

Committee members

PRESENT: Co-Chair: Lyn Anthony-Higgins (LA) – chair meeting (attended via Zoom)
Co-Chair: John Mullaney (JM)
Treasurer: Helen Savidge (HS)
Committee: Carole Kingston (CK), Jon Lloyd (JL), Rob Halpin (RH)

(When referencing the above, first and second name abbreviations will be used throughout)

Other DRFA members present: four households.

1

Welcome and introductions

Welcome by the co-chair.

2

Apologies for absence

JH sent his apologies.

3

Minutes of meeting of 10 January 2022

LA asked if the committee agreed that the minutes of the meeting held on 10 January could be confirmed and agreed as an accurate record of the proceedings and to publish on the website. All present members agreed.

4

Treasurer's Financial Report:

HS said the report had already been circulated and asked if anyone had any questions arising from it. There were none. She said she had spoken with the accountant and he had indicated that the accounts would be available at the beginning of May, which allowed enough time for them to be sent out for the AGM in June.

5

DRFA ASSETS – Gullies and Soakaways

Reading Borough Council's condition report sheet arising from jet cleaning of gullies/soakaways on 3 February 2022 was attached to the Agenda, which is on the DRFA website.

LA said that she thought it would be useful to have a record of assets associated with the infrastructure of the road, if only for the simple process of monitoring, documenting and recording what happens when, so that the DRFA can plan for the use of funds to cover any damage. The condition report sheet listed three damaged covers. Although they were not an immediate concern, there was a need to monitor. LA will carry out the same process with regard to the street lights, so that there is a record of their location, condition and to identify how funds will be spent. There were no comments or questions.

ACTION POINT: LA will carry out the same asset process on the street lights.

AOB

5

City Fibre

JL said a resident on Grosvenor Road, Alex Hemingway, has been spearheading a drive for faster broadband in Derby Road and Grosvenor Road for some time and had been giving periodic updates to some residents on his progress. City Fibre had now taken charge of the local broadband infrastructure upgrade as part of a government programme. The last update from Mr Hemingway was about the issue of private roads and wayleave agreements required for access to such roads. There is a question of what these agreements would comprise – whether it would be individuals making the decision or a collective or majority decision for the road. Mr Hemingway was still waiting for more specific info on this, so at present what the next stage was still uncertain. An update on this issue was anticipated in the next few weeks.

Paul Higgs (a resident) added that he had spoken with City Fibre representatives when they were surveying Derby Road. They informed him that they were already in touch with some

people on the road to organise the Wayleaves and the sharing of information. They also said this was not the first private road had dealt with and that they were still working out a time plan, so they advised him to await further information. He said they seemed very professional.

LA then said the infrastructure is already there because City Fibre would be using the BT infrastructure which covers part of Grosvenor Road and part of Derby Road. There might be some areas that would need to be dug up, which is where the Wayleave agreement would be required, whether on an individual or a collective basis. Only in exceptional circumstances would it be necessary to dig up the road.

JL has spoken to a resident who has expressed an interest in becoming involved in the next stage of this process, depending on the specifics involved. LA added that this might be a good way forward as she did not consider this is a matter specifically for the DRFA.

ACTION POINT: Await updates on next stage from City Fibre and follow up with possible residents' involvement.

6

MATTERS ARISING

Matters arising on the Minutes on the possible road safety measures. JM made the following statement:

"ROAD SAFETY MEASURES

At the last committee meeting, I was tasked with looking at possible road safety measures that could be implemented along Derby Road, and with reporting on comments and suggestions received from official sources and from residents.

First, turning to official sources, Thames Valley Police and Reading Borough Council have both told us that we should obtain the opinion of an independent, professionally recognised, person or organisation, before constructing any controls, such as humps, chicanes or pinch points. This would entail commissioning a professional traffic management survey. The Thames Valley Police Safety Officer said that amateur surveys, such as those by residents, are not acceptable. Of course, we can carry these out, but the results cannot form the basis for any lawful decision which would be recognised by an insurance company, or by the Police.

