager (in consultation with the Chairman, Vice-Chairman, **Division Member** and relevant Borough Members) should a decision be required before the next meeting of the Elmbridge Local Committee;"

20 DECLARATIONS OF INTEREST [Item 3]

No declarations of interest were made.

21 CHAIRMAN'S ANNOUNCEMENTS [Item 4]

The Chairman reminded Members that there was an informal Highways Workshop scheduled for Monday 8th October 2012 in order to discuss delegated budgets in 2013/14.

He also acknowledged the tragic events that had recently taken place in the French Alps and stated that the County Council would be providing its full support to all those affected.

22 PETITIONS & LETTERS OF REPRESENTATION [Item 5]

One officer response was submitted in relation to a petition submitted at a previous meeting:

(a) PETITION RESPONSE: REQUEST FOR TRAFFIC CALMING MEASURES AND HGV RESTRICTIONS IN WEYBRIDGE [Item 5a]

A petition signed by 203 people had previously been submitted to the Local Committee by the Walton Society, requesting that traffic calming measures and weight restrictions be placed in Weybridge.

Councillor Margaret Hicks stated that it was acknowledged that Weybridge had seen a large increase in traffic over the years and that the area did need attention. She stated that the Weybridge Society was already in contact with TNT and that the company's drivers were being discouraged from using the area as a cut-through. It was agreed that she and the Chairman would write to Tesco to see whether a similar arrangement could be established with their drivers.

Councillor Ian Lake stated that there had previously been a sign on the M25 encouraging HGV drivers to avoid the area. It had subsequently been removed for construction work but it would be helpful if it could be reinstated. The Area Highways Manager stated that he would speak to the Highways Agency to see whether this could be done.

RESOLVED: That

- i. the Chairman and Vice-Chairman write to Tesco to ask that the Company's HGV drivers try and avoid cutting through Weybridge;
- ii. the Area Highways Manager initiate dialogue with the Highways Agency to discuss reinstating relevant signage on the M25.

23 PUBLIC QUESTION TIME [Item 6]

No public questions were received.

24 MEMBER QUESTION TIME [Item 7]

No Member questions were received.

**25 ALLEGED PUBLIC BYWAY OPEN TO ALL TRAFFIC (BOAT) ALONG
ESHER PARK AVENUE, Esher - CP540 [Item 8]**

The Committee received a report which requested that Members consider an application for a Map Modification Order to add a public byway open to all traffic along Esher Park Avenue, Esher, to the Surrey County Council Definitive Map Statement (DMS).

The Countryside Access Officer, Daniel Williams, outlined the process for considering the application and stated that the County Council had a duty under Section 53 of the Wildlife and Countryside Act (1981) to modify the DMS if it discovered evidence to support such a change. The officer also outlined the legal framework for considering such applications, as detailed in the report.

It was explained that, following consideration of all available evidence, the Countryside Access Officer was recommending to the Local Committee that public restricted byway rights be recognised on Esher Park Avenue and that the DMS be modified accordingly.

Mr Paul Hamill of Esher Park Avenue had registered to speak against the application and addressed the Local Committee. During his representation he made the following points:

- The Officer's report had identified the existing gates on Esher Park Avenue as a possible obstruction to the proposed restricted byway rights to pass on foot. Should the recommendations of the report be approved, Esher Park Avenue would be forced to adopt alternative ways to manage the flow of vehicles, possibly employing guards to turn away vehicles. This would likely cause tension within the community and, as such, it is felt that agreeing the Officer's recommendations would not be in the public interest;
- It would be cheaper and more sensible to maintain the status quo by turning down the application. This would also help avoid an expensive and lengthy appeal process for all parties;
- As a half-way house the Committee may wish to impose a restricted byway which recognised the existing gates. This would allow public footpath rights whilst allowing Esher Park Avenue to manage the vehicle flow in the way it currently does;
- A sign indicating that Esher Park Avenue was a private road had been in place since at least 1933. There were no undermining factors as the sign was in a purely residential road and could not be said to be ambiguous;
- In a letter to an Esher Park Avenue resident in 1993, Lord Denning had stated that the gates and notices were sufficient to establish Esher Park Avenue as a private road and not a public highway.

