

Notice of Meeting

Elmbridge Local Committee

Date: Monday, 10 September 2012

Time: 4.00 pm

Place: Council Chamber, Elmbridge Civic Centre, High Street,
Esher, KT10 9SD

Contact: **Damian Markland, Community Partnership & Committee
Officer**

Elmbridge Civic Centre, High Street, Esher, KT10 9SD

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Surrey County Council Appointed Members [9]

Mr Michael John Bennison, Hinchley Wood, Claygate & Oxshott (Chairman)

Margaret Aileen Hicks, Hersham (Vice-Chairman)

Mr John Butcher, Cobham

Mr Nigel Cooper, East Molesey & Esher

Peter Hayes Hickman, The Dittons

Ian Robert Lake, Weybridge

Farmer Ernest Mallett, West Molesey

Thomas Edward Lawrence Phelps-Penry, Walton

Tony Samuels, Walton South and Oatlands

Borough Council Appointed Members [9]

Borough Councillor Barry Fairbank, Long Ditton

Borough Councillor Jan Fuller, Oxshott and Stoke D'Abernon

Borough Councillor Ramon Gray, Weybridge North

Borough Councillor Peter Harman, St George's Hill

Borough Councillor Stuart Hawkins, Walton South

Borough Councillor Neil J Luxton, Walton Central

Borough Councillor Dorothy Mitchell, Cobham and Downside

Borough Councillor John O'Reilly, Hersham South

Borough Councillor Karen Randolph, Thames Ditton

Chief Executive
David McNulty

District / Borough Council Substitutes:

Borough Councillor Elizabeth Cooper, Molesey East
Borough Councillor Ruth Lyon, Thames Ditton
Borough Councillor Ruth Mitchell, Hersham South
Borough Councillor Andrew Davis, Weybridge North
Borough Councillor Chris Sadler, Walton Central
Borough Councillor James Vickers, Oxshott and Stoke D'Abernon

NOTES:

1. Members are reminded that Standing Orders require any Member declaring an interest which is personal and prejudicial to withdraw from the meeting during the discussion of that item, except in the circumstances referred to in Standing Orders. If you have any queries concerning interests, please contact the Community Partnership & Committee Officer.
2. Members are requested to let the Community Partnership & Committee Officer have the wording of any motions and amendments not later than one hour before the start of the meeting.
3. Substitutions (Borough Members only) must be notified to the Community Partnership & Committee Officer by the absent member or group representative at least half an hour in advance of the meeting.

If you would like a copy of this agenda or the attached papers in another format, e.g. large print, Braille, or another language please either call Damian Markland, Community Partnership & Committee Officer on 01372 832320 or write to the Community Partnerships Team at Elmbridge Civic Centre, High Street, Esher, KT10 9SD or damian.markland@surreycc.gov.uk

This is a meeting in public. If you would like to attend and you have any special requirements, please contact us using the above contact details.

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and notices of substitutions from Borough members under Standing Order 39.

2 MINUTES OF PREVIOUS MEETING

(Pages 1 - 18)

To approve the Minutes of the meeting held on 14 June 2012 as a correct record.

3 DECLARATIONS OF INTEREST

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

Notes:

- In line with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, declarations may relate to the interest of the member, or the member's spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners and the member is aware they have the interest.
- Members need only disclose interests not currently listed on the Register of Disclosable Pecuniary Interests.
- Members must notify the Monitoring Officer of any interests disclosed at the meeting so they may be added to the Register.
- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest.

4 CHAIRMAN'S ANNOUNCEMENTS

To receive any Chairman's announcements.

5 PETITIONS & LETTERS OF REPRESENTATION

To receive any petitions in accordance with Standing Order 65 or letters of representation in accordance with the Local Protocol. An officer response will be provided to each petition / letter of representation.

- 5a** **PETITION RESPONSE: REQUEST FOR TRAFFIC CALMING MEASURES AND HGV RESTRICTIONS IN WEYBRIDGE** (Pages 19 - 22)
- To provide Members with an Officer response to a petition previously submitted to the Local Committee.
- 6** **PUBLIC QUESTION TIME**
- To receive any questions from Surrey County Council electors within the Elmbridge area in accordance with Standing Order 66.
- 7** **MEMBER QUESTION TIME**
- To receive any written questions from Members under Standing Order 47.
- 8** **ALLEGED PUBLIC BYWAY OPEN TO ALL TRAFFIC (BOAT) ALONG ESHER PARK AVENUE, ESHER - CP540** (Pages 23 - 66)
- To consider an application for a Map Modification Order to add an alleged public Byway Open to All Traffic (BOAT) to the Surrey County Council Definitive Map and Statement.
- 9** **HIGHWAYS UPDATE** (Pages 67 - 74)
- To update the Local Committee on the progress of highways schemes in Elmbridge.
- 10** **A245 WOODLANDS LANE, STOKE D'ABERNON / A245 WOODLANDS ROAD, LEATHERHEAD / A245 RANDALLS ROAD, LEATHERHEAD** (Pages 75 - 82)
- To seek 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.
- 11** **A244 LEATHERHEAD ROAD, OXSHOTT AND A244 WARREN LANE, OXSHOTT** (Pages 83 - 90)
- To seek approval to extend the existing 30mph speed limit on the A244 Leatherhead Road and A244 Warren Lane.

- 12 PARKING UPDATE** (Pages 91 - 106)
- To consider minor amendments to the parking controls in Elmbridge and to note progress in other areas.
- 13 YOUTH PROVISION IN ELMBRIDGE (LOCAL PREVENTION COMMISSIONING 2012/13)** (Pages 107 - 116)
- To consider whether to extend or re-commission the Local Prevention Contract.
- 14 SURREY LOCAL FLOOD RISK MANAGEMENT STRATEGY** (Pages 117 - 122)
- To inform the Elmbridge Local Committee of partnership arrangements and responsibilities for strategic flood risk management in Surrey.
- 15 LOCAL COMMITTEE FUNDING** (Pages 123 - 134)
- To consider applications for member allocation funding.

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**Minutes of the meeting of Surrey County Council's
Local Committee in Elmbridge held at
4.00pm on Thursday 14th June 2012 at
Elmbridge Borough Council**

Surrey County Council Members

- * Mr Michael Bennison (Chairman)
- * Mr Nigel Cooper
- * Mrs Margaret Hicks (Vice-Chairman)
- * Mr Ernest Mallett
- A Mr Anthony Samuels
- * Mr John Butcher
- * Mr Peter Hickman
- * Mr Ian Lake
- * Mr Thomas Phelps-Penry

Elmbridge Borough Council Members

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

PART ONE

IN PUBLIC

1/12 APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN [Item 1]

The Committee noted that the Council had appointed Councillor Michael Bennison as Chairman and Councillor Margaret Hicks as Vice Chairman.

2/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 2]

There was one apology from Councillor Anthony Samuels.

3/12 MINUTES OF PREVIOUS MEETING [Item 3]

The Minutes of the meeting held on 27 February 2012 were confirmed and signed as a correct record.

Councillor Neil Luxton requested clarification on Manor Road's inclusion on the Local Speed Management Plan and it was agreed that this would be provided outside of the meeting.

4/12 DECLARATIONS OF INTEREST [Item 4]

Councillor Stuart Hawkins declared a personal interest in agenda item 14 in that his wife worked for Surrey County Council and undertook some youth related work.

Councillor Neil Luxton declared a personal interest in agenda item 13 in that he lived on one of the roads due to be considered.

5/12 CHAIRMAN'S ANNOUNCEMENTS [Item 5]

The Chairman noted that Councillor Alan Hopkins had stepped down from the Elmbridge Local Committee and, on behalf of all Members, thanked him for his work during 2011/12.

6/12 APPOINTMENTS OF ELMBRIDGE BOROUGH COUNCIL CO-OPTED MEMBERS [Item 6]

The Committee noted that Elmbridge Borough Council had nominated the following nine Borough Councillors and six substitutes to serve on the Local Committee for the municipal year 2012/13. It was confirmed that Surrey County Council's Chief Executive had agreed the nominations.

Members of the Committee:

Councillors J. Fuller, R. Gray, S. Hawkins, D.M. Mitchell, J. O'Reilly, P. Harman, N. Luxton, Mrs. K. Randolph and B. Fairbank.

Substitutes:

Councillor Mrs. R. Mitchell, J.A. Vickers, E. Cooper, R.J.M. Lyon, C.R. Sadler and A. Davis.

7/12 PETITIONS & LETTERS OF REPRESENTATION [Item 7]

Three letters of representation were submitted as follows:

Ockham Lane, Cobham – Request for HGV Restriction

A petitioner spoke at the Committee to request that Surrey County Council introduce a 7.5 tonne Heavy Good Vehicle (HGV) weight limit on Ockham Lane. The petitioner explained that due to Ockham Lane's close proximity to the motorway, it was frequently used as a cut-through despite not being suitable for such traffic. The Committee was informed that the lack of a public footpath combined with a narrow road made HGV use of Ockham Lane a particular hazard to other traffic, pedestrians, cyclists and horse riders. The petitioner added that the Guildford Local Committee had already introduced a 7.5 tonne HGV weight limit on the Guildford section of the road and urged the Elmbridge Local Committee to do the same.

The Local Highway Services Group Manager, Richard Bolton, outlined the officers response, as contained in the agenda. He stated there were low numbers of collisions on the Elmbridge section of Plough Lane / Ockham Lane, with only three recorded injuries within the last three years and that none of collisions had involved HGVs. It was added that Old Lane was currently subject to an existing 7.5 tonne weight restriction throughout its length and that the introduction of a weight restriction in Guileshill Lane and the Guildford section of Ockham Lane would effectively prevent HGVs from entering Plough Lane / Ockham Lane in Cobham, other than for access. As HGVs would not be able to proceed beyond the junction of Old Lane, it was felt that there was no need for a weight restriction to be placed on the Elmbridge section of Ockham Lane / Plough Lane and that the existing bans would create a self-enforcement effect.

A number of Members expressed their support for the petitioners and the proposed HGV ban. It was felt that advisory signs would not deter some HGV drivers and that a complete ban on both sections of the road would be the best solution.

RESOLVED: That

- i. the letter of representation be noted;
- ii. the officer response be noted;
- iii. the same 7.5 tonne weight restriction on Ockham Lane agreed by the Guildford Local Committee on 21 March 2012 be implemented on the Elmbridge section of the road.

Elm Tree Avenue, The Dittons – Request for Carriageway Repair

A petitioner spoke at the Committee to request that Surrey County Council urgently rectify a number of road safety failings on Elm Tree Avenue. The petitioner stated that since submitting the petition the County Council had attended and many of the reported issues had been fixed. However, it was felt that the petition was still required in order to bring attention to the fact that the process for reporting and fixing highway problems was slow. There also remained some potholes that needed attention and it was requested that details of these be passed to the Highways Team.

The Local Highway Services Group Manager accepted the list of outstanding potholes and stated that the information would be passed back to the Highways Team. It was explained that Surrey County Council did rolling checks on the road network and that required work was prioritised based on the type and severity of damage before being scheduled in. However, damage would often occur in-between official checks and the County therefore urged residents to report highway problems using the official website or by phone. The Local Highway Services Group Manager added that his team had to adhere to strict criteria when prioritising repairs.

RESOLVED: That

- i. the letter of representation be noted;
- ii. the officer response be noted.

Weston Avenue, West Molesey – Request for Traffic Calming

A petitioner spoke at the Committee to request that Surrey County Council implement traffic calming measures on Weston Avenue to address speeding motorists. It was explained that the same petition had been submitted to the Elmbridge Local Committee in September 2011 and that the Committee had initially encouraged residents to use Community Speed Watch to combat the problem. However, in the months that had passed, petitioners did not feel that the problem had been addressed and had therefore requested that the Local Committee reconsider the matter. In the interests of promoting and encouraging public engagement, the Chairman and Vice-Chairman had agreed to this request.

The lead petitioner stated that Weston Avenue was used as a “rat run” by motorists, many of which drove at high speeds. Data from the Community Speed Watch campaign had indicated that average speeds were between 37 and 51mph. Whilst residents had been encouraged to park on the road to slow traffic, many felt this could potentially lead to their vehicles sustaining damage. It was also reported that residents did not feel that the Police were making use of the data obtained by

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residents and that incidents were not being taken seriously. The lead petitioner stated that additional 30mph signage at both ends of the road and the introduction of a single chicane would help address the problem.

The Local Highway Services Group Manager informed the Committee that the view of the Highways Team remained unchanged and that officers did not support the request.

The County Council collision database, supplied by Surrey Police, of personal injury collisions showed that there has been one personal injury collision in Weston Avenue itself (2006) and three at the junction with Hurst Road (two in 2006 and one in 2010) in the past five years. Based on the data available, it was felt that it would not appear to be value for money to install traffic calming measures. The Local Highway Services Group Manager added that department for Transport policy did not allow Local Authorities to place repeat 30mph signs where there existed residential street lighting as the lighting itself indicated the legal speed limit.

Councillor Ernest Mallett stated that he was concerned with the current situation in Weston Avenue and would support the introduction of a single chicane and a 30mph speed limit painted on the road. Councillor Nigel Cooper also urged the Committee to consider taking some form of action.

Councillor Stuart Hawkins stated that whilst he understood resident's concerns, the Committee had to acknowledge that the area was one of industry and restricting access had the potential to damage local businesses. As a result, he stated he could not support the introduction of a chicane. Councillor Ian Lake also stated that he was unable to support the petition and discouraged Members from attempting to design traffic schemes at Committee.

The Local Highway Services Group Manager stated that it was his understanding that speed limits painted on the road were only meant to be located where there was a speed limit change and would therefore not be appropriate for Weston Avenue.

Following a vote, the Local Committee agreed not to take any action.

RESOLVED: That

- i. the letter of representation be noted;
- ii. the officer response be noted.

One petition was submitted as follows:

Tartar Hill Footbridge – Request not to remove the structure

Note: *This petition was taken immediately before item 11.*

A petitioner spoke to the Committee to request that Surrey County Council consider reinstating Tartar Hill Footbridge. The petitioner stated that the bridge provided a safe crossing point for pedestrians and that its removal would create safety concerns. The petitioner added that, if the bridge's removal was unpreventable, the only alternative that would be supported would be the installation of a fully controlled pedestrian crossing.

RESOLVED: That

- i. the letter of representation be noted;
- ii. the petition be considered during consideration of item 11.

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

Westcar Lane, Hersham – Request for Traffic Calming Measures

A letter of representation was received at the meeting on 27 February 2012 requesting that traffic calming measures be introduced on Westcar Lane, Hersham, to prevent speeding.

The Local Highway Services Group Manager outlined the response to the petition, as contained in the agenda. It was explained that Westcar Lane had been added to the Boroughs Speed Management Plan and that speeds would be monitored on a six monthly basis with additional enforcement carried out. The Police had also agreed to place a temporary Vehicle Activated Sign (VAS) in Westcar Lane on a rotational basis as part of their ongoing speed management programme. The police would also provide random speed enforcement and offer Community Speed Watch training through their regular panel meetings.

The Committee discussed whether the introduction of signs stating that the road was unsuitable for HGVs would be beneficial but ultimately felt that they would provide little value.

RESOLVED: That

- i. the officer response be noted.

With the permission of the Committee, one late letter of representation was admitted to the agenda:

Ash Island – Request for Residents of Ash Island to be included in the Area G Permit Scheme

A petitioner spoke at the Committee to request that residents of Ash Island be made eligible for resident parking in permit zone G. The petitioner explained that at the last meeting of the Local Committee members had agreed not to include Ash Island residents in permit zone G as there was a concern that there would be insufficient parking for other residents. However, residents were now having to park their car a considerable distance from their homes, despite there being plenty of spare capacity within zone G.

Councillor Nigel Cooper stated that he was aware of the concerns and that, provided there was capacity for all residents, he supported the petition.

The Parking Project Team Leader, Rikki Hill, stated that the original intention had been to include Ash Island residents in permit zone G and officers would therefore support such a decision.

RESOLVED: That

- i. the letter of representation be noted;
- ii. the Parking Officer's verbal response be noted;
- iii. residents of Ash Island be included in eligibility for permits in the Area G permit scheme;
- iv. the County Council's intention to make the above change and amend the relevant traffic regulation orders be formally advertised, and subject to statutory consultation;
- v. any unresolved objections to the advertised proposals be dealt with according to the council's constitution.

8/12 PUBLIC QUESTIONS [Item 8]

There were two public questions received as set out in Annex A with the answer. Supplementary question were asked and answered on these questions.

9/12 MEMBER QUESTIONS [Item 9]

There was one member questions received as set out in Annex B with the answer.

Councillor John O'Reilly stated that he was not happy with the answer provided, particularly as it implied that the signs never existed. He stated that there was no question that the signs had been removed by Surrey County Council and requested that they be replaced. It was agreed that Councillor Margaret Hicks would discuss the replacement of the signs with Councillor O'Reilly outside of the meeting.

10/11 LOCAL COMMITTEE PROTOCOL [Item 10]

The Community Partnership and Committee Officer for Elmbridge, Damian Markland, informed Members that the Local Committee was able to make minor variations to the Standing Orders set out in the Council's constitution in order to improve public engagement at meetings. This was referred to as the Local Protocol and the wording that had been agreed for the municipal year 2011/12 was attached for reference. The Community Partnership and Committee Officer suggested that the Committee may wish to add an additional paragraph to the Local Protocol which would allow it to consider more than three petitions without having to suspend standing orders. Members agreed with the proposal.

RESOLVED: That

- i. the Local Protocol set out in Annex A of the report be agreed for the municipal year 2012/13, subject to the inclusion of the following paragraph:

"The Chairman reserves the right to consider more than three petitions at a single meeting, should they consider it to be in the best interests of residents"

11/12 PROPOSALS FOR THE PERMANENT REMOVAL OF A307 TARTAR HILL FOOTBRIDGE, PORTSMOUTH ROAD, COBHAM [Item 11]

The Committee received a report from the Highway Structures Team Leader which outlined proposals for the removal of Tartar Hill Footbridge in Cobham.

It was explained that the footbridge had been hit by an overheight vehicle on 23 January 2012. There were no pedestrians on the bridge at the time but the main span had been damaged and was to be removed for safety reasons. Prior to this incident, the bridge was last

hit in March 2010 but the 2012 strike was the first one to result in severe damage.

The collision in January prompted consideration of whether it was appropriate to continue to maintain a sub-standard footbridge, particularly given the low proportion of pedestrians that chose to use it. Based upon available data, Surrey County Council did not consider it appropriate to continue to maintain a footbridge in this location and the footbridge was therefore due to be removed. It was confirmed that alternative crossing facilities would be installed to replace the bridge, with the cost of this covered by structures budget.

Whilst the decision concerning the removal of the bridge was one that could be taken by officers, it was felt that the Local Committee should be involved in the development of alternative crossing facilities.

Councillor John Butcher raised concern that officers were able to take the decision to remove the bridge without having to seek Committee approval. In particular he drew reference to Part 3 of the Council's constitution (Section 3) which stated that officers may not "declare land or property surplus to requirements".

In response, the Highway Structures Team Leader stated that having sought legal advice, "property" was taken to mean real-estate and therefore not applicable to Tartar Hill Footbridge. She assured the Committee that the decision did rest with officers and that the purpose of coming to Committee was to both keep Members informed and ensure that they could have input into the development of alternative crossing arrangements.

Councillor Butcher stated that irrespective of whether the decision was constitutionally permissible, he was not comfortable with the way in which the process had been handled. Whilst he welcomed the opportunity for the Local Committee to help determine alternative crossing facilities, he was worried that having to wait for the next available meeting for a decision could potentially result in a situation where pedestrians had no suitable crossing point.

Councillor Dorothy Mitchell stated that provided a fully controlled pedestrian crossing was installed, she did not believe the bridge was necessary. Councillor Jan Fuller agreed, stating that the nature of the bridge made it unsuitable for many individuals anyway, particularly those with reduced mobility.

RESOLVED: That

- i. The content of the report be noted;

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- ii. Officers put together detailed proposals for a controlled pedestrian crossing facility for consideration and agreement by the Local Committee;
- iii. 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 and relevant Borough Members) should a decision be required before the next meeting of the Elmbridge Local Committee;
- iv. The matter be brought back to the Elmbridge Local Committee should a controlled pedestrian crossing facility not be feasible.

12/12 HIGHWAYS UPDATE – PROPOSED 2012/13 PROGRAMME [Item 12]

The Committee received a report from the Local Highway Services Group Manager which set out proposed budget allocations for the development of the 2011/12 programme.

The Officer outlined the report and explained that Members had made it clear at a workshop that they wished to allocate £40,000 to each Division in addition to their Community Pride budget. The proposals contained in the report provided a pragmatic approach to how this could be achieved whilst also providing the facility to undertake schemes of high priority across the Borough.

The Chairman of the Elmbridge Local Committee stated that he fully supported the proposals set out in the report and felt confident that the proposed budget allocations would give local Councillors much more control over the type of work carried out in their respective areas. He stated that it was important that County Councillors worked closely with Borough Councillors to identify required work and suggested that Members put together a clear spreadsheet to assist highway officers. The Chairman also proposed that Members should have until the end of November 2012 to allocate funds to projects and that, after this point, the local highway engineer have permission to use unallocated funds as they saw fit.

Following concern that not all Members would have time to identify all highway issues that required attention, the Chairman explained that the local highway engineer would also be providing Members with potential schemes and that the proposals simply gave local councillors more control over spend.

In response to a question from Councillor Peter Hickman, the Local Highway Services Group Manager informed the Local Committee that

unallocated Community Pride funding from 2011/12 had been rolled forward into 2012/13 on a Member basis.

In response to a question from Councillor Jan Fuller concerning missing school warning signs on Leatherhead Road, the Local Highway Services Group Manager stated that he would chase.

Councillor Peter Harman informed the Committee that he was very interested in seeing the development of the parking area at Weybridge Station (on the south side of the railway line) and wondered whether the proposed introduction of a crossing facility on Brooklands Road could be combined with this wider work. He suggested that a meeting between Surrey County Council's Highway team, South West Trains and Elmbridge Borough Council would be beneficial. Highway Services Group Manager stated that this sounded sensible and that he would feed back the request.

RESOLVED: That

- i. The proposed revenue allocations in Table 1 of the report be agreed;
- ii. The proposed capital Integrated Transport Programme in Table 2 of the report be agreed;
- iii. The principles of the capital maintenance budget be agreed;
- iv. Further to (i) and (ii), authority be delegated to the Area Manager in consultation with the Chair and Vice Chair and locally affected Members to amend budgets throughout the year if required to ensure the budget is allocated and spent in a timely manner;
- v. the proposed Community Pride allocation per Member be agreed;
- vi. A cut-off point of End November 2012 for any unallocated funds to be reallocated if appropriate elsewhere in the Borough be agreed;
- vii. Should a County Member not respond within two weeks to a proposed project put forward by the Maintenance Engineer, the Maintenance Engineer be permitted to proceed.

13/12 PARKING UPDATE [Item 13]

The Committee received a report from the local Parking Project Team Leader which asked Members to consider minor amendments to the parking controls in Elmbridge and provided an update on progress in other areas.

Councillor Ian Lake informed the local Parking Project Team Leader that some residents in Pine Grove had concerns over the proposed introduction of double-yellow lines, particularly as many had expressed their dislike of the proposals during the prior consultation. The officer stated that the proposals were currently being formally advertised and that residents had a statutory period of 28 days to object. This applied equally to other residents potentially affected by the new parking scheme. Any objections would be considered and discussed with the Chairman, Vice-Chairman and relevant Borough Members. The Parking Project Team Leader also informed Councillor Neil Luxton that he was aware of the issues concerning bus clearway markings in Walton and was looking into the matter.

RESOLVED: That

- i. The residents of 15, 15A and 19 Bridge Road be removed from eligibility for permits in the East Molesey CPZ and included in eligibility for permits in the Area G permit scheme (in Hurst Road, Riverbank and Feltham Avenue);
- ii. Business permits A be renamed business permits G;
- iii. The county council's intention to make the above changes and amend the relevant traffic regulation orders be formally advertised, and subject to statutory consultation;
- iv. Any unresolved objections to the advertised proposals be dealt with according to the council's constitution;
- v. Bus stop clearways be installed in the bus stand in Central Square, West Molesey at any time and at the bus stops outside Oak Lodge and 1Embercourt Road and next to Imber Cross in Embercourt Road, Thames Ditton between 7am and 7pm);
- vi. The outcomes of the informal consultations detailed in Annex A be noted.

14/12 APPROVAL OF YOUTH SMALL GRANTS BIDS [Item 14]

The Committee received a report from the Assistant Director for Young People which requested that the Local Committee consider the applications received for the Youth Small Grants Allocation and make decisions on the allocation of funding.

The Youth Contract Performance Officer, Jeremy Crouch, explained that as part of the transformation of Services for Young People, the Local Committee had been allocated a Youth Small Grants fund to deploy for the year 2012/13. The Committee were asked to approve the officer recommendations as set out in Appendix B of the report.

Following a question from Councillor Margaret Hicks, the officer explained that the Youth Task Group would be responsible for overseeing the use of the money once allocated and that Members on the Group may wish to visit organisations to see how the projects were progressing.

RESOLVED: That

- i. The bids received be noted;
- ii. The recommendations as set out in Annex B of the report be agreed.

15/12 CHAIRMAN'S REPORT [Item 15]

The Committee received a report from the Chairman which set out the work of the Elmbridge Local Committee and the wider work of the Community Partnership Team in Elmbridge during 2011/12.

RESOLVED: That

- i. The report be noted.

16/12 REPRESENTATION ON OUTSIDE BODIES / TASK GROUPS [Item 16]

The Committee received a report from the Community Partnership and Committee Officer for Elmbridge which requested the appointment of Local Committee Members to outside bodies and task groups for the 2012/13 municipal year. The report also requested that the Local Committee agree the terms of reference for its task groups.

RESOLVED: That

- i. Councillor Margaret Hicks be appointed to represent Surrey County Council on the Elmbridge Community Partnership for the municipal year 2012/13;
- ii. Councillor Ernest Mallett be appointed to represent Surrey County Council on the Elmbridge Business Network for the municipal year 2012/13;
- iii. The terms of reference for the Elmbridge Parking Task Group and the Elmbridge Youth Task Group, as set out in Annexes A & B of the report, be approved;
- iv. The Chairman, Vice Chairman and Borough Portfolio Holder for Highways be appointed to the Elmbridge Parking Task Group for the municipal year 2012/13;
- v. County Councillors Margaret Hicks, Nigel Cooper and Ernest Mallett, and Borough Councillors Ramon Gray, Barry Fairbank and Peter Harman be appointed to the Youth Task Group for the municipal year 2012/13.

