

MINUTES OF THE MEETING OF WAREHAM TOWN COUNCIL HELD ON FRIDAY, 2ND OCTOBER, 2009 IN THE COUNCIL CHAMBER, TOWN HALL, EAST STREET, WAREHAM AT 10.00 A.M.

Present: Councillor Mrs. A. Tighe (Town Mayor); Councillor E. Osmond (Deputy Town Mayor); Councillors Mrs. P. Bowyer-Davis; D. Budd; L. Burns; Mrs. D. Cleaton; K. Critchley; Mrs. S. Elmes; K. Green; M. Russell; Mrs. A. Selby; and Mrs. M. Wainwright.

Also in attendance: Mr. M. Sturgess, Head of Planning Services, Purbeck District Council and Mrs. Annette Brooke, MP.

Officers in attendance – Mr. R. Curtis, Town Clerk and Mrs. A. Dominy, Admin Assistant.

Members of the public: 40.

Prior to the commencement of the meeting Councillor Budd requested that consideration be given to changing the Order of Business. This would allow Mr. M. Sturgess of Purbeck District the opportunity to give an update on behalf of the County Council's Traffic Manager who was unable to attend due to being at a meeting with the Office of the Rail Regulator and Network Rail. This request was agreed by Council.

Mr. Sturgess reported that abuse at the crossing had been taking place for a number of years and in recent years had been getting worse. Measures had been taken, such as installing a talking camera, however people were still crossing in front of moving trains. Recently the British Transport Police had been monitoring the crossing but abuse had still continued by people of all ages, including mothers with pushchairs, and there was video evidence of this from the camera.

He reported that, whilst the crossing was leased to Dorset County Council until 2013, the Office of the Rail Regulator had the power to close the crossing on safety grounds. Discussions had taken place between Dorset County Council and the Office of the Rail Regulator to find a suitable solution.

The Office of the Rail Regulator had written to the Chief Executive of Dorset County Council about their concerns and stated that the risk of a fatality was high. A notice could be served under the Health and Safety at Work Act requiring the crossing to be closed – and only a Government Minister could over-rule this notice. With this letter it was possible, should a fatality occur, that Dorset County Council's Chief Executive would face a corporate manslaughter charge. Dorset County Council were therefore, very reluctantly, likely to accept the need for closure.

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Mr. Westwood was attending a meeting with the Office of the Rail Regulator, trying to postpone immediate closure and allow measures to be put in place to enable vulnerable users to continue to access the Town Centre from the north of the crossing. Following this meeting, a statement would be issued outlining what action would be taken.

Mr. Sturgess reported on how the crossing would be replaced. In the short term, local taxis were the most likely option to move people who could not use the bridge from the north side of the station into the town centre. Dorset County Council would carry out a survey to assess the numbers in need. Mobility scooters and prams may present a problem and cyclists would have to use the road bridge. In the long term, Dorset County Council's preferred option was to construct a new footpath/cycleway alongside the A351 over the bridge. The scheme would be expensive, but would improve accessibility and be part of a Wareham to the Bakers Arms cycle route.

He explained that all options considered needed to comply with the Disability Discrimination Act. The cost of gating the crossing would be £300,000 controlled from Wareham signal box. Wareham signal box was due to close in 2012 requiring remote monitoring from Bournemouth with additional personnel at a six figure cost to Dorset County Council, which was unaffordable and Network Rail would not approve such arrangements. The present crossing lease expired in 2013.

The provision of a subway was not feasible due to gradients required and would be unpleasant to use. Providing lifts on the existing footbridge would be expensive to maintain and be prone to vandalism and unattractive to users. Another option was a ramped access bridge. The existing bridge was not suitable for ramps due to the required length and a new bridge within the station would be less conveniently located, expensive to build and would have to be maintained.

Mr. Sturgess reported that the next step would be the closure of the crossing – it was just a question of when. Hopefully, M. Westwood would be able to obtain more time from the Office of the Rail Regulator to allow solutions to be put in place – the monitoring of the crossing by the British Transport Police may be enough to secure this. Following the Office of the Rail Regulator meeting a statement would be issued by Dorset County Council which may include a leaflet drop to all homes north of the crossing and include the survey mentioned earlier

76. PUBLIC PARTICIPATION TIME – an opportunity for members of the public to raise issues of concern or interest, ask a question or make a statement.

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This item is also an opportunity, in accordance with paragraph 12(2) of the Code of Conduct, for any Member to speak who has a prejudicial interest on a matter to be considered at this meeting. Public participation time shall not exceed **30 minutes** for full Town Council meetings and any speaker shall not exceed **3 minutes**.

