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**LEWES
TOWN
COUNCIL**

To: Cllrs Barker; Black; Borowski; Chartier; Dean; Li; Milner; Murray (S); O'Keeffe; Sinclair

A Meeting of the Working party formed to address traffic-related issues in Lewes will be held on **Wednesday 3rd March 2010**, in the **Council Chamber, Town Hall, Lewes** at **2:30pm** which you are requested to attend.

S Brigden, Town Clerk
12th February 2010

AGENDA

1. APOLOGIES FOR ABSENCE:

To receive apologies from members of the working-party who are unable to attend.

2. MEMBER'S DECLARATIONS OF INTEREST:

To note declarations of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To agree minutes of the meeting held on 20th November 2009 (*attached*)

4. PUBLIC QUESTION TIME

To receive any questions from members of the public.

5. BUSINESS OF THE MEETING

To continue the work of previous meetings, in assessing practical issues involved to meet the aims of the working-party, and evaluating information gathered so far.

In particular, discussion is proposed regarding snow & ice clearance from footways, following referral of report FC010/2009, considered by Council on 21st January 2010. (*attached; page 6*)

PUBLIC ATTENDANCE

Members of the public are welcome to attend meetings of the Council and its Working Parties – questions may be heard at the start of each meeting with the Chairman's consent, and subject to time available. Correspondence or requests to address the meeting should, whenever possible, be notified to the Town Clerk at least 24 hours in advance.

PLEASE NOTE: As our meeting rooms are relatively small, we would appreciate advanced warning if you plan to attend in a group; perhaps with neighbours, or to bring a party of student observers. We may be able to arrange for the meeting to be held in an alternative room.

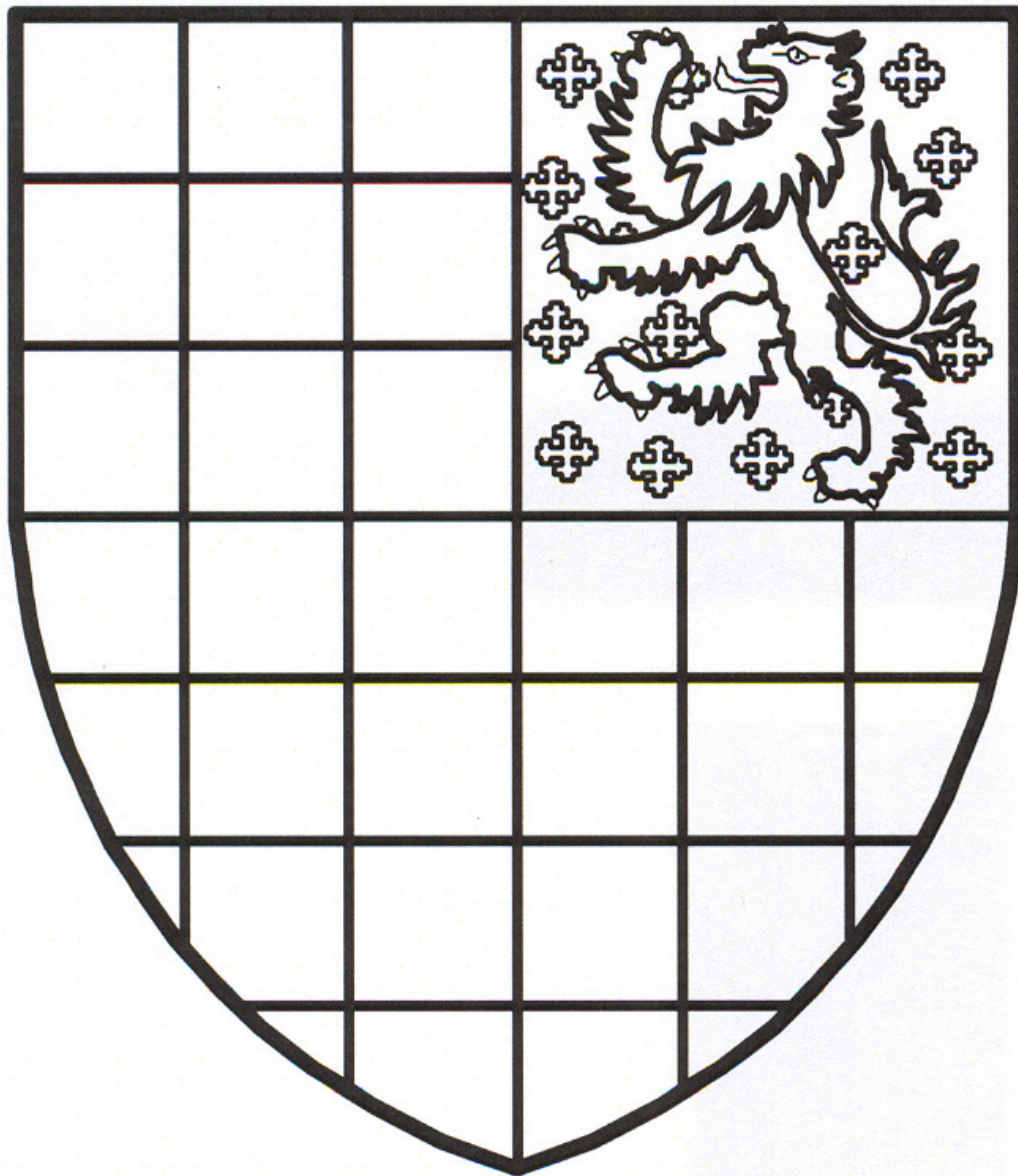
For further information about items on this agenda please contact the Town Clerk at the above address.

