

Minutes of a meeting of the Shipley Area Committee held on Wednesday, 3 April 2019 in Council Chamber - Bingley Town Hall

Commenced 6.00 pm
Concluded 6.30 pm

Present – Councillors

LABOUR	CONSERVATIVE	GREEN
Greenwood Jenkins	Heseltine Cooke Riaz Townend	Love

Apologies: Councillor Gerry Barker and Councillor Debbie Davies

Councillor Heseltine in the Chair

58. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

59. MINUTES

That the minutes of the meetings held on 16 January and 6 March 2019 be signed as a correct record.

60. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

61. PUBLIC QUESTION TIME

In accordance with the provision at Part 3B, Paragraph 6 of the Council's Constitution the following public question was presented:

"I'm here today to ask if you will support my request for promoting a Traffic Regulation Order which would allow for double yellow lines to be placed outside the properties at Sunny Dale on Keighley Road in Denholme.

These properties, which don't have garages, border the very busy and narrow A629 road which runs through Denholme. It's a road with approximately 15,000 vehicles passing through it every day.

The pavement outside these properties is also very narrow, and nothing like the required width for pavements built today. The owners of cars at Sunny Dale park them partly on the pavement and partly on the road. The problems with this are two-fold. First, even one car parked there disrupts the free flow of traffic passing by, meaning that vehicles heading in the Keighley direction have to stop behind the car so as to allow vehicles in the opposite direction, going towards the village of Denholme, to pass by. This happens on a daily basis.

Secondly, the parking of cars on the pavement there also means that pedestrians no longer have full access to the pavement and, even when two people are walking together, they have to walk single file past these cars. It would be very difficult for those with pushchairs and in wheelchairs to get by at all. I have, on odd occasions had to walk in the road to get past these properties, and I know that a motorised wheelchair owner has had to do the same one, which means he would have been driving on the road in the opposite direction to oncoming traffic from Denholme towards Keighley. This extremely dangerous situation should never have to happen since lives are in danger. One car owner there parks his car at an angle so that the front end of his car covers much more of the pavement than the back end of it. This is because he's had so many wing mirrors smashed, and this demonstrates just how unsafe the cars are while parked there.

The landlord at The New Inn pub told me recently that the car owners at Sunny Dale have been offered parking spaces for £5 per week at the Black Bull car park, the Black Bull having been demolished many years ago. Car owners who live opposite that car park at Blue Hill which also borders the A629 do park there, as do cricket club members during the cricket season. It appears the residents at Sunny Dale have declined this offer. The landlord at The New Inn has also had problems with those at Sunny Dale parking on his car park, and he's now forbidden it.

So far, although I've complained to the police about this, all I'm told is that they'll monitor the situation, but there has been no change. I've also approached Highways at Bradford Council who say it's the responsibility of the police, not them, though I suspect they don't really believe this because Steve Hartley (Strategic Director, Place) has led me to yourselves. A Government Minister in the Department for Transport has told me that local authorities already have powers to stop pavement parking by the use of TROs and other methods. I'm of the opinion that if you own a car, you should have the responsibility of finding somewhere safe to park it, without taking up spaces specifically provided for the use of others.

Finally, I'd like to add that parking on London pavements, unless otherwise specified, has been illegal since 1974, over forty years ago, and Rule 244 of the Highway Code, since 1974 states that you must not park partially or wholly on the pavement in London and should not do so elsewhere unless signs permit it. There are no signs permitting cars parking on the pavement at Sunny Dale, and we would be going down a very slippery slope if this were to become allowed legally. Pavements were made for pedestrians not cars, and I'd very much appreciate your support with this issue which has been neglected for so long."

In accordance with the provision at Part 3B, Paragraph 6 of the Council's Constitution the Chair provided a written response to the question as follows:-

“Site Characteristics

A highways officer has visited the site to make an appraisal. The carriageway width immediately fronting Sunny Mount is 7.75 metres, and the width of the footway immediately fronting the terraced houses is 1400mm (1150mm at those points where lighting columns are located to the rear of the footway). The speed limit is 30mph.