17/12 LOCAL COMMITTEE FUNDING [Item 17]

The Committee received a report from the Community Partnership Team Leader (East) which set out the funding available for Local Committee County Councillors' allocations and community safety for 2012/13, and requested that the Local Committee give consideration to the funding requests received. The report also provided a summary of the projects that the Local Committee's member allocations funded in 2011/12

RESOLVED: That

- i. The summary of the local committee's Member Allocation expenditure in 2011/12 as detailed in section 2 of the report be noted;
- ii. The items presented for funding from the Local Committee's 2012/13 revenue funding as set out in section 3 of the report be agreed;
- iii. The items recommended for funding from the Local Committee's 2012/13 capital funding as set out in section 3 of the report be agreed;
- iv. The expenditure previously approved by the Community Partnerships Manager and the Community Partnerships Team

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Leader under delegated authority, as set out in section 4 of the report, be agreed;

- v. Any returned funding and/or adjustments, as set out within the report and also in the financial position statement at Appendix 2, be noted;
- vi. That the community safety budget of £3160 that has been delegated to the Local Committee be transferred to the Elmbridge Community Safety Partnership and that the Community Partnership Manager authorise its expenditure in accordance with the Local Committee's decision, as detailed in section 5 of the report.

The meeting concluded at 18:20.

Chairman's signature

APPENDIX A

SCC LOCAL COMMITTEE IN ELMBRIDGE – 14 June 2012

AGENDA ITEM 8

PUBLIC QUESTIONS

Question 1 : Tony Palmer, Weybridge Society Transport Panel

The committee will remember that the Weybridge Society presented a petition in February 2010 regarding transport issues in Weybridge.

Our most recent opinion survey shows that the concerns of Weybridge residents expressed at that time still remain, with the highest concerns being:

1. Improving road maintenance, including drains and potholes;
2. Restricting through traffic by large/articulated HGVs, possibly by regulation or charging;
3. Safer road design, for example the Station roundabout and Heath Road bend;
4. Safer footpaths, for example Heath Road, and;
5. Improving Public Transport

Especially given the impending application by Morrisons for another large store in Weybridge, for which there will no doubt be a proposal for large HGV movements to supply the store, can we ask the Committee to commit to finding ways to exclude articulated HGV through traffic from Weybridge? Particularly from the B roads (Heath Road, Hanger Hill, St Georges Avenue and Brooklands Road) which are too narrow for such unnecessary traffic.

Please note that we still have not had a formal response to our Feb 2010 petition and we would ask that a response to this specific question on HGVs be followed by answers to the other points.

The Chairman will give the following response:

Further to receipt of the petition to the Local Committee in 2010, it is understood that a meeting was held with the Weybridge Society involving Highways Officers to better understand the issues and develop a way forward. It was understood that the petitioners were content with this approach rather than officers providing a response at the following Committee.

Since the meeting two phases of restructure have taken place and there are several vacancies within the Team which are being recruited to. It is proposed that once these are filled and the new Area Team Manager takes up his post at the end of July there should be scope for a meeting between a representative of Highways and the Weybridge Society, if this is required.

APPENDIX A

SCC LOCAL COMMITTEE IN ELMBRIDGE – 14 June 2012

AGENDA ITEM 8

PUBLIC QUESTIONS

Question 2: Gerald Gilbert, Weybridge

Surrey is reputed to have the worst roads in England, with a repairs backlog of £400 million in highways and £250 million in associated structures. While this backlog is being cleared, further deterioration will take place, and slow down the recovery programme. The expenditure by existing contractors is running at some £40 million a year, and the five-year Medium Term Financial Plan for Capital and Revenue Expenditure on Highways does not suggest that the backlog will be cleared for a long while, if ever.

Does this Committee have a breakdown of the backlog within Elmbridge in terms of mileage and estimated cost; and can it give residents any assurance of when the backlog will be cleared and normal routine service resumed?

The Chairman will give the following response:

Work has recently been undertaken to identify the carriageway backlog in each district and borough in Surrey. As a result I can confirm that Elmbridge has a backlog estimated at £30m within a range of figures from £12m minimum to £69m maximum.

Capital programmes continue to be prioritised in accordance with criteria approved by the Cabinet and investment is based on need assessed across the County. We are currently promoting the introduction of an extended, five-year programme of works to provide efficiencies and greater certainty of funding but it is unlikely that we, or any other authority, will seek to completely remove the backlog. Instead we will seek to achieve a manageable backlog for our various highway assets, including carriageways, with appropriate lifecycle strategies in place to ensure they are then suitably maintained.

APPENDIX B

SCC LOCAL COMMITTEE IN ELMBRIDGE – 14 June 2012

AGENDA ITEM 9

MEMBER QUESTIONS

Question 1 : Cllr John O'Reilly, Elmbridge Borough Council

The "Welcome to Hersham" signs that greeted visitors when they approached Hersham from the Seven Hills roundabout were removed a number of years ago in preparation for significant infrastructure work in the area. The signs have yet to be replaced.

Could the Chairman inform the Committee where the signs currently reside and when they will be restored?

The Chairman will give the following response:

There are a number of existing signs that officers feel are sufficient for purpose. There appears to be no record of any missing.

Members would be advised that excessive signage can create confusion to highway users and should only be installed where there is an evidenced need.

OFFICER REPORT TO LOCAL COMMITTEE (ELMBRIDGE)

PETITION RESPONSE REQUEST FOR TRAFFIC CALMING MEASURES AND HGV RESTRICTIONS IN WEYBRIDGE

10 SEPTEMBER 2012

KEY ISSUE

To provide Members with an Officer response to the petition submitted to the Local Committee.

SUMMARY

A petition has been received signed by 203 signatories requesting traffic calming measures and Weight Restrictions to be placed in Weybridge.

OFFICER RECOMMENDATIONS

The Local Committee (Elmbridge) is asked to:

- (i) Note the content of the report

1 INTRODUCTION AND BACKGROUND

- 1.1 A petition signed by 203 signatories has been submitted to the local office by the Weybridge Society. The full details are as follows:

We the undersigned petition Surrey County Council, Elmbridge Borough Council and Surrey Police to better safeguard and protect pedestrians, cyclists and residential property in our area; by the provision of traffic calming, speed camera, traffic speed enforcement, safe crossings, cycle tracks, wider footpaths and restrictions on HGV traffic to and from the M25/A3.

2 ANALYSIS

- 2.1 As Highway Authority Surrey County Council shares the aspirations of the Weybridge Society to protect pedestrians and cyclists in Weybridge. Safe transport is one of the four objectives for the Surrey Transport plan: "To improve road safety and security of the travelling public in Surrey".
- 2.2 If the Weybridge Society is aware of any specific road safety concerns then the council would be pleased to investigate and respond to these.
- 2.3 The petition cites a range of measures that may be applied to solve different concerns, all of which have been deployed, installed or employed by the Council in various locations in recent years. The response to a specific concern would depend on its individual merits, its relative priority compared to other concerns and the feasibility of different solutions available.
- 2.4 The petition suggests restrictions on HGV traffic to and from the M25/A3. It would not be feasible to introduce any such restrictions on the principal route network, as this would obstruct legitimate commerce. Likewise it would not be feasible to restrict HGV access to and from legitimate destinations, industrial/commercial destinations, and properties for deliveries, etc. On the other hand if HGV drivers are using unsuitable routes, for example residential side streets or rural lanes for no other reason than to shorten their journey, then restrictions could be considered to encourage the use of the principal route network. Again the Council would investigate any reported inappropriate routes used by HGV drivers if the Weybridge Society has any specific concerns.

3 OPTIONS

- 3.1 The Council will be happy to investigate any specific concerns of the Weybridge Society.

4 CONSULTATIONS

- 4.1 No consultation is required at this time.

5 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

5.1 None.

6 EQUALITIES AND DIVERSITY IMPLICATIONS

6.1 None.

7 CRIME AND DISORDER IMPLICATIONS

7.1 None.

8 CONCLUSION AND RECOMMENDATIONS

8.1 To note the content of the report.

9 REASONS FOR RECOMMENDATIONS

9.1 No specific areas have been highlighted as a cause of concern.

10 WHAT HAPPENS NEXT

10.1 The Council will be happy to investigate any specific concerns of the Weybridge Society.

| | |
|---------------------------|--------------------------|
| LEAD OFFICER: | Nick Healey |
| TELEPHONE NUMBER: | 03456 009 009 |
| E-MAIL: | highways@surreycc.gov.uk |
| CONTACT OFFICER: | Adrian Selby |
| TELEPHONE NUMBER: | 03456 009 009 |
| E-MAIL: | highways@surreycc.gov.uk |
| BACKGROUND PAPERS: | None |

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OFFICER REPORT TO LOCAL COMMITTEE (ELMBRIDGE)

ALLEGED PUBLIC BYWAY OPEN TO ALL TRAFFIC (BOAT) ALONG ESHER PARK AVENUE, Esher – CP540

10 SEPTEMBER 2012

KEY ISSUE

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 and where arises under section 31(1) and (2) of the Highways Act 1980 (HA 1980) an unrebutted presumption of dedication of a way as a public right of way as a result of 20 years of use without force, secrecy or permission, the 20 year period ending with the date when the right of the public to use it was brought into question.

SUMMARY

Mrs Joan Liefer submitted an application for a Map Modification Order (MMO) to add the above public BOAT running along Esher Park Avenue (EPA) from point A-J as shown on drawing 3/1/77/H21, to the Surrey County Council DMS.

It is for the party who asserts that a highway exists to prove its existence and extent. Land can become a highway either by statutory process or by dedication by the landowner and acceptance by the public. Dedication and acceptance can be express or implied. To find implied dedication there must be evidence from which an intention to dedicate can be reasonably inferred or presumed. Acceptance of dedication by or on behalf of the public can be established by use, or in appropriate circumstances by other evidence. Evidence can be documentary and/or user evidence. The evidence submitted in support of the application is considered sufficient on the balance of probabilities to establish that public BOAT rights subsist or are reasonably alleged to subsist having been acquired by statutory presumed dedication under s. 31(6) of the Highways Act 1980 between 1972 and 1992. In this case however the mechanically propelled vehicular (MPV) element of those rights have since been extinguished by s. 67(1) of the Natural Environment and Rural Communities Act (NERCA) 2006. It is

therefore considered that only a public restricted byway is reasonably alleged to subsist over the route. A map modification order to modify the definitive map and statement by the addition of a restricted byway should be made under s. 53 of the WCA 1981.

OFFICER RECOMMENDATIONS

The Elmbridge Local Committee is asked to agree that:

- i. Public restricted byway rights are recognised over A-J on plan 3/1/77/H21 and that this 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 restricted byway over a route along Esher Park Avenue (EPA), from point A at Littleworth Avenue, past its junction with Sandown Avenue at H to point J, just before its junction with Old Church Path, Esher is approved. The route will be known as public restricted byway No. 94 (Esher).
- ii. A legal order should be made and advertised to implement these changes. 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.

1 INTRODUCTION AND BACKGROUND

- 1.1 In January 2010 the County Council received an application from Mrs Joan Maclean Leifer of 1 Littleworth Avenue, Esher (dated 9 January 2010) under the provisions of the WCA 1981 for a MMO to modify the definitive map and statement by the addition of a public BOAT along (part of) EPA shown A-J on plan 3/1/77/H21. A total of 168 user evidence forms were submitted in support of the application and two maps dated 1940 and 1957. For legal background see **Annex A** to this report.
- 1.2 The route is located in the town of Esher commencing from point A on the order plan located about 12 metres north west of the junction of EPA with Littleworth Avenue in a generally north westerly direction past junctions with Rosebriars (B and C), Broomfields (D), Acorns Way (E), Cranford Rise (F) to point G. It then continues in a generally northwesterly direction past its junction with Sandown Avenue (H) and I to point J, 10 metres south of Old Church Path.
- 1.3 There are currently gates located at points A, G and J. A and G are constructed in two parts with only one half closed. The other is generally left open. The gates at A and G were erected during 2011 to replace existing gates and have the potential to be electronically controlled by sensor. The gate at point J is of an older, wooden, non-electric design. Only one half is in position at the current time. It is not known if the other half was removed or never installed, but was not there in February 2010. Before their replacement the gates at A and G were also of this design, with a swinging bar (mostly) always open.
- 1.4 The way consists of a well maintained metalled surface, grass verges and a separate footpath, mostly surfaced with shingle or similar loose surfacing. The total width from fence to fence over all three sections is on average about 15 metres. The route is lined by large residential properties and has junctions with several cul-de-sacs. There are several speed humps in place, a variety of informative and warning notices¹ and closed circuit television cameras at points A and G.
- 1.5 A large body of evidence has been submitted in rebuttal of this claim by Pennington's Solicitors LLP on behalf of the Esher Park Avenue Residents Association (EPARA) and of Esher Estates Limited (EEL). This includes 163 bespoke questionnaire forms completed by residents and their guests and two bundles of historical and observational material.
- 1.6 This report considers all of the evidence submitted and that uncovered by the County Council and then reviews how this should be interpreted in the light of the NERCA 2006.

2 ANALYSIS

PUBLIC USER EVIDENCE FOR THE ROUTE:

- 2.1 168 people completed public user evidence forms, collectively showing use of the route from 1935-2011. A total of 76 years. Officers interviewed five claimants.
- 2.2 The mode of use varied considerably with use on foot, bicycle and in a motorised vehicle. There was no clear indication of use on horseback. The distribution of use through time is as follows, although substantial use in MPVs did not begin until the 1960s.

| | |
|------------|-----------|
| On foot | 1935-2011 |
| By bicycle | 1945-2011 |
| In a MPV | 1945-2011 |

There was also a wide distribution in the frequency of use as follows:

| | Minimum use | Maximum use |
|------------|--------------------|----------------|
| On foot | 2 (Form 8) | 520 (Form126) |
| By bicycle | 10 (Forms 43, 121) | 140 (Form 27) |
| In a MPV | 4 (Form 28) | 400 (Form 127) |

- 2.3 The status actually claimed by users did not always coincide with their actual use. All users claimed the status of BOAT except for users 129 and 157 who claimed footpath.
- 2.4 The way was used for a combination of business and pleasure. Many users commented that it was a short-cut between Claygate and Esher High Street and other facilities such as the Library, shops, banks, surgery and church. Others used it to get to school or merely for the pleasure of walking, visiting friends and exercise. All had used the route openly and remembered that it had always followed the same route.
- 2.5 It was described generally as a sealed or tarmac road with grass verges and shingle or gravel footpath. It was noted that latterly it had speed humps. Several of those who had used it for a longer time indicated that it was once unmade. Other comments included that it was previously badly surfaced; unmade and unsurfaced; driveable with care; never disastrously pot-holed; required moving from side to side; never terrible and quite easy to drive along.
- 2.6 All of the users (who completed the question) mentioned that they had seen both gates and signs. Most referred to the predecessors of the current double gates at 'A' and 'G'. These are generally referred to as having been there for around 20 years or since 1990. Only one user, Mrs Harty [31] ever records that these were closed for the street party in 2009. She states that plastic tape was put across the way at this time. Other comments included that the gates were replaced recently; that users were never stopped from going through them; that the gates are never closed; that there were no gates years ago; and that there were no gates in the 1960s.

- 2.7 Many of the users referred to various signs and notices which have been erected and approximately when they appeared. The signs stating 'private road' and 'no parking' were widely referred to as having always been there, but at least 30 of the forms indicate that the 'no public right of way' signs were not there until (summer) 2009. Several also noticed signs regarding the safety of children. Other comments regarding notices include that there had been nothing to challenge use except the private signs; that the route had always been used so the signs were never a concern and that notices could not be recalled.
- 2.8 These comments suggest that what notices were there did not deter use by the public and were not deemed to be a challenge to use. It also seems clear that the number and 'strength' of the notices has increased in recent years.
- 2.9 Not all users provided detailed information to indicate their levels of use. Many who claim to have cycled the route did not provide any details of 'how often'. It is possible however to examine the levels of use on foot and in a MPV². Over the average year it appears that EPA is used 9216.5 times on foot, which equates to an average of 25.25 uses per day. The route is used 16109 times in a MPV, which equates to an average of 44.13 uses per day. This latter number seems quite substantial, but if for example it takes 1.27 minutes for the average car driver to travel the claimed length of EPA (at 20mph) which is 764 metres, this is only 56 minutes of the day when the route is being used by the public, or approximately 3.75% of the possible time. Given that it is likely that some use will be simultaneous then this percentage will be smaller still. The chances that the landowner and frontagers would regularly see users and have opportunity to challenge them therefore seems quite low.
- 2.10 Please see Conclusion and recommendations for a discussion of user numbers and NERCA 2006.
- 2.11 A bar chart and summaries of the evidence contained in the forms can be seen in **Annex B**.

LANDOWNERS EVIDENCE

- 2.12 Section A-G of EPA has been owned by EPARA since 2001. Section G-J is owned by Esher Estates Limited with the current title dating to 2005 but with origins in the early 1900s. EPA is fronted by approximately 50 properties, some of which are split into flats.
- 2.13 A bundle of evidence was submitted by Penningtons Solicitors LLP in June 2011 on behalf of EPARA and EEL consisting of documentary and observational material including 3 witness statements, 1 statutory declaration. 163 questionnaire forms were also completed by residents and their invitees in rebuttal of the claim. These supplemented an earlier bundle submitted in March 2010. I summarise below their objections to the claim:

² Some interpretation of the numbers is required however given that some users provide a 'range' of numbers whilst others refer generally to, weekly, daily etc.

2.14 SECTION 67 OF THE NERCA 2006: The effect of s. 67(1) Natural Environment and Rural Communities Act 2006 is that any public right of way over the Avenue claimed by the applicant would have been extinguished.

2.15 USER EVIDENCE FORMS: There are a large number of material and very substantial inaccuracies in the forms submitted, in particular the road signs have been inaccurately described and dated.

2.16 INTENTION TO DEDICATE A PUBLIC RIGHT OF WAY: There must be an intention on the landowner to dedicate a right of passage over that land to the public at large. Steps have been taken to evidence a lack of intention.

2.17 NOTICES

- I. During WW2 existing gates were taken down to allow military and emergency access but signs stating "Private" and "private road" were put in place to show no intention to dedicate.
- II. Signs displayed to the public at both the Sandown Avenue and Milbourne Lane ends of the Avenue.
 - A large white sign on the right hand side of the road stating "PRIVATE/PLEASE DRIVE SLOWLY/LOOSE SURFACE/LOOK OUT FOR CHILDREN" (for at least 50 years).
 - A red sign on the left hand gate, stating "PRIVATE ROAD/STRICTLY NO PARKING" (Since April 2006).
 - An information sign showing "NO THROUGH ROAD FOR VEHICLES" (since 1993).

And in addition only at the Sandown End.

- A white sign under on the no through road for vehicles signs, stating "NO PUBLIC RIGHT OF WAY". (since 1992 at the latest).
- III. Mr Ekberg, the former chairman of the EPARA also demonstrates in his correspondence that:
 - ...in April 1992 signs stating "no public right of way" were made and placed at either end of the Avenue".
 - In 1998 modified versions of the notices above were erected.
 - In 2002 "no parking" signs were put up.
 - In 2004 "private road" signs erected at Littleworth Road end.
 - In 2006 larger "private road/strictly no parking" signs were erected.

2.18 GATES

- I. It is alleged that gates were in place prior to WW2 but were taken down for access reasons. No evidence has been supplied to support this. The current gates were installed in April 2011 to replace gates installed during 1991-1992.
- II. There are double-gates at both ends across the road. Before those installed in 2011, the previous gates had a five-bar white wooden gate on the left hand side with a red sign erected on it. These were always closed permanently except to allow entry to rubbish disposal lorries. The right side has a single bar which meets the other gate when closed, but which is normally left open to allow access for residents.

2.19 RESTRICTIONS ON ACCESS

- I. Gates were closed for one day in September 2009 and June 2010 for residents street parties
- II. From June 1992 the gates were closed at residents request at the Milbourne end to prevent increased traffic during widening works on Claremont Lane. The works took 6-9 months and the gates were closed throughout. It
- III. Efforts have been made to restrict parking, for example by writing to those involved and explaining that parking and access are not permitted.
- IV. From time to time directors have told people (and schools) not to use EPA by stopping cars, alerting owners of parked cars and informing non-residents consistently that EPA is a private road with no public rights of way over it.

2.20 ROUTE PLANNERS/SAT-NAV: EPA is not depicted as a public highway on satellite navigation equipment nor by route planners.

2.21 CORRESPONDENCE WITH ELMBRIDGE BOROUGH COUNCIL (EBC): In 1993 and 1998 letters were exchanged between EBC and EPARA. In these letters EBC considers that full highway rights exist along EPA and complained about the erection of new signs. EPARA responded replying that it was not accepted that public rights existed and that any proceedings would be vigorously defended. EPARA also stated that there had never been an intention to abandon the right of way over EPA and it should never have been inferred.

2.22 EPARA sought advice from Lord Denning and has thereafter followed his advice which is summarised below:

- Elbridge as Borough Council are not the Highway Authority and are wrong to claim they are acting as agent of the County Council who's responsibility it is to assert and protect public rights. The opinion of the Borough was therefore irrelevant.

- With regard to the Highways Act 1980 the evidence was clear that Esher Park Avenue was a private road and that notices and gates had been erected to assert this. He thought this was sufficient to establish Esher Park Avenue as a private road not a highway.
- They should contest any suggestion that the Avenue is not private and continue to maintain it as a private road.

2.23 COMMUNICATIONS AND PUBLICATIONS:

- I. A letter was sent and published on 8 July 1992 to Esher News and Mail setting out the background to the signs and gates and the lack of intention to dedicate EPA as a public right of way.
- II. A note was prepared for discussion by EPARA directors on 16 June 1992 regarding the status of EPA and the responses which might be made should complaints be received from members of the public.
- III. EPARA wrote to Mr J Maguire following an article in the residents magazine concerning EPA, outlining to him their lack of intention to dedicate.
- IV. In May 1994 the Liberal Democrats published a leaflet including a section regarding the status of EPA. EPARA wrote to Councillor Heaney confirming that private notices had been in place since at least 1945 and were sufficient to demonstrate their lack of the intention to dedicate.
- V. Letters objecting to planning applications from 2006 stated that EPA was a private road.

2.24 THREE WITNESS STATEMENTS supporting and contributing to the above evidence were submitted. In addition to the evidence already outlined they added the following:

- I. Mr John Bentley, Director of Esher Estates Limited;
 - *As a child (in the 1950, 60s and 70s) EPA was very quiet except for deliveries.*
 - *Sleeping policemen were installed in 1995-96.*
 - *The road remains quiet except during the school run.*
 - *A sign that children were playing in the road went up in about the 1950s.*
- II. Mr Laurence Guy Greaves, Chartered Surveyor.
 - *Sandown Road was made up during the war but EPA wasn't until 1987/8.*
 - *I do not recall there being gates on EPA since the war...the gates were introduced as a traffic measure.*
 - *The roads at each end were better quality and not busy so EPA and Sandown were rarely used as through routes. People did walk along it as a short-cut to Claygate however.*
 - *Traffic increased after 1987 due to the increase in the number of residents.*

- III. Mr Paul Dominic Hamill, resident of EPA and former Director of EPARA
 - *Reference is made in the minutes of Esher Estates to the “construction of the new road connecting both ends of Esher Park on 22 December 1913. It is described as in bad repair by 22 October 1914.*
 - *Complaints were received about the road in 1930 and 1946.*
 - *The Estate was closed to the public one day in 1907, 1913, 1920, 1934, 1936 and 1938. The District Council was informed.*
 - *Some of the evidence forms claimed access before 1988 but I doubt this is the case as it was in such poor condition.*
 - *A postcard photo taken between 1940-60 shows the rough state of the road and a lack of traffic.*
 - *Mr Freeman of EBC confirmed on 24 May 2010 that EPA was a private road.*

2.25 A STATUTORY DECLARATION was also submitted by Jennifer Reid, Penningtons Solicitors LLP.

- I. The Director of Esher Estates who was also the chairman of the EPARA wrote to Elmbridge in 1984 enclosing a brief title “Future Developments in Esher Park Avenue” which stated that it should remain a gravel road but re-graded and levelled, but with some speed restricting capability.
- II. EBC contributed to the cost of the reconstruction of the road as confirmed by their letter of 13 October 1988.
- III. An article in the Esher News and Mail on 7 January 1987 explained actions by residents of EPA to non-residents parking in their road. This includes a photograph of a notice stuck on a windscreen stating: “Do not park. Esher Park Avenue is private...please do not park here in future”
- IV. This position was confirmed by the deputy town clerk of EBC on 22 May 1990: “...measures initiated by the Association must not affect the section of EPA west of Church Path as this is regarded as public highway and parking is already controlled by means of waiting restrictions and parking bays. The same of course applies with regard to the erection of any gates...other their erection would amount to an obstruction of the highway..”.
- V. The EPARA replied that “the committee have also now agreed to erect a gate which again will not affect the Church but will be on our section of private road”.
- VI. A letter from Ian Hendrie to Roy Ekberg of EPARA dated 31 January 1991 explained that on erection of the gate that it: “...be closed, with padlock from say 7am-1pm and from 2pm to 6pm in the first three days (or week) after installation. Thereafter the gate be left open at all times. If it is found that local traffic uses the open half then, for a further period of time the gate should be shut, without padlock”.

2.26 163 USER QUESTIONNAIRES AGAINST THE CLAIM: were completed by individuals and submitted with the intention to rebut the user evidence forms and show that whilst use was made it cannot have been as of right. Nine of those who filled in these questionnaire forms were also interviewed. The main points from these are summarised below.

- I. All 163 of those who completed the form believed that it was a 'private road'.
- II. None thought there were any public rights, although seven then contradicted this and said it was a public footpath. Some are clearly not opposed to the recording of public pedestrian rights.
- III. The volumes of use were as follows:

| | |
|------------|-----------------------|
| On foot | 1985-2011 [total 39] |
| By bicycle | 1990-2011 [total 39] |
| In a MPV | 1955-2011 [total 149] |

| | |
|------------|-------------|
| | Maximum use |
| On foot | 730 |
| By bicycle | 365 |
| In a MPV | 1800 |

- IV. The main reasons for using the route were to get to and from home; to visit friends and relatives; to visit shops or services in Esher, to get to work or for leisure and exercise.
- V. Every person had seen gates and notices along the route. All of them had seen notices which said 'private' and 'no public rights of way'. The earliest dates on which the signs were seen are as follows: Private: 1985; No public right of way: 1986; No through road: 1986, although the dates varied widely from 1985-2006.
- VI. 115 mention that the gates had been closed, most commonly for the street parties of 2009 and 2010 but also for road works in the early 1990s. 30 however did not recall the gates being shut at all.
- VII. Many stated that they were either residents, guests of residents or working for residents and that either meant they had implicit (or explicit) permission or that they did not need permission.
- VIII. Two individuals claim that they had been stopped whilst using EPA, one in the early 1980s.
- IX. EPA was referred to widely as a private road with access for residents, guests and contractors and no rights for the public although a very few believed there were public rights for pedestrians.

DEFINITIVE MAP

2.27 A map (1/47) prepared in 1947 for the purpose of the Rights of Way Act 1932 by Esher Urban District Council depicts all the rights of way considered by the Rural District Council to be public. There are NO public rights recorded over the route in question.

2.28 There are no records to suggest that the path was amongst those put forward for consideration at any stage in the compilation 1952 Definitive Map and Statement or any of the subsequent revisions in 1959 or 1966.