Distribution: Cllrs Barker; Black; Borowski; Chartier; Dean; Li; Milner; Murray (S); O'Keeffe; Sinclair
and **ESCC Cllr Matthew Lock, ESCC Cllr R St Pierre, Mr Rupert Clubb ESCC Director of Transport & Environment**

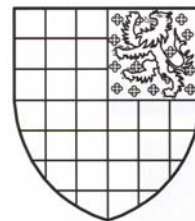
Copies for information:

All Councillors; Lewes Library; T/Hall Noticeboard; LTC website; Sx.Express; E.Argus; Sx.Police; N Baker MP; ESCC; LDC; Friends of Lewes

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MINUTES

of the meeting of the **Working Party** formed to address traffic-related issues in Lewes held on **Friday 20th November 2009**, in the **Yarrow Room, Town Hall, Lewes** at **2:30pm**.

PRESENT Cllrs A Barker; M Chartier; A Dean (*Mayor*); L F Li; M Milner (*Chairman*); S Murray; R O’Keeffe; J Sinclair;

Attending: S Brigden (*Town Clerk*); Cllr Matthew Lock (*ESCC Lead Member for Transport, Environment and Waste Planning*); Roger Williams (*ESCC Head of Transport Operations*); Cllr Rosalyn St Pierre (*ESCC Ringmer & Lewes Bridge Ward*).

TIWP2009/08 **APOLOGIES FOR ABSENCE:** Apologies were received and accepted from Cllrs Black and Borowski, both due to continuing ill-health.

TIWP2009/09 **DECLARATIONS OF INTEREST:** There were none

TIWP2009/10 **MINUTES:** The minutes of the meeting 26th August 2009 were signed as an accurate record.

TIWP2009/11 **PUBLIC QUESTIONS:** There were none. (No press or public were present.)