We are, however, entitled, within the legal and lawful constraints applicable to Derby Road, as a private road, to undertake certain works. Do note the condition 'legal and lawful constraints'.

One such constraint, in fact the basis for any action, is that any such work must observe all the legal requirements. This includes any, and all, rights of residents, and other interested bodies, such as 'rights of way'.

Another constraint is that, should we decide to place any obstruction on the road, such as a chicane or pinch point, it ought to conform to Regulations. If these are not observed, there could be legal and financial liability arising from any incident or accident connected with any such obstruction

I draw the committee's attention, for the purpose of these minutes and as previously reported, to the fact that our insurers have said that they would not cover us for any liability consequent upon an unlawful or illegal obstruction, which, as things stand includes a locked, or even possibly unlocked, barrier.

Derby Rd is not a private enclave and is private only to the extent that the responsibility for maintaining the road is at private, not public, expense. The road exists for the residents' use with rights of way and access over its whole length, as deeds put it, 'at all times and for all purposes for which a public highway is used'. It may not therefore be lawfully barred by any individual or group, without the express permission of all those with such rights.

Consequently, any legal or financial liability would fall fully and squarely on those individuals who implemented it, even if sanctioned by the DRFA. This legal opinion has been confirmed by several solicitors and by Reading Borough Council. The documents are all available on the website or I can produce them for anyone who wishes to see them. I am stating the above, in connection with road safety measures, so that the DRFA has an officially minuted record of its actions, of their legal bases and that DRFA members are fully aware of the legal situation as we believe it to be, following legal opinion.

I also received some ideas from a couple of residents. One was that I should examine the possibility of creating a 'Low Traffic Neighbourhood'. In busy multi-street areas they:

- reduce traffic,
- reduce pollution
- increase safety.

They are viable where there is a network of roads.

Among the disadvantages listed are the following;

- Tradesmen and taxis who service the road and its residents have longer journeys, causing greater pollution and congestion
- Residents and their visitors have longer journey times.

Within the constraints mentioned above, I have been looking at ways of improving road safety. One important resource is the 'Local Transport Note 1/107' dated March 2007. This 146 page government publication gives invaluable guidance. It was sent to us by Reading Borough Council's Road Safety Officer, recommending we use its contents, where relevant, should we wish to implement traffic calming measures.

Under the heading 'Modern traffic calming', comment and guidance is given regarding the use of such measures as humps, pinch points, chicanes, gateways and the like. This is a long detailed and thorough analysis, and certain sections are relevant to our road.

I won't spend time on them here, but I will draw attention to the importance of lighting, especially near any obstruction. I mention this as it is an aspect of the road that is the responsibility of DRFA, as stated in our Constitution. The Local Transport Note stresses this in the following words: lighting is to be to the standard required for the introduction of any new traffic calming features.

Another factor is that placing only occasional, or single 'controls' along a road, is counter-productive as it focuses on only a limited area. It is more desirable and effective to have an integrated system that impacts the whole road. In fact, single barriers can often exacerbate the danger and 'nuisance', and this is a legal term, as drivers compensate for the single stage hold-up by speeding elsewhere along the road. If the obstruction is closed, this causes even more problems, as vehicles have to turn round and repeat the journey to their point of origin, often as not at greater speed, thereby causing more traffic, more danger and of course more pollution. These impact on overall road safety. It should be noted that if a legal 'nuisance' is created, this is certainly an unlawful, or even potentially an illegal, act. To overcome these difficulties, I have been looking at various traffic calming measures around Reading and neighbouring authorities. Many of you will have come across the increased use of chicanes. This was another suggestion that I received from several residents. Is this something we would wish to consider? As ever there are arguments for and against.

The subject is far too fraught with arguments and counterarguments to deal with here in anything like a comprehensive manner. I merely wish to report that I am still undertaking this study and, as ever, I invite anyone with a particular interest, or especially professional knowledge, to help out. This report is a very brief summary of my enquiries. You will see that I am maintaining a neutral position. Indeed, I cannot say I have developed any personal favourite proposal or group of proposals, or even if any are required. I have kept an open mind concerning both the need and, should there be a need, on what may be done.

