

Medway Council
Meeting of Regeneration, Culture and Environment
Overview And Scrutiny Committee

Thursday, 17 August 2017

6.30pm to 8.15pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

Present: Councillors: Clarke (Chairman), Bhutia (Vice-Chairman), Carr, Gilry, Griffin, Hicks, Mrs Josie Iles, Osborne, Saroy, Stamp and Tejan

Substitutes: Councillors:
Chishti (Substitute for Etheridge)
Price (Substitute for Khan)

In Attendance: Laura Caiels, Legal Advisor
Ruth Du-Lieu, Assistant Director, Front Line Services
Michael Edwards, Acting Head of Integrated Transport
Councillor Phil Filmer, Portfolio Holder for Front Line Services
Phil Harris, Operating Manager
Lucy Kirk, Environmental Protection Team Leader
Tomasz Kozlowski, Assistant Director, Physical and Cultural Regeneration
Ellen Wright, Democratic Services Officer

222 Apologies for absence

Apologies for absence were received from Councillors Etheridge and Khan and the Director for Regeneration, Culture, Environment and Transformation.

223 Record of Meeting

The record of the meeting held on 15 June 2017 was agreed and signed by the Chairman as correct.

224 Chairman's announcements

On behalf of the Committee, the Chairman congratulated Councillor Saroy on her recent marriage.

225 Urgent matters by reason of special circumstances

There were none.

226 Declaration of interest and whipping

Disclosable pecuniary interests

There were none.

Other interests

There were none.

227 Petitions

Discussion:

The Committee received a report setting out a summary of petitions received by the Council which fell within the remit of this Committee.

Paragraph 3.1 of the report set out a summary of the responses to petitions that had been accepted by the petition organisers.

In accordance with the Council's petitions scheme, one petition had been referred for discussion by the Committee and the lead petitioner was in attendance and invited to address the Committee.

The Committee welcomed Mr Belfield to the meeting and he set out his reasons for requesting a review and the concerns of petitioners for road safety at Rectory Grange, Canon Close and Rochester Maidstone Road.

He advised that the petitioners were requesting additional resources for parking enforcement to provide a concentrated blitz on illegal parking on double yellow lines between the hours of 3pm and 3.30pm, the extension of double yellow lines on one side of Canon Close between Rochester Maidstone Road and Rectory Grange and, an increase in the level of signage where there were double yellow lines.

He advised the Committee that the petitioners had the support of the local Councillors and the Chair of the Governing Body of the St William at Perth Catholic Primary School.

He explained that petitioners were concerned for the safety of school children as a result of impaired vision and blocked sight lines by cars parked illegally on the highway by parents when collecting their children from school. He advised that on occasions, it was not unusual for cars to be parked up over an hour prior to school closing time.

He also referred to previous attempts to establish a Walking Bus for the local school in an attempt to reduce the number of parents collecting their children from school by car but stated that this had not been successful.

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The Acting Integrated Transport Manager explained that once schools re-opened in September enforcement activity would be increased around the school concerned and penalty charge notices issued if vehicles were parked in contravention of the existing restrictions.

It was not intended to provide any further upright signage as double yellow line markings no longer required such signing to be enforced and, the Council was committed to reducing unnecessary sign clutter.

He also suggested that along with a parking engineer, he would review the existing parking conditions in Canon Close and arrange a site visit in conjunction with the local Ward Councillors during the peak hours in school time.

The Assistant Director Front Line Services expressed disappointment that attempts to set up a Walking Bus for pupils at the local school had not been successful, particularly as the Council actively encouraged such initiatives and she agreed to raise this with the Road Safety Team.

The Committee discussed the petition and it was noted that indiscriminate parking by parents when collecting their children from school was a nationwide issue and not confined to Medway.

The Assistant Director Front Line Services confirmed that the Council was fully aware of the problems and actively pursued enforcement campaigns but there were insufficient resources or staff to cover each school every day. Therefore, in areas where it was known that there were particular problems enforcement was carried out on a rota basis.

She advised that there were some initiatives that could be considered to alleviate these issues e.g. the Walking Bus, encouraging pupils of secondary schools to walk to school, and use of CCTV/static cameras to assist with enforcement and officers would be investigating all options available.