HISTORIC EVIDENCE

2.29 The route is not visible on Lindley Crosley's (1793), Colonel Mudge's (1816) or Greenwoods (1823) maps. No route equating to Esher Park Avenue is visible on any of these maps.

2.30 On the 25" 1869 1st Edition 1:2500 O.S. County Series map (XII:10) there is no sign of the route. There does appear to be an exit onto Claremont Lane from St. Georges Chapel south of 'the Bear' public house.

2.31 The County Series 1896 2nd edition shows a route closely equating to EPA. This runs from Milbourne Lane in a largely north-westerly direction from the point at which the current footpath 39A (Esher) meets the road. It has a junction with what later becomes Sandown Avenue and then continues to St. George's Chapel. The map does not indicate whether there is access beyond this point to Claremont Lane but double-pecked lines suggested some kind of route continues to the north of the chapel through to the High Street. At both ends the route is closed by solid lines which may indicate the presence of gates. The middle section of EPA (D-H) is not the same as that laid out today. It follows a more gently curving line throughout the whole of this length. The road is shown bounded by solid lines along its entire length with a fence to fence width approaching 10 metres. Within these solid lines are double pecked lines probably indicating a separation between verge and beaten track. A route following a similar but not identical line to Sandown Avenue is visible at this time. This runs eastwards to a lodge on New Road opposite the cricket ground.

2.32 The County Series 1913 edition shows an unchanged line but that some changes have occurred along its length and most particularly at both ends. The route now appears to run all the way through from Claremont Lane (from an exit next to The Bear public house) to Milbourne Lane. Both ends are now only enclosed by pecked lines which suggest a change of surface rather than the presence of gates. The road itself appears to have increased in width slightly (to 12m) at both ends but to have narrowed in a central section equating to D-G on the plan 3/1/77/H21. Some of the route is now bounded on its northern side by pecked rather than solid lines indicating that it is unfenced. Most of the route remains undeveloped. Sandown Avenue has been reconstructed to follow a more north-easterly route.

2.33 The 1938 edition shows significant changes. The central section of the route between D-G has been re-routed to initially run in a westerly and then a more northerly line to form a right angled bend. This has been accompanied by a widening of this section to a width similar to the two ends of the road (about 12 metres). Much of the route is lined by properties and other enclosed plots. The access points at both ends remain unchanged from the 1913 maps.

- 2.34 On the Ordnance Survey National Grid maps of 1957 (TQ 1364, 1464) the route remains unchanged as do the junctions it has with other roads. Once again there are pecked lines at each junction, but no indication of fixed gates. Considerable development has taken place along the route with several large properties. The mapping continues to show that a distinction was possible within the width of the route between track and verge.
- 2.35 Bacon's Large Scale Road Atlas of London and Suburbs (revised edition 1913) shows the claimed way in its pre-diversion state. EPA is not distinguished from any surrounding routes. The map contains no information about the status of the road. The Collins Bartholomew Map of circa. 1940 also shows the route in an identical fashion to those around it albeit shown along the newer diverted route.
- 2.36 On the mapping produced for the 1910 Valuation Act the land over which the claimed way runs appeared uncoloured along its entire length indicating that it was not subject to tax and therefore presumed to be a public highway by the Inspector of Taxes. It is the pre-diversion route which is shown uncoloured rather than that used today. The Ordnance Survey base map used appears to be an intermediate map between 1896 and 1913. Sections D-G on the plan 3/1/77/H21 are enclosed within hereditament 147 whilst A-D and G-J are uncoloured and little changed compared to the present day.
- 2.37 Maps prepared for the purposes of the Esher Tithe Act 1847 do not show the route.
- 2.38 The route is visible on the 1948, 1971, 1988, 1998 and 2006 aerial photographs although little can be interpreted about its status, although it appears little different from surrounding roads. The scales are insufficient to make out the presence of any notices. Gates can be identified on the 1998/9 and 2006 photograph at points A, G and J in the half closed position as they exist today.

DISTRICT/BOROUGH COUNCIL MINUTES

- 2.39 Over the years both EBC and its predecessor authority Esher Urban District Council (EUDC) have made attempts to formalise the status of EPA and other adjacent roads in the area. They have also taken actions to prevent the obstruction of these routes and develop formal policies towards them.
- 2.40 In minutes of the EUDC Highways Works committee dated 17 July 1952 the issue of car parking at the north-eastern end of EPA was considered. The committee was informed that EPA was a private street and that the Council had no power to incur expense on the maintenance or improvements thereof, except in their capacity as frontager.
- 2.41 On 7 April 1965 the same committee heard complaints from residents of EPA "concerning the annoyance and inconvenience caused to residents by the parking of cars therein". This was followed up on 19 January 1966 by a report indicating that the situation had got worse.

2.42 It is reported to the EUDC committee on 7 July that processes were underway to make a Traffic Regulation Order for (part of) Esher Park Avenue and that negotiations with the Commissioner of Police for an extension of any such order to its junction with Sandown Avenue was made but rejected.

2.43 In September 1968 “ as a result of the dangerous condition of the above mentioned two private streets” (Sandown and EPA) notice was served on certain frontagers requiring urgent repairs to be carried out in accordance with s. 204 of the Highways Act 1959”.

2.44 On 19 September 1974 Elmbridge Highways Committee considered a report regarding the position of the authority towards the closing of private streets and the erection of obstacles and notices. This confirmed that through the agency agreement with Surrey County Council they had a duty to (i.) Assert and protect the rights of the public and enjoyment of any highway in their area and (ii.) to prevent the stopping up or obstruction of a highway in the Borough. The report states that ‘power is granted under s. 124 (of the Highways Act 1959) to ... a district council which maintains the highway under the Local Government Act 1972’.

2.45 In October 1977 it was reported that “complaints had been received regarding the condition of EPA which provides access to the library and Council Offices. The road is a privately maintained one although it is probable that the public have gained vehicular rights over the entire length between the Bear and its Junction with Sandown Avenue”. It is not explained why they felt rights had only been acquired as far as Sandown Avenue.

3 OPTIONS

3.1 The committee may agree or disagree with the officer’s recommendations that rights have been acquired. Alternatively, they may decide that the evidence submitted shows that the routes should be of a different status to that recommended. Decisions can only be made on the basis of the evidence available. The above recommendation is based upon the evidence submitted and interpreted under the current legislation. Matters such as convenience, amenity, security or safety are irrelevant. (See Annex A).

4 CONSULTATIONS

4.1 No responses were received from EBC, Claygate Parish Council nor from the relevant County or Borough Councillors.

4.2 No responses were received from the following organisations/groups: Ramblers, British Horse Society, Open Spaces Society, Autocycle Union, Byways and Bridleways Trust, Green Lane Association (GLASS), Range Rover Register, Trail Riders Fellowship, Surrey Byways User Group, Land Access & Recreation Association, British Driving Society

- 4.3 Ms Sally Swain, former Development Control Engineer at EBC and Surrey County Council noted that she had received calls from residents expressing concerns about vehicular rights. She acknowledged that existing gates had been closed on occasions for events. She also notes that in 2002 she received complaints that the gates at the northern end of EPA were closed. At that time EBC took the view that full vehicular rights existed over EPA.

5 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 5.1 The cost of advertising a Map Modification Order would be approximately £1200, which would be met from the County Council's Countryside Access Budget. If objections are received and a public inquiry held, additional costs of around £1000 will also be met from the same budget. Most costs are fixed by our duties under Schedule 15 of the Wildlife and Countryside Act 1981.

6 EQUALITIES AND DIVERSITY IMPLICATIONS

- 6.1 Local Authorities are required to act to uphold European Convention rights which are now enforceable in British courts as a result of the Human Rights Act 1998. Primary Legislation, of which the Wildlife and Countryside Act 1981 is an example, may require the County Council to act in a particular way. While the Council must interpret primary legislation in a way that is compatible with Convention rights that duty does not apply if the County Council could not have acted differently. In this instance it is first necessary to consider whether the action recommended to Members touches on a Convention right. The making of this order may affect the rights of the landowner/occupier (paragraph 2.12) under Article 8 of the Convention, the right to a private and family life and Article 1 of Protocol 1, the right to peaceful enjoyment of one's possessions. The Act makes it clear that such rights may only be interfered with in a way that is in accordance with the law. Here the action by the County Council as surveying authority is prescribed by law as detailed in paragraph 8.2, 5 and 6 and Annex A of this report. As such the recommendation to the Members is not considered to be in breach of the 1998 Act

7 CRIME AND DISORDER IMPLICATIONS

- 7.1 This route has been in use for a substantial period of time. It is unlikely that legally recording it will have significant crime and disorder implications. Such issues cannot be taken into account when making a decision whether the public have acquired rights or not.

8 CONCLUSION AND RECOMMENDATIONS

- 8.1 A decision on this claim must be made on the legal basis set out in ANNEXE A to this report. The relevant consideration is whether the evidence is sufficient to

raise a presumption that public BOAT rights exist. Other issues such as amenity, safety, security or convenience are irrelevant.

- 8.2 Under Section 53 of the Wildlife and Countryside Act 1981, “the authority shall make such modifications to the Definitive Map and Statement as appear to them to be requisite in consequence of the discovery of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates”.
- 8.3 The documentary evidence shows the existence of the claimed route since at least 1896, although part of the route was diverted between 1913 and 1938. The Finance Act 1910 suggests that the route was considered to be public highway but this is not conclusive evidence. Other documents provide information regarding gates, notices and privately held intentions but are not definitive in establishing its status. The claim must rely on user evidence either by statute or common law.

Statutory test

- 8.4 In order to establish the rebuttable presumption, a claimant must show 20 years of use, ‘as of right’, that is not by force, secrecy or with revocable permission, actual or implied, and that use was ‘without interruption’ (i.e. without interference from the landowner by overt or identifiable acts preventing or significantly deterring passage). If this test is satisfied, the council must then decide whether deemed dedication is rebutted by sufficient evidence that there was no intention on the part of the landowner during the 20 year period that the route should be dedicated. This must be determined by examining the evidence.
- 8.5 Section 31 (1) of the Highways Act states that: “Where a way over any land other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication has actually been enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it”.
- 8.6 The period of 20 years referred to in sub-section (1) above is calculated retrospectively from the date when the right of the public to use the way is brought into question, in this case by the erection of ‘no public rights of way’ notices in 1992.

Common law dedication

- 8.7 An inference that a way has been dedicated for public use may be drawn at common law where the actions (or lack of) by the landowner indicate they intended a way to be dedicated as a highway and where the public have accepted it. Dedication may be express or implied from evidence of use by the public and of acquiescence to that use by the landowner. The period of use required to give rise to dedication at common law has never been defined and will depend upon its own facts.

8.8 Any recommendation must ultimately be made on the balance of probability³ but where there is conflicting evidence the council “must bear in mind that an order made under s. 53(2) WCA 1981 following a Schedule 14 application still leaves both the applicant and the objectors with the ability to object to the order under Schedule 15” and that “conflicting evidence can be heard and those issues determined following a public inquiry”⁴.

Calling into question

8.9 The erection of ‘no public right of way’ signs in 1992 appears to be the most reliable challenge to the public to date. Prior to this the works, notices and gates were not clear in their intention and the public could not have been aware of discussions between the Council, EPARA or others. In *Fairey v Southampton CC* (1956)⁵ Lord Denning stated that in order for the right of the public to have been ‘brought into question’ the right must be challenged by some means sufficient to bring it home to the public that their right to use the way is being challenged, ‘so that they may be apprised of the challenge and have reasonable opportunity of meeting it’. Notices saying ‘private’ ‘might’ have been sufficient to challenge use but it is not certain. These views were recently underlined in the *Godmanchester*⁶ case where actions such as writing a letter to the local authority were shown to be insufficient; could not have come to the attention of the users and do not satisfy the methods of negating an intention to dedicate as shown by section 31 of the HA 1980. Similarly the *Paterson*⁷ case indicated that “... *signs in such terms as ‘Private’ or ‘Private, No tipping’ did not unambiguously provide sufficient evidence or notice that there was no intention that a path be dedicated to public use*”.

8.10 If the point of challenge to the public’s use of the route is taken as 1992 then the relevant 20-year period is 1972-1992. 131 people had used it for some period during this time by some mode of transport. 77 people had used it in a motorised vehicle for some of this period and 42 for the whole period. 69 had used it on foot for some of the period and 43 for whole period. Cycling numbers were 38 and 20 respectively. Taken together the user evidence is sufficient, on the balance of probabilities between 1972 and 1992 to give rise to a presumption of dedication as a public byway open to all traffic (between A-J). The use need not therefore be considered at common law.

Natural Environment and Rural Communities Act 2006

8.11 The Natural Environment and Rural Communities Act 2006 changes any conclusions, reached on the above evidence. Section 67(1) extinguishes any pre-existing rights for mechanically propelled vehicles if it is over a way which:

a. *was not shown in a definitive map and statement or*

³ As clarified in *R. v Secretary of State for the Environment, ex parte Bagshaw and Norton* [1994] and *R. v Secretary of State for Wales, ex. Parte Gordon Emery* [1997]; that is whether or not, on balance, public rights subsist or are reasonably alleged to subsist. If they do, the status, the width of the path and any limitations must also be determined. Annex H²

⁴ *R. v Isle of White CR v O’Keefe* [1990] *JPEL*; (1989) 59 *P&CR* 283,

⁵ *Fairey v Southampton CC* [1956] 2 *QB* 439

⁶ *R (ex parte Godmanchester Town Council) v Secretary of State* [2007] *UKHL* 28

⁷ *Paterson v Secretary of State for the Environment, Food and Rural Affairs* (2010), *EWHC* 394 (Admin).

b. was shown in a definitive map and statement only as a footpath, bridleway or restricted byway.

8.12 But the above is subject to subsections (2) – (8) of the act, which contain provisions where subsection (1) of the act may not apply or is only applied conditionally.

8.13 None of these exceptions can be found to apply in this case under section (2) for:

1. It cannot be shown that the main lawful use by the public during the period of 5 years ending with commencement⁸ was use for mechanically propelled vehicles. If this were the case, then the route might not be dedicated as a BOAT as it would not fit the description of a BOAT⁹ as outlined in section 27(8) of the Countryside Act 1968 and s. 66 of the Wildlife and Countryside Act 1981.
2. It was not shown on the list of streets maintainable at public expense before commencement.
3. It was not created by an enactment or instrument, or otherwise as expressly for mechanically propelled vehicles.
4. It was not created by construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles.
5. It was not created by virtue of use before the period ending 1 December 1930.

8.14 Similarly under section 67(3) the application was not made before the relevant date nor determined before commencement.

8.15 The frequency of use shows that between 1972 and 1992 it was used slightly less on foot than in a motor vehicle, both in terms of absolute numbers and frequency. If this was indeed so the way would not fit the description of BOAT and so ought not be added to the Definitive Map and Statement at all. Nevertheless, under NERCA it appears that the vehicular rights would subsequently be extinguished by 67(1) on 2 May 2006. The remaining rights could then be recorded on the Definitive Map and Statement as restricted byway as allowed by s. 70(1) of NERCA.

8.16 I conclude that there is sufficient evidence, on the balance of probabilities to show that vehicular rights have been acquired by the public over route A-B-C-D-E-F-G-H-I-J on plan 3/1/77/H21, but were extinguished by NERCA on 2 May 2006 and so the appropriate status is that of restricted byway. A map modification order should be made to modify the definitive map accordingly.

8.17 If such an order is made and confirmed then the legal status of the gates along EPA must be considered. The evidence suggests that rights were acquired before the installation of the gates at any point along EPA; it therefore follows that the right must have been acquired without these limitations. The gates would therefore constitute an illegal obstruction. The Council has both a common law and a statutory duty under section 130 of the HA 1980 to assert and protect the

⁸ Which in this case is May 2006 with the relevant effective date of 20 January 2005.

⁹ A BOAT is a carriageway with vehicular rights but one which is mainly used for the purposes for which footpath and bridleways are used.

rights of the public to the use and enjoyment the highway and also to prevent, as far as possible, the stopping up or obstruction of the highway.

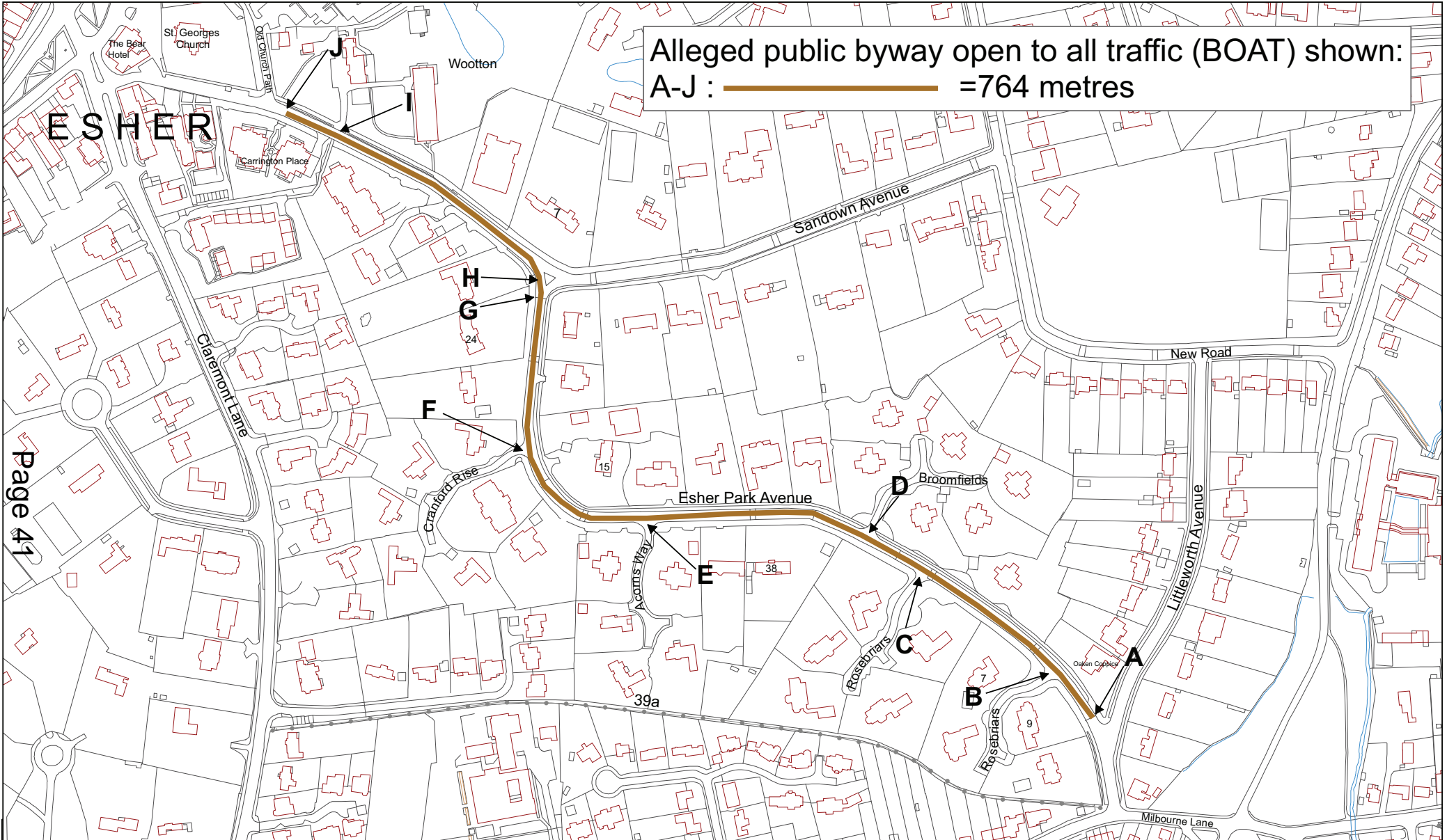
9 WHAT HAPPENS NEXT

- 9.1 If Committee decide that an order should be made and objections are maintained to that order, it will be submitted to the Secretary of State for confirmation.
- 9.2 If Committee decides that no order be made, the applicant will have opportunity to appeal to the Secretary of State for Environment, Food and Rural Affairs against this decision.
- 9.3 If the Committee resolution is different to the Officer's recommendations then they should cite and record the reasons and evidence for that decision. This will make it easier to explain the Council's actions should the matter proceed to public inquiry or appeal.
- 9.4 All interested parties will be informed about the decision

LEAD OFFICER and CONTACT OFFICER: Daniel Williams, Countryside Access Officer
TELEPHONE NUMBER: 020 8541 9245
E-MAIL: daniel.williams@surreycc.gov.uk

BACKGROUND PAPERS: All documents quoted in the report. File may be viewed upon request.

Version No. 1 Date: 28.08.12 Time: Initials: DJW No of annexes: 3



Page 41



Drawing No./ 3/1/77/H21
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Scale 1:2500

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Wildlife and Countryside Act 1981
Map Modification Order 2012
 Borough of Elmbridge
 Esher



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**OFFICER REPORT TO LOCAL COMMITTEE
(ELMBRIDGE)**

ANNEX A

**ALLEGED PUBLIC BYWAY OPEN TO ALL TRAFFIC (BOAT) ALONG
ESHER PARK AVENUE, ESHER – CP540**

10 SEPTEMBER 2012

ANNEXE A (August 2007)

Map Modification Orders – Legal Guidance

The National Parks and Access to the Countryside Act 1949 placed a duty on all Surveying Authorities in England and Wales to produce a definitive map and statement, indicating and describing public rights of way within their areas.

The '49 Act also required Surveying Authorities i.e. County Councils, to keep their definitive map and statement under periodic revision. The Wildlife and Countryside Act 1981 completely changed the way in which the definitive map and statement is updated. Under this Act Surveying Authorities have a duty to keep their map and statement under continuous review.

Certain specified events can trigger that process and one of these is an application under Section 53 of the Act for a map modification order (MMO). Section 53(5) enables any landowner, occupier or user to apply for a Map Modification Order to modify the definitive map. Landowners and occupiers may believe for example that a right of way should never have been shown on the definitive map at all, or is shown on the wrong line or that its status is incorrectly shown, for example, as a bridleway instead of a footpath.

Claims may also be made for routes to be added on the basis of evidence from historical documents or of evidence of public use, either for a continuous period of 20 years, as provided for by the Highways Act 1980 (s31) or for a shorter period under Common Law.

Both at common law and under Section 31 of the Highways Act 1980 the public's enjoyment of the way must have been "as of right" in order to form the basis of implied dedication. "As of right" was interpreted in Merstham Manor v Coulsdon and Purley UDC (1937) as acts done openly, not secretly, not by force and not by permission from time to time given. The House of Lords has held in R v Oxfordshire CC ex p Sunningwell Parish Council (1999) that subjective state of mind of the user does not have to be proved. Users over a long period may have been "subjectively indifferent as to whether a right existed".

Deciding who "the public" are can sometimes be difficult. In general it should be people other than those working for the landowner(s) concerned or who had the permission or licence of the landowner(s) to use the route. The period of 20 years is counted back from the date on which the public's right to use the way was first brought into question or from the date at which an application is made to modify the Definitive Map and Statement. In order to bring the public's right into question, the landowner must challenge it by some means sufficient to bring it home to the public, for example, through the erection of a fence or locking of a gate across the way, however long ago that date was.

Statute Law

“Section 31 of the Highways Act 1980 provides that the claimants’ evidence must show that the route has been actually enjoyed for a 20-year period. The use must be without force, without secrecy and without permission”.

Although 20 years uninterrupted use by the public establishes a presumption that the way has been dedicated to the public, this can be contradicted by evidence showing that the landowner did not intend to dedicate public rights during that time. Evidence of interruption of the public’s use of the way, would have to be shown to have been both effective in preventing public use and clearly known to the public. The turning back of the occasional stranger will not be a sufficiently positive act - at least where the way continues to be used by locals. Notices clearly displayed and maintained on the way, indicating that it was private, or plans deposited with the surveying authority or its predecessors can prove sufficient evidence of an intention by an owner not to dedicate. Section 31(6) of the Highways Act 1980 enables landowners to protect themselves against claims based solely on use by depositing a map, statement and statutory declaration with the surveying authority showing which rights of way they acknowledge to be public on their land.

It is not possible to claim a route by presumed dedication over Crown Land such land being exempt from the provisions of the Highways Act 1980. Byelaws for some National Trust Land and other open spaces may also prevent the acquisition of rights.

Under Section 53c (i-iii), documentary evidence alone, may be sufficient to establish the existence of public rights and however old the document, the rights recorded will still exist unless there is evidence of a subsequent legally authorised change.

In May 2006, the Natural Environment and Rural Communities Act was brought into commencement. The main effect of sections 66 and 67 of this act was to significantly curtail the scope for recording further public rights of way for mechanically propelled vehicles (MPVs) on the definitive map and statement. This was done in two ways. Firstly, any existing unrecorded public rights of way for MPVs (with certain exceptions) were extinguished, so that they cannot then be added to the definitive map and statement as byways open to all traffic (BOATs). Secondly, the act also ensures that no further public rights of way for MPVs can be acquired unless expressly created or constructed. Typically, where such rights had been acquired but were thereafter extinguished, this results in a restricted byway.

Common Law

A highway is created at Common Law by the dedication by the owner of a right of passage across his land for the use by the public at large coupled with acceptance and use by the public as of right. Dedication may also be inferred at Common Law where the acts of the owner conclusively point to an intention to dedicate. In Poole v Huskinson (1843) it was held that “2 things to be made good, that the user has been sufficient in its duration and character and that the presumption then arising has not been rebutted. The length of user evidence is also important but there is no fixed minimum or maximum period of use which must be proved in order to justify an

inference of dedication. Under Common Law it is possible to claim a route by presumed dedication over Crown Land.

Schedule 14 Applications For Definitive Map Orders

The procedures for the making and determination of an application are set out in Schedule 14 of the 1981 Act. Anyone making an application must serve notice on every owner and occupier of land affected by the application. In cases of difficulty in tracing the owner or occupier, the authority has the power to direct that a notice be placed on the land instead. The procedures include the right for applicants to appeal to the Secretary of State for the Environment against the surveying authority's refusal to make an Order. In such cases the Secretary of State can direct the authority to make the Order even when the authority considers the evidence does not support the making of the Order.

Once the authority has received the certificate of service of notice it has a duty to investigate the application and consult with every local authority concerned, i.e. District, Parish/Town Council. The authority should make a decision on the application as soon as reasonably practicable. Where the authority has not come to a decision within 12 months of receiving an application, the applicant can appeal to the Secretary of State for the Environment, Transport and the Regions who can direct the authority to determine it within a specified time.

An authority can act on evidence without a Schedule 14 application being made and should do so on discovery of relevant evidence. There is no requirement to investigate the claim within 12 months and no right of appeal to the Secretary of State for the Environment, Transport and the Regions in these cases.

Order-making procedure

If it is established that, on the balance of probabilities, public rights have been acquired, a MMO is published and advertised on site and in a local newspaper. If no objections are received the Order can be confirmed by the County Council. If there are unresolved objections it must be referred to the Secretary of State who will probably decide to hold a Public Inquiry to resolve the matter.

If the authority has been directed by the Secretary of State to make a MMO after it has decided not to do so and objections are made which result in a Public Inquiry being held, the authority may adopt a neutral stance or oppose the Order.