The Law As It Applies To Footway Parking

Certain rules in the Highway Code are legal requirements, identified by the words 'must' or 'must not'.

Outside of London, the Highway Code states drivers 'should not' park on the footway, meaning it is advisory and not backed up by any legislation. As such, parking on footways outside London is not illegal unless such parking has been specifically prohibited.

Even where not specifically prohibited, footway parking could lead to an offence of obstruction being committed, potentially resulting in a fixed penalty notice being issued by the Police to the offending vehicle.

Although parking on the footway is not illegal where there is no obstruction of the footway, actually driving onto the footway to park is an offence under section 72 of the Highways Act 1835. Section 72 is used in the current Highway Code, with Rule 145 of the Highway Code stating: “You MUST NOT drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency”. Laws HA 1835 sect 72 & RTA 1988 sect 34.

Potential Remedies

As there are no formal waiting restrictions outside Sunny Mount, Council Wardens are unable to take enforcement action.

In England and Wales, local councils can make a Traffic Regulation Order (TRO) prohibiting parking on the footway. Waiting restrictions indicated by yellow lines apply to the carriageway, footway and verge, and so where yellow lines exist, Council wardens can take enforcement action against vehicles either partially or wholly parked on the footway. The promotion of a TRO would require the approval and funding of this Committee, cost in the region of £7000, and have to be met from this Committee's annual safer roads budget provision.

However, this Committee considers the onus of enforcement rests with West Yorkshire Police, and that it is not incumbent on the Council to deal with footway parking for which the Police already possess necessary enforcement powers regarding:

- instances where they deem footway parking constitutes an obstruction of the footway, and*
- Section 72 of the Highways Act 1835 regarding the offence of driving on or over the footway to park on it.”*

62. HIGHWAY MAINTENANCE NON-CLASSIFIED ROADS AND SURFACE DRESSING ALLOCATION FOR SHIPLEY CONSTITUENCY - 2019/20

The Strategic Director of Place submitted **Document “AA”** which provided information on the Capital Highway Maintenance funding element of the Local Transport Plan for 2019/20 and made recommendations on the allocation for Non-Classified road resurfacing schemes and Surface Dressing sites in the Shipley constituency.

The report also provided information relating to the Department for Transport (DfT) additional highway maintenance funding 2018/19 and made recommendations on the allocation for Non-Classified road resurfacing schemes in the Shipley constituency.

The Principal Engineer (Highway Maintenance North) provided a summary of the report and recommended the approval of the proposed schemes listed in Appendices 2 and 3 of Document “AA”.

In response to a Member’s concern that there were not many schemes proposed in the Baildon area within Appendix 2, the Principal Engineer stated that the actual and estimated spend in Baildon from 2015/16 to 2019/20 equated to £269,100 and that this was the second highest amount allocated to a ward within the Shipley constituency. He agreed to provide Members with a breakdown by spend per ward for non-classified roads, for the financial years 2015/16 to 2019/20. He also informed Members of additional funding from the DfT which would be used for works such as replacement white lines and snicket maintenance; this information was due to be published imminently and would also be circulated to Members.

Members were informed of the process used to survey and analyse the condition of roads against a grading criteria which, along with in-house inspections, was then used to prioritise roads for works. Members were shown an example of the mapped grading analysis for information.

A Member commented that cones were not always put out on the road to deter parking prior to works being undertaken. The Principal Engineer agreed to provide the Member with a contact officer to pursue this issue.

Resolved –

That the proposed list of schemes for 2019/20 as shown in Appendices 2 and 3 of Document “AA” be approved.

***OVERVIEW AND SCRUTINY COMMITTEE: Regeneration and Environment
ACTION: Strategic Director, Place***

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Shipley Area Committee.

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER