

HERTFORDSHIRE COUNTY COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE

TUESDAY 23 MARCH 2004 AT 10.00 AM

Agenda Item No.

6

REPORT OF THE RECTORY LANE TOPIC GROUP

Report of the Director of Environment

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1. Purpose of Report

To report to the Scrutiny Committee the findings of the Topic Group, established to review the processes used in reaching a decision to re-open Rectory Lane.

2. Summary

- 2.1 Following an experimental Traffic Regulation Order (effective over 18 months) to close Rectory Lane, the Stevenage Joint Member Highways Panel (JMHP) considered a report on the outcome of the experiment and recommended that the road be re-opened. Following petitions presented first to the JMHP and then to Environment Scrutiny Committee by the Rectory Lane residents Association, a three member Topic Group was established to review the processes used in reaching the decision to re-open Rectory Lane.
- 2.2 The Topic Group met to consider an investigation into the processes, considered representations from the Residents Association and the Police and spoke to the Chair of the JMHP. Having considered all these, the Topic Group drew a number of conclusions including a recommendation that the JMHP be given another opportunity to reconsider its decision.

3. Conclusions

- 3.1 Having considered all the evidence, the Topic Group found that the processes were flawed leading to an unsound decision. Along with other recommendations, the Topic Group recommended that the JMHP reconsider its decision.
- 3.2 The Environment Scrutiny Committee is asked to consider the conclusions and recommendations from the Topic Group with a view to confirming or amending them as advice to the Director of Environment.

4. Background

- 4.1 Rectory Lane, Stevenage was closed under an experimental (18 months) Traffic Regulation Order. In considering whether to re-open the road or keep it closed, the Stevenage Joint Member Highways Panel (JMHP) considered an evaluation report at its meeting on 15 July 2003. The JMHP recommended that the road be re-opened.
- 4.2 At its next meeting in October 2003, following significant concern about the decision to re-open the road and the processes that led to the decision, the JMHP took the opportunity to reconsider its advice. At this meeting the Rectory Lane Residents Association presented a petition objecting to the re-opening of the road. The Panel re-affirmed its advice that the road should be re-opened.
- 4.3 At its meeting on 21 October 2003, the Environment Scrutiny Committee was presented with a petition by the Rectory Lane Residents Association (RLRA) objecting to the decision to re-open Rectory Lane. The committee asked the Director of Environment to investigate the petitioners' concerns and report back to Committee Spokespersons and the local member. Prior to the conclusion of that investigation, the RLRA with the support of the police, lobbied members about their concerns and at its meeting on 20 January 2004, the Scrutiny Committee resolved to establish a three member Topic Group to review the processes used to reach the decision to re-open Rectory Lane.
- 4.4 The Topic Group met on 10 February 2004 and considered the investigation report prepared by the Highway Service Manager. This report is included as Appendix A. The Topic Group heard the views and were able to ask questions of representatives of Hertfordshire Highways, Rectory Lane Residents Association, the Police, the Chairman and Vice-Chairman of the Stevenage JMHP. The minutes of the Topic Group are attached as Appendix B, which include a copy of the RLRA statement to the Topic Group, an RLRA paper responding to the investigation report and a written statement from the Police.
- 4.5 The Topic Group concluded that there had been significant shortcomings in the processes and made the following recommendations to the Director of Environment
 - As part of the development of similar future projects, the planned measures, justifications and evaluation processes are endorsed at the local JMP in advance of commencement of any works.

- A clear record, which should be included in the justification statement for the project, should be kept of the evaluation of the aims and objectives of a project and their consideration in balance with the duties and responsibilities of the Local Authority in relation to the need to consider all alternatives prior to road closure.
- A robust mechanism for ensuring adequate data collection and presentation is put in place on all similar projects.
- All consultation material is made clear and unambiguous and is communicated in accordance with HCC consultation procedures.
- Reports on issues that are likely to be contentious and are not urgent should be issued within agreed timescales.
- Greater consideration should be given to appropriate mechanisms, such as meetings with dissatisfied parties, to enable their views to be taken into account.
- Joint Member Panels continue to be the appropriate place for debate about Hertfordshire Highways matters that affect the local area.
- The Police should be given the opportunity to participate fully in JMPs.
- This investigation identified some issues of serious concern with respect to the processes associated with the project: Members considered that the available evidence was flawed and did not allow for correlation of before and after data. The Topic Group therefore recommended that the JMP be afforded another opportunity to review its position on this matter and requested that a report enabling this should be produced urgently and be overseen by the Director of Environment. The report should include the investigation report by Andy Ward and the comments and recommendations of this Topic Group. Due to the expiration of the experimental traffic order, Members advised that it might be necessary for the JMP to hold a special meeting to conduct this work

4.6 The experimental Traffic Regulation Order to close Rectory Lane expires on 15 March 2004. In order to arrive at a decision to enable appropriate advertising to take place, the matter was referred to a specially convened meeting of the Stevenage JMHP on 27 February 2004. The outcome from this meeting was that the road be re-opened, and Hertfordshire Highways work with the local community, under the auspices of the Safer Routes to School project, to seek to address the concerns of the local community. All solutions to be properly assessed bearing in mind the Highway Authority's duty to seek to keep roads open if at all possible. The criteria for the project will be agreed by the Stevenage Joint Member Panel.

5. Access to Services

5.1 As a result of the recommendation from the Stevenage JMHP, Rectory Lane will be re-opened and full access to the local highway network will be restored.

6. Financial Implications

The costs of the necessary works will be found from within existing budgets.

7. Conclusions

The Environment Scrutiny Committee is asked to consider the conclusions and recommendations from the Topic Group with a view to confirming or amending them as advice to the Director of Environment.