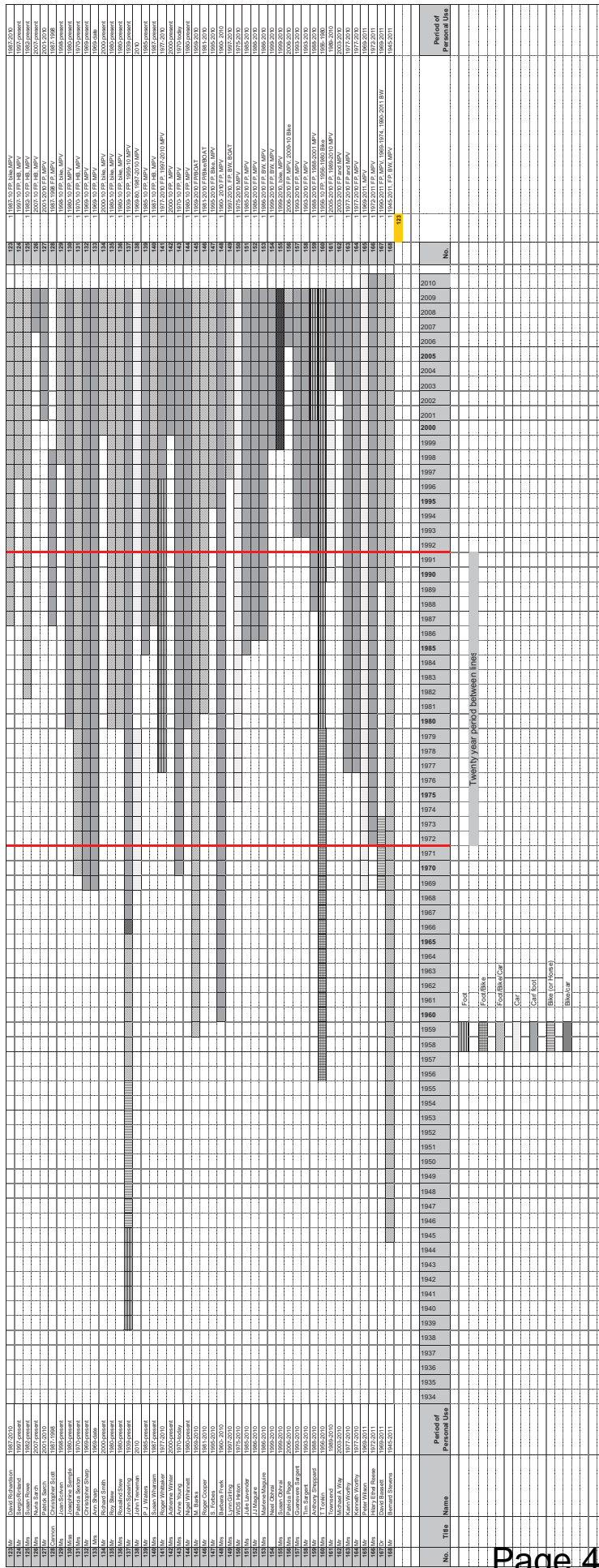


**OFFICER REPORT TO LOCAL COMMITTEE
(ELMBRIDGE)**

ANNEX B

**ALLEGED PUBLIC BYWAY OPEN TO ALL TRAFFIC (BOAT) ALONG
ESHER PARK AVENUE, ESHER – CP540**

10 SEPTEMBER 2012





**OFFICER REPORT TO LOCAL COMMITTEE
(ELMBRIDGE)**

ANNEX C

**ALLEGED PUBLIC BYWAY OPEN TO ALL TRAFFIC (BOAT) ALONG
ESHER PARK AVENUE, ESHER – CP540**

10 SEPTEMBER 2012

Mr Daniel Williams
Surrey County Council
County Hall
Penrhyn Road
Kingston KT1 2DY

| | | |
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3 June 2011

Special Delivery

Dear Sir

Esher Park Avenue - Application for the modification of the definitive map and statement

Further to discussions you have had with our Jenny Reid about Esher Park Avenue, and further documents and information provided by the directors of our client, Esher Park Avenue Residents' Association Limited "EPARA" we have compiled a bundle of witness statements and relevant documents, which is enclosed with this letter.

The folder comprises:

1. Witness statement of John Bentley, who is a director of Esher Estates Limited, and a retired director of EPARA. John was born on Esher Park Avenue in 1942, lived there until he was in his late 20's, remaining in the area, and returning to Esher Park Avenue regularly. He has been living on Esher Park Avenue since 2001. John's statement gives helpful recollections of the road while he was a child and growing up in the 40's and 50's. He also describes the development of the road.
2. Witness statement of Lawrence Guy Greaves (known as Guy Greaves). Guy was born on Sandown Avenue in 1946, and lived there until he was 13. He returned to live on Sandown Avenue in 1986, and has lived there ever since. His witness statement deals with his recollections about the development of Esher Park Avenue, and his recollections about the Road, in the early 1950's, and from 1986 onwards.
3. Witness statement of Paul Hamill. Paul is a former director of EPARA, and has lived on Esher Park Avenue since 2002. Paul's statement describes the history of Esher Park Avenue, and give details about when the gates and signs were put up. Annexed to his statement is a schedule of relevant extracts from the minutes of Esher Estates Limited which relate to the development of the road between 1904 and 1947.
4. Statutory declaration of Jennifer Sarah Reid, who is an employee of Penningtons Solicitors LLP. Jenny has reviewed various files provided by the directors of EPARA which relate to documents going back to 1982. Attached to her statutory declaration are relevant documents which may help in the consideration of EPARA's position and which clarify dates mentioned

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in the other statements such as the date that the 'no public rights of way' signs and the gate at the Sandown Avenue were erected (both in 1992).

Key information from the witness statements

We highlight below the key information from the various witness statements for your ease of reference:

- Esher Park Avenue formed part of the Esher Lodge Estate. As can be seen from the plan attached to the extract of title dated 1925 attached to John Bentley's statement, the land was largely fields with Esher Lodge at the High Street end, and a lodge at Littleworth Avenue end. The track which is now known as Esher Park Avenue can be seen going from Esher Old Church up to the lodge at the Littleworth Avenue end. Esher Park Avenue is in a slightly different position by the pond in the middle section of the road.
- Plots of the land were sold off in the late 1920s and 1930s, prior to 1945 there were 6 houses and up until the 1980s there were only 16 properties on the Road.
- The "private" signs were put up when the original gates were taken down during the Second World War.
- There were very few cars, if any on the Road during the Second World War, and in the 1940s and 1950s most residents and users would have walked along the track. John Bentley recalls that the road was very quiet around this time.
- Until the mid-1980s, Esher Park Avenue was a rough gravel track with many potholes and was in a poor state of repair.
- Plots called "Broomfields", "Cranford", "Acorns" and "Rosebriars" were developed between the mid-1980s and 1992.
- As the properties were developed, there was an increase in the number of residents using Esher Park Avenue and it was necessary to create a more hard-wearing surface.
- A tarmac surface was laid on Esher Park Avenue for the first time in late 1988 (see Jennifer Reid's statutory declaration for relevant correspondence and details of the accounts).
- Double gates were put up at the Littleworth Avenue/Milbourne Lane end of Esher Park Avenue at some time between 1986 and 1991 (see John Bentley's statement).
- Double gates were put up at the Sandown Avenue end of Esher Park Avenue in September 1992 and paid for by Octagon as part of the "Rosebriars" development at that time (see Jennifer Reid's statutory declaration for documentary evidence).
- The gates were closed from time to time, and for a long period during the widening of Claremont Lane in 1991.
- The "no public right of way" signs were put up at either end of Esher Park Avenue in April 1992 (see Jennifer Reid's statutory declaration for the invoices).
- Sleeping policemen were put in the road in about 1995/1996 (see John Bentley's statement)

The new gates

As I understand you are aware, the new electric gates were installed in April 2011, in accordance with the planning permission obtained by EPARA. It was our client's intention to leave the new gates in the same configuration as the old gates (that is with one half closed and the other half open). However the mechanism does not currently permit the gates to be left in the same configuration without the risk of damage to the gates (although the directors are exploring whether it would be possible to adapt the gates so that they could be placed in the former configuration).

Both sides of each set of the new gates are therefore being left permanently open, in order that large vehicles, such as the refuse collectors, lorries, can gain access to Esher Park Avenue. It does not reflect any change in our client's opposition to the application to modify the definitive map by Esher Residents' association.

ERA's application

Neither EPARA nor we have received any correspondence from Esher Residents' Association in relation to the application. If you have received any documents, or further correspondence, we should be grateful if you would let us have copies.

Next steps

If you need any further information from EPARA, please do not hesitate to contact us. Jenny Reid will be on maternity leave from 27 May 2011, but Hannah Dare will be able to assist you. Hannah's telephone number is 020 7457 3067 and her email address is Hannah.Dare@penningtons.co.uk

EPARA's position

As we indicated in our letter of 30 March 2010, our client objects to the application to modify the definitive map and statement by the addition of a byway open to all traffic along the section of Esher Park Avenue which is owned by our client for the following reasons:

- The effect of section 67(1) Natural Environment and Rural Communities Act 2006 is that any public right of way over the Avenue claimed by the applicant would have been extinguished.
- Without prejudice to that contention, in any event, our client has neither expressly nor impliedly intended to dedicate the Avenue as a public right of way because of:
 - Signs displayed to the public
 - Closure of existing gates
 - Action taken to restrict access and use of the Avenue by members of the public
 - communications to the public, to Elmbridge Borough Council and to Surrey County Council
- The applicant will not be successful in its application, in light of the objection maintained by our client.

If we can be of any further assistance, please do let us know.

Yours faithfully

Penningtons Solicitors LLP
Penningtons Solicitors LLP



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30 March 2010

Dear Madam

Esher Park Avenue - Application for the modification of the definitive map and statement

We write further to our letter dated 1 March 2010. Since our letter dated 15 January 2010, we have had the opportunity to take further instructions from our client, and obtained counsel's opinion as to the application, and we write to set out in more detail our client's objection to the application. We have summarised our client's position below and we have set out the evidence and further details in the second letter which is enclosed. We enclose a file of papers containing the documents referred to in the second letter.

In our letter dated 1 March 2010, we confirmed that our client objected to the application to modify the definitive map and statement by the addition of a byway open to all traffic along the section of Esher Park Avenue which is owned by our clients (shown on the plan attached to the office copy entries sent with our letter dated 1 March 2010). In these letters, where reference is made to "the Avenue", we mean the section of the Avenue of which our client is the registered proprietor.

Summary

- The effect of section 67(1) Natural Environment and Rural Communities Act 2006 is that any public right of way over the Avenue claimed by the applicant would have been extinguished.
- Without prejudice to that contention, in any event, our client has neither expressly nor impliedly intended to dedicate the Avenue as a public right of way because of:
 - Signs displayed to the public
 - Closure of existing gates
 - Action taken to restrict access and use of the Avenue by members of the public
 - communications to the public, to Elmbridge Borough Council and to Surrey County Council
- The applicant will not be successful in its application, in light of the objection maintained by our client.

2903941/9394384

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Members of  and the European Law Group.

- We invite the council to make a swift disposal of the application in order that this matter can be resolved conclusively. This will save time and costs for the applicant, our client and the council.
- If it would assist you, our client would like to meet with you during the weeks commencing 19 or 25 April.

Expediting the consideration of the application

In light of the overwhelming evidence and strength of our client's objection set out in our second letter, we invite the council to make a swift disposal of the application in order that this matter can be resolved conclusively. This will save time and costs for the applicant, our client and the council.

As you may be aware, on 17 February 2010, our clients were granted planning permission to install 1.3 metre-high automated entrance gates at both ends of the Avenue to replace the existing gates (application number 2009/2016). A condition has been attached to the planning permission requiring the gates to be *"installed with a mechanism to enable them to open automatically when approached by any motor vehicle without needing a code or key. Such mechanism is to be maintained in good working order at all times thereafter unless otherwise agreed in writing by the Local Planning Authority, and in case of breakdown the gates shall be fixed open."* The reason for including this condition is *"To ensure the gates do not cause an obstruction and traffic nuisance in this residential area in accordance with saved policy MOV4 of the Replacement Elmbridge Borough Local Plan 2000"*. We have advised our client that the planning department is not entitled to attach such a condition, and our client intends to lodge a challenge to the condition.

Of key relevance for Elmbridge Borough Council in reviewing the application for planning permission, will be whether the Avenue is subject to any public rights of way (for the avoidance of doubt, which our client does not accept). The outcome of the application to modify the definitive map is likely to have a bearing on court proceedings for judicial review of the planning condition, or any appeal to the planning inspectorate. It is therefore crucial that the application to modify the definitive map is determined at the council's earliest possible convenience in order that a decision can be made in relation to the condition attached to the planning permission.

As we have indicated, in September last year our client held a street party for all the residents of the Avenue, closing the gates at both ends. They intend to hold further similar events for residents, including another street party this year. Until the application is determined, our client's and the residents' freedom over the use of the Avenue is limited.

In addition, the existing gates need to be replaced as soon as possible, particularly given the destruction of one of the gates at the Sandown Avenue end of the Avenue following a road traffic accident. The existing gates are deteriorating (which is why the application for planning permission had been submitted to replace the existing gates). The wood is rotting and the swing arm is loose on one of the gates. Our client is concerned about exposure to possible claims if, for example, a child plays on the gates and is injured. The replacement gates will be stronger and safer, being made of painted aluminium. The residents of the Avenue desire to replace the gates as a matter of urgency.

In light of the overwhelming evidence in opposition of the application, the impact on the planning process, and our clients' desire to resolve this as soon as possible, we respectfully ask the council to consider the application at its earliest possible convenience.

Meeting

If it would assist in considering the application, our client would like to meet with you to go through their evidence, and to consider with you if there are any steps which they can take to help the council to determine the application. May we suggest a meeting with you during the weeks commencing 19 or 25 April?, or indeed any other time at your convenience?

We appreciate your time in considering our client's objection, and we look forward to hearing from you

Yours faithfully



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30 March 2010

Second letter

Dear Madam

Esher Park Avenue - Application for the modification of the definitive map and statement

We write further to our first letter of today's date and write to set out in more detail our client's objection to the application.

Section 67 of the Natural Environment and Rural Communities Act 2006 ("NERCA")

Section 66 (1) of the Wildlife and Countryside Act 1981 defines a byway open to all traffic as follows:

"A highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose of which footpaths and bridleways are so used."

In order to succeed with the application, the applicant would therefore need to show that the public have a right of way for vehicular traffic along the Avenue.

They will not be able to do so in light of section 67 of NERCA. Section 67(1) extinguished public rights of way for mechanically propelled vehicles which, before commencement of the Act on 2 May 2006, were not shown in the definitive map, or was shown as a footpath, bridleway or restricted byway. Section 67 of the 2006 Act provides, so far as material, as follows:

- "(i) *an existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement -*
- (a) *was not shown in a definitive map and statement, or*
 - (b) *was shown in a definitive map and statement only as a footpath, bridleway or restricted byway..."*

Therefore, the effect of section 67(1) is that any public right of way over the Avenue claimed by the applicant would have been extinguished. Counsel (Katharine Holland of Landmark Chambers, who is a leading barrister in property litigation, and who recently has been appointed Queen's Counsel) has confirmed her advice that our client has very good prospects of successfully resisting the application to modify the definitive map so as to denote the Avenue as a byway open to all traffic.

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The user evidence forms

Thank you for sending us the user evidence forms with your letter dated 1 February 2010. We received the further forms on 9 March 2010. From a preliminary reading of the forms, there are a large number of material and very substantial inaccuracies, in particular the road signs have been inaccurately described and dated.

Given the statutory limitation on denoting a road as a byway open to all traffic on applications made after 2 May 2006, it is not necessary for us to consider the extent of the evidence lodged. Without prejudice to the relative strengths and weaknesses of the parties' positions, the application to modify the definitive map in this way is simply too late in view of the impact of section 67(1) of NERCA.

That said, we reserve our client's right to object to the information provided in those evidence forms.

Intention to dedicate a public right of way

Without prejudice to our client's contention that the application will not be successful in view of the limitations under 67(1) of NERCA, as we indicated in our letter of 15 January 2010, in any event, our client has neither expressly nor impliedly intended to dedicate the Avenue as a public right of way.

In order to create a public right of way, there must be an intention on the landowner to dedicate a right of passage over that land to the public at large.

In our letter dated 15 January 2010, we set out details as to the steps taken by our client to evidence their lack of intention to dedicate a public right of way over the Avenue. For the sake of completion, we will deal with these in turn:

(a) Signs displayed to the public

At tabs A and B of the bundle are plans of each end of the Avenue, which demonstrate the location of the signs and gates, and include photographs of each end of the Avenue. The numbers on the plans correlate with the numbers on the photographs.

The following signs are in place at the Sandown Avenue end of the Avenue:

- a) A large white sign on the right hand side of the road stating "PRIVATE / PLEASE DRIVE SLOWLY / LOOSE SURFACE / LOOK OUT FOR CHILDREN" (for at least 50 years).
- b) A red sign on the left hand gate, stating "PRIVATE ROAD / STRICTLY NO PARKING". (Since April 2006).
- c) An information sign showing "NO THROUGH ROAD FOR VEHICLES" (since 1993).
- d) A white sign under one of the no through road for vehicle signs, stating "NO PUBLIC RIGHT OF WAY". (Since 1992 at the latest)

At the Milbourne Lane end of the Avenue are the following signs:

- e) A large white sign on the right-hand side, stating "PRIVATE / PLEASE DRIVE SLOWLY LOOSE SURFACE / LOOK OUT FOR CHILDREN" (for at least 50 years).
- f) A "NO THROUGH ROAD FOR VEHICLES" information sign (since 1993).
- g) A red sign on the left hand gate marked "PRIVATE ROAD/ STRICTLY NO PARKING" (Since April 2006).

Other gates were in place prior to the existing gates, but were taken down during World War II to allow military and emergency access. At that time, notices marked "Private" and

"Private Road", were put in place, showing that there was no intention to dedicate the road as a public right of way.

Since then, we enclose the following evidence of the various signs:

- In April 1992, Mr Ekberg, the Chairman of our client reviewed the Highways Act 1980 and set out his conclusions in a note to his fellow directors. A copy of the note ("the Highways Act Note") can be found at pages 15 - 16 of tab C from which you will see that Mr Ekberg notes that:

"the use by the public of private land does not confer the right of way unless the owner has a real intention to dedicate the right of way to the public."

He goes on to state that *"the owner has a good defence if he can show that he had no intention to dedicate the land to public use by the erection of a notice or interruption. Sec 31(3) states that where the owner of land has erected, in such manner as to be visible to persons using the way, a notice inconsistent with dedication of the way as a highway, and has maintained the notice after the date on which it was erected, the notice shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention to dedicate the way as a highway."*

Mr Ekberg considers the background: *"Esher Park Avenue Residents Association (and previously Esher Estates) has had notices saying "PRIVATE" for at least 50 years and it is contended that this is sufficient rebuttal of dedication. Gates were taken down during the 1939-1945 War, but were replaced by the PRIVATE notices, showing that there was no intention to dedicate the road as a public right of way. The erection of gates now is merely restoring the status quo, and it is contended that the residents are entitled to close the gates if they so wish."*

As a result of Mr Ekberg's study of the Highways Act he obtained an estimate for two more signs stating "NO PUBLIC RIGHT OF WAY" and asking his fellow director, Ken Barlow, to approve the placing of the order for the two signs. Mr Barlow approved the ordering of the signs on 28 April 1992. The signs were obtained and one placed at either end of the Avenue. [Copies of the memorandum from Mr Ekberg to Mr Barlow and the Highways Act Note can be found at pages 15 - 16 at tab C.] Suggest deleting as it reappears what's said above?

- 1994: Liberal Focus leaflet mentions existence of "private road" and "no public right of way" signs (see below and pages 52-53 at tab H)
- 1995 (August): Invoice for renovating "PRIVATE ROAD" sign from W B Building (page 17 of tab C).
- 1998: Modified design of existing signs including "no through road" and "no public right of way" installed in July. (see pages 18-22 at tab C)
- June 2002: "No Parking" signs were put up, as evidenced by the cheque stub for payment to Kingmead Parks Limited for "No Parking Signs" - page 23 of tab C.
- October 2004: "Private Road" signs were placed on the gate at the Millbourne Lane end (referred to as Littleworth Road end on the invoice) (see Kingsmead invoice dated 29 October 2004, and letters dated 13 December 2005 and "Sunday am", together with cheque stub at pages 24 - 27 of tab C)
- April 2006: The smaller "Private Road" signs on both gates were replaced with the current "PRIVATE ROAD/ STRICTLY NO PARKING" signs by Paul Hamill, a

director of our client. At pages 28 - 29 of tab C is a copy of the invoice from Kingsmead dated 27 February 2006 and cheque stub for the new signs (which are b) and g) above).

Signs have been in place at both ends of the Avenue since at least World War II notifying the public that it is a private road, as confirmed by the evidence provided (see Mr Ekberg's letter dated 8 July 1992 to the Esher News and Mail, which was published on 22 July 1992, at pages 30 - 31 of tab D). Mr Ekberg's letter, which was published, sets out the same comments that were contained in the Highways Act Note, referred to above. This letter makes it clear to the readers of the Esher News and Mail and the wider public that the owner of the Avenue states that it was a private road, with no public rights of way. One of the directors of our client has reviewed the public archives for Esher News and Mail for the 6 months after the letter was published, and confirms that there was no response to that letter.

Further signs were put up in the early 1990s stating that there was no through road. In 1998 more signs were put up confirming again that it was a private road. It has clearly been our client's intention, and that of previous owners to notify the public at large that the Avenue is a private road, thereby demonstrating that it was not their intention to dedicate the Avenue as a public highway. Notice was made very clear to the public at large that (1) the Avenue is a private road and (2) there was no public right of way over that road since at least 1945.

(b) Gates

Other gates were in place prior to the existing gates, but were taken down during World War II to allow military and emergency access. The current gates at the Millbourne Lane end were erected in 1991. The gate at the Sandown Avenue end of the road was installed between 12 June 1992 and 3 November 1992.

At both ends of the Avenue there are double gates across the road. The gate on the left hand side on each approach to the Avenue is a five-bar white wooden gate with a red sign on it. The five-bar gates have always been closed permanently, although they are opened for the councils' refuse collectors on a weekly basis for access by the rubbish disposal vehicles, and closed again afterwards. On the opposite side of the road to the five-bar gates are single-bar gates with swing across arms on the diagonal, which meet the five-bar gates in the middle of the road when closed.

At both ends of the Avenue, the single-bar gate is open to allow access by the residents. At the Sandown Avenue end of the Avenue, the single-bar gate was knocked down recently following a road traffic accident. It has not been replaced as our client has applied for planning permission to replace both sets of gates with new structures.

(c) Restrictions on access and use of the Avenue

Until approximately 1988 when it was tarmaced for the first time, the Avenue was an un-surfaced road. It was never intended to be used widely by the public and indeed our clients believe that it would have been avoided as it was in such poor condition. The road was resurfaced in 1996/7. The user evidence forms do not reflect the fact that the Avenue was effectively a dirt track until relatively recently.

(i) Closure of the gates

From time to time the double gates at both ends of the road have been closed, for example in September 2009 for a street party for residents of the Avenue.

From approximately June 1992, works were undertaken to widen Claremont Lane, which led to the gates being closed at the residents' request at the Milbourne Lane end to prevent increased traffic using it as alternative route. The works were completed by June 1993. Our client believes that the works took between 6-9 months and during that time the gates were closed and the Avenue was blocked.

(ii) Restricting parking by non-residents

The directors of our client, and the residents' association before it have from time to time asked people not to park on the Avenue. Where residents of the Avenue have undertaken works to their properties, arrangements have been made to grant permission to the contractors to park on the Avenue. For example, we enclose at pages 34 - 36 of tab E, correspondence with Thirlstone Homes from early 2002 about the increased traffic using the Avenue to carry out the development work at 18-20 Esher Park Avenue. As can be seen by the letters, a traffic/vehicle management plan was put in place to restrict site traffic so as to allow access to the development site from Claremont Lane only. Thirlstone Homes asked for permission from our client to erect temporary signs saying that there was no access to the site at the junctions of Sandown Avenue/New Road and Esher Park Avenue/Littleworth Avenue. As can be seen from the letters, approval was sought from the chairman of our client, and permission granted in Mr Raven's letter to Thirlstone Homes Limited dated 4 February 2002. The letter from Mr Raven again refers to the Avenue as a private road.

It is clear to us following a recent visit to the Avenue that at the Millbourne Lane end cars are parked outside the gates, and before the signs saying no parking. The section of the Avenue falling between the two gates is not used by the general public for parking, and the only vehicles parked along the Avenue are those from the contractors working on houses within the Avenue, who have been given permission to park there by our client.

When the directors have become aware of unauthorised parking on the Avenue by non-residents, they have written to those involved to explain that the Avenue is a private road and such parking and access is not permitted.

(iii) Restricting access by non-residents

From time to time the directors have told people not to use the Avenue, by stopping cars, alerting owners of parked cars and informed non-residents consistently that the Avenue is a private road with no public rights of way over it.

On June 2009, the directors wrote to the headmaster of Danes Hill School, complaining of school buses driving at excessive speeds along the Avenue. At pages 37 - 38 of tab E is a copy of that letter from which you will see that our client:

- confirmed that the Avenue "is a private, gated road and there is no public right of way in the Avenue"
- was prepared to grant consent to access by a school bus if requested [third paragraph]
- "has a responsibility to preserve the nature of the private road and also safety of other children..."; and
- requested that the school only used the Avenue to drop off children who lived in the Avenue.

(iv) Route planners/Satellite navigation

The Avenue is not depicted as a public highway on satellite navigation equipment. At tab F are photos taken from a satellite navigation system by Mr King, one of the directors of our client. Photograph 1 shows the planned destination of 11 Esher Park Avenue (Mr King's address). Photograph 2 shows the subsequent screen which states that "Destination is located in a restricted or private area. You may need permission." It would therefore be clear to users of satellite navigation systems that the Avenue is restricted/private and not open to use by the public which is consistent with the Avenue being known as a private road.

Further, we have requested directions from RAC Route Planner, AA Classic Route Planner and TomTom Route planner for a journey from Hare Lane, Claygate KT10 to a

postcode on Esher High Street (KT10 9RT). The most direct route for this journey would be along the Avenue. However each three providers suggested a route that avoided the Avenue presumably because it is known to be a private road. These suggested routes, as can be seen from the print outs at tab G are much longer, being two sides of a triangle, as opposed to the direct route, along the Avenue. These routes do not take members of the public along the private road.

This increases our client's case that it is clear to the public at large that the Avenue is a private road with no public rights of way over it.

(v) Communications and publications

As referred to above, at pages 30 - 31 of tab D is a copy of a letter dated 8 July 1992 sent by Mr Ekberg to the editor of the Esher News & Mail, which was published on 22 July 1992. The letter sets out the background to the signs and gates, and the lack of intention to dedicate the Avenue as a public right of way to the world at large. No objections were submitted in response to that letter.