A Member expressed concern that had Mr Belfield not referred this petition to the Committee for discussion, limited action had been initially proposed in response to the petition. He was concerned that this could lead to an inconsistent approach to responding to petitions. The Assistant Director Front Line Services stated that she was investigating the handling of this particular petition and she would have expected a site visit to have been undertaken in the first instance before a response had been sent. She was confident that this would not happen again.

Decision:

The Committee:

- a) Noted the petition responses and appropriate officer action set out in paragraph 3 of the report;

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- b) Thanked Mr Belfield for attending the meeting and raising the concerns of petitioners in Rectory Grange, Canon Close and Rochester Maidstone Road;
- c) Noted that the Acting Integrated Transport Manager has advised that there will be increased enforcement activity around the school when it re-opens in September and that he will be arranging a site visit in conjunction with Ward Councillors to assess the area and any other possible action that can be taken and the outcome will be notified to Members of the Committee via a briefing note;
- d) Noted that the Assistant Director Front Line Services will be referring the issue of a Walking Bus for the local school to the Road Safety Team.

228 Attendance by the Portfolio Holder for Front Line Services

Discussion:

Members received an overview of progress on the areas within the terms of reference of this Committee and covered by the Portfolio Holder for Front Line Services as set out below:

- Highways
- Parking
- Public Transport
- Street Cleaning and Waste Collection/Recycling/Waste Disposal
- Street Lighting
- Traffic Management
- Transport Strategy
- Travel Safety

The Portfolio Holder for Front Line Services, Councillor Filmer responded to Member's questions and comments as follows:

- **Highway Asset and Management Funding** - A Member referred to the Council's bid to the Government for local highways capital funding and that Medway had been self assessed as band 2. He sought information as to how much funding would have been available had Medway been assessed as band 3.

The Portfolio Holder advised that he did not have this information to hand but would endeavour to obtain this and advise the Committee via a briefing note.

- **Flooding on the A289 Pier Road, Gillingham** - A Member referred to a recent incident involving surface water flooding on the A289 Pier Approach Road during a period of heavy rainfall. He stated that as this road was a major trunk road through Medway, the flooding had affected

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many road users and he questioned whether this had been purely as a result of the heavy rainfall or any other reason.

The Portfolio Holder confirmed that he was aware of the incident during heavy rainfall and stated that as works had been undertaken in the area, he would ask officers to check and ensure that the gullies were clear.

He further advised that the Council had a rota of gully cleaning but pointed out that gully clearance could not take place at specific locations if access to the gully was blocked by parked cars.

- **Travel Safety** - A Member referred to the number of killed or seriously injured (KSI) casualties recorded in Medway during 2016 and noted that there had been an increase of 16 compared to 2015. He asked for information as to where these casualties had occurred and whether this provided an indicator as to any particular hotspots that required prioritisation for road safety projects.

The Portfolio Holder expressed disappointment that the KSI casualties had increased in 2016 and he agreed that this required investigation. He reassured the Member that road safety projects were prioritised according to the information received. He agreed to investigate and, if there was identified hotspots, he would let Members know via a briefing note.

- **Parking Enforcement** - A Member thanked the Portfolio Holder for the provision of parking enforcement signage on Gillingham Business Park which had reduced the amount of lorries parking overnight in this area.
- **Waste Services** - A Member referred to the improved arrangements for waste collection over the 2016/17 Christmas New Year period and asked whether arrangements were in place for 2017/18. She also asked if waste collection arrangements would be advertised on social media.

The Portfolio Holder agreed that the 2016/17 arrangements had been an improvement upon those in 2015/16 and he pointed out that many of the problems in 2015/16 had been a direct result of the way in which the Bank Holidays had fallen. Many of the problems had also been outside the Council's control.

He confirmed that the Council would be advertising the Christmas/New Year waste collection arrangements soon and this would include social media.

- **Promotion of recycling in schools** - A Member suggested that the Council undertake work in local schools encouraging recycling.

The Portfolio Holder confirmed that the Council already ran recycling campaigns in schools and that these would continue. He stated that

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school children were keen to recycle and played a large part in encouraging their parents to recycle.