Speaking on behalf of the applicant, Mr David Steeds addressed the Local Committee to speak in support of the application. He stated:

- He was pleased that the Officer's report concluded that in 1992 there was a deemed full vehicular highway along Esher Park Avenue. This clearly indicated that there had been more motorised traffic than pedestrians or bikes along Esher Park Avenue;
- Nothing has changed since 1992 and motor vehicle use has in fact increased in the ensuing years. This usage has never previously been challenged;
- In our opinion, Esher Park Avenue falls within the exception in s.67(2)(a) of the Natural Environment and Rural Communities Act (2006). In addition, it may also fall within the exceptions in s67(2)(d) and (e). We therefore believe that a full BOAT exists along the whole length of Esher Park Avenue;
- We are content to compromise, with Esher Park Avenue to continue with gates at either end, provided that one always remains open and that traffic remains free to use the road. The road serves as an important link between communities in Esher and Claygate.

The Countryside Access Officer addressed the Committee to outline his findings, as detailed in the report.

Following queries from Members of the Committee, he clarified the following points:

- If the application was granted, the land would remain the responsibility of the legal land owners;
- If the Local Committee accepted the application and agreed the Officer's recommendations, the matter could still be reconsidered at a public enquiry. This was a very common practice but completely dependent on whether any objections were raised;
- As set out in the Wildlife and Countryside Act (1981) it was not possible for the Local Committee to consider a compromise, even in cases where both parties were in agreement. The Local Committee had a duty to consider the application based purely on the evidence submitted. It was equally not possible for the application to be withdrawn, as the evidence had already been collected and the Local Committee therefore had a duty to consider it;
- It was very difficult to estimate the cost of any future public enquiry and this is not something that the Local Committee was permitted to take into account when considering the application;
- If the Local Committee agreed to modify the DMS, there was an automatic right of appeal should an objection be received. If the Local Committee did not make an order, the applicant could instigate an appeal, although the process was slightly different.

Following discussion, the Local Committee voted 8 to 7 against agreeing the Officer's recommendations.

RESOLVED: That:

- i. the officer recommendations as detailed in the report not be agreed;
- ii. the Definitive Map and Statement (DMS) remain unaltered.

26 HIGHWAYS UPDATE [Item 9]

The Local Committee received a report from the North East Area Team Manager which summarised progress with the capital and revenue programmes funded by the Local Committee's respective budgets. The recommendations contained in the report had been made to ensure that all budgets available to the Local Committee were fully allocated.

Following concerns from Members, the North East Area Team Manager stated that he would investigate why the extension of the 30mph speed limit on Stoke Road, Cobham, had been delayed. He stated that some resources had been diverted during the Olympic period, but accepted the matter needed to be progressed.

At the request of the Vice-Chairman and with the support of the Committee, an additional resolution was agreed in addition to those proposed in the report. This is detailed in paragraph (v) below.

RESOLVED: That

- i. the modified Local Revenue allocations in Table 2 of the report be agreed;
- ii. the allocation of £42,000 to Elmbridge Borough Council's Street Smart Direct Labour Organisation, as described in paragraph 2.4 of the report, be agreed;
- iii. the allocation of the £87,900 Integrated Transport Scheme carry forward from the previous Financial Year to Local Structural Repair (carriageway resurfacing) schemes, to be identified and prioritised by the Area Team Manager in consultation with the Chairman, be agreed;
- iv. the delegation of authority to the Area Team Manager in consultation with the Chairman to assess Committee's programmes of works in October and to reallocate funding for any schemes unlikely to be delivered in the current Financial Year, to ensure the budgets are fully spent for the benefit of Highway users in Elmbridge, be agreed;
- v. the Local Committee delegate authority to the Area Team Manager to undertake all necessary procedures to deliver the agreed programme, in consultation with the Chairman and Vice Chairman of the Local Committee, and the Local Members for each respective project. This would include the advertisement of traffic regulation orders, commissioning of detailed design, placing of works orders, etc. In the

event that a project is likely to exceed the budget agreed by the Local Committee, the Area Team Manager, Chairman and Vice Chairman should agree how to proceed, and are authorised to make reasonable adjustments to the agreed budget allocations. The Local Committee should be kept fully informed of progress at its scheduled meetings. This would be reviewed annually.