On 16 June 1992, a note was prepared by Mr Ekberg for discussion by the directors of our client about the closing of the Avenue during the works to Claremont Lane. A copy of this note is at pages 48 - 49 of tab H. In that note, it is suggested that, "6) *if residents should receive complaints from the members of the public concerning the management of our private road, it is suggested, in reply, they might consider the following points.*

- (a) *The road belongs to the residents who have the responsibility of maintaining the footpaths, verges and road surfaces along their frontages.*
- (b) *In 198? [1989], the residents had to provide £XX,000 [£60,000] to have the road re-surfaced but it was not the few residents' vehicles that made this necessary.*
- (c) *After the original gate across EPA [the Avenue] had to be taken down during the 1939-45 War to provide freedom of movement to the Police, Fire Brigades and Ambulances, the EPA residents have, for over 50 years, displayed "private road" or "private" notices at each end of the road. The public have completely ignored these notices although there has never been any indication that the residents wished, in any way, to dedicate the road as a public right of way."*

It is clear, therefore, that the directors of our client made sure that the residents of the Avenue were aware and communicated to the public its status as a private road. Residents were given guidance to respond to any complaints by the public about the Avenue. They were asked to make it clear that there was never any intention to dedicate the Avenue as a public right of way.

On 28 October 1992, Mr Ekberg wrote to J Maguire Esq, following an article by Mr Maguire in the autumn issue of the residents magazine concerning Esher Park Avenue. Again, Mr Ekberg sets out the wording in the Highways Act Note, indicating the lack of intention to dedicate the Avenue as a public right of way. A copy of that letter can be found at pages 50 - 51 at tab H.

In May 1994, The Liberal Democrats published a leaflet called "Focus", which included a section "Esher Park Avenue and Sandown Avenue - "Private Roads?". An extract of Focus can be found at pages 52 - 53 of tab H. Chris Ingram refers to gates and signs which were in place in June 1992. Upon receipt of Focus, Mr Ekberg wrote to Councillor Heaney on 25 June 1994, responding to the claims made by Mr Ingram in Focus. Once again, Mr Ekberg confirms that notices marked "Private" had been in place since at least 1945. He confirmed that in the opinion of Lord Denning, the notices existing at that time were sufficient to demonstrate our client's lack of intention to dedicate the Avenue as a public right of way. A copy of the letter can be found at page 54 of tab H.

In addition, we enclose letters and emails signed by nine residents objecting to planning application 2006/0956 to develop land at 24 Esher Park Avenue. Each of the letters and emails states categorically that the Avenue is a private road. Copies of the correspondence can be found at pages 55 - 61 at tab H.

Our client and residents have consistently adopted the approach that the Avenue is a private road, over which no public rights of way exist. This position has communicated clearly to members of the public through publications in newspapers, objections to planning permissions and in all dealings with members of the public. If our client has become aware of any challenge to the private status of the Avenue, or any assertions that public rights of way are alleged to exist over it, steps have always been taken to set out the correct position, as can be seen by the correspondence at tab H.

(vi) Correspondence with Elmbridge Borough Council

At tab I is the following correspondence between our client and Elmbridge Borough Council:

- *Letter from Elmbridge Borough Council ("EBC") dated 2 June 1993, which complains about new signs erected on the Avenue, re-enforcing the existing signs and gates. The letter states "as you are aware, it is the opinion of this Authority, in their role as agents to the Highway Authority that full highway rights exist over Esher Park Avenue and the gates and signs constitute unlawful obstructions of the highway." There follows a request to remove the signs and for the gates to be left permanently open.*
- *Our client responded to that letter on 2 June 1993, making it clear that it was not accepted that public rights of way exist over the Avenue. Once again, Mr Ekberg set out the wording in the Highways Act Note, referred to above. He added that "any proceedings which you may seek to bring will be vigorously defended."*
- *Letter from EBC to Mr Ekberg dated 30 June 1993 was seeking further instructions and would respond fully in due course.*
- *Letter from EBC to Mr Ekberg dated 22 July 1993, apologising for the delay in replying to Mr Ekberg's letter of 2 June 1993, and stating that "the matter is under consideration and I shall be contacting you upon this matter at a later stage".*

Having received the initial letter from EBC dated 2 June 1993, Mr Ekberg wrote to Lord Denning on 8 June 1993, asking for any comments that he might have as to the statements made in EBC's letter. Lord Denning replied to Mr Ekberg on 11 June 1993, stating:

"I feel that the Elmbridge Borough Council are quite wrong in their letter they have sent you of 2 June. The Borough Council is not the Highway Authority. Only the Surrey County Council are the highway authority and it is for the County Council to assert and protect public highways in the county, not the Borough Council. I see that Mrs Paris claims that the Borough Council are agents of the Highway Authority. I do not think this is correct. I think you might well ask them on what ground they claim to be agents of the Highway Authority. In my view the opinion of the Borough Council on this matter is quite irrelevant.

"Turning now to the Highways Act 1980, you are quite right to set out section 31 in full. Your evidence is quite clear, for the last 50 years at least Esher Park Avenue has been a private road. Your notices and gates have been erected in assertion of the character of the Avenue, without any objection until recently. I think the evidence is quite sufficient to establish Esher Park Avenue as a private road, and not a public highway.

"I suggest that you reply to Mrs Paris's letter by saying that you will maintain that Esher Park Avenue is a private road and you will contest any suggestion to the

contrary, and you will keep up your notices and gates in the future as you have done in the past."

Copies of Mr Ekberg's letter to Lord Denning, and Lord Denning's response can be found at pages 68 - 70 at tab I. Our clients are only waiving privilege in relation to legal advice obtained in respect of these letters. They are not intending to waive privilege in respect of any other legal advice that they may have received in relation to this matter.

Lord Denning agrees with Mr Ekberg's analysis of the position set out in the Highways Act Note, that is that the notices in place since 1945 were sufficient to demonstrate that our client has not intended to dedicate the Avenue as a public right of way.

Since the date of Mr Denning's letter, our client has followed the advice given, namely to keep up the notices and gates in the future, as they have done in the past.

In light of the fact that EBC did not respond to Mr Ekberg's letter dated 2 June 1993, our client concluded that EBC accepted the position as set out in our client's letter and that there were no public rights of way over the Avenue. From the lack of response, they concluded that the matter had been dropped.

On 30 July 1998, EBC wrote again to Mr Ekberg, some five years after the initial correspondence, stating that complaints had been made about the new signs which had been added at the end of the Avenue. A request was made to remove the signs.

Mr Ekberg responded to that letter on 10 August 1998, stating:

"The signs to which you refer were erected in 1992 following legal advice from Lord Denning. The last correspondence I had with the Council was with the Head of Law in July 1993 who said "I shall be contacting you upon this matter at a later stage". I have received no further communication, possibly because he has been able to study the judgement in Benn v Hardinge in the Court of Appeal in October 1992 when Lord Justice Dillon stated, inter alia, that the law was clear that there had to be an intention to abandon a right of way and that even a period as long as 175 years was not sufficient by itself to indicate an intention by an owner to abandon a right of way. Such a right was a valuable property whose abandonment should not be lightly inferred.

"There has never been an intention to abandon the right of way over Esher Park Avenue and it should never have been inferred. This is a private road, not a private street."

EBC responded to that letter on 24 August 1998. Copies of the letters can be found at pages 71 - 73 of tab I.

Again, in correspondence with EBC in relation to whether public rights of way exist over the Avenue, the response from our client consistently maintained that it is a private road and that there has never been an intention to dedicate the Avenue as a public right of way. The failure by EBC to challenge this lack of intention to dedicate the Avenue as a public right of way demonstrates to our client that it is unable to do so.

Conclusion

Given the extensive signs at either end of the road confirming that it is a private road over which there is no public right of way, together with the existence of the gates, and their intermittent closure, and the steps taken by residents and our client to limit use of the Avenue by non-residents, there is overwhelming evidence of a lack of intention on the part of our client to dedicate the Avenue as a public right of way.

Counsel has advised our client that the notices and gates which have been erected at either end of the Avenue constitute strong evidence that there has been no intention to dedicate the

Avenue as a highway and that the applicant is likely not to be successful in his application for these reasons, quite apart from the point arising under section 67(1) of NERCA.

Our client's objection to the application to modify the definitive map

In conclusion, the applicant will not be successful in its application, in light of the objection maintained by our client.

Our client's objection is based on the limitation under section 67(1) NERCA for applications to modify the definitive map as a byway open to all traffic, which is clear and not open to interpretation. Without prejudice to the strength of our client's objection under that provision, in any event, our clients have clear and consistent evidence to demonstrate a lack of intention to dedicate the Avenue as a highway/public right of way.

We appreciate your time in considering our client's objection, and we look forward to hearing from you

Yours faithfully

A handwritten signature in black ink, appearing to be 'Per', followed by a long horizontal line extending to the right.

Penningtons Solicitors LLP

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OFFICER REPORT TO LOCAL COMMITTEE (Elmbridge)

HIGHWAYS UPDATE 10 SEPTEMBER 2012

KEY ISSUES

To update Committee with progress of the 2012-13 Highways programmes funded by the Local Committee.

SUMMARY

This report summarises progress with the capital and revenue programmes funded by the Local Committee's respective capital and revenue budgets.

OFFICER RECOMMENDATIONS

The Local Committee is asked to:

- (i) Agree to the modified Local Revenue allocations in Table 2;
- (ii) Agree to the allocation of £42,000 to Elmbridge Borough Council's Street Smart Direct Labour Organisation, as described in paragraph 2.4;
- (iii) Agree to 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 (paragraph 2.8 refers);
- (iv) Agree to 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 (paragraph 3.2 refers).

1.0 INTRODUCTION AND BACKGROUND

- 1.1 Surrey County Council's Local Transport Plan (LTP) aims to improve the highway network for all users. In general terms it aims to reduce congestion, improve accessibility, reduce the frequency and severity of road casualties, improve the environment, and maintain the network so that it is safe for public use.
- 1.2 The Local Committee has been delegated Highway budgets in the current Financial Year 2012-13 as follows:
- Local Revenue: £266,620
 - Community Pride: £45,000 (£5,000 per Division)
 - Capital Integrated Transport Schemes: £202,084
 - Capital Maintenance: £202,084 (approx £22,500 per Division)
- 1.3 Following an under spend in the previous Financial Year 2011-12 there are also significant carry forward monies:
- Local Revenue carry forward: £41,100
 - Capital Integrated Transport Schemes carry forward: £135,400
- 1.4 The funds delegated to the Local Committee are in addition to funds allocated at a County level which cover various Highways maintenance and improvement activities, including inspection and repair of safety defects, resurfacing, structures, vegetation maintenance, and drainage.

2.0 ANALYSIS

Annual Local Revenue Programme

- 2.1 In June 2012 Committee made the allocations shown in Table 1 below:

Table 1 Proposed revenue allocation to Committee in June 2012

| Budget Heading | Allocation |
|-----------------------|---|
| Drainage | £60,000 |
| Trees & Vegetation | £40,000 |
| Signs & Road Markings | £15,000 |
| Parking | £15,000 |
| Local Issues | £166,620 Approx £18,500 per Division. |
| Total | £266,620 Note that the allocated figures do not add up to the given total. |

- 2.2 Unfortunately there was a drafting error in the report in June 2012, resulting in a £30,000 discrepancy between the revenue allocations and the total revenue budget available. It is proposed to use the revenue carry forward to resolve this discrepancy as follows in Table 2 below:

Table 2 Proposed revenue allocations

| Budget Heading | Allocation |
|--------------------------------|---|
| Drainage | £60,000 |
| Trees & Vegetation | £40,000 |
| Signs & Road Markings | £15,000 |
| Parking | £15,000 |
| Local Issues | £166,620 Approx £18,500 per Division. |
| Carriageway / footway patching | £11,100 |
| Total | £307,720 (= £266,620 + £41,100) (= this FY's budget + carry fwd) |

- 2.3 The “Local Issues” allocation is intended to be spread evenly among the 9 Divisions, giving approximately £18,500 per Division. The Capital Maintenance and Community Pride budgets are also intended to be spread evenly among the 9 Divisions, giving approximately £22,500 and £5,000 per Division respectively. In total, this gives a combined revenue and capital allocation of approximately £46,000 per Division to address local maintenance issues.
- 2.4 Many of the local maintenance concerns reported by Members are vegetation related. Elmbridge Borough Council has a resource to address such issues, called Street Smart. It is proposed to allocate £42,000 from the Local Issues allocation to enhance the service provided by Street Smart, to provide a responsive resource to address vegetation concerns as they arise. Surrey County Council and Elmbridge Borough Council Officers will agree how the activities of Street Smart that are funded by Committee should be monitored and reported. Members should note that this allocation of £42,000, when divided by 9 Divisions, reduces the combined revenue and capital allocations to approximately £41,300 per Division.
- 2.5 A number of Members have suggested maintenance concerns and projects for funding from the Local Issues allocations to their respective Divisions. In addition Officers have contacted Divisional Members to suggest concerns and projects that could be delivered. In June Committee agreed that any funds that were not allocated to specific works by the end of October would be reallocated elsewhere in the Borough. Officers will prepare possible projects that could be delivered to utilise any such unallocated funds.

Annual Capital Integrated Transport Schemes Programme

- 2.6 Table 3 below summarises progress with Integrated Transport Schemes that were approved by Committee in June.

Table 3 Progress with 2012-13 Capital Integrated Transport Schemes Programme

| Scheme | Description | Progress | Budget |
|---|--|--|---------------------------------------|
| Weybridge Station – pedestrian improvements | Improved pedestrian crossing facilities across the B374 Design only this FY | Feasibility / design work due to start in November. | £10,000 |
| Church Street Cobham | New weight restriction | Design in progress; next step to obtain Committee approval to advertise Traffic Regulation Order; first opportunity will be November's Committee meeting. | £10,000 |
| Oxshott Speed Management Package | Phase 1: Extension of speed limit Phase 2: VAS & hard standing for mobile enforcement | Committee approval needed to advertise Traffic Regulation Order – see separate report. | £20,000 |
| Stoke Rd Cobham | Extension of 30mph speed limit | Cabinet Member approval obtained for relaxation of policy; next step to advertise Traffic Regulation Order; with Legal Team for drafting; should be ready to advertise before Christmas. | £8,000 |
| Cleves School | New pedestrian crossing | Need to consult school and agree layout and location of crossing; then will need Committee approval to advertise the statutory notice; first opportunity will be November's Committee meeting. | £60,000 (plus developer contribution) |
| Boroughwide mobility ramps | New mobility ramps at various locations. | No progress yet with this FY's mobility ramps. | £15,000 |
| Woodlands Rd Speed Limit amendment | Cross boundary speed limit reduction | Committee approval needed to advertise Traffic Regulation Order – see separate report. | £12,000 |

| Scheme | Description | Progress | Budget |
|--|---|---|-----------------|
| Fairmile Lane safety improvements | Casualty reduction scheme at junction with Miles Lane | Feasibility study suggests a junction road table is likely solution; will need Committee approval to advertise statutory notice once outline design complete; first opportunity will be November's Committee meeting. | £25,000 |
| CIL/2013/14 Scheme Development | Feasibility work to identify and develop schemes for future years | No progress yet. | £15,000 |
| Queens Rd/Old Avenue Weybridge Pedestrian safety measures | Casualty reduction scheme | Scheme identified by Casualty Reduction Working Group but no central funding available; no progress yet. | £15,000 |
| Speed Management (Boroughwide) | Localised measures to assist in the implementation of the Elmbridge Speed Management Plan | No progress yet. | £15,000 |
| Total, noting that the budget allocations are approximate | | | £205,000 |

2.7 Table 4 below summarises progress with last Financial Year's Integrated Transport Schemes that have been carried forward in the current Financial Year.

Table 4 Progress with 2011-12 Capital Integrated Transport Schemes Programme

| Scheme | Description | Progress | Budget / Cost |
|--|--|---|----------------|
| Ashley School pedestrian improvements | Construction of new pedestrian crossing and footway on desire line | Due to start construction in October half-term. | £46,000 |
| Boroughwide mobility ramps | New mobility ramps at various locations. | Due to start construction in September / October. | £15,000 |
| Total, noting that the budget allocations are approximate | | | £61,000 |

2.8 Of the Capital Integrated Transport Scheme carry forward budget from the previous Financial Year, £87,900 remains unallocated. It is recommended that this unallocated sum is used for Local Structural Repair (carriageway resurfacing) schemes, identified and prioritised by the Area Team Manager in consultation with the Chairman.

Capital Maintenance Programme

- 2.9 As mentioned above, the Capital Maintenance budget has been spread evenly across the 9 Divisions in Elmbridge, and combined with the Community Pride and part of the Local Revenue budgets, to provide allocations of approximately £46,000 per Division to fund Local Issues.

Community Pride Fund

- 2.10 As mentioned above, the Community Pride budget has been spread evenly across the 9 Divisions in Elmbridge, and combined with the Capital Maintenance and part of the Local Revenue budgets, to provide allocations of approximately £46,000 per Division to fund Local Issues.

Programme Monitoring and Reporting

- 2.11 Officers will update Committee with progress in the delivery of its works programmes at each Committee meeting. In addition Committee Chairmen are provided with detailed monthly finance updates, which detail all the orders raised against the various budgets, as well as the works planned for each of the budgets.

3.0 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 3.1 The financial implications of this paper are detailed in section 2 above.
- 3.2 To manage the risk that projects prove undeliverable by the end of the current Financial Year, it is recommended to delegate authority to the Area Team Manager in consultation with the Chairman to re-allocate funds to ensure that the budgets are fully spent in the Elmbridge Borough area by the end of the Financial Year. It is recommended to assess the deliverability of schemes and reallocate funds at the end of October.

5.0 EQUALITIES AND DIVERSITY IMPLICATIONS

- 5.1 It is an objective of Surrey Highways to treat all users of the public highway equally and with understanding.

6.0 CRIME AND DISORDER IMPLICATIONS

- 6.1 A well-managed highway network can contribute to reduction in crime and disorder as well as improve peoples' perception of crime.

7.0 CONCLUSION AND RECOMMENDATIONS

- 7.1 The allocations agreed in June have been modified to account for a drafting error in the June report and to account for the revenue and capital carry forward monies. Recommendations are made to enable effective management of the risk of non-delivery of any aspect of Committee's programmes of works.
- 7.2 A number of schemes may be delayed as they will need Committee approval for their respective statutory processes; the next opportunity to obtain approval is not until November.

8.0 REASONS FOR RECOMMENDATIONS

- 8.1 Recommendations have been made to ensure that all the budgets available to Committee are fully allocated, and that arrangements can be made to ensure these budgets are spent for the benefit of Highway users in Elmbridge.

9.0 WHAT HAPPENS NEXT

- 9.1 Subject to the approval of the Committee, Officers will work with Members to ensure that works are identified and arranged to address local issues in Elmbridge.

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BACKGROUND PAPERS: None

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OFFICER REPORT TO LOCAL COMMITTEE (ELMBRIDGE)

**A245 WOODLANDS LANE, STOKE D'ABERNON / A245
WOODLANDS ROAD, LEATHERHEAD / A245 RANDALLS
ROAD, LEATHERHEAD**

10 SEPTEMBER 2012

KEY ISSUE

To seek 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.

SUMMARY

Following complaints from local residents and with the agreement of Surrey Police, Surrey County Council's Officers have assessed whether it is possible to alter the speed limit in Woodlands Road and Randalls Road. The roads meet the criteria for a 50mph speed limit but not a 40mph speed limit, as may have been requested locally.

OFFICER RECOMMENDATIONS

The Local Committee (Elmbridge) is asked to:

- (i) Approve, subject to statutory procedure, and in conjunction with Mole Valley's Local Committee, that the speed limit on the A245 Woodlands Lane / A245 Woodlands Road / A245 Randalls Road be reduced from the national speed limit (60mph) to 50 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.

- (ii) Approve that consideration and resolution of any objections received be delegated to the South East Area Team Manager in consultation with the Chairman, Vice Chairman, together with Divisional Member.

1 INTRODUCTION AND BACKGROUND

- 1.1 The A245 Woodlands Lane / Woodlands Road is a rural two-way single carriageway road, approximately 2.4 km in length and averaging 6.2 metres in width.
- 1.2 It runs from the junction with Cobham Road / Stoke Road in the west, generally eastwards and then south eastwards to the junction with Oaklawn Road, where it then becomes the A245 Randalls Road. The route crosses over from the Borough of Elmbridge into the District of Mole Valley approximately 800 metres north west of the junction with Oaklawn Road.
- 1.3 There are a few farms, stables and residential properties bounding the public highway throughout. This route also accesses both the Woodlands Park Hotel and Queen Elizabeth's Training College.
- 1.4 There is no on-street parking as all properties have provision to park off the carriageway.
- 1.5 There is no street lighting throughout A245 Woodlands Road nor is there any footway. A245 Randalls Road has street lighting in part, which starts at the roundabout north of River Lane and continues southwards. This street lighting runs concurrently with the existing footway.
- 1.6 The road is unrestricted, and therefore, in accordance with the Highway Code, is subject to a speed limit of 60mph.
- 1.7 The existing road surface, road signs and markings are generally in reasonable condition, though the signing is not comprehensive.

2 ANALYSIS

- 2.1 A study of the Personal Injury Collision (PIC) records show that in the last three years there have been seventeen PICs. 5 PICs occurred on the stretch of A245 Woodlands Lane within the Borough of Elmbridge. Of the other twelve collisions, four are concentrated at the junction with Oaklawn Road.
- 2.2 The number location and severity of the collisions are as follows:

A245 Woodlands Lane within Elmbridge Borough:

| <u>Location</u> | <u>Number of Collisions</u> | <u>Severity</u> |
|--|-----------------------------|-----------------|
| Appx. 650m east of j/w Stoke Road/ Cobham Road outside property known as 'Little Parks' | 1 | slight |
| Appx. 800m east of j/w Stoke Road/ Cobham Road outside property known as 'Pine Trees' | 2 | 1 serious |
| Outside Woodlands Park Hotel | 1 | serious |
| Just north of Queen Elizabeth's Training College | 1 | serious |
| Total | | 5 |

A245 Woodlands Road within Mole Valley District:

| <u>Location</u> | <u>Number of Collisions</u> | <u>Severity</u> |
|--|-----------------------------|-----------------|
| Outside Queen Elizabeth's Training College | 2 | slight |
| Just south of M25 overbridge | 1 | slight |
| Appx. 200m north west of j/w Oaklawn Road | 1 | slight |
| Junction with Oaklawn Road | 4 | 2 serious |
| Total | | 8 |

A245 Randalls Road within Mole Valley District:

| <u>Location</u> | <u>Number of Collisions</u> | <u>Severity</u> |
|---------------------------------------|-----------------------------|-----------------|
| Junction with Springfield Drive | 1 | slight |
| Junction with Crematorium access road | 2 | slight |
| Appx. 100m south of j/w River Lane | 1 | slight |
| Total | | 4 |

2.3 Many of the collisions involved single vehicles, though excessive speed was not a factor in any incident. Two collisions were as a result of travelling too fast for the prevailing conditions. It is likely that the nature of the road was contributory in most incidents, as there are many bends throughout.

2.4 One collision involving a pedestrian was recorded for the selected period. This took place south of the junction with River Lane.

2.5 A speed survey was undertaken on 22 July 2009. The survey results showed that the mean speed for eastbound traffic was 40mph and for westbound traffic it was 41mph.

3 OPTIONS

3.1 Surrey County Council has a speed management policy for determining and applying speed limits on the public highway. This was updated in

2005 to reflect the changes arising from the Department of Transport's revised speed limit guidance. Assessed against these criteria the personal injury collision rate has been calculated as 70.

- 3.2 Tier 1 roads such as the A245 would have a preferred limit of 50 or 60 mph depending upon the rate of personal injury collisions per 100 million vehicle km. 50 mph for more than 35 and 60 mph for less than 35 personal injury collisions per 100 million vehicle km.
- 3.3 As this section of A245 has a collision rate of over 35 policy dictates that a speed limit of 50mph should be in force.
- 3.4 However, Members are reminded about the changes to the Speed Limit Policy that now apply. These changes state that in exceptional circumstances the local committee may like to proceed with a change to a speed limit, against officer advice, in this instance the final decision would be taken by the Surrey County Council Cabinet Member for Transport. Speeds, the casualty record and safety concerns should be reviewed 12 months after installation of the revised limit and in the event of the new speed limit being ineffective, the policy recommends that remedial action be considered. This review may be needed earlier if there are extenuating circumstances that warrant prompt action

4 CONSULTATIONS

- 4.1 Consultation has been carried out with Surrey Police and their view is that they would support a reduction to 40 mph, which is lower than the 50mph speed limit that SCC Officers would recommend progressing.

5 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 5.1 The cost of making the Traffic Regulation Order and installation of the required signs will be in the region of £15,000.
- 5.2 These works would be funded centrally by the Local Highway Services Team.

6 EQUALITIES AND DIVERSITY IMPLICATIONS

- 6.1 There are no Equality and Diversity implications at this time.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1 There are no Crime and Disorder implications at this time.

8 CONCLUSION AND RECOMMENDATIONS

- 8.1 A reduction in limit to 40 mph does not comply with policy, but would have the support of Surrey Police.

8.2 Surrey County Council Officers therefore recommended to reduce the maximum speed limit of the A245 Woodlands Road / A245 Randalls Road from its current national speed limit (60 mph) to 50 mph from the junction with Stoke Road / Cobham Road to the existing 30 mph termination point 200 metres south east of the access road to Leatherhead Crematorium.

8.3 It is also recommended that the existing signing is improved throughout the route, under current maintenance regimes, to improve safety.

9 REASONS FOR RECOMMENDATIONS

9.1 Provision of a reduction in the signed speed limit from the existing national speed limit (60 mph) to 50mph along the section location stated would meet the County Council's speed limit policy in terms of the measured average speeds and greatly assist the Police in enforcement of the motorists who are speeding. The reduction in speed limit and additional signing should assist in reducing the personal injury collisions.

9.2 Changes to the Speed Limit Policy state that the local committee may like to proceed with a change to a speed limit, against officer advice. The final decision being taken by the Surrey County Council Cabinet Member for Transport.

10 WHAT HAPPENS NEXT

10.1 If the Local Committee approves this speed limit reduction, Surrey County Council's Legal Department will be asked to progress the Traffic Regulation Order. This will include a full, statutory consultation that includes the Emergency Services.

10.2 If no objections are received when the Traffic Regulation Order is advertised the 50mph Speed limit Traffic Regulation Order will be made and the relevant signs erected on site.

10.3 A review of the existing signing along the routes will need to take place in order to confirm what improvements need to be made.

| | |
|---------------------------|--|
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| BACKGROUND PAPERS: | None |

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OFFICER REPORT TO LOCAL COMMITTEE (ELMBRIDGE)

**A244 LEATHERHEAD ROAD, OXSHOTT AND A244 WARREN
LANE, OXSHOTT**

10 SEPTEMBER 2012

KEY ISSUE

To seek approval to extend the existing 30mph speed limit on the A244 Leatherhead Road and A244 Warren Lane. An overall extension to the north of approximately 70 metres and to the south of approximately 250 metres.