TIWP2009/12 **BUSINESS OF THE MEETING:**

1 Cllr Milner welcomed Cllrs Lock and St Pierre, and Mr Williams, and thanked them for attending. He rehearsed the issues of concern discussed by the Town Council in recent years and drew attention to the matter of the ESCC/LTC Parking Board and the apparent refusal of a seat on that forum for the Town Council. This was understood to be now operating as a contract-management body, but the fact that Lewes Chamber of Commerce had originally been offered a seat when LTC had not, and that repeated requests for inclusion had been ignored, was considered discourteous and undemocratic. Cllr Milner also reminded the meeting that he had never received a considered reply from ESCC to his questions following the public opinion survey on the parking regime, conducted jointly by the Town Council; Chamber of Commerce; and Sussex Express in May 2007. It was remarked that the level of response to this survey had been equal in significance to the numbers surveyed by ESCC before the original implementation of the scheme. The overwhelming opinion (79% of residents and 75% of non-residents who responded) was that Lewes had NOT been improved by the scheme. On the particular matter of charging for parking on Bank Holidays, over 90% of all respondents considered that these should be free-of-charge, and LTC fully-supported this view. There were several other legitimate concerns which appeared to have been ignored when reviewing details of the scheme.

2 Cllr Lock acknowledged the obvious frustration felt by Town Councillors, and remarked that ESCC had recently published a Charter which might offer some reassurance. He explained that ESCC took a District-wide view of the scheme, and proposed that LTC should join with Seaford and Newhaven Town Councils to identify areas of common concern, although he acknowledged that there were significant differences between those Towns. He further explained that a full review of the Lewes scheme was planned for 2010, and again suggested that he would only be able to respond to common concerns during that process. LTC Members vehemently reiterated that distinct local issues were the crux of their dissatisfaction, and that they considered ESCC should place more value on the views of individual parishes – reminding Cllr Lock that these were, like ESCC,

democratically-constituted government bodies; elected to represent their local communities' interests. Cllr Lock stated that, due to staffing limitations, ESCC was unable to routinely attend Parish Council meetings. It was suggested that it was nonetheless appropriate to expect a representative to attend on occasion, when matters of concern were debated, and as a matter of routine LTC could ensure that Cllr Lock was furnished with a personal copy of agendas and minutes of appropriate Working Party or Council meetings, annotated to show where an ESCC response was expected.

3 The matter of uninsured losses due to damaged ticket machines was raised, as the sums involved in Lewes had seriously limited anticipated cash surpluses, which should fund transport improvement projects. The ESCC representatives stated that they believed the policy of leaving such "field assets" uninsured was common nationwide. This was disputed, and several contrary examples in the South-East were cited.

4 The current "blue-badge" scheme was discussed, and several suggestions arose for improvements to the design of the permit, to facilitate regulation. Mr Williams stated that there was currently a review in progress, initiated by the Department for Transport, and that he would check on the present position regarding consultation responses. LTC Members were keen to ensure that enforcement in this regard was sympathetic, and proposed that minor infringements such as incorrectly-displayed permits were treated on the basis of "presumed innocence". It was suggested that modern management technology should allow identification of a "first offence", and recording of repeated abuses.

5 Discussion returned to the issue of "reasonability" of charging for Bank-holidays and Cllr Lock stated that he could see logic in an exemption for Market towns, if not for seaside towns. For any review he said he would need to see "more concrete evidence" of damage to business, and promoted his earlier suggestion that town councils should group together to present such cases.

6 General discussion followed on various topics, and salient points were:

- ⊕ The contract for operation of the scheme runs to 2011.
- ⊕ Concerns over the practicality of the resident's permit scheme, with empty bays noticeable during the working day.
- ⊕ The "ripple effect" of zoning – moving the problem of on-street parking congestion to outer suburban areas.
- ⊕ Wardens perceived to patrol in pairs, and the inefficiency this suggested. Mr Williams suggested that this only happened during training, and he was considering the introduction of tabards or similar to identify trainees.
- ⊕ A question as to the current financial position, and the benefits accruing from surplus income. Mr Williams commented that the surplus was applied to the ESCC Transport Strategy Budget, publication of which was imminent.
- ⊕ A question as to the treatment of small traders such as window-cleaners, and apparent disparity between "traditional" cleaners and those using more technical modified-water systems. It was noted that the Sussex Federation of Small Businesses had raised this point, and also in relation to similarly itinerant traders such as mobile hairdressers. Possible dispensations were being considered.
- ⊕ In answer to a question regarding the total parking-space provision, in relation to Lewes' future role within the South Downs National Park, it was noted that whilst LDC might increase off-street provision, ESCC was limited in its ability to designate more on-street

spaces. Cllr Lock pointed-out that Lewes would have been a gateway, even had it not been included within the Park, and that ESCC would respond to emerging trends. Their goal was to reduce vehicle movements across East Sussex anyway.