27 A245 WOODLANDS LANE, STOKE D'ABERNON / A245 WOODLANDS ROAD, LEATHERHEAD / A245 RANDALLS ROAD, LEATHERHEAD [Item 10]

The Local Committee received a report from the North East Area Team Manager which sought approval to reduce the speed limit along the A245 Woodlands Lane / A245 Woodlands Road / A245 Randalls Road from the national speed limit (60mph) to 50mph, from the junction with Cobham Road / Stoke Road to the existing 30mph termination point approximately 200 metres south-east of the access road to Leatherhead Crematorium.

The North East Area Team Manager outlined the report and explained that a number of complaints had been received from local residents about the existing speed limit. With the agreement of Surrey Police, Surrey County Council officers had assessed whether it was possible to reduce the speed limit and were now recommending that it be reduced to 50mph. Whilst there had been requests for a 40mph speed limit, this would not comply with Surrey County Council policy and was therefore not something that officers could recommend.

The Divisional Member for Cobham requested that, in future, officers keep him fully informed about any significant developments in his area. He added that he would prefer not to depart from Surrey County Council policy and thought it best that the Local Committee reduce the speed limit to 50mph, with a proviso that the matter be reconsidered if problems persisted.

Following discussion, the Local Committee felt that a reduction to 40mph would be of benefit to local residents and in line with the wishes of Surrey Police. As such, it was agreed that the matter be referred to the Cabinet Member for Transport and Environment to determine.

RESOLVED: to recommend to the Cabinet Member of Transport and Environment that:

- i. the speed limit on the A245 Woodlands Lane / A245 Woodlands Road / A245 Randalls Road be reduced from the national speed limit (60mph) to 40 mph, from the junction with Cobham Road / Stoke Road to the existing 30mph termination point approximately 200 metres south-east of the access road to Leatherhead Crematorium.

28 A244 LEATHERHEAD ROAD, OXSHOTT AND A244 WARREN LANE, OXSHOTT [Item 11]

The Local Committee received a report from the the North East Area Team Manager which sought approval to extend the existing 30mph speed limit on the A244 Leatherhead Road and A244 Warren Lane, with an extension to the north of approximately 70 metres and to the south of approximately 250 metres.

It was explained that following complaints from residents and with the agreement of Surrey Police, Surrey County Council's Safety Camera Partnership had requested that the 30mph speed limit be extended. However, this would not be in accordance with the County Council's Speed Limit Policy and, should the Local Committee wish to pursue this, agreement would have to be sought from the Cabinet Member for Transport and Environment.

RESOLVED: To recommend to the Cabinet Member for Transport that:

- i. the 30mph speed limit on A244 Leatherhead Road be extended from the existing 30mph termination point near the junction with Spinneycroft, south-eastwards to a point approximately 520 metres northwest of the roundabout at Oaklawn Road;
- ii. the 30mph speed limit on A244 Warren Lane be extended from the existing 30mph termination point northwards to the junction with Heath Road.

29 PARKING UPDATE [Item 12]

The Local Committee received a report from the Parking Project Team Leader which provided an update on the changes to parking controls in Elmbridge and sought approval for the introduction of a bus stop clearway.

Members of the Committee made a number of observations in relation to the schemes detailed in annexe A of the report. The Parking Project Team Leader clarified that no decisions had yet been made and his team were still in the process of collating responses. However, the comments would be taken on board.

Following concern that there needed to be better engagement with Borough Members on any proposed changes, the Parking Project Team Leader stated that he would look at how best to widen the consultation process.

RESOLVED: That

- i. the contents of the report be noted;
- ii. the installation of a bus stop clearway outside 33-35 Cobham High Street, operating from 7am-7pm, be agreed.