SUMMARY

Following complaints from residents and with agreement from Surrey Police, Surrey County Council's Safety Camera Partnership (SCP) has requested that the 30mph speed limit be extended. However this would not be in accordance with the County's Speed Limit Policy.

OFFICER RECOMMENDATIONS

The Local Committee (Elmbridge) is asked to:

- (i) Note the contents of this report, and consider whether to seek a relaxation of policy from the Cabinet Member.

1 INTRODUCTION AND BACKGROUND

- 1.1 The lengths of A244 Leatherhead Road and Warren Road under consideration are semi-rural two-way single carriageway roads, approximately 1.4 km and 70m in length respectively and averaging 6-7 metres in width.
- 1.2 Warren Lane is bounded on both sides by Oxshott Heath, is unlit and has a footway on the eastern side.
- 1.3 There are residential properties bounding the public highway along the majority of Leatherhead Road. This route also accesses various side roads and Danes Hill School.
- 1.4 There is no on-street parking as all properties have provision to park off of the carriageway.
- 1.5 Street lighting extends through the northern part of Leatherhead Road southwards to a point approximately 450 metres north west of the district boundary.
- 1.6 A footway runs along the eastern side from the northern extent of Leatherhead Road southwards to the junction with Danesway. The footway on the western and south western side runs from The Bear public house southwards and south eastwards to the district boundary.
- 1.7 The northern section of the road is subject to a 30mph limit. This becomes 40mph for the southernmost 470 metres.
- 1.8 The existing road surface, road signs and markings are generally in good condition.

2 ANALYSIS

- 2.1 A study of the Personal Injury Collision (PIC) records show that in the last three years there have been nine PICs. The number, location and severity of the collisions are as follows:

| <u>Location</u> | <u>Number of Collisions</u> | <u>Severity</u> |
|---|-----------------------------|-----------------|
| Junction with High Drive | 1 | serious |
| Junction with access to Danes Hill school | 4 | 1 serious |
| The Bear public house | 1 | slight |
| Junction with Old Farmhouse Drive | 1 | slight |
| Just south of junction with Old Farmhouse Drive | 1 | slight |
| Appx. 230m south east of j/w Spinneycroft | 1 | slight |
| Total | | 9 |

- 2.2 Of the four PICs that occurred at the junction with the access to Danes Hill school, two involved a child pedestrian and three involved turning vehicles. Of the other five incidents, four involved turning vehicles.
- 2.3 None of the incidents were cited as having had excessive speed or travelling too fast for prevailing conditions, as causation factors.
- 2.4 A speed survey was undertaken on 17 May 2012. The survey results showed that the mean speed for northbound traffic was 34 mph and for southbound traffic it was 35 mph.

3 OPTIONS

- 3.1 Surrey County Council has a speed management policy for determining and applying speed limits on the public highway. This was updated in 2005 to reflect the changes arising from the Department of Transport's revised speed limit guidance. Assessed against these criteria the personal injury collision rate has been calculated as 84.
- 3.2 Tier 1 roads such as the A244 would have a preferred speed limit of 50 or 60 mph depending upon the rate of personal injury collisions per 100 million vehicle km. 50 mph for more than 35 and 60 mph for less than 35 personal injury collisions per 100 million vehicle km.
- 3.3 As this section of A244 has a collision rate of over 35 Policy states that a speed limit of 50mph should be in force. However the existing speed limit of 40mph is already set below this.
- 3.4 It should be noted that Surrey County Council is currently looking at the provision of a hard-standing area, for use by a Police mobile enforcement camera, in the eastern verge just north of the junction with Charlwood Drive. This is within the existing 30mph speed limit. SCP has requested that two advanced warning signs be erected on each approach to warn drivers.
- 3.5 Officers are looking at the provision of Vehicle Activated Signs to increase road safety.

4 CONSULTATIONS

- 4.1 Consultation has been carried out with Surrey Police and their view is that they would support an extension to the existing 30 mph.

5 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 5.1 £20,000 had been allocated implement the speed limit extensions, Vehicle Activated Signs and a design for the hardstanding, from local committee budgets.

6 EQUALITIES AND DIVERSITY IMPLICATIONS

6.1 There are no Equality and Diversity implications at this time.

7 CRIME AND DISORDER IMPLICATIONS

7.1 There are no Crime and Disorder implications at this time.

8 CONCLUSION AND RECOMMENDATIONS

8.1 A reduction in limit to 30 mph does not comply with policy, but would have the support of Surrey Police and the Safety Camera Partnership.

8.2 It is not recommended to increase the existing speed limit to 50mph, as this would be contrary to the views of both Surrey Police and the Safety Camera Partnership.

8.3 If Committee wish to reduce the speed limit to 30mph, approval would need to be obtained from the Cabinet Member for a relaxation from policy. If this were to be obtained, the process to change the speed limit would then be:

- Advertise a Traffic Regulation Order to (a) extend the 30mph speed limit on A244 Leatherhead Road 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, and (b) extend the 30mph speed limit on A244 Warren Lane from the existing 30mph termination point northwards to the junction with Heath Road.
- Consider and resolve any objections received – this would normally be delegated to the North East Area Team Manager in consultation with the Chairman, Vice Chairman, together with Divisional Member.

9 REASONS FOR RECOMMENDATIONS

9.1 Determined against current policy, the speed limit for this route should be 50 mph, albeit that the existing speed limit is 40 mph. However an extension of the existing 30mph limit is strongly supported by both the Safety Camera Partnership and Surrey Police and would aid in the introduction of the mobile enforcement site and allow drivers to better regulate their speed before entering the village.

10 WHAT HAPPENS NEXT

10.1 If a relaxation of policy were to be obtained, Surrey County Council's Legal Department would be asked to progress the Traffic Regulation Order. This would include a full statutory consultation including the Emergency Services.

10.2 Should the Traffic Regulation Order be advertised, and if no objections were to be received, the 30mph Speed limit Traffic Regulation Order would be made and the associated signs erected on site.

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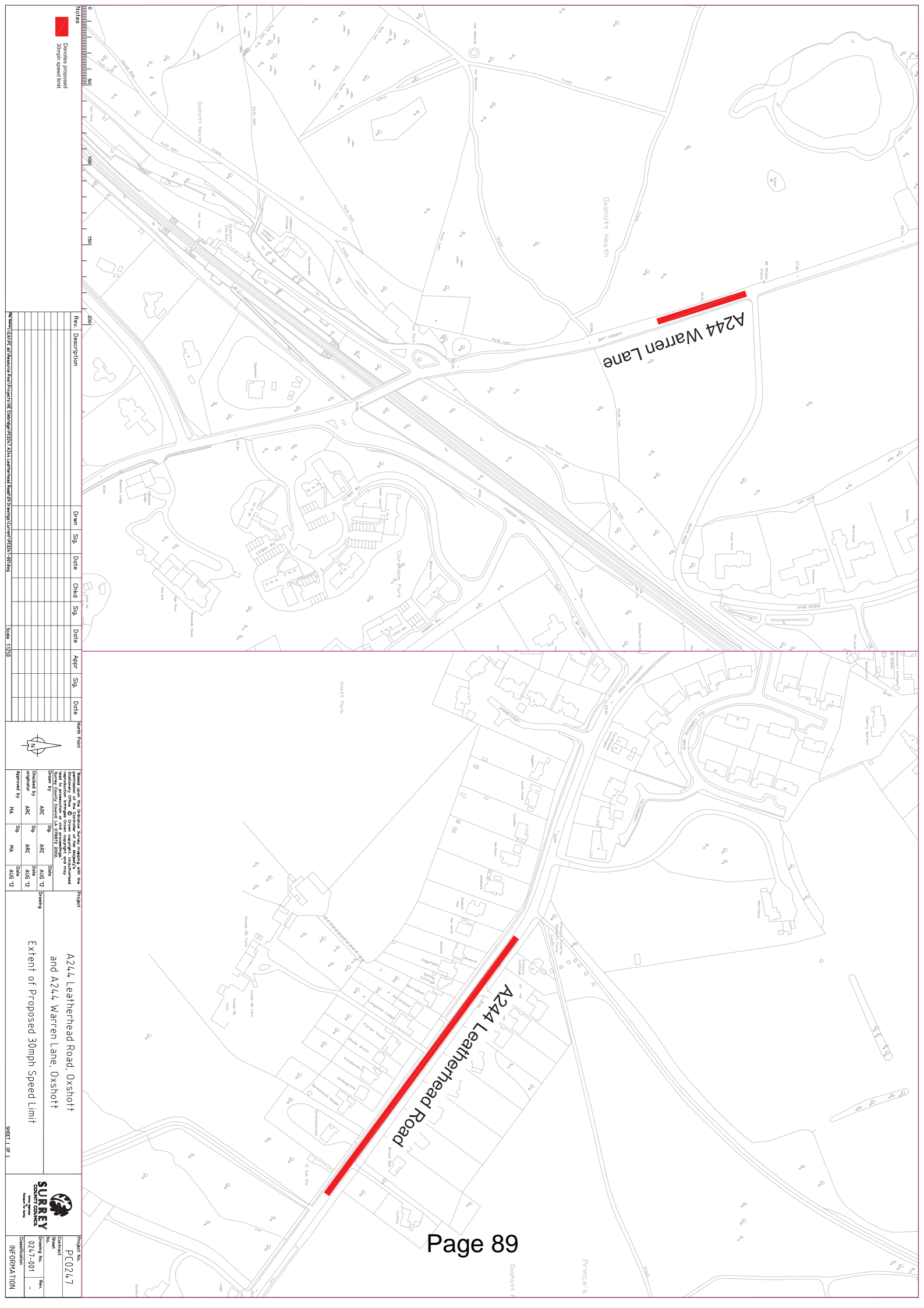
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BACKGROUND PAPERS: None

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A244 Warren Lane

A244 Leatherhead Road

Proposed
30mph speed limit

| Rev | Description | Drawn | Sig. | Date | CHK'd | Sig. | Date | Appr. | Sig. | Date |
|-----|-------------|-------|------|------|-------|------|------|-------|------|------|
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

North Point

| Drawn by | Checked by | Scale | Date |
|----------|------------|-------|------|
| ARC | ARC | 1:250 | |
| MA | MA | | |

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Project: A244, Leatherhead Road, Oxshott and A244 Warren Lane, Oxshott
Extent of Proposed 30mph Speed Limit

Project No. PC0247
Contract No. 0247-001
Information

SURREY COUNTY COUNCIL
Surrey, UK

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OFFICER REPORT TO LOCAL COMMITTEE (ELMBRIDGE)

PARKING UPDATE

10 SEPTEMBER 2012

KEY ISSUE

To provide an update to the committee with regard to changes to parking controls in Elmbridge and seek approval for the introduction of a bus stop clearway.

OFFICER RECOMMENDATIONS

The Local Committee (Elmbridge) is asked to:

- (i) note the contents of the report.
- (ii) agree to the installation of a bus stop clearway outside 33-35 Cobham High Street, operating from 7am-7pm.

1 2011/12 ELMBRIDGE PARKING REVIEW

- 1.1 At its meeting on 28 November 2011, this committee agreed in principle to a number of changes to parking controls across Elmbridge. Prior to deciding whether some of these changes should take place, the committee agreed that the parking team should carry out some localised consultations. A copy of the annex to the November report, which listed the proposals, is included for information as Annex 1 to this report.
- 1.2 The parking team carried out the consultations in March 2012, following which in consultation with the chairman and vice chairman of the committee and relevant councillors, they decided which schemes should go ahead and in what form.
- 1.3 We advertised our intention to amend the traffic regulation orders, in order to make the changes, on 15 June allowing a period of 28 days for people to make comments or register objections to the proposals. Following this period the parking team have been analysing and collating the responses, in order that the parking team manager, in consultation with the chairman and vice chairman of the committee and the relevant county councillor, can whether or not to accede to the objections.
- 1.4 This should be completed by the end of September, after which the parking team will be able to carry out the detailed design for the new controls that are going to be introduced, prior to placing an order with their contractor for them to be installed on the ground. This does take some time, but it is currently anticipated for the installation to take place before the end of 2012.

2 COBHAM – HIGH STREET AND CHURCH STREET

- 2.1 New limited waiting bays have just been introduced in the High Street and Church Street in Cobham. This is intended to stop all day parking in these roads and encourage use of the spaces by shoppers. This is a proposal that was originally brought before this committee in March 2010, but was deferred as it was linked to the possible introduction of pay & display parking. Although the committee decided against the introduction of charging, it was decided that the limiting of parking time in these roads would benefit local businesses. At the same time the two disabled bays on the western side of the road have been relocated in order to stop disabled drivers being blocked in by vehicles stopping alongside the bays to load and unload.

3 2012/13 ELMBRIDGE PARKING REVIEW

- 3.1 The site visits for 2012/13 review had provisionally been scheduled to take place during this summer with a report going to committee in December. However owing to the size and complexity of the 2011/12

review, the timetable has been revised so site visits are now expected to take place during the winter, with a report being brought before the committee in March 2013.

4 BUS STOP CLEARWAY

- 4.1 Although bus stop clearways can be introduced without the need for a traffic regulation order, as it possible for a penalty charge notice to be issued to drivers who stop on a clearway, it is our practice to seek committee approval before introducing a clearway.
- 4.2 The county council's Passenger Transport Team has asked the committee to agree that a bus stop clearways is introduced outside 33-35 Cobham High Street, operating from 7am-7pm

5 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 5.1 The bus stop clearways are funded by the Passenger Transport Group.

6 EQUALITIES AND DIVERSITY IMPLICATIONS

- 6.1 There are no specific equality and diversity implications within this report.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1 There are no specific crime and disorder implications.

8 CONCLUSION

- 8.1 The recommendations in the report should be agreed.

9 WHAT HAPPENS NEXT

- 9.1 The bus stop clearways are introduced.

| | |
|---------------------------|---|
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| BACKGROUND PAPERS: | None |

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**OFFICER REPORT TO LOCAL COMMITTEE
(ELMBRIDGE)**

2011 PARKING REVIEW – ANNEX A

28 NOVEMBER 2011

Common abbreviations: DYL
SYL
CPZ
TRO
SKC

Double yellow lines
Single yellow line
Controlled parking zone
Traffic regulation order
School Keep Clear road marking

| Town | Location | Proposed change or addition | Reason | Drawing numbers | Action |
|--------------|---|--|--|-------------------|-----------------------------|
| Cobham | Downside Common Road, Downside Road, Horsley Road, Beacon Close, Chilbrook Road | DYL at junction with Deacon Close and entire length of existing School Keep Clear marking and 10m onto Horsley road. Opposite School install DYL from footpath round to Downside Common junction. DYL to be installed on both sides of Chilbrook Road and SKC to be formalised on downside road. | To stop vehicles parking at junction with Deacon Close and outside School. | 1397 | Advertise |
| Cobham | French Gardens | Install DYL on both sides of road at bend between Nos 19 & 21. | To stop parking on bend in road and provide clear sight lines at this section. | 1394 | Advertise |
| Cobham | Hogshill Lane | Install DYL along both sides of Hogshill Lane between Nos. 101 & 109. | To stop parking on Hogshill Lane between Nos 101 & 109 on both sides of road. | 1394 | Advertise |
| Cobham | Hogshill Lane | Amend TRO for Cedar Road/Spencer Road CPZ to allow for residents of numbers 1-7 Hogshill Lane to apply for permits | Improve amenity for residents in 1-7 of Hogshill Lane who have insufficient off street parking space available | N/A | Advertise (TRO change only) |
| Cobham | Lodge Close, Blundell Lane | Install approximately 35m of DYL on each side of Lodge close at junction with Blundel Road - see plan. | To stop parking at junction with Blundel Road and improve sight lines. | 13142 | Advertise |
| Cobham | Spencer Road | Revoke/remove disabled bay o/s No. 34/36 and convert to residents parking. | Disabled bay no longer required and removal will provide an extra residents parking space. | 13112 | Advertise |
| Cobham | Tilt Road | Convert approximately 15m of SYL to Residents Parking bays (o/s Cooper Cottage) | To provide additional residents' parking space on Tilt Road. | 1398 | Advertise |
| East Molesey | East Molesey CPZ | Restrict issue of permit to vehicles essential for business use and limit their waiting time and increase cost to £500 per annum. Make permits valid for parking in permit bays in Bridge Street, Creek Road and Hampton Court Parade only. | Business permit issuing criteria are too loose and allow for staff parking when they should allow for parking for an essential vehicle. Cost of a permit has not been amended since zone began and does not reflect a commercial rate. | N/A | Advertise (TRO change only) |
| Esher | Esher Green Drive | No waiting at any time from end of existing lines on More Lane, up to and including the junction of Esher Green Drive for 10m north and up to gates in Esher Green Drive. | Junction protection required to increase forward visibility and increase safety at junction for pupils at nearby school, and prevent obstruction of access to doctors surgery. | 1327 | Advertise |
| Esher | The Drive, Grove Way | Introduce DYL at the junction of these two roads. | Junction protection required to increase forward visibility and increase safety at junction for pupils at nearby school. | 13138 | Advertise |
| Esher | Weston Green Road | No waiting at any time along entire southern side and for 30m lengths on northern side to allow passing. | Introduce double yellow lines on southern side along entire length and passing places on northern side. | 1320, 1321, 13123 | Advertise |

| Town | Location | Proposed change or addition | Reason | Drawing numbers | Action |
|---------|--|---|---|-----------------|-----------------------------|
| Hersham | Arch Road | Reduce length of parking bay on northern side of Arch road outside number 6 from the western end to the boundary of 6 and 4, and replace this length with 'No parking Mon-Fri 08:00-12:00'. Reduce length of parking bay on the south side of Arch road adjacent to number 243 Molesey Road by 1.5 metres from it's western end, and replace this length with 'No parking Mon-Fri 08:00-12:00'. See plan for details. | Propose to amend parking bays to prevent parked cars blocking newly created accesses. | 1375 | Advertise |
| Hersham | Burwood Road | Continue restriction in an westerly direction to a point that is opposite the boundary of the playing fields and no.2 Burwood Road and formalise the SKCs in Burwood Road and Faulkner Road near their junction. | Extension of double yellow lines to prevent obstruction. | 1381 | Advertise |
| Hersham | Hersham Road, Beech Close, Audley Firs | Install DYL at junctions of Hersham Road with entrance to flats at 74 Hersham Road, with Audley Firs and with Beech Close and extending southwards down the western side of Hersham Road from Beech Close as far as the entrance to the slip road in front of 4 Robinsway. Install DYL on Hersham Road opposite Beech Close across access to new development. | In order to reduce congestion along the road, remove parking at junctions to protect sightlines and access, and improve traffic flow. | 1376, 13101 | Advertise |
| Hersham | Mayfield Road | Remove parking bay on Mayfield Road just north of Fisher Close and replace with no waiting '08:00-12:00, Mon-Fri'. Extend other nearby parking bays. | Vehicles parked in the parking bay on the eastern side of Mayfield Road, just north of the junction with Fisher Close, are blocking sightlines for vehicles exiting Fisher Close. It is therefore proposed to remove this parking bay and replace with 'No waiting 08:00-12:00, Mon-Fri'. It is also proposed to extend other nearby parking bays to account for the loss of residents parking space. See plan for details. | 1343 | Advertise |
| Hersham | Mayfield Road | Exclude the addresses Tri House and In View Court from the eligibility to purchase permits for the scheme. (Off street parking is available to residents of the flats) | Insufficient parking space available in CPZ to accommodate potential extra numbers of permit holders due to the new developments (on the former Nelson House site) next to the rail station. | N/A | Advertise (TRO change only) |
| Hersham | Molesey Road, Thrupps Lane | Double yellow lines from northern boundary of 38 Molesey Road to a point 4m east of the boundary of nos.5 & 7 Thrupps Lane. Southern side of Thrupps Lane from Molesey Road to a point 2m east of the boundary of nos.2 & 4 Thrupps Lane. Extend DYL to cover existing hatching from Thrupps Avenue, north-westwards. | To improve sightlines and prevent obstructive parking at junctions | 1379 | Advertise |

| Town | Location | Proposed change or addition | Reason | Drawing numbers | Action |
|---------------|---|--|--|-----------------|-----------------------------|
| Hersham | Molesey Road near entrance to Hersham Place technology park | Western side - Double yellow lines from the roundabout, up to and including the entrance to the Technology Park and southwards to a point opposite the southern building line of no.68 Molesey Road. Eastern side - to convert part of the existing single yellow line to double from Esther Road to a point opposite the boundary line of nos.88 & 90 Molesey Road. | To prevent obstructive parking on junction | 1378 | Advertise |
| Hersham | Pleasant Place | Introduce SYL, Mon - Sat 8am to 6:30pm from junction with New Berry Lane down to southern border of number 47 and DYL outside frontage of number 44 and northwards for 20 metres. | To reduce congestion and improve traffic flow. | 1381 | Advertise |
| Hersham | Primrose Road | Extend DYL in TRO to end opposite the southern property boundary of no.4 Primrose Road, on both sides. | Amend the existing TRO to include the extension of double yellow lines that are on site | N/A | Advertise (TRO change only) |
| Hersham | West Grove, Clarence Road, Belgrave Close | Implement selected lengths of existing 'no waiting Mon-Fri 08:00-12:00' as shown on plan as already in situ. Introduce 'no waiting at any time' on the junctions. Revoke selected lengths of 'no waiting Mon-Fri 08:00-12:00' from the TRO (which are not currently marked in the road). | In order to prevent congestion and blocked sightlines caused by all day parking on both sides of parts of West Grove, implement selected lengths of 'No waiting Mon-Fri 08:00-12:00'. Also introduce 'no waiting at any time' at the junctions with Clarence Road and Belgrave Road, and near the junction with Queens Road/Queensway. | 1347, 1343 | Advertise |
| Hinchley Wood | Station Approach | Between Nos. 1 & 5 install limited waiting parking bays at each end of existing disabled bay to accommodate approximately two cars each (11m) - 'Mon - Fri 8.30 - 18.30 mins only no return within 1 hour'. On opposite side convert SYL to DYL for length of new bays. | Install six limited waiting parking bays between nos. 1 and 7 to allow limited parking for patients attending Lantern surgery - from 08.30 onwards. | 1330 | Advertise |
| Oxshott | Oakshade Road, Steel's Lane, The Ridgeway | Install DYL at junction with Steel's Lane and along the east side of Oakshade Road round the bend in the road. Also install DYL on the west side of the bend in Oakshade Road and at both east and west entrance/exits of The Ridgeway at its junction with Oakshade Road. | To stop vehicles parking at junction with Steel's Lane and to allow vehicles including buses to safely navigate bend in road and to allow vehicles entering/exiting the Ridgeway to have clear sight lines. | 1386 | Advertise |
| Thames Ditton | Ditton Reach | Install DYL outside boatyard entrance around slip way and finishing on opposite side of road close to entrance of boatyard. | To stop vehicles blocking slip way and entrance to boat yard. | 1316 | Advertise |
| Thames Ditton | Angel Road | Revocation of 4.6 metres of double yellow line on eastern side of Angel Road outside number 19 | Removal of restriction will enhance amenity for residents by increasing parking provision | 1318 | Advertise |
| Thames Ditton | Aragon Avenue | Install DYL in turning circle area. | To stop vehicles blocking end section of Aragon Avenue and access to river. | 13132 | Advertise |

| Town | Location | Proposed change or addition | Reason | Drawing numbers | Action |
|------------------|-------------------------------|---|---|-----------------|-----------------------------|
| Thames Ditton | Ferry Road | Resident parking bays to be installed along west side of road down to boat club where parking bays will revert to Free use parking bays. DYL to be installed at entrance of boat yard and run to end of road at river. On East side coming up from river free use parking bays to be installed up to steps of footpath. From there on DYL to be installed right up to junction with Portsmouth Road and existing restrictions. | Install residents parking bays along residential properties and DYL on opposite side of road to allow residents to park and vehicles to move safely. At bottom of road close to river install free parking bays to allow users of boat club and river to park. | 1316 | Consult |
| Thames Ditton | High Street | Amend TRO to remove disabled bays outside number 20 and number 42 | The disabled bays are no longer in place on the ground and are no longer required | N/A | Advertise (TRO change only) |
| Thames Ditton | Station Road, Basing Way | Install DYL from Station Road junction (existing restrictions) with Watts Road on south side up to Basing Way. | To stop vehicles parking on this section of road. | 1315 | Advertise |
| Thames Ditton | Summer Road, Alexandra Road | Install 10m of DYL on both sides of Alexandra Road at the junction with Summers Road, and for 10m from each corner in Summers Road. Install 6m of DYL northward from existing limited parking o/s shops at 132-136 Summers Road. | To improve safety and sightlines for vehicles at the junction of Summers Road and Alexandra Road and to stop vehicles blocking entrance to garages for residents of Aragon Avenue. | 13132 | Advertise |
| Thames Ditton | Windmill Lane | Include properties '1-4 Thames Cottages, Portsmouth Road' to be eligible to apply for permits in Windmill Lane area permit scheme. | The properties have no off street parking and no alternative on street parking within a reasonable distance | N/A | Advertise (TRO change only) |
| Thames Ditton | Winters Road, Southbank | Install residents parking bays on west and east side of Winters Road plus dual use parking close to junction with Portsmouth Road and extend DYL outside car showroom. On Southbank install residents parking from side of 12 to just past main car park entrance (south side) on north side. On south side from 17-22 install SYL (09.00 - 17.00 Mon-Fri). From 22 to junction with Thorhill Road install DYL - see design plan. | To help residents park and control commuter parking. | 1316 | Consult |
| Walton on Thames | Ambleside Avenue, Rodney Road | Implement double yellow lines at the junction of Ambleside Avenue and Rodney Road. Formalise existing advisory 'School Keep Clear' marking, and reduce length of existing formalised 'School Keep Clear' to 43.56 metres as is currently on site. | Introduce 'no waiting at any time' on the junction to maintain visibility. Formalise existing 'School Keep Clear' to enable enforcement to prevent vehicles parking near the new access to Walton Oak Primary School - times of operation 'Monday - Friday 08.15 - 09.15 and 14.30 - 16.00' | 1337 | Advertise |