Background material referred to by the author while compiling this report

Report to Stevenage JMHP 15th July 2003
Minutes of Stevenage JMHP October 2003
Petition to Environment Scrutiny Committee 21st October 2003
Minutes of Environment Scrutiny Committee 20th January 2004

**RECTORY LANE, STEVENAGE
REPORT OF HIGHWAYS SERVICES MANAGER**

**INVESTIGATION OF CONCERNS RAISED BY THE RECTORY LANE
RESIDENTS ASSOCIATION**

1. Purpose of Report:

- 1.1 To consider concerns raised by the Rectory Lane Residents Association in relation to the decision to re-open Rectory Lane following an experimental road closure.
- 1.2 Concerns were expressed in a petition to the Environment Scrutiny Committee on 21 October 2003.
- 1.3 This report responds to the issues raised and provides recommendations in respect of the investigation conclusions.

2. Background:

- 2.1 Rectory Lane is a local minor road in the Old Town Ward of Stevenage. It is designated as a Local Access Road within the County Council Local Transport Plan and is subject to a 30mph speed limit. The road has residential development over the majority of its length on both sides and consists of a single two lane carriageway with a footway to one side.
- 2.2 Whilst the road has a rural appearance, it is located within the urban area of the Stevenage Old Town and is close to the Old Town Centre and other local amenities. In addition it lies within close proximity to a number of local schools and the Lister Hospital.
- 2.3 Local concern has existed for a number of years over the usage of the road in relation to its nature. Issues of traffic volume, speed and road safety have all been raised consistent with the general increase in concern over such issues on the local road network.
- 2.4 Within the local area the issues of safety around and on the routes to local schools became the subject of a Safe Routes to School project started in 2000. This has been conducted in phases, through consultation and the work of a local steering group and the concerns expressed about Rectory Lane were raised during the early stages of the development of this project.
- 2.5 Through the Safe Routes to School project, the opportunity was taken to consider these concerns and in particular their link to school journey issues.
- 2.6 In September 2002, prior to the establishment of the Stevenage Joint Member Panel and following a consultation exercise, Rectory Lane was

closed on an experimental basis as a contribution to the second phase of the project to support the overall Safe Routes to School objectives for the area. Two specific crossing points had been identified within the road on desire lines for pedestrian traffic using the local schools.

- 2.7 Following the implementation of this closure a report was prepared and presented to the Stevenage Highways Joint Member Panel (JMP) in July 2003 considering the effects of the closure and its contribution to the Safe Routes to School project, such that the delegated officer (Stevenage District Manager) could make a decision in respect of permanent closure based on the views of local panel members.
- 2.8 Upon advice from the JMP, the District Manager took and logged the decision to re-open the road after consulting the Executive Member for Environment. This decision to be implemented after the completion of additional complementary works in Rectory Lane and the introduction of traffic calming measures outside Almond Hill School.
- 2.9 Following a significant number of concerns over this decision and the process that lead to it being made, a second opportunity was afforded to the JMP to reconsider the advice it had given to the Stevenage District Manager. The JMP reconsidered the matter in October 2003 and re-affirmed their view that the road should be reopened.
- 2.10 As a result the Rectory Lane Residents Association have recorded their concerns over both the decision and the decision making process in a petition presented to the local JMP in October 2003 and subsequently to the Environment Scrutiny Committee on 21 October 2003.
- 2.11 At that Scrutiny Committee meeting the Director of Environment was asked to fully investigate the concerns raised in the petition and prepare a response to the Committee, the local members and the petitioners.

3. Consideration of Concerns.

- 3.0.1 The petition has raised a series of questions related to two main themes:
 - The decision and its justification
 - The process followed by the Authority leading up to the decision and in subsequently addressing concerns.
- 3.0.2 Within this section of the report, attempt has been made to identify the concerns raised and their implications and to discuss the factors that are material to their consideration. Notwithstanding the above, the particular questions raised by the RLRA revolve around the following key issues:
 - The manner in which the SRTS project has been conducted.
 - The original report that was presented to the JMP in July 2003.
 - The decision process associated with the July JMP meeting.
 - The issue of safety.
 - The ongoing decision process after the July JMP.
 - Support for the closure and interested parties.
 - Member's views.

- Lack of satisfactory reasons given for decision to re-open the lane.

3.1 ***The manner in which the STRS project was conducted.***

3.1.1 A series of general and specific aims were given by the SRTS project team to establish the context for the experimental closure. These were drawn for the Local Transport Plan (LTP) policies and were recorded as below:

LTP Objectives

- To improve safety for all by giving the highest priority to minimising the number of collisions and injuries occurring as a result of the transport system.
- To provide a transport system which provides access to employment, shopping, education, leisure and health facilities for all, especially those without a car and those with impaired mobility.

3.1.2 SRTS Objectives

- Promote sustainable transport.
- Reduce car related school journeys.
- Enable schools to develop their own solutions.
- Reduce the number of child casualties through identifying and developing a range of measures that will improve the safety of students' journey to school.

3.1.3 Rectory Lane Closure Objectives

- Make Rectory Lane safer for vulnerable users i.e. pedestrians and cyclists (particularly pupils from Barclay and Thomas Alleyne Secondary Schools).
- Reduce accidents along Rectory Lane
- To improve safety for pupils using Weston Road outside Almond Hill School

3.1.4 Questions have been raised in relation to the way in which the experiment was conducted and in particular whether the implementation of the closure scheme could be effectively considered against the objectives outlined above.

3.1.5 It is clear from a review of the material produced to support the report supplied to the JMP in July and from the commentary supplied by the RLRA that the collection of data to support the experiment has not enabled a robust consideration of the effects of the closure. There is a significant amount of data and a great deal of anecdotal or subjective evidence put forward, however there is a lack of objective data that can be accurately correlated to demonstrate a significant contribution to all of the objectives above.

3.1.6 Some analysis of the available traffic flow data and pedestrian /cyclist movements is made both in the JMP report and in the supporting document to the petition. In both cases however, the detail does not facilitate an objective conclusion of the overall situation.

