

ENVIRONMENT SCRUTINY COMMITTEE

MINUTES of a meeting of the Environment Scrutiny Committee held on Wednesday 11 January 2023 at the Cabinet Suite - Shire Hall, Gloucester.

PRESENT:

Cllr Roger Whyborn	Cllr Sajid Patel
Cllr Chris McFarling (Vice-Chair)	Cllr Dr David Willingham
Cllr Gill Moseley	Cllr Vernon Smith (Chair)
Cllr Alan Preest	

Substitutes: Cllr Tim Harman

Virtual attendance: Cllr Philip Robinson – Education, Skills and Bus Transport

Officers in attendance: David Owen, Kathryn Haworth, Colin Chick, Simon Excell, Philip Williams, Jason Humm, Andy Burford and Karen Pearman

Cabinet Members: Cllr David Gray – Environment and Planning

Apologies: Cllr Susan Williams, Cllr Phil Awford and Cllr Dom Morris

2. DECLARATIONS OF INTEREST

Cllr Willingham declared an interest as the Chair of Cheltenham Borough Council's Licensing Committee in reference to Item 3.

3. MOVING TRAFFIC ENFORCEMENT

3.1 The Chair invited Andy Burford, Parking Procurement & Contract Manager, to present this item. The report was taken as read and the following points highlighted:

- In May 2022 the Department of Transport (DfT) announced that English authorities, outside of London, would be given powers to enforce Moving Traffic Contraventions (MTC) such as weight limits, banned turns, mandatory cycle lanes, yellow box junctions, one-way streets etc. (a full list is available in Appendix A of the report).
- Such powers would enable authorities to continue to work towards: improving road safety, cutting congestion, making public transport more efficient and supporting active travel.
- In September 2022, GCC's Cabinet agreed proposals to apply for a Designation Order to enforce moving traffic contraventions and to commence an extensive public consultation exercise.
- The public consultation was supportive of the council applying for powers to enforce moving traffic contraventions with 75% of 128 respondents supporting the approach. The council submitted its application to the DfT to apply for powers and has outlined 5 initial locations where it wishes to enforce (these

locations are outlined at 2.1 of the report). A decision from Government in regards granting the Designation Order is expected in June 2023.

- ANPR surveys were initially carried out at 19 locations around the country, and the 5 that were selected showed a number of contraventions that would make enforcement worthwhile.
- This exercise is not about the council making money from enforcement, it is about improving safety on the highway and any income stream generated through enforcement mechanisms would be used to cover the back-office charges, and any surplus reinvested in the service, or named areas of improvement as outlined in the legislation
- The next steps were summarised under point 5 of the report.

- 3.2 It was explained that the reason for central government granting powers to local authorities to enforce moving traffic contraventions was to reduce the pressure on local police forces, although the police would retain the power to prosecute on such offences, and any such prosecution would take priority over any action GCC's takes.
- 3.3 In selecting the 5 locations specified, council officers worked with the Local Highway Managers and Stagecoach representatives to identify suitable locations for enforcement based on their knowledge and observations. The initial 5 locations are Phase 1 of location selection. Officers have captured a number of other location suggestions via the public consultation and would continue to welcome suggestions from members and officers going forward.
- 3.4 A member queried how Gloucestershire would avoid issues that can occur with ANPR enforcement. An example was given of another authority issuing a fine for a vehicle that was on the back of tow truck going through an air quality restricted zone. Officers were aware that this would be a very new way of working which would need to be supported with adequate training for officers and contractors. There will be a discretionary policy in place to ensure fines issued incorrectly could be cancelled, following review.
- 3.5 There was a discussion around the need to explore legalities of data sharing with district licensing departments via bodies such as the Gloucestershire Licensing Officers Group (GLOG), if it were in the public interest to do so. An example was given of a taxi driver contracted to carry out home to school transport for vulnerable children who was captured on GCC's ANPR committing a moving traffic contravention. It was agreed that this discussion would be continued offline with GLOG and the council's Information Management team.
- 3.6 A member shared a concern that a number of private hire drivers were receiving repeated enforcement fines for driving in bus lanes. It was advised that GCC were completely reliant on data being shared from district authorities to ensure licensed vehicles were not fined.
- 3.7 Officers confirmed that they would be working with the communications team to ensure as much information sharing with the public on go live dates and new enforcement sites as possible. Prior to enforcement commencing at any new location there must be a 6-week consultation period, plus a 6-month warning notice period for first offences after commencement.