| Town | Location | Proposed change or addition | Reason | Drawing numbers | Action |
|------------------|--|--|--|-----------------|-----------------------------|
| Walton on Thames | Ashley Road | Amend TRO to enable residents of dwelling at Number 9 Ashley Road into eligibility to apply for permits. | Bring the eligibility of residents of number 9 in line with the other residents in the row of buildings | N/A | Advertise (TRO change only) |
| Walton on Thames | Colne Drive, Stamford Road | To take Colne Drive and Stamford Road out of the Hersham CPZ. | Carry out consultation with residents. | N/A | Consult |
| Walton on Thames | Cottimore Lane, Cottimore Avenue, Florence Road. | No waiting at any time' on the junctions of Florence Road and Cottimore Lane, and Cottimore Avenue and Cottimore Lane. | Proposed to introduce 'No waiting at any time' to prevent vehicles parking on junctions, reducing visibility. See plan for details. | 13116 | Advertise |
| Walton on Thames | Danesfield Close, Betley Court. | To allow residents of numbers 1-7 Danesfield Close to apply for permits in Betley Court scheme | To increase amenity for residents of Danesfield Close. | N/A | Advertise (TRO change only) |
| Walton on Thames | Garrick Close | Replace approx. 3 metres of parking bay with single yellow line, and do the reverse at the opposite end of the bay to compensate. | In order to allow access to a property via a new vehicle crossover, it is proposed to revoke a length of parking bay adjacent to number 22, and replace with 'No waiting 08:00-12:00, Mon-Fri' over the same length. It is also proposed to revoke the existing 'No waiting 08:00-12:00, Mon-Fri' and replace with '0800-1200, Mon-Fri permit holders only and 0930-1200 2hrs only no return 1hr' at the northern end to compensate for the loss of space. See plan for details. | 1343 | Advertise |
| Walton on Thames | Grange Court | Change length of the '0800-1800 Any Day Permit Holders Only' parking bay, to '0800-1800 Any Day 2hrs No return in 1hr' parking bay. See plan for details. | The 'permit holders only' parking bays in Grange Court are currently very underused. To provide additional spaces for nearby facilities, it is proposed to revoke a length of the '0800-1800 Any Day Permit Holders Only' parking bay, and replace with '0800-1800 Any Day 2hrs No return in 1hr'. See plan for details. | 1336 | Advertise |
| Walton on Thames | Hersham Road | On western side, extend no waiting at any time south past the junction of Oakfields. Leave remaining length unrestricted for residents without off street parking. On east side reduce 'no waiting at any time' to 'No waiting 08:00-18:00 any day'. | Parking by non-residents is causing difficulties for residents trying to exit their driveways and narrowing the road at the busy section near Ashley Road. It is therefore considered necessary to introduce 'No waiting at any time' as shown in the drawing. It is also recommended to reduce the existing 'no waiting at any time' on east side of Hersham Road 'No waiting 08:00-18:00 any day' to allow users of evening facilities in Walton to park. | 1336 | Advertise |

| Town | Location | Proposed change or addition | Reason | Drawing numbers | Action |
|------------------|---------------------------------|---|---|-----------------|-----------------------------|
| Walton on Thames | Manor Road | A short section of 'No waiting at any time' outside 115-119 Manor Road. | Parking alongside the properties 115 - 119 Manor Road is causing congestion and difficulties for residents in accessing their properties as there is not footway at the location. It is therefore recommended to introduce 'No waiting at any time' along this section as shown in the drawing. | 1333 | Advertise |
| Walton on Thames | Manor Road | Change the TRO to extend the 'no waiting at any time' outside 6 and 8 Manor Road to go halfway across number 10 | To rationalise the TRO with the markings on the ground. | N/A | Advertise (TRO change only) |
| Walton on Thames | Meadowside | A short term parking restriction to prevent all day parking without inconveniencing residents and their visitors. | Parking on both sides of the southern section of the road is currently causing difficulties for vehicles to pass along the road, and difficulties for residents to enter and exit their driveways. It is therefore recommended to introduce a single yellow line on western side of the road to prevent all day parking by commuters. '10:00-11:00, Mon-Sat'. See drawing for details. | 13128 | Advertise |
| Walton on Thames | Molesey Road | Replace 5m section of parking bay with single yellow line. | Recommend removal of 5metre section of parking bay which is currently obstructing a new access to number 374, Molesey Road, and replace with 'No waiting Mon-Fri 08:00-12:00'. See drawing for details | 1372 | Advertise |
| Walton on Thames | Rydens Avenue, Gladsmuir Close. | Single yellow line on southern side of the road '10:00-11:00, Mon-Sat'. Also introduce 'no waiting at any time' at the junction with Rydens Avenue, and Gladsmuir Close. | All day parking by commuters on both sides of the road is causing access difficulties for service vehicles and problems for residents trying to access private accesses. The problems are further exacerbated at 'school times'. It is therefore recommended to introduce 'no waiting 10:00-11:00, Mon-Sat' on the southern side of the road to prevent all day parking, and on the northern side of the road near the school. Also introduce 'no waiting at any time at the junction with Rydens Avenue, and Gladsmuir Close. See drawing for details. | 13143 | Advertise |
| Walton on Thames | Rydens Road, St Martins Drive | Introduce 'no waiting at any time' on both sides from near Holwood Close, west to meet existing restrictions, including the junctions of Crofton Avenue and St Martins Drive. | Parking on both sides of Rydens Road is causing congestion for vehicles travelling along it, and causing difficulties for vehicles trying to access Rydens Road from side roads and private accesses. It is therefore considered necessary to introduce 'no waiting at any time' as shown in the drawing. | 13120 | Advertise |

| Town | Location | Proposed change or addition | Reason | Drawing numbers | Action |
|------------------|---|---|---|-----------------|-----------|
| Walton on Thames | Terrace Road, The Grove, Cottimore Lane, Russell Road, Sunbury Lane | Introduction of limited waiting bays in slip road, no waiting between 8am and 6pm in part of slip road and at top of The Grove and introduction of 'no waiting at any time' in part of slip road and on junctions | Improve turnover of parking space outside shops and assist with loading/ unloading for businesses. Improve safety and sightlines at junctions | 1331 | Advertise |
| Walton on Thames | Terrace Road, Waterside Drive, Sandy Lane | No waiting at any time' on the roundabout and it's junctions, and at the junction of Terrace Road and Sandy Lane. | Parking near to the roundabout has been caused a safety issue, particularly at school times. It is therefore recommended to implement 'no waiting at any time' on the roundabout as shown in the drawing. Parking too near the junction of Terrace Road and Sandy Lane affects sightlines and hinders access, so no waiting at any time will keep the junction clear. | 13140 | Advertise |
| Walton on Thames | Thames Street, Mayo Road, Dale Road, Harvey Road | Consider residents parking area 'permit holders only beyond this point' for Mayo Road, Dale Road, Harvey Road. Traditional bays for Thames Street. | All day parking by non-residents in these roads is causing problems for residents to park near their homes. It is therefore considered necessary to introduce a permit parking scheme | N/A | Consult |
| West Molesey | Langton Road | On east side from existing Parking bay install DYL up to property No. 5 (to cross entrance of new housing development). On west side install DYL from service road junction up to property line of No.2. | To allow waste collection to take place and vehicles to move safely at entrance to Langton Road. | 1305 | Advertise |
| West Molesey | Pool Road/ Island Farm Road | On north side of Pool Road/ Island Farm Road at junction with central avenue extend DYL beyond pool close junction. On south side install DYL from Central Avenue east beyond Island Farm Avenue to line up with existing DYL on opposite side (Surveyor Pub) | To stop vehicles parking at junctions (including lorries) and along south side of Island Farm Avenue. | 13141 | Advertise |
| Weybridge | Brooklands Lane | Double yellow lines opposite the frontage of nos. 36 - 42 Brooklands Lane. | To prevent obstructive parking opposite driveways | 1364 | Advertise |
| Weybridge | Brooklands Lane | Extend double yellow lines to 10m on either side of access to cemetery. | To improve sightlines at entrance. | 1364 | Advertise |
| Weybridge | Brooklands Lane | Double yellow lines on the south side opposite junction with March Road. | To improve safety and access at junction. | 1360 | Advertise |
| Weybridge | Brooklands Lane | Double yellow lines on both sides from the western most existing school keep clear markings to the point at which Brooklands Lane becomes private. | To prevent obstruction at chicanes near school | 13137 | Advertise |
| Weybridge | Castle Mews jn with Castle Road | Both sides of Castle Mews from back of highway boundary, ten metres in either direction into Castle Road. | To allow access for refuse vehicles and emergency vehicles into Castle Mews | 13134 | Advertise |

| Town | Location | Proposed change or addition | Reason | Drawing numbers | Action |
|-----------|--|--|---|-----------------|-----------------------------|
| Weybridge | Elmgrove Road, Oakdale Road, The Crescent, Dorchester Road, Gascoigne Road, St Albans Avenue | Resident permit scheme | Improve amenity for residents by helping them park near their homes. | N/A | Consult |
| Weybridge | Grove Place | Double yellow lines from the boundary of the Jolly Farmers PH and no.1 Grove Place, northwards to a point in line with the front wall of the Jolly Farmers pub | To prevent obstructive parking | 1361 | Advertise |
| Weybridge | High Street | Add flats at 4A, 6A, 10 and 14A High Street to addresses eligible for permits in Holstain Avenue permit scheme | To help residents park in road leading to their property. | N/A | Advertise (TRO change only) |
| Weybridge | Locke King Road | To implement sections of double yellow lines along both sides and for junction protection of Locke King Road up to and including the entrance to no.243 Brooklands Road. | To prevent obstructive parking and increase forward visibility | 1369 | Advertise |
| Weybridge | Mere Road/ Vale Road | Double yellow lines - 10m on Vale Road north westward from junction with Mere Road and from junction into Mere Road on both sides up to the north-eastern boundary line of no.4 Vale Road | To allow access for emergency vehicles as road is too narrow to allow parking | 1355 | Advertise |
| Weybridge | Oatlands Avenue | Extend existing restrictions eastwards to the boundary of nos 4a & 6, and include the junction with Woodland Way up to barrier. | Extend existing restrictions to protect the junction of Woodlands Way for increased forward visibility. | 1362 | Advertise |
| Weybridge | Old Avenue, Egerton Road, Gower Road | Overnight waiting ban for HGVs in Old Avenue from Queens Road to entrance to St George's Hill and waiting restriction on eastern side of the road over same length. Overnight HGV ban to extend also into parts of Egerton and Gower Roads. | To stop dangerous and inconsiderate parking by non residents accessing St George's Hill | 13129, 13136 | Consult |
| Weybridge | Portmore Park Road, Wey Road, Portmore Way. | West side - Double yellow lines from end of existing, to meet existing in Wey Road, then to start opposite on the northern side of Wey Road, and into Portmore Park Road for extents of existing single yellow lines. Junction of Portmore Way and Portmore Park Road for 10m in each direction along Portmore Park Road and 15m into Portmore Way, up to School Keep Clear marking. | It is recommended to introduce 'no waiting at any time' on the junction of Wey Road and Portmore Park Road, and on the junction of Portmore Park Road and Portmore Way, to maintain sightlines and access. See drawing for details. | 1352 | Advertise |
| Weybridge | Princes Road | North side - Extend double yellow lines from existing near Leavesden Road, north-westwards to the end of the existing double yellow lines at Hanger Hill | Extend existing restrictions to increase forward visibility and enable safer travel. | 1361 | Advertise |

| Town | Location | Proposed change or addition | Reason | Drawing numbers | Action |
|-----------|--|--|--|--------------------|-----------------------------|
| Weybridge | Princes Road | North side from the end of the existing double yellow lines opposite no.53 Prince's Road, eastwards to the western property boundary of no.50 Prince's Road, including junction protection up to the school keep clear markings (on both sides) | Implement restrictions to increase forward visibility and enable safer travel, especially for school children | 1361 | Advertise |
| Weybridge | South Road | To introduce residents permit bays in those areas not covered by double yellow lines. | Limited parking available for residents. | 1362 | Consult |
| Weybridge | St George's Avenue, Egerton Road, Warren Way, Outram Place, Cavendish Road | Existing single yellow line restriction to implemented in certain sections of St Georges Road - North side, between the access to Regents Court and Warren Way & Outram Place and Queens Road. SYLs on the southern side between Egerton Road and Cavendish Road. Implement double yellow lines on all junctions and access along St Georges Road. | To prevent obstructive parking along entire length of road. See drawing for details. | 1362, 1366, 13136 | Advertise |
| Weybridge | Thames Street, Jessamy Road, Beales Lane | Implement double yellow lines on both sides from access to Minnow Public House, southwards to the access to public house at no.83 Thames Street. Introduce 'no waiting at any time' at the junctions of Thames Street and Beales Lane and Thames Street and Jessamy Road. | It is proposed to introduce lengths of 'no waiting at any time' on Thames Street to allow vehicles to pass and prevent obstructive parking and to maintain sightlines and access at junctions. | 1350 | Advertise |
| Weybridge | Pine Grove, Hanger Hill | Extend existing single yellow lines on both sides of Pine Grove from their existing terminal point, westwards to the junction with Hanger Hill, and install double yellow lines at this junction. | Implement restrictions to prevent obstructive parking | 1361, 13111, 13135 | Advertise |
| x TRO | All CPZs | Amend TRO to include non professional carers | Extend the scope of the eligibility for operational permits to include non professional carers (e.g. family members) | N/A | Advertise (TRO change only) |
| x TRO | All CPZs | Amend all permit TROs to introduce new permit allocation limits in line with parking strategy, removing maximum number available to a household and allowing permits based on the sum of the number of the cars registered to members of the household minus the number of off street parking spaces available. | Current limit on number of permits available to any one household outdated. | N/A | Advertise (TRO change only) |

The following is a list of roads where we received other requests for new or amended parking controls, but which have not been considered to be as high a priority as the locations in the table above:

Claygate: Albany Crescent, Church Road, Coverts Road, Fee Farm Road, Dalmore Avenue, Foley Road, Hare Lane, Vale Croft
Cobham: Anyards Road, Bray Road, Cleves Close, Coveham Crescent, Downside Common Road, Farm View, Four Wents, Hamilton Avenue, High Street, Hogshill Lane, Hollyhedge Road, Littleheath Lane, Lushington Drive, Mill Road, Molesworth Road, Northfield Road, Winstanley Close, Winston Drive, Wyndham Avenue
East Molesey: Arnison Road, Bridge Gardens, Bridge Road, Creek Road, Feltham Avenue, Hurst Road, Kent Road, Kings Chase, Manor Road, Spencer Road
Esher: Douglas Road, Ember Lane, Esher Green, Esher Green Drive, High Street, Lower Green Road, Manor Drive, Milbourne Lane, More Lane, Portsmouth Road, The Woodlands, Woodend
Hersham: Beech Close, Burwood Road, Faulkners Road, Havers Avenue, Hersham CPZ, Molesey Road, New Berry Lane, Queens Road, Rydens Grove
Hinchley Wood: Portsmouth Road
Long Ditton: Ditton Hill, Ditton Reach, Effingham Road, Rectory Lane
Oxshott: Burn Close
Stoke D'Abernon: Station Road, Winston Drive
Thames Ditton: Ditton Hill Road, Embercourt Road, Ewell Road, Hampton Court Way, High Street, Old School Square, Portsmouth Road, Prospect Road, Rushett Road, Rythe Court, Thorkill Road, Vaughan Road, Warwick Road, Weston Green Road, Windmill Lane
Walton on Thames: Accommodation Road, Annett Road, Arnison Road, Ashley Close, Ashley Park Avenue, Ashley Park Road, Ashley Road, Betley Court, Bowes Road, Brampton Gardens, Bridge Street, Cambridge Road, Charlton Avenue, Churchfield Road, Devon Road, Drewitts Court, Dudley Road, Elland Road, Felcott Road, Fir Close, Hersham Road, High Street, Hurst Grove, Kenilworth Drive, Kings Close, Kings Road, Long Lodge Drive, Manor Road, Mayfield Close, Mayfield Gardens, Mayfield Road, Milton Road, Mole Road, Molesey Close, New Zealand Avenue, North Road, Oakbank Avenue, Oakfields, Rembrandt Way, Russet Close, Rydens Road, Second Avenue, Sidney Road, Silver Tree Close, Station Avenue, Stuart Avenue, Sullivans Reach, Terrace Road, The Chestnuts, The Halfway, Tides Close, Trenchard Close, Walton CPZ, Walton Park Lane, Winchester Road
West Molesey: Belvedere Gardens, Bridge Road, High Street, Kelvinbrook, Langton Road, Spreighton Road, St Barnbas Gardens, Walton Road
Weybridge: Anderson Rd, Barham Close, Beech Road, Belvedere Close, Castle Road, Church Street, Churchfield Place, Davis Road, Fortescue Road, Foxholes, Glencoe Road, Godolphin Road, Grotto Road, Hanger Hill, Heath Road, Jessamy Road, Julian Hill, Leavesden Road, Lonsdale Road, March Road, Mayfield Road, Minorca Road, Oatlands Avenue, Oatlands Chase, Oatlands Drive, Old Palace Road, Old School Mews, Pantile Road, Parkside Court, Parkway, Queens Road, Rosilyn Park, Segrave Close, Springfield Lane, St Mary's Road, St. Charles Place, Thames Street, Vale Road, Walpole Park, Waverley Road, Weybridge CPZ

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OFFICER REPORT TO LOCAL COMMITTEE (ELMBRIDGE)

Local Prevention Commissioning 2012/13
10 September 2012

PROCUREMENT STANDING ORDERS

It is important that members comply with our procurement standing orders whenever they are involved in any decisions relating to the award of contracts for goods or services:

- To make sure we spend public money legally and to protect us from undue criticism or allegation of wrongdoing.
- To secure value for money in the way we spend money, so that we offer best value for services to the public.
- To generate market competition through transparent, fair and consistent ways of working.
- To support supplier diversity, sustainability objectives, and an appropriate approach to equality.

CONFLICT OF INTEREST

It is critical for the transparent conduct of the council's business that our market searches, procurement and purchasing are carried out free from any conflict of interest. An 'interest' means any consideration or anything of economic value, including future consideration.

Conflicts of interest can arise when someone who is involved in these processes has a close connection with another party who is also involved which may mean they could influence, or be influenced by, the outcome of a buying decision.

Conflicts of interest can arise in the procurement process in a number of ways, including:

- a) Where someone who is actually buying goods or services for the council, or giving budgetary approval for the purchase, has an interest in the supplier's business

- b) Where someone with an involvement in a tender or other sourcing process has an interest in a potential supplier's business
- c) Where Suppliers bidding for a contract with the council have an interest which could enable them to influence unfairly the outcome of a sourcing process

All Councillors are required to ensure that any conflicts of interest are declared appropriately, and that they do not participate in any buying activity/procurement process where these conflicts of Interest could arise.

Members need to be aware that the consideration of conflicts arising under procurement standing orders is separate from any consideration of interests that may be relevant under the members' code of conduct. If members become aware of a conflict under procurement standing orders they should notify the clerk of the meeting as soon as they become aware of the conflict.

KEY ISSUE

Due to the lead in time required for re-commissioning Local Prevention Contracts, a decision is required in September whether to extend or re-commission for April 2013. The local needs assessment for at risk young people has not changed and there are no significant performance concerns with the current provider operating in Elmbridge. Feedback from Members indicates that it is too soon to make long term strategic commissioning decisions therefore this paper outlines the case for extending the contracts by 5 months to 31 August 2013.

SUMMARY

In response to feedback from Members, Officers have amended the commissioning timetable for Local Prevention. The amended timetable is provided in [ANNEX A](#).

The amended timetable involves extending the Local Prevention contract by five months to the end of August 2013. This would allow the Local Committee to make longer term strategic commissioning decisions in March 2013. The benefits of the amended timetable include a longer period of time for the provider to prove their performance, at least 9 months evidence for Members to evaluate before making strategic commissioning decisions, more time for market development and the alignment of the commissioning cycle with the academic year which would provide greater consistency of services to young people.

The potential impacts of the local elections in 2013 on the commissioning timetable have been fully explored. In order to mitigate the impact of the elections it is asked that the Local Committee extend the remit of the Task Group so that it is constituted up until the first Local Committee of the municipal year. In the event that Task Group members are not re-elected it is asked that the ability to appoint Members to the Task Group is delegated to the Assistant Director for Young People in consultation with the Chair and Vice-Chair of the Local Committee.

OFFICER RECOMMENDATIONS

The Local Committee (Elmbridge) is asked to:

- a) Extend the Local Prevention contract for five months to 31 August 2013;
- b) Extend the remit of the Youth Task Group to constitute up until the first Local Committee of the municipal year;
- c) Delegate the ability to appoint Members to the Task Group to the Assistant Director for Young People in consultation with the Chair and Vice-Chair of the Local Committee to replace any members who are no longer Councillors as a result of the elections;
- d) Nominate a new Borough Member to replace Councillor Ramon Gray on the Youth Task Group.

1.0 INTRODUCTION AND BACKGROUND

1.1 In April 2012 Officers outlined 11 Local Prevention commissioning timetables to take account of Local Committee dates. A generic version of the 11 local timetables has been attached at ANNEX B.

1.2 The timetables outlined that a recommendation whether to extend or retender Local Prevention contracts would need to be made as early as July 2012.

1.3 Local Prevention contracts have been let for 12 months with options to extend. The Local Prevention procurement process, local political decision making process and notice period to providers takes a minimum of eight months. This is determined by a fixed procurement timeline driven by European rules and regulations and the need to fit in with fixed Local Committee dates driven by Services for Young People's policy commitment to Localism. This is why recommendations on the future of the contract need to be made in July 2012.

1.4 The Local Committee reviewed the timetable at the informal meeting in May 2012 and provided feedback to Officers.

2.0 ANALYSIS

2.1 Local Committees provided feedback to Officers that the commissioning timescales for Local Prevention are too tight. In particular that July is too soon for the Task Groups to judge performance and make informed recommendations about retendering contracts.

2.2 In response Officers provided an amended timetable for the Task Group to review on 07 August. A localised version of the timetable is attached at ANNEX A.

2.3 The Task Group was informed that the local needs assessment has not changed and is due to be refreshed in autumn 2012. The refreshed needs assessment will inform the 2013 re-commissioning cycle. A performance update was also provided and no performance concerns significant enough to prevent extension were raised.

2.4 The Task Group decided to make a recommendation to the Local Committee to extend the Local Prevention contract by five months, subject to receipt of an acceptable delivery plan from the provider.

2.5 The refreshed delivery plan to cover the contract extension period from 01 April to 31 August has been reviewed by Officers. The performance and quality levels committed to in the delivery plans are consistent with the providers' original bids. The delivery plans will be attached to the contracts and will be used to hold providers to account during the contract extension period.

2.6 The local elections in 2013 have implications for the amended timetable. The Task Group will need to meet before the first Local Committee of the year. In order to mitigate the impact of the elections on the commissioning timetable it is asked that the Committee extend the remit of the Task Group so that it is constituted up until the first

Local Committee of the municipal year. This will allow the task groups to meet and consider the mini competitions in May.

2.7 In order to allow for possible changes to membership of the Youth Task Group following the elections it is requested that the Local Committee delegate to the Assistant Director for Young People the appointment of Youth Task Group members in consultation with the Chair and Vice-Chair of the Committee. This is to allow the recommendations to the Local Committee on the mini-competitions to remain in the member domain.

3.0 CONSULTATION

3.1 The Services for Young People *Fit for the Future* transformation programme has been subject to wide ranging consultation with groups of young people, staff, and partner agencies. Members have been consulted through the County Council's Public Value Review (PVR) Member Reference Group.

3.2 Local Committee views were sought on the Local Prevention commissioning process during 2011-12. In particular Local Committees reviewed local commissioning timetables in May 2012 and this report is written in response to Member feedback.

3.3 Local Committee Chairmen reviewed an earlier draft of this report on 19 July and provided their support in principal to extend Local Prevention contracts by five months.

3.4. Services for Young People are keen to learn from the first commissioning cycle and improve the process for the future. In recognition of this the Cabinet Member for Community Safety has commissioned a review of the Local Prevention Framework and requested a report to be made to Education Select Committee. The review will take place during autumn 2012 and Members will be consulted as part of the review.

4.0 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

4.1 It is anticipated local commissioning will offer better value for money in that the outcomes commissioned and work delivered will be more closely aligned to local need.

4.2 The Local Prevention budget for 2013/14 will be split pro rata to cover the 5 month extension period (£48,333) and the subsequent seven months from September 2013 onwards (£67,666).

5.0 EQUALITIES AND DIVERSITY IMPLICATIONS

5.1 The devolved commissioning budget is likely to be targeted to groups who are vulnerable or at risk.

6.0 CRIME AND DISORDER IMPLICATIONS

6.1 The purpose of Local Prevention is to prevent young people from becoming not in education, employment or training (NEET) and from offending.

7.0 CONCLUSIONS

7.1 In response to Member feedback Officers recommend amendments to the Local Prevention commissioning timetable.

The Local Committee is asked to:

- a) Extend the Local Prevention contract for five months to 31 August 2013
- b) Extend the remit of the Youth Task Group to constitute up until the first Local Committee of the municipal year
- c) Delegate the ability to appoint Members to the Task Group to the Assistant Director for Young People in consultation with the Chair and Vice-Chair of the Local Committee where the election results impact on membership.

8.0 REASONS FOR RECOMMENDATIONS

8.1 The local needs assessment for at risk young people has not changed, there are no significant performance concerns with the current provider, the quality of the delivery plan is consistent with original bids and the recommendations address specific Member feedback. The benefits of the amended timetable include a longer period of time for providers to prove their performance, at least 9 months evidence for Members to evaluate before making longer term strategic commissioning decisions, more time for market development and the alignment of the commissioning cycle with the academic year which will provide greater consistency of service to young people.

9.0 WHAT HAPPENS NEXT

9.1 Contract extension notices will be drawn up by Officers and agreed with providers at the next round of Quarterly Partnership meetings in October 2012.

9.2 Robust performance and quality management of the contracts and their outcomes will continue. Officers will work with providers in the spirit of partnership to support and challenge.

9.3 A regular Local Youth Services briefing will be developed for Local Committee Members and the Youth Task Group will receive full reports on performance and quality of Local Prevention at Task Group meetings.