- 3.1.7 Some information has been presented by the police, again however much of the support for the closure put forward is based on perception without factual evidence. Where the police have offered specific data in relation to injury accidents, they acknowledged at the October JMP meeting that the figures they had offered had been incorrect.
- 3.1.8 Concern has been raised in respect of the lack of full time closure of the road during the experiment due to vandalism. It is clear that this has been an issue and that there is no robust data to identify when the road has actually been closed to traffic and when it has been negotiable to through traffic. Considerable effort has been applied to try and maintain the closure; however this has been at a significant cost to the Authority and has proved disruptive. The signing associated with the closure has been questioned, however correct signing has been utilised at the closure in accordance with the terms of the traffic order. This additional burden was not anticipated prior to the experiment and therefore was not contributory to the costing considerations of the proposals. This situation does however contribute to lack of robustness in applying data to justification of the experiment objectives.
- 3.1.9 The RLRA also question the lack of implementation of the proposal to close Weston Road on an experimental basis. This had been originally planned to follow the Rectory Lane closure as a third phase to the project. Advice was sought from the JMP in February 2003 as to whether this part of the project should be taken forward. The JMP conclusion was that closure was not desirable, but agreed to a limited closure period of 4 weeks to allow data collection to support the project.
- 3.1.10 Following this advice, the SRTS Project Manager concluded that the closure of Weston Road should not be progressed for the following reasons:
- Legal advice from the County Secretary's Department suggested that the legal basis for the proposed traffic order was not sound and therefore should it be subject to challenge the Authority would not be able to defend it.
 - The closure was no longer considered to be a crucial part of the SRTS project.
 - That 4 weeks would not provide a sufficient period in which to collect meaningful data.
- 3.1.11 It is suggested that this outcome was not made public and whilst the JMP members and local members were advised of the decision in a letter, no confirmation was given to the public at the time.
- 3.1.12 In respect of the mechanism for determining the permanent closure of Rectory Lane, a simple flow chart was produced to assist the evaluation of the data outputs. This flow chart was produced early in the developing SRTS project and suggested a way of considering the closure in light of traffic flows measured on surrounding roads. The suggested process in the flow however concentrated only on the traffic flow and not additional inputs

in respect of other mode usage or the accident injury data collected before and after the closure. There is an RLRA assertion that this mechanism is flawed, it would certainly seem important aspects have not been included in the flow chart, this clearly is a weakness.

- 3.1.13 A key point that has not been addressed either in the initial JMP report or in the submission from the RLRA, is the issue of the Duty placed on the Highways Authority under the Highway Act 1980 and the Road Traffic Act 1985. These place a responsibility on the Authority to assert and protect the rights of the public to 'pass and re-pass' over the public highway. In addition, Section 122 of the RTA 1985 states that:

'It shall be the duty of (every) local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) ..'

- 3.1.14 In effect, this requires the authority to ensure that it fully considers all the alternatives to effecting a closure of the road.
- 3.1.15 Although the objectives and policies within which this project was formulated are clear, these duties cannot be ignored.
- 3.1.16 The duty to protect 'highway' rights does not of course prevent the Authority from closing a particular route to all or specific traffic types. However, it does place the Authority in the position of having to consider the alternative mechanisms for delivering the same objectives before a closure option is arrived at. It is important in terms of justification and precedent that the measures introduced are commensurate with the scale of the issue being addressed.
- 3.1.17 In this case consideration of alternative measures has been referred to in the JMP report of July 2003, it is noted that the data collected cannot be considered robust to justify permanent closure through SRTS objectives. Therefore in order to apply some objective assessment of the severity of the issues in Rectory Lane, other formally adopted assessments of priority have been referenced. The referral to the likely priority the road would be afforded when considered in relation to casualty reduction targets and indeed environmental considerations, suggests that in either case the road would receive no greater priority than a significant range of other sites with such issues. Certainly the road would not qualify under either category for inclusion in any established forward work programme. This in itself brings into question whether closure is appropriate.
- 3.1.18 The report therefore recommends re-opening but with the implementation of alternative more commensurate measures within the road consistent with those used elsewhere for such problems and with particular emphasis on specific contribution to the SRTS objectives through focused measures outside the school.

- 3.1.19 The Assistant Director, Transport Management, confirms (05/09/03) 'As Highway Authority, we have a responsibility to keep roads open unless there is a clear Statutory reason not to. I suspect we would be under pressure to close every rat run otherwise'.
- 3.1.20 There is some evidence to suggest that the original consultation on the closure option was not entirely clear in its explanation of the justification of the scheme (Mouchel 12/04/01). The letter sent out initially refers to the rat running issue and suggests that the issue has 'also' been raised through the SRTS initiative.
- 3.1.21 It would seem that the consultation followed the Authority protocols, but the message of justification of project was not entirely clear.
- 3.1.22 This has led to a number of residents suggesting that the measure of success in relation to the project should be the reduction in rat running rather than the SRTS contribution, in its wider context.
- 3.1.23 This is understandable; however it has been made clear in correspondence responding to such queries that the objectives were clearly school journey related.

3.2 ***The Original Report that was presented to the JMP in July 2003.***

- 3.2.1 A number of issues have focused on the report that was prepared and submitted to the July JMP by the Principal Strategy Development Manager and SRTS Project Manager.
- 3.2.2 The first concern has been that the conclusions and recommendations in the report did not accord with the findings and were therefore 'flawed'. This has been partially covered in the previous item in relation to the quality and completeness of the data that contributed to the findings; however the report does suggest that the findings do not enable a clearly established and demonstrable link to the SRTS project to be drawn. This fact does not seem to be under dispute, however the presumption appears to be the issue, the presumption of the Highway Authority is that the default situation is that the road should be 'open' and therefore permanent closure has to be adequately justified. Whereas the RLRS seems to suggest a presumption that the road should remain closed and that it is re-opening that needs to be justified (hence their assertion that the conclusions were unjustified).
- 3.2.3 A further tension has surrounded the fact that it has been suggested that the Assistant Director, Transport Management, confirmed to Cllr Bob Clark that having reviewed the report he agreed that the conclusions were wrong. In fact the AD's notes (23/07/03) confirm that he explained to Cllr Clark that he agreed the report was 'not very good' but that the 'conclusion was justified'.
- 3.2.4 The RLRA have called for clarification as to the origin of the report and

previous reports from Mouchel. Review has confirmed that the drafting process of the report was not inconsistent with others of a similar nature.

