

Appeals & Complaints Committee

A meeting of Appeals & Complaints Committee was held on Friday, 24th February, 2012.

Present: Cllr Robert Gibson(Chairman),Cllr Mark Chatburn(Vice Cllr Maurice Perry), Cllr Carol Clark(Vice Cllr Norma Wilburn), Cllr Michael Clark(Vice Cllr David Wilburn), Cllr Ian Dalgarno, Cllr Alan Lewis, Cllr Andrew Sherris

Officers: Mark Gilson, Chris Renahan(DNS), Julie Butcher, Sarah Whaley(LD)

Also in attendance: Members of the public, Cllr Philip Dennis

Apologies: Cllr Maurice Perry, Cllr David Wilburn, Cllr Norma Wilburn,

ACC Appointment Of Chairman

5/11

RESOLVED that Councillor Gibson be appointed as Chairman for this meeting only.

ACC Declarations of Interest

6/11

There were no declarations.

ACC Minutes

7/11

Consideration was given to the minutes of the Appeals and Complaints Committee meeting which was held on the 20th July 2011.

AGREED that the minutes be confirmed as a true record.

ACC Procedure

8/11

The Committee considered a proposed committee procedure.

RESOLVED that the procedure be noted.

ACC A135 Yarm Road/A67 Urray Nook Road (Cleveland Bay) - Tees Valley Bus Network Improvements Scheme

9/11

A Council officer from Technical Services presented a report which detailed unresolved objections received following statutory advertising of a proposal to implement an extension to the existing with-flow bus lane (Mon-Fri, 3:30-6:00pm) on the A135 Yarm Road southbound approach to the A67 Urray Nook Road ('Cleveland Bay') traffic signals, and associated 24 hour waiting/peak hours loading restrictions on the west side of Yarm Road in the vicinity of the junction.

It was not considered appropriate for the Head of Technical Services to consider the objections as he would effectively be reviewing his own decision given this is an agreed scheme, being progressed by the Technical Services Division.

The Officer outlined background information for the Tees Valley Bus Network

Improvement Scheme and presented the Committee with a map detailing the area where objections had been received. The Officer explained that the local businesses effected by the proposed introduction of the associated 24 hour waiting/peak hours loading restrictions on the west side of Yarm Road in the vicinity of the junction had received letters outlining the proposals during September 2011, however no comments had been received objecting to them. It was not until the public notice was in place that 5 objections were received.

Objectors wished to address the committee and were given the opportunity to do so. One of the objectors had not submitted her objection within the statutory consultation period however the chairman allowed her to speak. The objections received from Cllr Dennis and members of the public were as follows:

- Councillor Dennis presented his objection and advised the Committee of his concern for the businesses which would be affected by the scheme. Cllr Dennis was of the opinion that the offer of the use of the car park at the Cleveland Bay by the landlord was not guaranteed to continue, and that the entrance/exit for the car park was dangerous for getting in and out in a vehicle. He was of the opinion that it was the wrong proposal for the area and that there were other difficulties at the junction that need addressing.
- That the Cleveland Bay pub was used for funeral functions and the car park was often full, other social groups also used the car park therefore restricting parking spaces for customers using the units along Yarm Road.
- The Landlord's offer to use the car park was not in writing and could be withdrawn at any time. It was suggested that it was not within the gift of the landlord to grant such use, as the pub was owned by the brewery, therefore it was an empty gesture.
- The Committee heard that a previous trader at 706 Yarm Road, ended her lease when the proposals were announced due to fear of the impact from double yellow lines. Two other potential traders had shown an interest in using the units to trade however one required parking and therefore did not proceed, the second was awaiting the outcome of the meeting.
- One of the objectors suggested that Arriva were not local and would not be as familiar with the buses as locals were. He advised the committee that he had personally checked the buses and not once were there more than 8 passengers on board a bus on the route which was being discussed. He questioned 2 elderly passengers about their journey on the bus route to which they stated that the speeding up of the buses would not make any difference to them.
- The objectors stated that the advantage of a reduction of the delay by 11 to 38 seconds did not compare to the disadvantages of the impact on the businesses.
- One of the objectors advised the committee that she owned two of the units and had let them for a number of years. Two businesses had left recently and when they were asked the reasons why, they advised her that they pulled out due to the yellow lines being proposed. The objector was trying to sell the two units to settle financial commitments however she felt that if the double yellow lines were imposed the units would be worthless. She also commented that the reduction in delay in the buses was only 22 seconds, which was not a great

delay to get home, and that once the bus reached the bridge heading into Yarm High Street, there was nothing it could do to avoid the traffic queues. She was of the opinion that extending the bus lane would not make any difference.

- The objector also advised the committee that the bus lane only operated for two and a half hours each day for 5 days per week whereas the waiting restrictions operated for 24 hours, 7 days a week. She also stated that she had been a parent of a child at Teesside High School and had experienced the wait in traffic however it would only take a few minutes to get through.

- One objector advised that his partner had invested a lot of time and money into the hairdressing salon which occupied one of the units, and that 5 staff were employed which in turn could also be affected. The salon also depended on passing trade, for which they relied on looking busy by cars parking outside.

Officers were asked to respond to the objections as follows:

- Officers confirmed that the savings across the full corridor for the number 7 service was 8 minutes which was a huge saving in public transport terms. The saving indicated would result in an improved service with fewer buses, saving approximately £100,000 per bus. This could then be re-invested to improve other services. It was confirmed that Arriva had conducted in-depth surveys and were aware of issues with the service which they were attempting to address. The maximum delay at the junction concerned was 138 seconds which was very significant in bus terms, being second only to Yarm High Street itself in terms of delays.

Members of the Committee, the objectors and officer's were given opportunities to ask questions following which the officers from Technical Services and the objectors withdrew from the meeting.

The Members of the Committee debated the representations that had been heard and the written objections contained within the agenda papers. Members gave careful consideration to the objections raised and of the reasons given by the Corporate Director for Development and Neighbourhood Services for the need for the Order.

Members were mindful that there was no evidence produced to them that the businesses had closed due to the threat of the proposed scheme and agreed that improvements were necessary to improve swift access to public transport, to provide buses that turn up on time and travel well, in order to get people back into the high streets.

Members were also mindful that alternative arrangements for staff and customers to park in the Cleveland Bay Car Park had been offered but they accepted that the arrangement may be withdrawn at any time. Members also noted that the Council would formalise the arrangement for the two parking spaces currently being used to the front of the hairdressers as part of the scheme by strengthening the footway to allow cars to cross the footway, which at present they should not be doing.

Members were of the opinion that the reduction in the delay to buses by the proposed extension of the bus lane was not significant and nothing could be

done to avoid the delays that the buses would then face beyond the traffic lights on the approach to the bridge into Yarm, nor the delays that currently exist in the gap between the two bus lanes at the traffic signal crossing at Butts Lane.

Members were of the opinion that the proposed savings in bus times could be found elsewhere on the route and that the impact on the businesses outweighed the benefits identified by the proposed scheme. The majority of the committee therefore voted to uphold the objections.

The decision of the Committee to uphold the objections would be referred to the Head of Technical Services with a recommendation that the proposed extension of the bus lane and associated waiting and loading restrictions at the A137 Yarm Road/A67 Urray Nook Road (Cleveland Bay) be deleted or reviewed.

RESOLVED that it be recommended that the objections be upheld.