Finally, I can't possibly talk on this issue, without making reference to the proposal that closing the PP, intermittently or regularly, offers one of the possible measures to be considered.

Any full study of Derby Road safety would need to consider the effectiveness of the existing pinch point and the option of closing it, taking on board the legal aspect, as well any objective, professional study as to its advantages and disadvantages.

To sum up there are two constraints on what we can do to create a safer, quieter road. The first constraint is that we must ensure, whatever system, or systems, we employ, that they are legal and lawful. This ensures that we are not exposing ourselves to the very real risk of legal and financial penalties.

I, and some members of the committee, have done our best to fulfil this requirement and we have sought legal opinion. I would hope that no-one in our community would advocate acting, or risk acting, unlawfully or illegally, or would therefore recommend proceeding without first taking legal advice and secondly following that advice.

The actions of this committee are based upon what we have been told, unanimously, by all the legal authorities that we have consulted. If there is alternative legal opinion, then this will be taken into account. In the absence of any alternative, authoritative, legal opinion being offered to the committee, it is legally prudent, in fact probably legally binding, that we follow that legal opinion and not close the pinch point barrier.

This touches not merely upon the existing pinch point, and the question of its closure, but on any future proposals for other schemes. I will remind the committee that at the last AGM, it was agreed that the PP would remain open whilst the legal aspect was examined more thoroughly and until such time as authoritative legal opinion proved otherwise. The last resort is, of course, to let a Court decide.

The second constraint is that the Fund can only be used for the purposes detailed in the Constitution. We are not permitted to spend Fund money for anything beyond these parameters. To do otherwise would require special permission from the membership. Just how this could be managed is another question.

I will conclude, as I do every session, once again, by using this forum, publicly to ask for anyone interested in this topic to contact me and help in this research. If you have any ideas, or disagree with anything I say, please do come and talk to me personally, rather than using the rather blunt and unnuanced tool of social media. Together we can then look at the relevant documents and determine a course of action. We need constructive active participation. You will find me welcoming and open to ideas and discussion and always with the offer of some neighbourly refreshments."

HS thanked JM for his work and asked a question on the level of detail which might be relevant to residents' specific requirements. LA asked JM what the next steps and timescale might be. JM said he wanted to contact more authoritative groups for advice but hadn't had any positive responses so far. He also said it would be wise to study the relevant documents to come up with a package of suggestions for what could be done, but that he could not do this on his own.

Paul Higgs suggested an informal gathering where neighbours could come together to understand problems and look for opportunities at the same time. CK said that people should be encouraged to bring questions as well as comments and opinions.

Adam Osman (a resident) said that there was a need to define exactly what the problem was first in order to try to solve it. There seemed to be issues of perception, definitions and terminology which required more clarification. Ad hoc traffic surveys, casual observations and hearsay could only give a partial picture of the situation, and residents held differing views on whether there was an issue to be addressed or not. JM said a professional traffic survey could give more reliable data, but there would be a cost involved of up to £1,000, which at present the DRFA did not have the authority to use funds for.

JM reminded the committee that a solicitor had already been consulted by the previous committee in 2020 and he had also spoken to several professionals on the issue: a barrister, a judge, a specialist and the solicitors' handbook. CK pointed out the issue of terminology like 'private road' having more than one meaning and that it would only be possible to go forward if there was collective agreement on the legal constraints that would apply to any such safety measures. Any plans would need to solve the problem, not exacerbate it. These discussions had been ongoing for many years with entrenched views on both sides of the argument.

ACTION POINT: JM to supply HS with the link to the document sent by Gemma Thomas of RBC. Organise a timescale for an informal gathering.

JM needs help in researching solutions, gathering information and examining documents.

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Date and time of the next meeting

No date was set for the next meeting

Meeting ended at 7:18pm