3.2.5 The first draft version of the material supplied to contribute to the JMP report did recommend that the closure be made permanent. It must be remembered that at the outset of the experiment there was an expectation that the closure would demonstrate the benefits envisaged, that is why it was progressed. This initial recommendation was therefore entirely consistent with this expectation. However, in drafting the report and considering the contributory facts objectively, it became clear that insufficient case had been made to justify a recommendation to permanently close. As a result the final report was developed to reflect this position.

3.2.6 There is a suggestion that officers disagreed on the recommendation and that the Principal Strategy Development Manager was 'forced' to change the report. This is not borne out by the note to her from the Stevenage District Manager (07/07/03) which suggests that a draft of the report 'does not naturally lead us to the conclusion we agreed on Thursday' ...'We need to clearly differentiate between the objectives and achievements of the overall SRTS Scheme and then separately identify and debate the contribution that closing Rectory Lane has had as a basis for deciding whether it should now be permanently closed or not'. This tends to suggest that officers had agreed the report's conclusions although editing was done jointly and indeed the final report was drafted wholly by the Principal Strategy Development Manager, including the conclusions and recommendations.

3.3 **The Decision Process associated with the July JMP Meeting**

3.3.1 Specific points in relation to this concern are noted in connection with the late issue of the report to the JMP. Supplementary questions have been asked in relation to the changing of recommendations in the report between early drafts and the final published version. A further suggestion that the report author was wrongly given as the Principal Strategy Development Manager when she did not support the recommendations contained therein and why the police and SBC officers were not allowed to voice their objections to the proposed re-opening at the July meeting.

3.3.2 Firstly in relation to this item, it is clear that the report was issued late. It is noted in its publication as a 'Supplementary Agenda Item' and was issued under the Urgent Part 1 Business to the meeting. There is no evidence to suggest that this late issue was due to any 'agenda', rather that it was late due to the pressures on staff involved in its preparation. The report was despatched by the SBC Committee Services Administrator on 11 July and evidence that it was still being finalised as late as 7 July has been given above in the discussion between the Principal Strategy Development Manager and the Stevenage District Manager.

3.3.3 The point has been made by the RLRA that by not placing the report in the

public domain 3 clear working days before the JMP meeting, the Authority has contravened the Local Government (Access to Information) Act 1985.

- 3.3.4 To specifically deal with this point, it can be clarified that the JMP does not legally operate under the requirements of this Act as it is not a Council decision-making Committee. However within the protocols adopted by the JMP it has been acknowledged that the panel will operate consistent with this Act.
- 3.3.5 The Act does permit, quite reasonably, an item to be placed on the agenda without the 3 working day requirement being met, should the Chairman determine that it should be considered as urgent business. The item should then be raised on the agenda as an Urgent Item under Part 1 Business and the minutes should record this fact. This was consistently followed in this case.
- 3.3.6 Despite the clarification of the situation above it is recognised that the issue of a report late such as in this case is undesirable and not good practice and this needs to be addressed in future agenda preparation.
- 3.3.7 Due to the fact that the consultation period had concluded and that a substantial overall response level had been achieved, together with the difficulties that were being experienced with the closure point the report was permitted to be brought forward.
- 3.3.8 A key factor in this is the fact that the late report could not be accepted onto the agenda as urgent business without the consent of the JMP Chairman. This suggests that it was felt that a panel debate could be achieved despite the late issue of the report. During the meeting there is no record of any member recording that they did not feel able to debate the issue or a request for the item to be deferred for further information or consideration.
- 3.3.9 Following the JMP in July the Stevenage District Manager consulted the Environment Executive Member on the outcome of the discussion and the vote before confirming his delegated decision. The Executive Member endorsed his approach and the officer then recorded his decision in the decision register. This was logged on the 7 August 2003, a clear 17 working days after receiving the advice of the JMP and with the proposed decision in the public domain, having been reported through the local press after the meeting.
- 3.3.10 The questions in respect of both the changed recommendations and the author of the report have been discussed above, indeed not only did the Principal Strategy Development Manager draft the full final report, she also presented it to the JMP at the July meeting.
- 3.3.11 As to the issue of the police and SBC Highways Engineers not being 'allowed' to voice their objections in the July meeting, this appears not to be true as firstly the police perspective on the issue was fully covered in the

report presented and there is no record that the police gave any indication that they wished to address this meeting. Secondly the SBC officer was present at the meeting although the Chairman did not invite comment from him during the debate before a vote was taken.

3.3.12 The chair has clearly indicated since this meeting that he is minded to accept representation from all relevant parties and it could therefore be concluded that he would have offered this officer the opportunity to contribute during the debate if he felt it appropriate.

3.4 ***Safety is the Critical Issue.***

3.4.1 It is accepted by all parties that safety is the significant issue in relation to this matter, however it is the severity of the safety issues that appears to remain in dispute.

3.4.2 The Traffic Order published in support of the closure makes clear that the Authority must be satisfied that *'this order is required to avoid danger to persons using this length of road....'*

3.4.3 There has been some confusion evident over the injury accident statistics relating to this section of road. The RLRA have been supplied with non-confidential injury accident data by the police and have used this in support of their case. However, the police acknowledged at the JMP meeting in October 2003 that the information they had supplied had been incorrect.

3.4.4 The factual situation in relation to the injury accident data is that in the 3 year period prior to the closure the following accidents occurred:

- 5 Slight injury accidents within the length of Rectory Lane subsequently closed.
- 1 Slight injury accident at the junction of Rectory Lane with B197 North Road.
- 1 Slight injury accident in the vicinity of Almond Hill School (child cyclist on route to school).