- 3.8 A member raised a specific contravention issue in their area that was more time specific, mainly occurring during evening and weekends, and whether this would fit the viability criteria for a scheme. It was advised that this issue related to parking enforcement, rather than the new moving traffic powers. An action was taken to visit and review this issue with the member and discuss potential options.

ACTION: Jason Humm

- 3.9 There was a discussion around the recent Highway Code changes which requires drivers to give way to pedestrians crossing or waiting to cross a road, and whether moving traffic powers could help enforce this rule. Unfortunately, this change had been publicised very little nationally, with many drivers being unaware. This change to the Highway Code is outside the scope of moving traffic enforcement and therefore the authority has no powers to enforce but officers agreed to explore if there are any solutions to this issue.

ACTION: Andy Burford

- 3.10 It was advised that the Government's view of moving traffic enforcement powers was to use education, engineering, and enforcement as the three tools to manage contraventions on the road. If one of the initial 5 enforcement locations did not see a reduction of PCNs issued in 6 months, it would be clear there was something else wrong and enforcement wasn't the answer. If contraventions had reduced significantly, GCC would look to move enforcement equipment to a new location.

4. UPDATE ON PRESSURES SURROUNDING DEFINITIVE MAP MODIFICATION ORDERS SERVICE

- 4.1 The Chair invited Karen Pearman, Asset Data Team Leader (Highway Records & DMMO) to introduce this item. Members took the report as read and noted the following highlighted points:
- Modification Order applications are requests for a public right of way (footways, bridleways etc.) to be officially recorded onto the Definitive Map.
 - The Council had a statutory duty to accept and investigate all valid applications, on the basis of evidence and whether the right exists.
 - Particular changes in legislation had caused a recent surge in application numbers and had led to the need for prioritisation in line with other duties of the team.
 - The DMMO service had also received additional and external scrutiny over the backlog in applications, particularly applications that were contested.
 - This report set out the main pressures being seen by the service.
 - It was added that the Council had now received a request from the Gloucestershire Local Access Forum to call in a particular named consultant to look into whether they can advise the council on increasing throughput of applications. Officers were therefore in the process of contacting other councils who had been through a similar process to understand what it may entail.

- 4.2 The Committee thanked officers and the team for all their hard work in this area. It was very clear and evident the amount of technical work that went into processing these applications and they appreciated the surrounding circumstances causing the extensive backlog.
- 4.3 A member shared that they had received a number of emails from residents on this issue, mainly around the time taken to process orders, noting some cases were taking decades and witnesses who had the evidence were passing away prior to their applications being processed. They shared that Kent County Council had managed to reduce their processing time and backlog considerably and wondered if they could be consulted.
- 4.4 The member shared an extract from a resident's email which suggested that *the Council had an absolute option to submit any opposed order on the basis that it will be taking a neutral stance, thereby shifting the onus on to the interested parties to oppose and defend the order made, resulting in a dramatically reduced workload for the Council.*
- 4.5 Officers advised they would need to take advice on this point and would provide a written response to the Committee.

ACTION: Karen Pearman/Philip Williams

- 4.6 It was stressed that these applications were generally complex, frequently affecting historic rights, and frequently disputed. The Council has a responsibility to fully investigate the submitted claims against the available evidence, rather whether it was a good or bad thing. It was also noted that the work area is very specialist, which impacts on the success of recruitment. The recent funding allocation for 1.5FTE was only fixed term for 2 years which also means it was very difficult to plan long term on training and development.
- 4.7 A member suggested that the council could reach out to some of Gloucestershire's academic institutions to discuss opportunities for this area of technical work to be offered as a course or training for students. It could also consider raising the issue with the Local Government Association as a large number of councils were having similar problems. There was also a suggestion that there needed to be a backstop on how long applications can be in the system before a resolution was agreed.
- 4.8 Officers advised that there was a huge amount of work across the Environment, Economy, and Infrastructure directorate which all needed prioritisation within that wider picture, officers would not look at individual departments in isolation. This unfortunately meant therefore that an issue such as PROW which affected a smaller group of individuals may be deprioritised if more countywide issues needed resource.
- 4.9 It was reiterated that Gloucestershire was not alone in seeing pressures on numbers of DMMO applications and backlogs, and part of the reason for the

accelerated demand was consideration by Government to legislate a 2026 cut off for applications. The uncertainty around implementation of this had left residents concerned they would miss their chance, there were also national organisations (representing horse riders and walkers for example), who were looking for routes to claim nationally before this potential cut off.