It was suggested that LTC should prepare a paper giving its views on the scheme and on detail elements within it, and Cllr Lock was asked to give this appropriate consideration during the review. Cllr Lock proposed that a more straightforward approach would be simply to respond to the review consultation comprehensively, and he undertook to attend the Working Party again, in due course, to elaborate on any points arising. This approach was **agreed**, and he went on to suggest that it might be practical for Members to attend County Hall, where relevant maps and other documents would be readily-available, and any ad-hoc issues arising might be addressed immediately.

Cllr Lock and Mr Williams left at this point, and were thanked for their attendance and for their valued contribution to the meeting.

7 Cllr St Pierre described an initiative she had promoted to have the pedestrian “refuge” on the A26 Malling Hill, Lewes, nearby The Nurseries development, upgraded to a light-controlled crossing. She had obtained over 690 signatures to a petition supporting this, and had ascertained that the cost would be in the region of £50,000. Lewes District Council held funds in the sum of £38,923 which had arisen from the developer contribution “s106 agreement” attached to planning consent for phase one of the scheme at The Nurseries. This money was specifically to assist traffic-related improvements in the vicinity of the development, and LDC officers had indicated that they considered the proposed crossing upgrade to be an acceptable use of that fund. It remained to obtain similar agreement from ESCC Highways officers and then to seek formal appropriation of the fund for that project. When considering financial support for pedestrian-crossings in Lewes, LTC had earlier been advised that this crossing was the highest-ranked within Lewes on the ESCC list of its “top 50” assessed sites, although not (at that time) suitable for LTC support. This situation would change with the current pressures on ESCC’s capital expenditure programme, and availability of the s106 fund. LTC had decided to support one of two lower-ranked sites in nearby Church Lane, Malling, with £15,000 identified in the current budget, although no decision as to which site had yet been confirmed and no expenditure yet incurred. It was therefore suggested that this money be applied to “top-up” the s106 fund, should it be released, in order to expedite the improvement proposed by Cllr St Pierre, and LTC members **agreed** and warmly welcomed this idea.

TIWP2009/13

RECOMMENDATIONS:

It was agreed that Council should be asked to:

- 1 support the proposed “upgrade” of the A26 Malling Hill, Lewes, pedestrian refuge to a light-controlled crossing, and call for the use of “s106” developer contributions in respect of The Nurseries – phase1, held on account by Lewes District Council, for this purpose and;
- 3 use the sum (£15,000) allocated in the current year’s budget to support the installation of one pedestrian crossing in Lewes, to top-up the developer contributions to the estimated amount (approximately £50,000) required to carry-out this improvement.

The meeting closed at 4:35pm

Signed:

Date:

Agenda Item No: 8 Report No: FC010/2009
Report Title: Snow & Ice clearance from footways
Report To: Lewes Town Council Date: 21st January 2010
Report By: Cllr M Milner – Lead member for Environment
Purpose of Report: To inform consideration of the matter of Winter clearance of ice and snow from footways

Recommendation(s):

- 1 That the Traffic Issues Working Party be asked to investigate the issue of Winter clearance of ice and snow from footways, and recommend to Council an appropriate role in the matter and/or action to be taken.

Information:

During the recent cold weather the Town Hall received many calls from members of the public who had been told that it is the Town Council's responsibility to provide bins and salt/grit for treating local pavements. This is not true, and additional bins may not represent the best solution in any event – particularly given the recent experience of limited, prioritized, salt supplies across the country.

It *is* within the Council's power to provide and maintain such bins, but (perhaps surprisingly) it has not been asked to do so. Resident's Associations and other groups, such as a Chamber of Commerce, may also provide bins. ESCC has been selective in its singling-out of Parish Councils in website advisory articles and in telephone responses to public enquiries.

