

APPEALS PANEL NO. 3

MONDAY 20 JANUARY 2014 AT 1.20 PM

PRESENT: Councillors Allison (as substitute for Councillor Mrs Luckley), Boaden and Collier

OFFICERS: Director of Economic Development
Director of Local Environment
Access Officer
Building Control Manager
Customer Contact Centre Supervisor
Senior Engineering Technician
Committee Clerk

ALSO

PRESENT: Appellant

1. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Mrs Luckley.

2. PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

3. COMPLAINT REGARDING TRAFFIC CALMING MEASURES IN CARLISLE

Consideration was given to a complaint regarding traffic calming measures in Carlisle.

The Chairman introduced the Panel and apologised for delay in starting the meeting.

The appellant introduced himself and, at the request of the Chairman, outlined his complaint.

The appellant stated that the complaint related to abuse of public funds and lack of publicity in respect of the Access Group.

The appellant had provided photographs of the traffic calming ramps in question and outlined the problems that people who used mobility scooters had when accessing Hammonds Pond due to the installation of speed ramps. The appellant suggested that a section could be removed either at the side of the ramps or in the middle of the ramps to allow access for mobility scooters. The appellant also provided photographs of the paths on the site, only one of which had been repaired.

The Access Officer had stated that she had spoken with someone in a mobility scooter who had no problems accessing the site. The appellant believed that the scooter must

have been a larger model unlike the model in the photograph. The appellant stated that he would like to see information regarding the Access Group made public.

The appellant referred to the Cumbria Design Guide and suggested that an alternative form of traffic calming could have been installed as he did not believe that the model that had been installed was appropriate for public access areas. A Member had visited Hammonds Pond and measured the ramps in question. The appellant stated that the height was not the issue but the gradient on and off the ramps and the minimum width of the ramps.

In response to a query the appellant confirmed that he had two mobility scooters one of which was taxed to enable it to be used on the highway. He confirmed that he had no problem accessing the site in the larger scooter. The appellant stated that he used the highway to enter Hammonds Pond as that particular entrance to the site had no footpath.

The appellant stated that he was representing other mobility scooter users who, he believed, had the same issues trying to access the site from that entrance. He acknowledged that there was another pedestrian entrance with a footpath but stated that it was too far for him to travel on his smaller mobility scooter.

The appellant confirmed that he had nothing further to add. The Chairman thanked the appellant for his attendance at the meeting and explained that he would receive a letter advising him of the Panel's decision.

The Panel invited the Director of Local Environment and the Senior Engineering Technician into the meeting.

The Senior Engineering Technician explained that the situation was brought to her attention when she was approached by Green Spaces that there was an issue with the ramps recently installed at Hammonds Pond. The Senior Engineering Technician advised that they had been installed in line with regulations but did not have to comply with highway regulations as the entrance was not part of the highway. The Council already had the speed humps from another job but bolts were required which were purchased and the ramps were installed. The Senior Engineering Technician had advised on the installation of the speed humps and the distances between them. She confirmed that the ramps were designed to reduce the speed of cars on the road. Having seen a photograph of scooter stuck on the ramp the Senior Engineering Technician explained that the scooter was a foldaway type that would fit into the back of a car and did not have normal sized wheels.

A Member queried the minimum height of the ramps available. The Senior Engineering Technician explained that the minimum was 25mm.

A Member queried whether there was another access to Hammonds Pond that did not have ramps. The Senior Engineering Technician explained that there were other entrances one of which was another pedestrian access 15-20 metres away.

A Member acknowledged that the ramps were in place to slow vehicles down but the authority had to ensure that by making the road safer for pedestrians it did not create a problem for other users.

The Director of Local Environment explained that where there was mixed use of a site there would be difficulties. She confirmed that there had been no incidents on the site but

the Council were aware that it was a hazard and took steps to mitigate the hazards and undertook risk assessments. There had been problems with anti-social behaviour in car parks which were difficult to manage. The Director stated that while the ramps were not an ideal solution the Council must ensure that pedestrians were safe in areas where vehicles were also allowed.