- 4.10 A member highlighted that PROW applications were a right that needed to be defended and financed accordingly. In the age of a climate emergency and encouraging more people to take part in active travel, access to an open, maintained and properly recorded PROW network was very important.
- 4.11 The Cabinet Member for Environment and Planning welcomed today's input and discussion from members on such an important issue. He agreed that the current situation was unacceptable, and officers needed to explore examples of best practice.

5. WORK PLAN

- 5.1 The Committee were advised that lead members met to discuss potential work plan future items which had populated the list attached. The following item allocations were made:

March 2023

- Alternative highways technologies
- Biodiversity

May 2023

- Snow clearing and gritting programme
- Transport Hubs
- Tree Planting

July 2023

- Electric Vehicle Infrastructure
- Flood Alleviation
- Restoring our Rivers Task Group update

- 5.2 An update on green energy, both its use by the council and how the authority was promoting it for the county, was tentatively scheduled for September and officers agreed to confirm an acceptable timescale for an item on Traffic Regulation Orders.

7. EXECUTIVE DIRECTOR'S REPORT: ECONOMY, ENVIRONMENT & INFRASTRUCTURE

- 6.1 The Chair invited Kath Haworth, Assistant Director of Highways and Infrastructure, to give a verbal update on the snow clearing and gritting programme following December's weather incident. Members noted this was an interim update pending a full report in May. The following points were noted:

- December saw the coldest sub-zero period since 2010, it had 25 nights at or below 3 degrees, 10 continuous 24-hour period where the temperature did not recover above zero at any time. This meant any snow that fell during that 10 days did not experience any natural recovery as the temperatures didn't increase at all. Road surface temperatures were reading minus 10 and below.
 - Through the 10-day period of snow and ice, the gritting teams used 5800 tonnes of salt, which amounted to 50% of the year's entire stock. They did 121 runs from the 4 winter operating depots, which was around 2500 driver hours alone, and did not take into account any of the supporting team etc. who make these operations possible.
 - The teams also filled up around 6000 grit bins and provided 2000 bags of salt to communities.
 - The Council's [Adverse Weather Plan](#) available on the website detailed roads that were prioritised for gritting during snow and ice, and the selection of these was based on national guidance and practice.
 - There was a secondary network which teams would try to reach where resource permitted during more prolonged conditions. This was not currently published as it was not always possible.
 - GCC did not currently treat footways or cycleways as a separate gritting operation, although officers recognised it would be something for future consideration, particularly to support messages around active travel. Operationally it was a very different task and something other local authorities were grappling with on how it could be delivered.
 - At the moment, the rock salt used on roads needed traffic to roll over in order for a solution to be produced and melt the ice on the road. This would obviously need to be different if used on cycle and footways.
 - The routes that were prioritised in the Plan were reviewed every year and officers welcomed comments on this.
- 6.2 The Committee paid their thanks to the teams for their hard work during the extended bad weather. Members appreciated the level of undertaking required to keep the network safe during adverse weather such as this.
- 6.3 It was questioned whether this prolonged adverse weather had had a subsequent impact on the deterioration of the road surface. Members noted that incidents of potholes were generally higher this time of year anyway due to the temperatures, level of rainfall etc. but the team were seeing the benefit of the network being in an overall better condition due to recent investment levels.
- 6.4 Members noted that there was certainly a spike in residents contacting highways during this period. There were dedicated 'snow desks' in all the winter depots to ensure there was a dedicated direct line during prolonged response periods to ensure residents such as farmers or community snow plough operators could reach officers. There was also a whole communication strategy throughout winter season. Officers welcomed the suggestion of having a conversation around managing community expectations, and particularly how members could help relay those messages.
- 6.5 Noting reference made to a secondary network for gritting, it was advised that this had not been published to date to avoid community reliance. Officers would have to consider a caveat which managed expectations if it were to be in the future. There

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was also a suggestion that officer may need to consider additional action that could be taken during similar, major events, i.e., where there was snow and ice on the ground for a number of days, which would look at supporting residents using smaller roads and pavements over a prolonged adverse weather period.

- 6.6 It was agreed that officers needed to explore how unparished areas (Cheltenham and Gloucester) could go about volunteer coordination in their areas for things such as gritting provision. It was accepted that at the moment there was a difference in the level of community involvement between parished and unparished areas in the county as parish councils were the one to coordinate activity and requesting provisions etc.

CHAIR

Meeting concluded at 12:30.

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