30 YOUTH PROVISION IN ELMBRIDGE (LOCAL PREVENTION COMMISSIONING 2012/13) [Item 13]

The Local Committee received a report from the Assistant Director for Young People which requested that Members consider whether to extend or re-commission the Local Prevention Contract, originally agreed in February 2012.

The Youth Work Contract Performance Officer, Leigh Middleton, explained that due to the lead in time required for re-commissioning Local Prevention contracts, the Local Committee needed to decide whether it wished to extend the existing contract for five months to 31 August 2013 or look to re-commission in April 2013. He added that the local needs assessment for at

risk young people had not changed and there were no significant performance concerns with the current provider operating in Elmbridge.

Initial feedback from Members had been that it was too early to make long-term strategic commissioning decisions at this point in time due to a lack of performance data and that it therefore seemed sensible to look to extend the contract. The extension would also ensure the alignment of the commissioning cycle with the academic year which would help provide greater consistency of services for young people.

The Vice-Chairman stated that the Youth Task Group would have responsibility for monitoring performance of the Local Prevention provider and would ultimately make commissioning recommendations to the Local Committee.

RESOLVED: That

- i. the extension of the Local Prevention contract for five months to 31 August 2013 be agreed;
- ii. the remit of the Youth Task Group to constitute up until the first Local Committee of the municipal year be extended;
- iii. the ability to appoint Members to the Task Group be delegated to the Assistant Director for Young People who, in consultation with the Chair and Vice-Chair of the Local Committee, will replace any members who are no longer Councillors as a result of the elections.

31 SURREY LOCAL FLOOD RISK MANAGEMENT STRATEGY [Item 14]

The Local Committee received a report of the Strategy and Commissioning Team Manager, Deborah Fox, which set out the partnership arrangements and responsibilities for strategic flood risk management in Surrey.

The officer outlined the report and, following questions from Members, clarified the following points:

- The Boroughs and Districts represented on the Partnership Board had been selected based on overall flood risk. If additional Boroughs or Districts wished to get more involved, they could write to the Chairman of the Board;
- The Cabinet Member for Community Safety had a strategic link with the Partnership Board and the Environment and Transport Select Committee also scrutinised its work;
- The Strategy outlined ambitions, priority actions and a list of projects. These would be submitted to the Thames Regional Flood and Coastal Committee with the intention of leveraging funding.

The Chairman stated that, due to time restraints, he recommended that further consideration be given to the Strategy at the next informal meeting.

RESOLVED: That the report be noted.

32 LOCAL COMMITTEE FUNDING [Item 15]

The Local Committee received a report from the Community Partnerships Team Leader which set out the funding requests received.

The Vice-Chairman explained that the report also required the Local Committee to determine whether the Walton Heritage Day Organising should be asked to return £744 of the Committees 2011/12 funding after it breached the funding conditions by placing a Walton Society logo on a publicity poster.

The Vice-Chairman stated that the Walton Heritage Fun Day was a much loved event that had run for a number of years and that the logo had originally been included in the poster design by someone that wasn't familiar with the funding criteria. Concerns had not been raised when the poster was first produced and as such no one involved realised there was a problem. The Vice-Chairman urged the Local Committee to waive the request for the funding to be returned and to continue to support future Fun Days.

RESOLVED: That

- i. the items presented for funding from the Local Committee's 2012/13 revenue funding as set out in section 2 of the report be agreed;
- ii. the items recommended for funding from the Local Committee's 2012/13 capital funding as set out in section 2 of the report be agreed;
- iii. the conditions regarding the return of £744 of the Committee's 2011/12 funding as set out in section 3 of the report be waived and that a further £819 be awarded to the Walton Heritage Day Organising Committee, from this year's budget, to support the Walton Heritage Fun Day 2012, as detailed in section 3 of the report;
- iv. the item presented for funding from the Local Committee's 2012/13 revenue funding as set out in section 1 of the tabled report be agreed;
- v. the expenditure previously approved by the Community Partnerships Manager and the Community Partnerships Team Leader under delegated authority, as set out in section 4 of the report, be agreed;
- vi. any returned funding and adjustments, as set out within the report and Appendix 1, be noted.

Meeting ended at: 6:22pm

Chairman