- **Winter gritting** - A Member asked when the salt bins were checked in preparation for winter and whether this included replenishing the salt and replacing any bins that were damaged.

The Portfolio Holder advised that work on replenishing and checking salt bins would begin shortly and should be complete by the end of October/early November. He further advised that owing to the mild winter in 2016/17, very little salt had been used during that period.

- **Medway Tunnel** - A Member sought information as to whether any funds remained from the Rochester Bridge Trust donation for Medway Tunnel.

The Portfolio Holder confirmed that this was still the same sum as in 2016 i.e.£500k and he would confirm this direct via a briefing note.

- **Parking ranking** - A Member referred to a recent published league table which indicated that Medway Council had been listed as being in the top 5 local authorities in the Country for the level of parking income received (£3.1 million). This ranking was higher than Liverpool, despite Liverpool being a large City. He asked the Portfolio Holder if he was happy for Medway to be ranked in this position.

In response, the Portfolio Holder stressed that any income received from parking was re-invested back into the provision of Council services. He advised that he was unable to comment directly on the league table referred to as he did not have access to the facts or figures referred to.

The Chairman advised the Member that the Portfolio Holder could not be expected to respond to information that he had not seen or for the Committee to discuss such information.

- **Smart card** - In response to a question as to the take up of the 'Kent and Medway Connected' Smartcard, the Portfolio Holder advised that to date the take up had been mixed.
- **Bulky waste** - A Member sought clarification as to whether there were other flytipping figures not included in the report.

In response, the Portfolio Holder confirmed that he kept a regular check on bulky waste and flytipping statistics and, although there had been some concern that flytipping statistics would increase once the charge for bulky waste was introduced, the statistics did not reflect this.

- **Street lighting** - A Member asked the Portfolio Holder whether the street lighting programmes were on schedule.

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In response, the Portfolio Holder confirmed that regular meetings were held with Volker who now had responsibility for street lighting in Medway. The possibility of working with Kent County Council on a large scheme was being investigated in a bid to benefit from bulk purchasing.

- **Kent and Medway Fire and Rescue Service – Videos** - A Member advised the Committee that the new Fire Station at Rochester had a theatre facility and suggested that this facility would be ideal for showing films such as 'Licence to Kill'. He referred to a film that he had recently viewed showing the work of the Fire Authority attending a road traffic accident. He suggested that Council Officers and schools be made aware of this facility.

The Portfolio Holder confirmed that he was aware of this facility and agreed that it would be useful for it to be promoted. The film referred to had been made by the Road Safety Team.

- **Rochester multi storey car park/other car parks** - A Member commended the Portfolio Holder on the condition of roads within Medway and thanked the Portfolio Holder for work undertaken to address the use of unauthorised use of the new Rochester multi storey car park by car clubs.

The Portfolio Holder confirmed that the situation at the Rochester multi storey car park was continuing to be monitored. He also commented that he was generally pleased with the standard of Medway's roads, particularly when compared to roads in other local authority areas.

The Portfolio Holder also added that he had requested that Officers maintain a watching brief on those car parks where there had been an increase in or, the introduction of car parking charges including the Strand Leisure Park.

- **Enforcement of parking around schools** - In response to a comment concerning the indiscriminate parking of vehicles around schools, the Portfolio Holder advised that a number of initiatives had been tried to alleviate this issue, including the use of banners. It was now time to work with other agencies to increase enforcement and from September 2017, PCSO's would be issuing penalty tickets where individuals parked their vehicles on double yellow lines close to schools. The income from these penalty notices would be received by Medway Council.
- **European Parking Collections** - The Portfolio Holder confirmed that the collection rate of European Parking Charges had improved and this was continuing to be pursued by Officers.

Decision:

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The Committee thanked the Portfolio Holder for attending the meeting and answering questions on his portfolio and noted that the Portfolio Holder had agreed to report back on the following issues via a briefing note to be circulated to all Members of the Committee:

- Highway Asset and Management Funding - information on the level of funding which would have been available had Medway been assessed as band 3.
- Medway Tunnel – Information on the level of funds remaining from the Rochester Bridge Trust donation for the Medway Tunnel.
- Travel Safety - Information as to where the killed and seriously injured casualties had occurred in 2016 and whether this provided an indication as to any particular hotspots that required prioritisation for road safety projects.