3.4.5 Of the 5 accidents within the length of Rectory Lane that was subsequently closed:

- 2 accidents involved adult cyclists (confidential data shows that the road environment was not a factor)
- None of the accidents involved any cyclists or pedestrians on a route to school.
- There are no significant clusters.

3.4.6 Since the closure has been in place there have been:

- 1 slight injury accident within the closed section not involving school journeys.
- 1 serious injury accident in the vicinity of Almond Hill School (child cyclist on route to school outside the closed section).

- 3.4.7 Of course the public do not have access to the full details in respect of accident factors and this therefore can contribute to concerns based, in part, on perceptions rather than fact. It is not suggested here that this is inappropriate; rather that consideration needs to be afforded to the balance between responding to perceptions as opposed to actual issues.
- 3.4.8 Much has been made of the non-injury accidents that occur in this road and whilst it is not disputed that this is an issue, they have not been considered in relation to the assessment of priority due to the fact that they are not robustly recorded and therefore data is not reliable.
- 3.4.9 The police and RLRA have offered views on the nature of the environment and the suitability of the road to carry the volume of traffic it takes when open to all users. The facts are that it is a local access road made up of a single two lane carriageway that has a minimum width of 3.9 metres with a single footway of less than 1.5 metres wide to its northern side. It is indeed not designed to carry the volumes of vehicles that use it when it is open to all traffic and it has no doubt been subject to rat running; however its environment and traffic issues are not unique and are replicated on similar roads of the same classification across the County.
- 3.4.10 These issues are responded to consistently across the County without resort to closure but by consideration of the severity of the situation by reference to a range of factors including of course the injury accident history and presence of vulnerable users.
- 3.4.11 The police acknowledge in their statement to the JMP in October 2003 that 'funding and the ranking system' prevented any action previously despite the knowledge of the issues within the road. The ranking referred to is a member-approved system to determine priorities for attention. Consideration of the overall factors within Rectory Lane have consistently confirmed that it would be a low priority against other problem sites.
- 3.4.12 This does not ignore the problems that exist in Rectory Lane; it does however place them into some genuine context.

3.5 ***The Ongoing Decision Process since the July 2003 JMP.***

- 3.5.1 The RLRA assert that the process around determination of this issue continues to be 'flawed and undemocratic', partly reasoned around the issues related to the July JMP meeting.
- 3.5.2 Additional concerns have been raised though in respect of subsequent events which need to be considered and these relate in part to the actions of the Stevenage District Manager.
- 3.5.3 It is suggested that the Stevenage District Manager has been obstructive throughout the process and in particular has refused repeated requests to meet the RLRA to discuss their concerns.

- 3.5.4 The District Manager has dealt predominantly with all of the enquiries and correspondence since the July JMP meeting in the first instance. He confirms that following endorsement of his decision by the Environment Executive Member, he wrote to all residents explaining how the experimental road closure had been resolved, this was a proactive step on his part.
- 3.5.5 During the period between 5 August 2003 and 3 October 2003 he reports to have issued a total of 52 letter responses to enquirers. It is clear from the files that this has been in part an initial response which has closed the enquiry and in other cases a number of repeated responses have addressed additional questions.
- 3.5.6 The District Manager has also confirmed that during this period, achieving the task of responding to all of the enquiries alongside the other duties and pressures he carries was extremely difficult. He did make a judgement therefore that he could not add significantly to the detail he had supplied and in light of this he did not consider a meeting would be productive and was something he could not therefore resource. He made this clear to Mr A Binns (representative of RLRA) in his correspondence of 12 August 2003.
- 3.5.7 The RLRA have asked why the District Manager attempted to prevent other parties having the opportunity to speak at the JMP meeting in October 2003. In exchanges between the District Manager and the JMP Chairman, it is clear that he has advised the Chairman of the approved protocols that have been established for the conduct of the JMP meetings.
- 3.5.8 These protocols do make clear that after hearing a petition the JMP should debate the issue taking their professional advice from the lead officer to the panel. The protocol, previously endorsed by the JMP does not give opportunity for input to the debate from other interested parties as the JMP is not a forum.
- 3.5.9 The Chairman however confirmed that for this case he would invite other parties, namely SBC officers and the Police, to contribute to the debate should they so wish and this was not challenged.
- 3.5.10 The District Manager clearly believes that as the lead officer working with the JMP it is his responsibility to provide professional advice to the Chairman and other members on both issues of a technical nature and in relation to operational protocols. However it is evident that he is happy to accept the Chairman's decision which the protocols confirm will be final.
- 3.5.11 It is reported from the RLRA that the debate at the JMP in October 2003 did not focus on factual issues. There is no doubt that the issues around this decision are emotive, however what is evident is that in the meeting, all parties that wished to put their case had opportunity to do so. Comment was made by:
- The Petitioners in their presentation

- The Police Traffic Management Officer
 - Stevenage Borough Council Officer
 - HCC Stevenage District Manager
- HCC Northern Herts. Highways Service Manager

3.5.12 The debate within the JMP did cover a number of the emotive issues; however key objective points were discussed:

- The objectives of the project
- The accident history of the road
- HCC's Statutory duty as Highway Authority
- HCC Policy implications
- The decision making process
- Reference was made to the conduct of the experiment and in particular the issue of closing Weston Road.
- Alternative measures
- The implications of permanent closure

3.5.13 The JMP members also commented on the conduct of the experiment and specifically expressed concerns that during the development of the project no member had been invited onto the SRTS forum and the fact that the experiment was implemented without any member endorsement.

3.5.14 A supplementary question has been raised in connection with the minutes of the meeting. A suggestion has been made that the minutes were re-written by the Stevenage District Manager after the meeting to suit his purpose. Investigation shows that the draft minutes were referred to him by the SBC Committee Services Administrator for comment on accuracy. It is confirmed that he amended them to ensure that key points of discussion were not omitted and that they have subsequently been issued to the JMP Chairman for comment and he has confirmed them as accurate and acceptable to be placed before the next JMP meeting for endorsement.

3.5.15 A check on the draft minutes confirms that this is consistent for all agenda items, not just the Rectory Lane item.

