

Appeals & Complaints Committee

A meeting of Appeals & Complaints Committee was held on Thursday, 25th June, 2009.

Present: Cllr Robert Gibson (Chairman), Cllr Aidan Cockerill(vice Cllr Mrs Mary Womphrey, Cllr John Fletcher, Cllr Mohammed Javed, Cllr Mrs Jean O'Donnell

Officers: M Gillson, S Lumb (DNS); S Johnson, J Butcher, S Ahmed (LD)

Also in attendance: Councillor Maurice Perry; Mr J Heward

Apologies: Cllr Andrew Sherris, Cllr Ian Dalgarno, Cllr Mrs Mary Womphrey

ACC 1/09 **Declarations of Interest**

No declarations of interest were declared.

ACC 2/09 **Appeals and Complaints Procedure**

All those present were informed of the procedure for the meetings of the Appeals and Complaints Committee.

RESOLVED that the procedure be noted.

ACC 3/09 **Elton Road, Billingham - Proposed Traffic Calming Scheme**

Consideration was given to a report that sought Members' views regarding an outstanding objection received following statutory advertising of vertical deflection traffic calming features on Elton Road in Billingham.

It was not considered appropriate for the Head of Technical Services to consider the objection as he would effectively be reviewing his own decision.

It was explained that Stockton Council's Community Engineer worked alongside the Billingham West Residents Association to investigate their requirements with respect to the provision of traffic calming on Elton Road and Embleton Road in Billingham. On Elton Road two number full carriageway width round top speed humps were proposed.

The scheme was subsequently progressed through the relevant consultation procedure including Ward Councillors, public consultation and the police.

As a result, a notice of intention to make an order for the round top speed humps was advertised in the Evening Gazette and on site on 20 February 2009 with the objection expiring on 20 March 2009. Following the publication of the statutory notices, the Director of Law & Democracy received one letter of objection from Mr J Heward, 15 Carlton Avenue, Wolviston Court, Billingham.

The Committee was informed that the main grounds for objection were that this was one of the routes to the objector's property and to the best of the objector's knowledge there had been no motorists convicted of speeding at this location, nor had there been any accidents involving motor vehicles.

The Committee was provided with a number of responses to the objections.

The objector was present at the meeting and was given an opportunity to present their case to the Committee.

At this point the Committee confirmed that it felt it had gathered sufficient information and requested all parties, other than officers from Law and Democracy, to leave the meeting room in order to come to a decision.

The Committee considered all of the information that had been presented and agreed not to uphold the appeal. It was considered that the objection did not outweigh the case put forward by the Officers and the support for the scheme by local residents.

RESOLVED that the Head of Technical Services be advised that the Committee did not uphold the objection.

**ACC
4/09**

Surbiton Road, Stockton - Proposed Speed Cushions

Consideration was given to a report that sought Members' views on an unresolved objection received following the statutory advertising of a proposal to install speed cushions at three locations on Surbiton Road (one location was associated with a pinch point) in the Fairfield/Hartburn area of Stockton.

It was not considered appropriate for the Head of Technical Services to consider the objection as he would effectively be reviewing his own decision.

It was noted that in September 2008, approval was given by the Head of Technical Services and the Cabinet Member for Regeneration and Transport to add Surbiton Road traffic calming scheme to the list of contenders for future Local Transport Plan funding. Approval followed a favourable consultation exercise on a scheme designed to reduce accidents and vehicle speeds.

The Committee was informed that as a result of the speed survey results which recorded 85%ile speeds northbound at 38.4mph (32.4mph mean speed) and 85%ile speeds southbound at 35.4mph (29.1mph mean speed), Surbiton Road had been added to the complaint site list for mobile camera enforcement action by the Police Camera Partnership. This resulted in 20 tickets being issued between April and July 2008.

It was noted that 7 reported injury accidents, resulting in 14 (3 serious) casualties had been recorded in the five year period prior to the study. The accident locations were distributed along the length between Kirkwall Close and Greenfields Way; 5 accidents were in the vicinity of a bend. None of the accidents had involved a pedestrian or cyclist.

The Committee was given details of the approved scheme, as follows:- two sets of speed cushions (3 abreast across the carriageway), a table top junction, a vehicle activated sign, chicanes and one pinch point inclusive of one speed cushion. The physical features were located on the length between Armadale Close and Greenfields Way because of the accident record and bend locations.

The Committee was given details of the consultation carried out with residents.

Following publication of the Statutory Notices on site and in local press on 15 April 2009, one objection was formally received during the objection period which expired on 21 May 2009. The objection was formally received by the Director of Law and Democracy from Mr A R Johnson of 14 Theakston Grove, Hartburn.

Mr Johnson indicated he did not wish to attend the meeting therefore the details of his written objection were repeated to the committee by the officer in attendance. It was explained that Mr Johnson had a vehicle with low suspension kept on Surbiton Road and was unable to drive over speed cushions because of the potential for damage to the vehicle. Mr Johnson had raised concerns about emergency vehicle access and suggested the Council would be liable for any damage to his vehicle as a result of the installation of speed cushions, although he acknowledged a speeding problem existed created by a minority. Mr Johnson did not object to the raised table top junction.

The Committee was provided with the response from Network Safety and also further information relating to the benefits of and research carried out on speed cushions.

At this point the Committee confirmed that it felt it had gathered sufficient information and requested all parties, other than officers from Law and Democracy, to leave the meeting room in order to come to a decision.

The Committee considered all of the information that had been presented and agreed not to uphold the appeal. It was considered that the objection did not outweigh the need for physical measures in order to reduce vehicle speeds along Surbiton Road. The Committee also noted that speed cushions were the preferred option of directly affected residents.

RESOLVED that the Head of Technical Services be advised that the Committee did not to uphold the objection.