229 Member's Item: Upper Luton Road Retaining Wall

Discussion:

Councillor Osborne outlined the background to his Member's Item concerning the Upper Luton Road retaining wall.

He advised the Committee that the Council had recently been in communication with local residents in Upper Luton Road advising that a retaining wall used by properties to the North of this road was not the responsibility of the Council.

He advised that the wall itself was in a state of disrepair which he considered to be a major health and safety risk, but was necessary to gain access to properties above the site.

A location map and photographic evidence of the condition of sections of the wall was provided by Councillor Osborne and circulated at the meeting in addition to information listing weblinks to various published articles on retaining walls. The Chairman thanked Councillor Osborne for the map and photographic evidence. He stated that the information on the various published articles, whilst useful, could only be accepted as background information as there had been insufficient time to read this information prior to the meeting.

The Committee received a detailed report advising that there were two pieces of legislation which covered structures such as retaining walls, namely The Building Act 1984 and The Highways Act 1980. The report summarised the Council's responsibilities and action that could be taken under each Act.

It was stressed that both pieces of legislation were reliant on identifying ownership of the wall in question in order that action could be taken through the courts. However, searches through the HM Land Registry had revealed that the wall and land, which gave access to properties in Upper Luton Road was

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unregistered. Where ownership could not be established, the legal presumption was that the repairing responsibility would normally fall to those that derived the greatest benefit from the retaining wall.

The Operating Manager of South Thames Gateway Building Control advised the Committee upon the current condition of the wall. He confirmed that independent sections of the wall had been monitored through building control and whilst the overall condition of these had remained the same for the past five years, there was some concern about the condition of parts of the railings on the top of the wall.

Councillor Osborne acknowledged the difficulties of undertaking repairs, particularly as the ownership of the wall could not be established. He confirmed that the need to undertake works to the railings on top of the wall was a priority and acknowledged that the Council could not spend large amounts of capital on the wall unless it was found to be unsafe.

The Assistant Director Physical and Cultural Regeneration confirmed that the Council would meet the cost of works required to repair sections of the railings as necessary, in line with the report recommendations, at the top of the retaining wall with such funds being met from within existing budgets.

The Committee discussed the report noting that there were a number of other retaining walls in Medway.

Councillor Osborne thanked officers for the report and requested that action be taken to repair or, if necessary replace those sections of the railings that were in need of work.

Decision:

The Committee:

- a) Noted that officers will be continuing to regularly monitor the condition of the retaining wall in Upper Luton Road
- b) Noted that works will be undertaken to repair the railings located on the top of the retaining wall in Upper Luton Road where such repairs are considered necessary, with such works being funded from within existing budgets as confirmed by the Assistant Director Physical and Cultural Regeneration.

230 Declaration of Four Elms Hill Air Quality Management Area

Discussion:

The Environmental Protection Team Leader presented a detailed report on the findings of the consultation undertaken to inform statutory consultees and members of the public of the need to declare a new Air Quality Management Area (AQMA) at Four Elms Hill prior to the formal declaration of the AQMA. She

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confirmed that the area needed to be declared as an AQMA to satisfy the requirements of the Environment Act 1995.

The report was being submitted to this Committee ahead of being presented to Cabinet on 5 September 2017 when Cabinet would be asked to approve the declaration of the new AQMA at Four Elms Hill.

The Committee discussed the report and supported the declaration of Four Elms Hill as an AQMA.

It was suggested that the Council should seek to ensure that its own fleet of vehicles and those used by contractors met the required emission standards. The Environmental Protection Team Leader confirmed that officers worked closely with colleagues in the Procurement team concerning vehicles used by the Council and its contractors.

It was also acknowledged that there was a need to measure the impact on air quality of large housing developments. The Environmental Protection Team Leader advised that officers within environmental protection had been involved in the revised developer contributions guide and the air quality planning guide set out information on expenditure that was required to be spent on air quality mitigation within new housing developments.

