

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**14 JULY 2011**

**REPORT OF EXECUTIVE  
SCRUTINY COMMITTEE  
(TASK & FINISH GROUP)**

### **CABINET DECISION**

**Housing and Community Safety – Lead Cabinet Member – Councillor Nelson**

#### **REVIEW OF CYCLING ON PAVEMENTS**

1. Summary

Nuisance and safety concerns have been raised by members of the public and Councillors, in particular in the Town Centres across the Borough. This report presents the findings of the Executive Scrutiny Committee (Task and Finish Group) review of cycling on pavements. This topic was suggested by a member of the public and had been a topic suggestion by the Cabinet Member for Housing and Community Safety.

2. Recommendations

It is recommended to Cabinet:

- R1 The Sustainable Travel Officer develop a Code of Conduct to be introduced in Stockton Town Centre to determine acceptable cycling behaviour in pedestrianised areas. This will be subject to a review after 12 months when it will be determined whether to extend it throughout the borough or further legislation be investigated.
- R2 Stockton Borough Council's Police Authority Representative make representation to the Chief Constable to confirm the powers of Police Community Support Officers. Consideration should then be given to ensure that PCSOs have adequate powers to deal with cyclists who ride dangerously, carelessly, ignore traffic signs or signals, or cycle on the footway.
- R3 That the installation of increased signage is investigated, in line with Council planning policies, to address key/problem areas in the borough in order to better inform cyclists of where cycling is prohibited.
- R4 That a high visibility campaign is organised by Cleveland Police and SBC to target the problem of cycling without due care and attention on pavements in Stockton Town Centre.
- R5 That any action taken by Cleveland Police in relation to dangerous cycling on pavements is fully supported by the Council, including by the provision of CCTV evidence where appropriate.

3. Reasons for the Recommendations/Decision(s)

To identify options for future strategy / policy / service provision that will deliver efficiency savings and sustain / improve high quality outcomes for SBC residents.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

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**RECOMMENDATIONS**

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**DETAIL**

- 1. The Task and Finish Group ('the Committee' henceforth) met on the 18<sup>th</sup> February and 9<sup>th</sup> March to examine the issue of cycling on pavements. The Committee took particular

interest in Stockton Town Centre although it is recognised as a problem in various wards as evidenced when consulting with councillors.

2. In Stockton Borough there were 199 pedal cycle casualties including slight injuries between January 2006 and December 2010. In this period only 1 pedestrian was recorded as being seriously injured in the 4 pedal cycle accidents which occurred on a footpath / pavement whilst 4 cyclists sustained injuries of varying degrees. The accidents were recorded as:

2006 – Slight accident - Mill Lane, Billingham prior to junction with South View.  
2007 – Serious accident – Lanehouse Road, Thornaby outside No.147. Serious accident – Lowfields Avenue, Ingleby Barwick junction with Broughfield Close.  
2009 – Slight accident – Knole Road, Billingham junction with Quenby Road

3. The primary legislation which makes cycling on a footway an offence is *Section 72 of the 1835 Highways Act*. On 1st August 1999, new legislation came into force to allow a fixed penalty notice to be served on anyone who is guilty of cycling on a footway. It should only be used where a cyclist is riding in a manner that may endanger others. This is punishable by a fixed penalty notice of £30 under *Section 51 and Schedule 3 of the Road Traffic Offenders Act 1988*. The maximum fine for cycling on the pavement from the courts is £500.
4. Police Community Support Officers have the power to issue fixed penalty notices for cycling on the pavement. The Anti-Social Behaviour Act 2003 added to their powers making it easier to issue fixed penalty notices by allowing them to stop cyclists. The added powers are at the discretion of the Chief Constable.
5. In the Tackling Crime and Disorder Audit consultation (summer 2010) Grangefield, Stockton Town Centre, Eaglescliffe and Parkfield and Oxbridge were the wards where most respondents thought that cycling on pavements should be dealt with as a priority. This was closely followed by Hartburn, Fairfield, Yarm and Norton West.
6. Neighbouring local authorities have adopted different approaches to tackle the problems of cycling on pavements which the Committee considered when identifying a solution for Stockton Borough.

## **FINANCIAL IMPLICATIONS**

7. Recommendation 3 – if new signage is required this has been estimated to cost £2,000.

## **LEGAL IMPLICATIONS**

8. Legislation (by-law) to be explored if required following the outcome of recommendation 1.

## **RISK ASSESSMENT**

9. This scrutiny report is categorised as low to medium risk.

## **COMMUNITY STRATEGY IMPLICATIONS**

### **Safer Communities**

10. Reduce anti-social behaviour
11. Ensure our residents are safe

## **EQUALITY IMPACT ASSESSMENT**

12. The EIA has a neutral effect.

## CONSULTATION INCLUDING WARD/COUNCILLORS

13. All councillors were requested to provide instances of problems caused by children and/or adults cycling on pavements in their ward. Details of the responses received are contained in the final report.

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### Background Papers

None

### Ward(s) and Ward Councillors

None

### Property

None