3.6 ***Support for the closure.***

3.6.1 The RLRA make the case that support for the closure is 'wide and varied'. This is not in dispute, however the Highway Authority has a responsibility to consider all perspectives and recognise that these should be balanced within its own duties and responsibilities.

3.6.2 What is clear is that the campaign, driven largely by the RLRA, is more focused and co-ordinated than other perspectives. However there have been other views and these were received during the consultation period and were reported along with all others in the July 2003 JMP report.

3.6.3 Since the decision has been taken, a further significant petition has also been received, supporting the decision to re-open. In addition a number of letters expressing views for and against the decision have appeared in the local press over the recent Months. This demonstrates that the issue is not clear cut in terms of support but reinforces the responsibility on the Highway Authority to consider all material factors.

3.6.4 In particular reference has been made to the views of the police and SBC officers in supporting the closure and this has been quoted as being specifically in relation to their concerns over road safety. It must be noted however that in both cases these parties do not of course have to consider the wider aspects of the decision in relation to the overall duties the Highway Authority carries and the potential bearing decisions have on its future considerations and actions.

3.7 ***Members' Views.***

3.7.1 The establishment of the local District Joint Member Panels has been effected to offer an opportunity for local issues to be considered at a local level. The Environment Executive Member has made clear that he believes this issue is a local one and therefore it is entirely appropriate for the JMP to advise the officer in exercising his delegations.

3.7.2 Members of the JMP in Stevenage have debated this issue twice and on both occasions reached a clear majority view on the wish to re-open the lane. The delegated officer has taken account of this and has consulted the Environment Executive Member before confirming his decision.

3.7.3 It is reported that the Stevenage Old Town Joint Local Committee (JLC) discussed and supported the retained closure of the road, in correspondence between the Chairman on this Committee and the Stevenage District Manager the Committee asked for the matter to be referred back to the JMP for further consideration.

3.7.4 This of course happened and during the JMP discussions at the October meeting the view of the Old Town JLC was noted.

3.7.5 A reference has also been made to the views held by the local MP, Mrs Barbara Follett. Mrs Follett, following a meeting with the representatives of the residents, did confirm her views in correspondence to the RLRA, copied to the Stevenage District Manager. In her letter she confirmed that she understood their concerns and recognised that genuine issues existed in the lane that she would wish to see addressed, but she confirmed that she could not support their view that the road should remain closed.

3.8 ***Lack of Satisfactory Reasons given for decision to re-open Rectory Lane.***

3.8.1 The RLRA believe quite clearly that there has been no satisfactory explanation of the justification of the decision to re-open the lane.

3.8.2 From this investigation it is clear that the reasons for the decision are based upon the following factors:

- That the Highway Authority starts from a presumption that roads should remain open unless Statutory ground have clearly been met to justify closure (consistent with its duties under the Highways Act 1980 and Road Traffic Act 1984). It is permanent closure that needs to be justified, not re-opening.
- That the objective evidence from the experiment was not robust sufficiently to demonstrate that the closure had made the contribution to the SRTS project that had been anticipated. Therefore under the above requirements permanent closure could not be justified.
- The only injury accidents that have involved children on route to school have occurred in the vicinity of Almond Hill School, outside of the closure – 1 slight injury prior to the closure and 1 serious injury since the closure.
- Little reduction in vehicle speeds outside Almond Hill School has been achieved where they remain between 32 – 37mph.
- The potential safety improvement for children at the point of greatest risk would be better achieved by installing calming measures outside the school.

3.8.3 In a variety of ways these facts have been communicated, they are certainly consistent with the discussion at the local JMP; they have also been referred to although less explicitly in a range of responses given by the Stevenage District Manager to enquirers.

3.8.4 It is clear from the submission, however that the RLRA do not accept these reasons as adequate justification to re-open the lane.

3.8.5 There is a significant amount of supporting data supplied by the RLRA with their petition and this has all been reviewed. The main points of criticism or concern have been covered in the commentary above although not all specific points made in the submission have been addressed individually. The data supplied does include some specific analysis and some subjective assessment and this report has tried to focus on the factual evidence connected with the project available.

4. **Conclusions**

4.0.1 There are a number of conclusions that can be drawn from this investigation. The issues surrounding Rectory Lane are emotive and there is much subjectivity about some of the comments and printed material.

4.0.2 However, there are a number of facts that seems to be clear and these can be categorised under the following:

- The conduct of the Experiment.
- The process of reaching a decision on the experiment.

4.1 ***The conduct of the Experiment.***

- 4.1.1 The experiment was conducted with terms of reference and objectives in place. These accord with the policies and aspirations of the Authority and are sound, however the principle duties of the Authority and its responsibilities appear not to have been considered in balance with the aims when establishing the project.
- 4.1.2 There is no doubt that it is important that varied and innovative solutions are found to the issues the Highway Authority has to grapple with. Projects such as this are the mechanism under which some of these wider actions can be progressed. There is an important element that must be borne in mind however when considering the possible impact of such schemes and this is the future position the Authority puts itself in when challenged over similar issues. In order to defend its stance, its arguments must be robust if it is to be able to justify its position consistently.
- 4.1.3 The Authority receives many enquiries regarding traffic problems and safety issues and it must be consistent in its approach to responding to these demands. Closure without very clear justification leaves the Authority with a difficult precedent to defend in the future. In this case it would appear that insufficient consideration of the alternative options was made before the experimental closure was progressed. Alternatives were based on the findings of the experiment.
- 4.1.4 The collection of data to support the evaluation of the exercise was not as extensive as perhaps was required to ensure a complete and robust analysis of the before and after situation. It is clear that some data was established before the closure and again some after although clear correlation between the two is not sufficiently possible.
- 4.1.5 Partly because of this, the mechanism offered for evaluation of the success of the closure experiment does not appear to be robust. The flow chart offered in the July JMP report narrowly focuses on traffic flows on particular roads to determine whether closures should be made permanent. In reality the objectives for the experiment were wider than this and therefore the mechanism should have considered other factors such as, other mode changes, impact on injury accident history etc.