LEAD OFFICER: Garath Symonds, Assistant Director for Young People

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CONTACT OFFICER: Jeremy Crouch, Contracts Performance Officer

TELEPHONE NUMBER: 07968 832 437

E-MAIL: jeremy.crouch@surreycc.gov.uk

BACKGROUND PAPERS: N/a

Version No. 1.0 Date: 23/08/12 Time: 11:00 Initials: No of annexes: 2

ANNEX A: Amended 2012/13 Local Prevention Commissioning Timetable (Elmbridge)

| Activity | Date | Comment |
|---|-------------------------|--|
| Local Committee reconstitutes Task Group. | 14 June 2012 | |
| Task Group receives district and borough updates and, in response to Local Committees feedback, agree recommendation to extend Local Prevention contracts by five months. | 7 August 2012 | |
| Local Committee considers Task Group recommendations to extend contracts by five months. | 10 September 2012 | |
| Task Group meet to assess local needs, evaluate Performance of Local Prevention providers and make commissioning recommendations to Local Committee. | December / January 2013 | |
| Officers seek Local Committee approval for local tender specifications based on needs and priorities identified by Task Group (if re-commissioning). | 25 February 2013 | |
| Window for provider events (if re-commissioning). | February / March 2013 | |
| Bidding opens (if re-commissioning). | 25 March 2013 | |
| Bidding closes (if re-commissioning). | 03 May 2013 | Bidding window extended from 4 to six weeks. Copies of bids sent to Community Partnership Teams to resolve potential conflicts of interest. |
| Bids are scored and shortlisted by the Commissioning and Development Team. | May 2013 | |

18/07/2012

| | | |
|---|---------------|--------------------------------------|
| | | |
| Papers on shortlisted bids are sent to Task Group. | May 2013 | One week before Task group |
| Shortlisted Bids presented to Task Group. | May-June 2013 | |
| Papers making recommendations to award are sent to Local Committee. | June 2013 | Two weeks before the Local Committee |
| Award decisions made by Local Committee. | July 2013 | |
| Contracts awarded to successful bidders. | July 2013 | |
| Contract mobilisation by Commissioning and Development Team. | August 2013 | |
| Contract starts. | 01/09/13 | |
| Contract ends. | 31/03/15 | |

ANNEX B: Original 2012/13 Local Prevention Commissioning Timetable (Generic)

| Activity | Date | Comment |
|---|----------------|--------------------------------------|
| Local Committees (informals) review Local Prevention commissioning processes. | May 2012 | |
| Papers to Local Committee | June 2012 | Two weeks before the Local Committee |
| Local Committee to reconstitute Task Group | June 2012 | |
| Task group meets to the reconsider needs of Borough and initial performance of provider and make a recommendation to re-tender or not to be considered by Local Committee. | July 2012 | |
| If recommendation to re-tender, specification is rewritten by Commissioning and Development Team taking into account the amended Task Group needs and any additional information requested by the Commissioning Team. | August 2012 | |
| Papers to Local Committee | September 2012 | Two weeks before the Local Committee |
| Recommendation to re-tender and specification approved by Local Committee. | September 2012 | |
| Bidding opens | September 2012 | |
| Bidding closes | October 2012 | 4 weeks allowed to write |

Last updated 18/07/2012

| | | |
|---|-------------------|--------------------------------------|
| | | bid |
| Bids are scored and shortlisted by the Commissioning and Development Team. | October 2012 | |
| Commissioning and Development Team Papers on Recommendations/Shortlisted bids are sent to the Task Group. | November 2012 | One week before Task group |
| Shortlisted Bids present to Task Group | November 2012 | |
| Papers making recommendations are sent to the Local Committee | November 2012 | Two weeks before the Local Committee |
| Decision made by Local Committee | December 2012 | |
| Contract awarded to successful bidder. | December 2012 | |
| Contract mobilisation by Commissioning and Development Team | Jan/Feb/ Mar 2013 | |
| Contract starts | 01/04/13 | |

Last updated 18/07/2012

OFFICER REPORT TO LOCAL COMMITTEE (ELMBRIDGE)

SURREY LOCAL FLOOD RISK MANAGEMENT STRATEGY

10 SEPTEMBER 2012

KEY ISSUE

To inform the Elmbridge Local Committee of partnership arrangements and responsibilities for strategic flood risk management in Surrey; and consult on our ambitions in the draft Surrey Local Flood Risk Management Strategy.

SUMMARY

Recent Government legislation has provided local authorities with a number of new responsibilities in relation to flood risk management. It has also provided a timely opportunity to review the activities that we already carry out. The Surrey Flood Risk Management Strategy marks the start of a new, more coordinated approach to the work that we all carry out in this important area.

RECOMMENDATIONS

The Elmbridge Local Committee is asked to:

- i. Comment on the partnership approach and ambitions for strategic flood risk management in Surrey.
- ii. Note the impending publication of a draft Surrey Flood Risk Management Strategy, with a view to giving comment during the consultation period (September to November 2012).

1. INTRODUCTION AND BACKGROUND

- 1.1 Surrey is a county with a high risk of flooding. It has experienced major flood incidents, including several in the last 10 years. Evidence indicates that in future the damage caused by flood incidents could increase, due to the impact of climate change and further pressure for development in areas at risk of flooding.
- 1.2 Surrey County Council has been designated lead local flood authority and consequently has a number of specific new responsibilities that relate primarily to 'local flood risk', namely from surface water, groundwater and ordinary watercourses (smaller rivers, streams and ditches). Flood risk from all other rivers (known as main rivers) remains the responsibility of the Environment Agency.
- 1.3 As local planning authorities, districts and boroughs are required to take account of national planning policy guidance on flood risk, amongst other considerations, in both their development control and forward planning work. They also have a number of other powers and statutory obligations on flood risk management, such as powers to designate structures and features that affect flood risk.
- 1.4 The Surrey Flood Risk Partnership Board (hereafter the Partnership Board) was set up to ensure there is a strategic approach to flood risk management within Surrey. Under it, partners will work towards a joint understanding of local flood risk and an alignment of priorities and investment.
- 1.5 The Partnership Board's core membership includes Surrey district and borough representatives (to reflect areas with the greatest flood risk):
 - Epsom & Ewell Borough Council
 - Guildford Borough Council
 - Reigate & Banstead Borough Council
 - Runnymede Borough Council
 - Woking Borough Council (Chief Executive champion).

However, the inclusion and participation of all boroughs and districts is sought through collaborative working arrangements and the requirement to share information.

- 1.6 The Partnership Board has commissioned the Surrey Local Flood Risk Management Strategy (hereafter the strategy). The strategy will take account of all types of flooding, which reflects the partnership approach. It also recognises that residents and businesses do not always distinguish between different types of flood risk; the impact is their key concern.

- 1.7 The strategy clarifies the roles and responsibilities of the different organisations involved in flood risk management in the county, including how they work together. It sets out ambitions and priority actions. It also provides a list of projects. These will be submitted to the Thames Regional Flood and Coastal Committee with the intention of leveraging funding.
- 1.8 Our ambitions to 2017 in the draft strategy (in no particular order) are:
- i. Drainage strategy - We will develop a long term drainage asset management strategy, which covers highways and ordinary watercourse maintenance. As a result we will target high risk and high need areas in a joined up way.
 - ii. Infrastructure - The relevant local authorities will work together with the Environment Agency to ensure the development and implementation of flood risk management strategies including the Lower Thames and Wey. This will bring tangible reductions in flood risk to some Surrey communities.
 - iii. Sustainable drainage - We will develop an approach to sustainable drainage systems that is fully integrated with the planning system. Large development sites will be exemplars. We also want to see more retrofitting of sustainable drainage systems in high risk areas.
 - iv. Resilience - Together we will promote flood resilience and resistance measures to 'at risk' households and businesses in Surrey. This will include the continued development and sharing of 'self help' opportunities.
 - v. Insurance - We will urge the Government to work with the insurance industry to guarantee the availability and affordability of flood insurance.
 - vi. Funding - We will be ambitious in our approach to securing national flood risk management funding, and in exploring additional funding sources. We will assist, where possible, in supporting the funding of property level protection schemes in high risk areas.
 - vii. Communications - We will continue to explain what work is underway to reduce flood risk, how this is prioritised and what role residents and businesses can play.
 - viii. Technology - We will continue to promote and use innovative technologies, to better understand the nature of flood risk, and identify potential flood risk mitigation measures.

2. ANALYSIS

- 2.1 By far the greatest flood risk in the Elmbridge area is from the River Thames. Molesey is highlighted within the strategy as being one of the communities with the largest number of properties with a significant likelihood of fluvial flooding (produced by the action of a river or stream) in the county.
- 2.2 The strategy sets out the commitment of the local authorities covered by the Lower Thames to work together with The Environment Agency on implementation of the Lower Thames Flood Risk Management Strategy.
- 2.3 According to Surrey's Preliminary Flood Risk Assessment, Thames Ditton is one of the 10 highest risk areas for surface water flooding in Surrey. This assessment is based on national datasets supplemented with local knowledge. The strategy explains how areas identified as being at risk will be considered for surface water management plans in order to develop sustainable responses to manage surface water flooding.
- 2.4 Joint working between county and borough officers has ensured that the local structures likely to have a significant impact on flooding have been included on Surrey's flooding asset register. Important Information on ownership and state of repair of key culverts, ditches and drainage systems is now held centrally and will influence maintenance regimes.
- 2.5 Environment Agency work on high priority weirs on the River Thames, and surveying and modelling of the Dead River, is included in the 2012/13 programme of schemes.

3. OPTIONS

- 3.1 We could have produced a strategy that only addressed surface water, groundwater and ordinary watercourses. The Partnership Board decided on an integrated strategy.
- 3.2 With regard to the ambitions in our strategy, we could:
 - Be more ambitious in our partnership working
 - Be less ambitious.
- 3.3 Changes in national funding mean we also need to consider options for local funding that may be allocated to local flood risk priorities.
- 3.4 The Strategic Environmental Assessment process for the annual strategy action plan will provide a clear account of the environmental risks and opportunities for environmental gain that are associated with options being considered.

4. CONSULTATIONS

- 4.1 Public consultation on the Surrey Local Flood Risk Management Strategy runs from September to the end of November 2012. It can be found at www.surreycc.gov.uk/floodriskstrategy or call 03456 009 009.

5. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 5.1 In April 2012 the way that the Government funds flood risk management projects changed. We are developing an understanding of areas in Surrey that have the highest eligibility for national funding to ensure that Surrey receives its fair share.

6. EQUALITIES AND DIVERSITY IMPLICATIONS

- 6.1 We have considered equalities implications in a full equality impact assessment of the strategy.
- 6.2 In terms of prioritising locally important schemes, we will consider areas of the county where there are concentrations of vulnerable residents, who could be particularly at risk in the event of flooding (for example elderly, disabled or less mobile residents).
- 6.3 Members can report flood incidents and encourage people in known high-risk flood areas to be prepared for flood incidents. To report any problems related to floods, see [Who to contact to report problems with floods](#).

7. CRIME AND DISORDER IMPLICATIONS

- 7.1 Surrey's Local Resilience Forum does not identify crime and disorder as a risk associated with flood incidents in the [Surrey Community Risk Register](#).

8. CONCLUSION

- 8.1 Surrey County Council is the lead local flood authority and has a statutory duty to produce a strategy. However, the county council and partners also view the strategy as a real opportunity to work together to reduce risk to residents and businesses and prepare for the future.
- 8.2 The Elmbridge Local Committee is asked to:
- Comment on the partnership approach and ambitions for strategic flood risk management in Surrey.

- Note the impending publication of a draft Surrey Flood Risk Management Strategy, with a view to giving comment during the consultation period (September to November 2012).

9. REASONS FOR RECOMMENDATIONS

9.1 There is a role for everyone to play in the management of flood risk. We can coordinate our services better so that the risk of flooding is reduced and the aftermath of flood incidents are as minimal as can be.

10. WHAT HAPPENS NEXT

10.1 We will circulate the draft strategy widely to community groups, individuals and organisations with an interest in flood risk management. Public consultation ends 12 weeks after publication, which is likely to be 30 November 2012. We will update the draft strategy in response to people's comments. The strategy will become a statutory document, which Surrey's local authorities, water companies and internal drainage board must have regard to.

10.2 The Partnership Board will provide an annual progress report to the Surrey County Council Environment and Transport Select Committee and Directorate Leadership Team for Environment and Infrastructure. The outcomes and decisions of the Partnership Board will feed into the Thames Regional Flood and Coastal Committee (RFCC). The Partnership Board will receive quarterly reports from each of the Lead Local Flood Authority's operational groups that provide:

- Updates on the groups' work programmes and key issues for review and endorsement
- Assurance that liaison is working and that partners are fulfilling their commitments
- Recommendations for actions which the senior officers need to focus further attention on.

Please note: To report any problems related to floods, please contact the relevant agency and not the officers below, thank you. See [Who to contact to report problems with floods](#).

LEAD OFFICER: Deborah Fox, Strategy and Commissioning Team Manager
TELEPHONE NUMBER: 020 85419381

E-MAIL: Deborah.fox@surreycc.gov.uk

CONTACT OFFICER: Mark Howarth, Flood Risk Strategy Manager
TELEPHONE NUMBER: 01483 517445

E-MAIL: Mark.howarth@surreycc.gov.uk

BACKGROUND PAPERS: Draft Surrey Local Flood Risk Management Strategy and/ or an executive summary of the draft strategy.



OFFICER REPORT TO LOCAL COMMITTEE (Elmbridge)

LOCAL COMMITTEE FUNDING

10 September 2012

KEY ISSUE

To give consideration to the funding requests received that have been sponsored by at least one County councillor.

SUMMARY

Surrey County Council's Local Committees receive funding to spend on locally determined purposes that help to promote social, economic and/or environmental well-being. This funding is known as Member Allocations.

For the financial year 2012/13, the County Council has allocated £12,615 revenue funding to each County Councillor and £35,000 capital funding to each Local Committee.

OFFICER RECOMMENDATIONS

The Local Committee (Elmbridge) is asked to:

- (i) Agree the items presented for funding from the Local Committee's 2012/13 **revenue** funding as set out in section 2 of this report and summarised below:

| ORGANISATION | PROJECT | AMOUNT |
|---|--------------------------------------|---------------|
| Claygate in Bloom | Claygate War Memorial Garden Project | £855 |
| St Paul's Church Parochial Church Council | St. Pauls Church Tower Repairs | £11,000 |

- (ii) Agree the items recommended for funding from the Local Committee's 2012/13 **capital** funding as set out in section 2 of the report and summarised below:

| ORGANISATION | PROJECT | AMOUNT |
|---|--------------------------------------|---------------|
| Claygate in Bloom | Claygate War Memorial Garden Project | £2395 |
| Lower Mole Countryside Management Project | Lower Mole Landrover Project | £5,000 |

- (iii) Determine whether conditions regarding the return of £744 of the Committee's 2011/12 funding should be waived or upheld; and if a further £819 should 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 this report.
- (iv) Note the expenditure previously approved by the Community Partnerships Manager and/or the Community Partnerships Team Leader under delegated authority, as set out in section 4.
- (v) Note any returned funding and/or adjustments, as set out within the report or at Appendix 1.

1 INTRODUCTION AND BACKGROUND

- 1.1 At its 14 June 2012 Local Committee (Elmbridge) meeting, councillors agreed to pool their £35,000 capital budget but to keep their £12,615 revenue allocations separate.
- 1.2 Member Allocation funding is generally made to organisations on a one-off basis, so that there should be no expectation of future funding for the same or similar purpose.
- 1.3 Member Allocation funding will not usually be granted for purposes that benefit an individual, nor to fund schools for the direct delivery of the National Curriculum, nor to support political parties.
- 1.4 When considering bids, organisations applying are advised against assuming that the Local Committee will meet the total cost of their project.

2 BIDS SUBMITTED FOR APPROVAL – REVENUE/CAPITAL FUNDING

- 2.1 The proposals for revenue and capital funding for consideration and decision at this Committee are set out below.

Claygate War Memorial Garden Project

£855 Revenue
£2,395 Capital

Michael Bennison

Claygate in Bloom has submitted an application for £3,250 to replace the cracked and uneven concrete slabs forming the path and surround to the First World War Memorial. The slabs will be replaced with good quality stone that will improve both the safety and appearance of the path, thus promoting local heritage and providing a lasting legacy for future generations. The total cost of the project will be £5,040 with the remainder coming from Claygate Parish Council, Claygate Village Association and Elmbridge Borough Council Jubilee fund.

St. Pauls Church Tower Repairs

£11,000 Revenue

Ernest Mallett & Nigel Cooper

St Paul's Church Parochial Church Council has submitted an application for £11,000 to carry out essential repair work to the church tower. This will ensure that the tower is safe and waterproof. The total cost of the project is £33,900 of which an additional £15,500 has already been raised and the remainder will come from further fundraising and church donations. St Paul's Church has previously received £1,462 for the purchase of audio equipment from the Elmbridge Local Committee in 2011/12.

Lower Mole Project Land Rover

£5,000 Capital

Ernest Mallett

Lower Mole Countryside Management Project has submitted an application for £5,000 towards the purchase of a Land Rover vehicle.

The Project organises a volunteer programme that enables individuals from the local community to help with practical conservation and access across the Project area, which includes the borough of Elmbridge. Each year around 13,000 volunteer hours are achieved, making the Project one of the largest generators of voluntary activity in the region.

The Land Rover is an essential vehicle for the running of the Lower Mole Project. It will be the only four wheel drive vehicle that the Project will have that can access places that the minibus cannot. It will be the main towing vehicle for the trailer that the Project recently purchased with a grant.

The total cost of the vehicle is approximately £28,000 of which £15,400 has already been raised. £4,520 is also being requested from the Epsom & Ewell Local Committee and £2,520 from the Mole Valley Local Committee.

3 WALTON HERITAGE FUN DAY

£819 revenue

Tom Phelps-Penry

- 3.1 The Walton Heritage Day Organising Committee has submitted an application for £819 revenue funding from Councillor Tom Phelps-Penry's allocation in order to host its annual Heritage Fun Day on 8 September 2012. This is an event for which the Local Committee has provided financial support since 2007. Most recently, in 2011, the Walton Society Heritage Day Committee received £744 from the Local Committee towards the cost of entertainment and facilities hire at the event. The bid received this year will constitute a repeat bid, as described in paragraph 1.2 of this report.
- 3.2 The County Council is prohibited from using taxpayer's money to promote political parties. The Walton Society is a registered political party that sponsors councillors elected to the County Council. However, the committee acknowledged the value of the event to the local community in Walton and when awarding funding for last year's Fun Day event stipulated that "If at any time this day is advertised as an event organised by a political group then Walton Heritage Day Committee will be required to return the funding". This condition was also incorporated into the funding agreement signed between the Walton Society and the County Council. Upon investigation, the Community Partnerships Team found that

the Walton Society logo had been included in a prominent position on the event's publicity poster, naming the Walton Society as the sponsor of the event. Advice from the County Council's legal service concurred that there had been a breach of the funding conditions and a return of the funding awarded was requested by the Community Partnerships Team. Although requested, the funding awarded for last year's event has not yet been returned.

- 3.3 The Elmbridge Local Committee is therefore asked to determine whether conditions regarding the return of £744 of the Committee's 2011/12 funding should be waived or upheld; and if £819 from this year's budget should be awarded to the Walton Heritage Day Organising Committee to support the Walton Heritage Fun Day 2012.

4 DELEGATED AUTHORITY APPROVED BIDS

- 4.1 The Community Partnerships Manager or the Community Partnerships Team Leader (East Surrey) has already approved the following revenue bids under delegated authority, since the last committee meeting:

| COUNCILLOR | PROJECT | AMOUNT |
|-------------------|--|---------------|
| Mike Bennison | Stay connected through arts | £1,000 |
| Mike Bennison | Replacement of Hinchley Wood Scout & Guide HQ chairs | £600 |
| Ernest Mallet | Holiday Play Scheme - Elmbridge Shout | £400 |
| Ernest Mallet | Installation of automatic fire door closers | £300 |
| Mike Bennison | Church Hall A/V System | £1,000 |
| Margaret Hicks | Healthy & Positive Lifestyles Project 2012 | £1,000 |

5 OPTIONS

- 5.1 The Local Committee may choose to approve all, part or none of the funding proposals under discussion in this report.

6 CONSULTATIONS

- 6.1 In relation to new bids, consultation, where appropriate, may have been undertaken by the organisation receiving the funding, the local Member of the Community Partnerships Team as required.
- 6.2 The appropriate Surrey County Council services and partner agencies are consulted when bids are submitted, as required.

7 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 7.1 Each project detailed in this report has completed a standard application form giving details of timescales, purpose and other funding applications made. The County Councillor proposing each project has assessed its merits prior to the project's inclusion as a proposal for decision by the Committee.
All bids are also scrutinised to ensure that they comply with the Council's Financial Framework and represent value for money.
- 7.2 There are sufficient monies to fund all of the proposals contained within this report. If the above recommendations are approved, the remaining balances will be those set out in the financial position statement attached at Appendix 1.
- 7.3 Please note that these figures may not include any applications submitted for approval after the deadline for this report or that are currently pending approval under delegated authority. They also do not include any funding that is in the process of being returned to the Local Committee.

8 EQUALITIES AND COMMUNITY SAFETY IMPLICATIONS

- 8.1 The allocation of the Committee's budgets is intended to enhance the wellbeing of residents and make the best possible use of the funds. Funding is available to all residents, community groups or organisations based in, or serving, the area. The success of the bid depends entirely upon its ability to meet the agreed criteria, which is flexible.
- 8.2 The Local Committee funding can be allocated to projects that benefit a diverse range of community safety needs.

9 CONCLUSION AND RECOMMENDATIONS

- 9.1 The spending proposals put forward for this meeting have been assessed against the County's standards for appropriateness and value for money within the agreed Financial Framework and the local agreed criteria, which is available from the Community Partnerships Team.

9.2 The Local Committee is asked to consider the items submitted for funding from the 2012/13 Local Committee delegated budget, as detailed in the report.

10 REASONS FOR RECOMMENDATIONS

10.1 The Committee is being asked to decide on these bids so that the Community Partnerships Team can process the bids in line with the wishes of the Committee.

11 WHAT HAPPENS NEXT

11.1 If approved by the Local Committee, organisations will be approached to sign funding agreements for their projects based on the bids submitted.

11.2 Any changes to an approved bid will be discussed with the local Members and the Chairman, and if the changes are considered to be significant, an amended bid will be brought back to the Committee for approval. In all other circumstances, the Community Partnerships Team will process the payments as soon as possible, once the signed agreement has been received.

11.3 All successful applicants will be contacted for details of how the funding was spent and will be asked to supply evidence.

| | |
|---------------------------|---|
| Lead Officer: | Sandra Brown Community Partnership Team Leader (East) |
| Telephone Number: | |
| E-mail: | sandra.brown@surreycc.gov.uk |
| Report Contact: | Neil Lord Local Support Assistant |
| Telephone Number: | 01737 737 420 |
| E-mail: | communitypartnershipseast@surreycc.gov.uk |
| Background Papers: | <ul style="list-style-type: none">• SCC Constitution: Financial Framework• Local Committee Protocol• Criteria and Guidance for Members Allocations• Local Committee Funding Bids |

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Elmbridge Members Expenditure - Balance Remaining 2012-2013

Appendix 1

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| | | REVENUE | CAPITAL |
|--------------------------|--|-------------------|----------------|
| Michael Bennison | OPENING BALANCE | £12,615.00 | POOLED |
| | ELM1213010A Island Revamp + Slip Road | £1,000.00 | |
| | ELM1213017 SWISO Trips to Iceland and Germany | £1,000.00 | |
| | ELM1213018 Sticky Fingers Pre-School & Workshops | £200.00 | |
| | ELM1213019 Leader's Bursary Fund Looked After Children | £500.00 | |
| | ELM1213025 Staying Connected through The Arts | £1,000.00 | |
| | ELM1213026 Replacement Hinchley Wood Scout | £600.00 | |
| | ELM1213027 Claygate War Memorial | £855.00 | |
| BALANCE REMAINING | £7,460.00 | | |

| | | REVENUE | CAPITAL |
|---------------------|--|-------------------|----------------|
| John Butcher | OPENING BALANCE | £12,615.00 | POOLED |
| | ELM1213019 Leader's Bursary Fund Looked After Children | £500.00 | |
| | BALANCE REMAINING | £12,115.00 | |

| | | REVENUE | CAPITAL |
|--------------------------|--|-------------------|----------------|
| Nigel Cooper | OPENING BALANCE | £12,615.00 | POOLED |
| | ELM1213027A Radio Microphone / Speakers | £149.99 | |
| | ELM1213013 40th Anniversary Party | £100.00 | |
| | ELM1213019 Leader's Bursary Fund Looked After Children | £500.00 | |
| | ELM1213030 St Pauls Church Tower Repairs | £5,500.00 | |
| BALANCE REMAINING | £6,365.01 | | |

| | | REVENUE | CAPITAL |
|--------------------------|--|-------------------|----------------|
| Peter Hickman | OPENING BALANCE | £12,615.00 | POOLED |
| | ELM1213023 Thames Ditton Summer Fair | £600.00 | |
| | ELM1213019 Leader's Bursary Fund Looked After Children | £500.00 | |
| BALANCE REMAINING | £11,515.00 | | |

Elmbridge Members Expenditure - Balance Remaining 2012-2013

Appendix 1

| | REVENUE | CAPITAL |
|--|-------------------|----------------|
| Margaret Hicks | £12,615.00 | POOLED |
| OPENING BALANCE | | |
| ELM1112384 Step Ladders - returned funds | -£302.20 | |
| ELM1213015 Visit of Chinese Headteacher | £1,000.00 | |
| ELM1213024 CYA Awards 2012 - CAMHS | £500.00 | |
| ELM1213019 Leader's Bursary Fund Looked After Children | £500.00 | |
| BALANCE REMAINING | £10,917.20 | |

| | REVENUE | CAPITAL |
|--|-------------------|----------------|
| Ian Lake | £12,615.00 | POOLED |
| OPENING BALANCE | | |
| ELM1213006 Weybridge Extravaganza Lights | £1,000.00 | |
| ELM1213019 Leader's Bursary Fund Looked After Children | £500.00 | |
| ELM1213021 The Quadrant, Weybridge Olympic | £500.00 | |
| BALANCE REMAINING | £10,615.00 | |

| | REVENUE | CAPITAL |
|--|-------------------|----------------|
| Ernest Mallett | £12,615.00 | POOLED |
| OPENING BALANCE | | |
| ELM1213012 Awards Qualifications - Duke of Edinburgh | £1,250.00 | |
| ELM1213013 40th Anniversary Party | £100.00 | |
| ELM1213014 Inauguration of Elmbridge Seniors | £300.00 | |
| ELM1213019 Leader's Bursary Fund Looked After Children | £500.00 | |
| ELM1213030 St Pauls Church Tower Repairs | £5,500.00 | |
| ELM1213029 Automatic Fire Door Closers | £300.00 | |
| ELM1213028 Holiday Play Scheme | £400.00 | |
| BALANCE REMAINING | £4,265.00 | |

| | REVENUE | CAPITAL |
|--|-------------------|----------------|
| Thom Phelps-Penry | £12,615.00 | POOLED |
| OPENING BALANCE | | |
| ELM1213025A Scouts Security Fence | £500.00 | |
| ELM1213014 Inauguration of Elmbridge Seniors | £500.00 | |

Elmbridge Members Expenditure - Balance Remaining 2012-2013

Appendix 1

| | |
|--|-------------------|
| ELM1213019 Leader's Bursary Fund Looked After Children | £500.00 |
| BALANCE REMAINING | £11,115.00 |

| OPENING BALANCE | | REVENUE | CAPITAL |
|------------------------|--|-------------------|----------------|
| Tony Samuels | | £12,615.00 | POOLED |
| | ELM1213019 Leader's Bursary Fund Looked After Children | £500.00 | |
| | BALANCE REMAINING | £12,115.00 | |

| OPENING BALANCE | | CAPITAL |
|------------------------|--|-------------------|
| Pooled Capital | | £35,000.00 |
| | ELM1213010A Island Revamp + Slip Road | £6,000.00 |
| | ELM1213022A Doventon Clark Memorial | £2,000.00 |
| | ELM1213007 Installation of Multi-space game area (MUGA) | £3,000.00 |
| | ELM1213008 Project Bench - Bevendean Residents Association | £1,500.00 |
| | ELM1213009 Audio Visual System - St Peter Hersham | £4,000.00 |
| | ELM1213010 Digital Recording news - memory sticks | £1,414.00 |
| | ELM1213011 Ladies Toilet Facilities | £5,000.00 |
| | ELM1213016 Set up of Bell Farm Primary School | £1,995.00 |
| | ELM1213020 Wheelchair Project - British Red | £2,696.00 |
| | ELM1213027 Claygate War Memorial | £2,395.00 |
| | ELM1213032 Lower Mole Land Rover Project | £5,000.00 |
| | BALANCE REMAINING | £0.00 |