To assess the sites where a salt-bin *might* be a desirable solution will require careful thought. It must be borne in mind that such street-furniture is not attractive; much of Lewes is a Conservation Area, and the whole town is now in a National Park. Use of the salt is conventionally left on a self-help basis, and this can be open to abuse. Securing bins with locks is not satisfactory, and somewhat defeats the original intention. Payment to ESCC for hand-salting teams to be placed on standby may help, although the legal context of their policy stance should be considered before such a step is taken. Other suggestions have included volunteer Snow Warden schemes, but recent experience with Flood Wardens in Lewes suggests that this may prove impractical. Careful consideration is needed!

Background facts:

1. East Sussex County Council (ESCC) is the Highway Authority, and has responsibility for "maintenance" of roads etc. *ie* a **DUTY**
2. Lewes Town Council, as a Parish Council, has a **POWER** (*Highways Act 1980*) to maintain roads & footpaths (*ie* if it chooses to do so). It has not been asked to do so.
3. ESCC's Transport & Environment Dept. "Winter Service Policy" for 2009/10 states (s2.4), with regard to roadside salt/grit bins, that: "*the Transport & Environment Committee at their meeting of 30th September 1997 resolved to continue to maintain existing salt bins across the County, but not to provide new ones. However, new ones can be provided by recognized bodies such as Parish Councils or Resident's Associations. The location of such bins would require written approval from the local Highways Office*". This provision would extend to the costs of replenishment.
4. In 2000, in the case of *Goodes v East Sussex County Council*, it was decided in the House of Lords that there was no duty to salt or grit roads to prevent danger to motorists or other road users from snow & ice. The Lords considered that the duty to maintain arose from a very old common-law duty on a parish to keep its roads in repair. The presence of snow or ice is transient and does not make the highway "out of repair".
5. In 2003 Parliament theoretically nullified the effect of this decision by adding a new subsection 1A to section 41 of the 1980 Highways Act to provide that:

"so far as is reasonably practicable.....the Highway Authority are under a duty to ensure that safe passage along the highway is not endangered by snow or ice"

There have been no legal cases to test this new provision. Similar legislation has been in force in Scotland for many years. The phrase “*so far as is reasonably practicable*” makes it difficult to know how much has to be done. If snow & ice only lasts for one or two days, a Highway Authority would be unlikely to be liable if it only treated the main roads and busy footways in town-centres. It would not be “practicable” to do more in only 24 or 48 hours, although there is a question over longer-term planning, given modern weather forecasting.

6. ESCC’s Transport & Environment Dept. “Winter Service Policy” for 2009/10 states (s2.3) that: “*Hand salting of footways shall only be instigated when resources become available.....Footways will be treated on a priority basis in accordance with the footway hierarchy:*

- *Main shopping areas*
- *Busy urban areas*
- *Other urban and Busy rural areas*
- *Little-used rural areas*”

Further information:

ESCC Highways officers confirm that the following bins located in Lewes are being serviced under their works contracts:

Broomans Lane -- School Hill End.	1
Haywards Road -Junction Fuller Road.	1
A277 St. Annes Hill-- Entrance To Church.	1
St. Pancras -- Outside No 62 by Shops.	1
Montacute Road.	1
Needlemakers.	1
A26.Cuilfail Tunnel -- Both Ends	2
Chapel Hill -- Boundary with Private Road.	1
Hawkenbury Way -- Bend at Top of Hill.	1

Additional bins, at January 2010 rates, would cost £144 each, plus an installation charge of £129 including initial filling with road-salt, giving a total of £273. Subsequent refilling on-demand is currently charged at £70 per bin.

Contractors and Highway Dept officers are, at time of writing, engaged with the extreme weather and aftermath and unable to provide accurate costs for possible “top-up” payments for hand-salting teams to be held on standby.

Cllr Merlin Milner,
Lead Councillor for Environment
January 2010