4.2 ***The process of reaching a decision.***

- 4.2.1 Again there are some subjective arguments made here about the actions of officers and 'agendas' behind the process.
- 4.2.2 There is no doubt that the process may have been stronger, particularly in the early stages. The lateness of the report to the July JMP, whilst caused through genuine difficulties, has not helped perceptions and has enabled

criticism to be made. It is imperative that all officers recognise the need to ensure that reports are finalised in a timely fashion to meet the requirements of agreed protocols.

- 4.2.3 However, it does seem that the JMP felt able to discuss the matter at the July meeting as no suggestion or request was made for the item to be deferred. At the October meeting, the JMP heard directly from the RLRA on their concerns and heard from other interested parties before re-confirming their views to the Stevenage District Manager.
- 4.2.4 The Stevenage District Manager firmly believes that he has followed the policies and protocols in handling his delegations and indeed this would seem to be the case.
- 4.2.5 He has confirmed to the RLRA his reasons for not being able to meet them to discuss their concerns from the outset. This stance has contributed to the frustration held by the RLRA and a meeting may have served to dispel some of this. It is not clear however that such a meeting would have contributed to finding a mutually acceptable solution to their concerns.
- 4.2.6 It has been consistently confirmed that the appropriate place for debate is within the local JMP, part of the role established for this panel is to offer advice to their lead officer in resolving such matters and this has happened in this case.

5. **Recommendations.**

- 5.1 There are a number of points that need to be addressed in light of this investigation. These centre largely on the processes followed with such projects rather than the decision reached.
- 5.2 Firstly, the processes around ensuring a clear and robust determination of the objectives and aims of such projects must be improved. It has been noted by the JMP that the project objectives and evaluation methodology had not been endorsed by members prior to the experiment commencing. **It is recommended that as part of the development of such future projects, the planned measures, justifications and evaluation processes are endorsed at the local JMP in advance of the commencement of any works.**

- 5.3 It is also clear that the aims and objectives of the project in this case were consistent with the aspirations of the Authority as expressed in its LTP. However these must in future be balanced with the duties and responsibilities placed on the Authority in relation to the need to consider all alternatives prior to considering a closure option. **It is therefore recommended that the details of such considerations are clearly documented and included in the justification statement for the project.**
- 5.4 In this case, it seems that the collection of data to support the project has not been targeted to ensure a full consideration can be made. **It is therefore recommended that a robust mechanism for ensuring adequate data collection and presentation is put in place on all such projects.**
- 5.5 In respect of communication over the projects and project issues, there have been some issues which have lead to misunderstanding and confusion. In particular the decision not to progress the Weston Road closure was not clearly placed in the public domain. Although at the time no enquiries had been made as to this issue.
- 5.6 Materials used in the consultation, including letters to residents have lead to a suggestion that the purpose of the closure was not clear and this has frustrated some residents. **It is recommended that all consultation material is made clear and unambiguous and is communicated in accordance with HCC consultation protocols.**
- 5.7 The report presented to the local JMP in July 2003 has clearly proved to be a significant issue of concern. Whilst this investigation confirms that no legal issues have arisen as a result, it is clearly poor practice to issue reports late and this needs to be addressed.
- 5.8 This issue has subsequently been addressed for all JMP reports through the establishment of a drafting timetable and senior officer sign off process prior to publication. This process will also ensure that the quality of reports is checked before issue to ensure that adequate attention is given to all material factors and considerations in order to facilitate reasoned debate. **Therefore no recommendation specifically has been made on this issue.**
- 5.10 Despite the ongoing concerns, the Authority has repeated the view that the local Joint Highway Member panels remain the appropriate place for such matters to be debated. **It is recommended that this practice be continued as necessary in respect of Hertfordshire Highways projects delivered within its Annual Integrated Work Programme.**
- 5.11 This investigation has identified some issues in respect of the processes

associated with this project. However it would appear that consistent with all material factors the decision made is robust. **It is recommended however in light of this report that the local JMP be afforded a further opportunity to review its position taking this report into account, recognising the time constraints imposed by the experimental Traffic Order.**

Report Author

**Andy Ward
Highways Services Manager (Northern Herts).
Ext: 57820**

MINUTES of the meeting of the RECTORY LANE TOPIC GROUP held on Tuesday
10 February 2004 at 2.00pm

ATTENDANCE

Members of the Topic Group

M V Bayes, C J White, B A York

Other Members in attendance

S A Batson, M Downing

Also in attendance

Albert Binns, Lead petitioner on behalf of the Rectory Lane Residents Association

Tim Rumball, Speaker on behalf of the Rectory Lane Residents Association

Margaret Selby, Member of the Rectory Lane Residents Association

PC Steve Chappell, Police representative

Graham Clark, Chairman of the Stevenage Highways Joint Member Panel

Reg Smith, Vice-Chairman of the Stevenage Highways Joint Member Panel

Officers

Jonathan Brown, Assistant County Secretary

Nikki Patient, Committee Administrator

Andy Ward, Highway Services Manager

1. APPOINTMENT OF CHAIRMAN (AND VICE-CHAIRMAN)

Chris White was appointed as Chairman for the duration of the Topic Group. The Group did not feel that it was necessary to appoint a Vice-Chairman.

2. REMIT OF THE TOPIC GROUP

Members noted that the remit of the Topic Group was to review the processes used to reach the recommendation of the Stevenage Highways Joint Member Panel (JMP) to re-open Rectory Lane, Stevenage. Members further noted that their remit did not allow them to comment on the merits or demerits of the recommendation or decision itself.