Decision:

The Committee:

- a) Recommended to Cabinet that at its meeting on 5 September 2017 it approves the declaration of the new AQMA at Four Elms Hill to ensure Medway's statutory duty, under the requirements of the Environment Act 1995, are met and directs officers to:
 - Undertake the necessary work to formally declare the area as an AQMA
 - Develop and consult on an Action Plan for the area; and
 - Report back to Cabinet to gain approval of the new Action Plan.
- b) Agreed that a copy of the Action Plan be reported to a future meeting of this Committee.

231 Report on the outcome of investigations into the possible provision of a mini roundabout at the Magpie Hall Road Junction with Palmerston Road

Discussion:

The Committee received a comprehensive report responding to a suggestion at the meeting of the Regeneration, Culture and Environment Overview and Scrutiny Committee in December 2016 that consideration be given to the possible introduction of a mini-roundabout at the Magpie Hall Road junction with Palmerston Road.

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The Acting Integrated Transport Manager outlined the work that had been undertaken by the Highways Design Team on the proposal for a mini roundabout and the outcome of a Stage 1 Road Safety Audit. Such audit was intended to identify potential road safety issues or problems that may affect all users of the highway and to recommend measures to eliminate or mitigate such problems. Whilst some of the issues identified by the Road Safety Audit could likely be resolved through the design process, the proposed mini roundabout layout did not meet the visibility requirements owing to the required sight lines passing over third party land. A mini-roundabout was estimated to cost in the region of £30,000 to construct in order to resolve issues identified by the audit, but costs were likely to exceed this. A number of options were set out within the report.

The Chairman drew attention to additional information circulated prior to the meeting from the three Ward Councillors in Chatham Central Ward, requesting that the Committee consider any other action that could be taken to reduce the speed of traffic in Magpie Hall Road rather than take no action.

The Committee discussed the report and the Acting Integrated Transport Manager agreed to investigate other measures that could be considered to reduce the speed of traffic in this road such as additional signage including Speed Indication Display signs advising drivers of their speed and encouraging them to slow down.

He agreed to provide a written response to all Members of the Committee and Ward Councillors within a few weeks.

In recognition that there were a number of schools in close proximity to Magpie Hall Road, the Committee also suggested that the following initiatives be investigated:

- Placement of temporary speed cameras along the stretch of road in peak hours.
- Increasing education in local schools concerning the speed of traffic in Magpie Hall Road
- Possible provision of vehicle activated flashing signage
- Provision of a solid stop line at the junction of Palmerston Road

The Acting Integrated Transport Manager agreed to take on board these additional suggestions in his written response to Members.

Decision:

The Committee agreed:

- a) That the Director of Regeneration, Culture, Environment and Transformation continue to monitor the accident levels at the Magpie Hall Road junction with Palmerston Road, and on Magpie Hall Road

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from its junction with Walderslade Road to the junction with Kitchener Avenue and take action as appropriate to reduce casualties.

- b) That the Acting Integrated Transport Manager provide a written response to Members of the Committee and Ward Councillors in a few weeks setting out any possible action that can be taken to reduce the speed of traffic in Magpie Hall Road and include within such response the outcome of consideration of provision of a stop line at the junction of Palmerston Road with Magpie Hall Road.

232 Work programme

Discussion:

The Committee received a report setting out the Committee's work programme for 2017/18 and setting out the process for the selection of the next round of Scrutiny Task Groups.

The Democratic Services Officer advised that at the pre agenda meeting on 4 August 2017, it had been agreed to put forward the topic of "Physical Activity" for consideration as a Task Group review in 2018/19. A template setting out the rationale for this suggested Task Group had been set out at Appendix A to the report. This would be a cross cutting review for this Committee, the Health and Adult Social Care Overview and Scrutiny Committee and the Children and Young People Overview and Scrutiny Committee.

The Business Support Overview and Scrutiny Committee would be determining the Task Groups for 2017/18 at its meeting on 30 November 2017.

Decision:

The Committee:

- a) Noted the current work programme.
- b) Supported the topic of "Physical Activity" being submitted for consideration as a Task Group review in 2017/18.

Chairman

Date:

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