In response to a query from a Member the Senior Engineering Technician confirmed that it would not be possible to alter the ramps to provide a gap either in the middle or at the side but when they were renewed the matter would be given consideration.

The appellant had stated that people from the nearby hospice used Hammonds Pond and would have a problem with the ramps. However, those people could use the nearby pedestrian access which could also be used by the appellant. There were two other accesses into Hammonds Pond both of which were suitable for mobility scooters.

The Members suggested that a sign could be erected directing people in wheelchairs or mobility scooters to the pedestrian entrance further along the road.

With regard to the general condition of the footpaths the Director of Local Environment stated that once the paths were beyond a reasonable condition remedial works were undertaken.

The Members thanked the Officers for their input and they left the meeting at 2:00pm.

The Panel invited the Director of Economic Development, the Building Control Manager and the Access Officer into the meeting.

A Member advised the Officers that the appellant had alleged that no-one outside of the Council knew about the Access Group.

The Access Officer advised that the Group was publicised on the Council's website and in the Council's Carlisle Focus magazine and that the appellant had stated that he did not use the internet and did not read "rubbish" that came through the door. The Group met 10 times per year and there were on average 18 people in attendance who were either independent members or members representing various organisations. Members may or may not have a disability but there was a wide representation of physical, sensory and learning disabilities. The meetings were a forum to consider complaints and issues and the information was intended to cascade back to the organisations represented on the group and the general public.

In line with other authorities the minutes were not publicised on the internet as the meetings were not City Council meetings but were facilitated and supported by an Officer of the City Council. The members of the group were volunteers who did not have any formal training provided by the authority.

The Access Officer advised that she was a statutory consultee within Development Control and Highways as well as the Access Group. The Access Officer received many enquiries regarding Highways issues which she would respond to and also refer to the Access Group for their comments. The access Officer had not however been consulted about the speed humps in Hammonds Pond until after they were installed. She had visited the site with the Green Spaces Officer and after considering all relevant information had no objection to the speed humps.

When the complaint was received there was no meeting of the Access Group scheduled so the Access Officer had consulted with its members by e-mail for their views. The responses had been recorded and acknowledged that whilst the speed humps were not always conducive to people with back problems there were other facts to consider i.e. safety, and that on balance appropriate measures had been taken.

A Member had suggested that the ramps could be adapted to create a gap either in the middle of the ramp or at the side. The Access Officer stated that the road was not wide enough for two vehicles to pass. Highways would need to comment on the effectiveness of reducing the height of the speed humps or altering the shape of them as it was their legislation that would have the research to set the standards to be applied to meet the requirements ensuring appropriate measures had been taken. The Access Officer could not state whether lowering the speed humps would negate the reason for the ramps in respect of anti-social behaviour and safety.

The appellant had also raised similar issues regarding Talkin Tarn and the Sheepmount but neither of those sites had speed humps provided from Highways

The Access Officer confirmed that flyers were to be designed and printed and would in future be displayed in the Customer Contact Centre and other locations to promote the Access Group.

A Member stated that the City Council had a good record in respect of disability compliance and the Access officer was to be commended on the helpful manner in which she had responded to the complaint.

The building Control Manager noted that the appellant had previously been a member of the Carers Association who had a representative within the Carlisle Access Group and therefore had previously had a link to the Access Group.

The Members thanked the Officers for their input and they left the meeting at 2:20pm.

The Panel then gave due consideration to the information that had been presented to them and

RESOLVED – That, having considered all of the evidence presented, both prior to and at the hearing, the Panel had decided not to uphold the Appeal. It was agreed:

- that the Director of Local Environment will be directed to erect signage at the Blackwell Road entrance to Hammonds Pond informing people that an alternative, pedestrian entrance, suitable for people using mobility scooters and wheelchairs, is available approximately 15 metres along Blackwell Road;
- that the Panel strongly believe that Members of staff had responded to the complaint in an appropriate and professional manner.

[The meeting ended at 2.30 pm]