3. INVESTIGATION OF CONCERNS RAISED BY THE RECTORY LANE RESIDENTS ASSOCIATION

- 3.1 Andy Ward introduced the investigation report and provided Members with the background to the case. He further advised Members that three main areas of concern were identified in the key findings:
- (a) The conduct of the project, in terms of the lack of clarity of purpose; confusion about the means of evaluation; and the need to balance the aims and objectives of the Local Transport Plan with the duties and responsibilities of the Council under the Highways Act.
 - (b) The preparation of the report, including timing of publication and the change in opinion about the closure due to the data collected.
 - (c) The work done on safety in terms of the confusion about the accident data and the statutory duty of the Council to consider all options before road closure.
- 3.2 Andy Ward concluded that the way in which the project had been conducted fell short of good practice and that a clear evaluation could not be made from the data obtained in order to sustain justification for permanent closure.
- 3.3 Tim Rumball was invited to speak on behalf of the petitioners from the Rectory Lane Residents Association (a copy of the statement is attached at Appendix 1). The principal areas of objection were that:
- (a) The conclusions of the report submitted to the JMP in July 2003 were not soundly derived from the findings.
 - (b) The late publication of the report detrimentally influenced the ability of the Members of the JMP to properly debate the matter.
 - (c) The lack of communication and consultation with stakeholders such as the Police and the Safer Routes to School (SRTS) Steering Group denied them the opportunity to voice their concerns about the report conclusions.
- 3.4 In support of their statement, the Rectory Lane Residents Association tabled a full report, attached at Appendix 2.
- 3.5 The Chairman invited PC Steve Chappell to speak as a representative of Hertfordshire Constabulary (a copy of his statement is attached at Appendix 3). He advised Members that following investigation, the SRTS Steering Group had recommended that Rectory Lane should be closed as part of the SRTS scheme. The Highways District Manager later assessed the experimental closure using accident data, a criterion that was not in line with the Council's terms of reference for SRTS. Furthermore, neither the SRTS Steering Group nor the Police were consulted prior to the decision being taken to re-open Rectory Lane.

- 3.6 PC Chappell further advised Members that he considered that the accident data used was flawed due to the incomplete implementation of the closure: correct signage was not applied to the road entrance and at times the gates were left open.
- 3.7 In addition, PC Chappell expressed concerns that the traffic calming measures put in place and the positioning of crossing points had made the road more dangerous for vulnerable users.
- 3.8 Members of the Topic Group were then given the opportunity to put questions to Graham Clark, Chairman of the Stevenage Highways JMP, and Reg Smith, Vice-Chairman of the Stevenage Highways JMP. During the questions, the following issues were raised:
- (a) The timing of the dispatch of the report prior to the meeting in July 2003 and whether or not Members of the JMP were aware that a report on this matter was planned for consideration at that meeting.
 - (b) The involvement of the Police at JMP meetings.
 - (c) Whether evidence existed to suggest that the recommendations of the report had been changed shortly before the July meeting.
 - (d) The arrangements for briefing the Chairman and Vice-Chairman prior to JMP meetings.
 - (e) The appropriateness for officers to meet with dissatisfied parties and the involvement of Members in such meetings.
- 3.9 The Topic Group was then invited to ask further questions to any of the parties present. Following questions from Members, Andy Ward stated that the criteria used to assess the project had not been changed but widened in order to test the theory further. He added that the lead officer for SRTS had prepared the report for the July JMP meeting and led on this matter throughout its consideration. He accepted that the lack of data before the closure meant that correlation with the data collected during the closure was not possible.
- 3.10 Michael Downing, the local Member, and Sherma Batson, a local Member for Stevenage, were given the chance to ask questions to any of the parties present.
- 3.11 In response to a question, PC Chappell replied that he did not have evidence to support the claim that internal pressure had been used to change the recommendations of the report to the July JMP. He added that he had been party to meetings with officers on this subject prior to the publication of the report, and that these discussions had led him to believe that the recommendation would be in favour of permanent closure.
- 3.12 Members noted that the Highways District Manager had taken the decision under delegated powers in consultation with the JMP. Jonathan Brown advised that legally, the decision could be

centralised and the advice of the JMP disregarded. However, this would compromise the validating principle of locally based decision-making and leave officers open to complaints about disregarding the opinions of elected Members.

3.13 Conclusions

Following debate, Members recommended to the Director of Environment that:

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| 1. | As part of the development of similar future projects, the planned measures, justifications and evaluation processes are endorsed at the local JMP in advance of commencement of any works. | Rob
Smith /
Andy
Ward |
| 2. | A clear record, which should be included in the justification statement for the project, should be kept of the evaluation of the aims and objectives of a project and their consideration in balance with the duties and responsibilities of the Local Authority in relation to the need to consider all alternatives prior to road closure. | Rob
Smith /
Andy
Ward |
| 3. | A robust mechanism for ensuring adequate data collection and presentation is put in place on all similar projects. | Rob
Smith /
Andy
Ward |
| 4. | All consultation material is made clear and unambiguous and is communicated in accordance with HCC consultation procedures. | Rob
Smith /
Andy
Ward |
| 5. | Reports on issues that are likely to be contentious and are not urgent should be issued within agreed timescales. | JMP
administ-
-rators &
lead
officers |
| 6. | Greater consideration should be given to appropriate mechanisms, such as meetings with dissatisfied parties, to enable their views to be taken into account. | Rob
Smith /
Andy
Ward |
| 7. | Joint Member Panels continue to be the appropriate place for debate about Hertfordshire Highways projects that affect the local area. | |
| 8. | The Police should be given the opportunity to participate fully in JMPs. | JMP
administ-
-rators &
lead
officers |
| 9. | This investigation had identified some issues of serious | Rob
Smith / |

concern with respect to the processes associated with the project: Members considered that the available evidence was flawed and did not allow for correlation of before and after data. The Topic Group therefore recommended that the JMP be afforded another opportunity to review its position on this matter and requested that a report enabling this should be produced urgently and be overseen by the Director of Environment. The report should include the investigation report by Andy Ward and the comments and recommendations of this Topic Group. Due to the expiration of the experimental traffic order, Members advised that it might be necessary for the JMP to hold a special meeting to conduct this work.

Andy
Ward

Nikki Patient
Rectory Lane Topic Group Administrator

February 2004