Members of the public raised various points and observations including the following –

- the lateness of the discussions and making people aware of the imminent closure;
- statements in the press regarding contact being made with disability groups in Wareham when no contact had been made;
- naming and shaming the members of the public abusing the crossing;
- a leaflet drop should be made to all residents of Wareham town not just the north side;
- no consideration had been given to cyclists;
- consultation should include residents of Wareham;
- the proposed implementation of the two tier system for the schools – has consideration been given to the implementation of this system?;
- concerns for the people unable to climb the steps, the disabled, those with mobility scooters and mums with prams;
- concerns over the expiry of the lease in 2013.

77. APOLOGIES FOR ABSENCE

An apology for absence had been received from Councillor D. Critchley

78. DECLARATIONS OF INTEREST

None.

79. PEDESTRIAN CROSSING – WAREHAM RAIL STATION

Members had been requested to consider the current situation regarding the possible closure of the pedestrian crossing at Wareham Railway Station, in the light of discussions with the Dorset County Council Transport Manager which had taken place earlier in the week on Tuesday, 29th September, 2009 at Purbeck District Council.

Members listened to the update given by Mr. Sturgess and the concerns raised by the public present.

Councillor Osmond understood the frustration of the public and fully endorsed the points raised by those in attendance. He supported the need to convince the Office of the Rail Regulator not to close the crossing as this would affect the town

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for many years to come. He requested that the terms of the lease between Dorset County Council and the Office of the Rail Regulator be investigated and, if possible, a legal challenge be made. He also requested that Lord Adonis, the Minister of Transport, investigate the matter on behalf of the residents of Wareham.

Mrs. Annette Brooke MP reported that she was very aware of how important the crossing was and had asked Dorset County Council many of the questions raised. She agreed that looking at the terms of the lease was very important and that the Town Council should request a weekly report from the British Transport Police on the latest situation and the number of fines issued. She also reported that the strongest issue was on disability grounds and the non-compliance of the Disability Discrimination Act.

Councillor Budd reported that closure of the pedestrian crossing of the railway would be an un-mitigated disaster for Wareham, not only for its residents but also for the business community. Any alternative to a level crossing would be less convenient to the public, particularly those with limited mobility. It would discourage the free flow of people between the residential area to the north of the town and the shops and other business in the town centre to the south of the railway, threatening the very viability and vitality of the town itself.

He reported that he was in no doubt that the residents wish to keep a pedestrian level crossing as a first preference. The Office of the Rail Regulator in a letter to the County Council's Chief Executive stated that improvements "could include the provision of supervised locked barriers or gates linked to the signalling system" which indicated that they had not ruled out this option. He understood that Network Rail were opposed to a level crossing, but if the Office of the Rail Regulator could be satisfied as to its safety it was possible that Network Rail may relent and, when the time came, renew Dorset County Council's current lease of the crossing. It was important to know, however, the conditions under which the lease had been granted.

Councillor Budd stated that currently the crossing could be supervised from the signal box but that was due to close in 2012 as part of the Poole to Wool re-signalling scheme, therefore remote monitoring by CCTV would be required. It was claimed that Dorset County Council would have to pay a six figure sum per year to provide 24/7 coverage at Bournemouth Signal Box. This suggested a total of three additional staff working 8 hour shifts, but it was his view that they would surely be just monitoring Wareham. Assuming that Wool signal box also closed due to the re-signalling programme, presumably that crossing and the one at East Burton would also have to be monitored (presumably from Dorchester) and was it not possible that Wareham could be added at a significantly less cost?

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Network Rail stated that there had been 22 reported incidents in the last year, 10 classified as near misses and the Office of the Rail Regulator stated that "Network Rail has collected significant evidence of the frequency of misuse". He asked if this evidence was available for the Council to view. If the Office of the Rail Regulator issued a closure notice did this mean that only the Minister responsible for Railways could quash it, and what was the procedure for asking him to do this? Had Network Rail given consideration to how its passengers who were unable to use the existing footbridge were going to get across the line to catch the bus to Swanage?

Councillor Budd reported that, in the event of a closure, the transitional arrangements seemed to be at an early stage. Whilst those with mobility problems may be able to use taxis provided by Dorset County Council, those with wheelchairs, mobility scooters or mothers with pushchairs presented a real problem. What was the timescale for putting alternative arrangements in place?

He also reported that the issue of corporate manslaughter had also been raised but understood that negligence had to be proved. Surely the steps already in place – the speaking camera, and the presence throughout the day of British Transport Police - was clear evidence that the authorities had responded to the risk and had not been negligent.

Following further discussion, it was –

RESOLVED

- (a) that a Working Party be set up called the Wareham Rail Crossing Working Party consisting of the Chairmen of the 3 Standing Committees (Policy Resources and Finance – Councillor K. Critchley; Amenities Committee – Councillor D. Budd and Planning and Transport Committee – Councillor Mrs. A. Selby) together with the Mayor, (Councillor Mrs. A. Tighe) and Town Clerk to discuss this problem further and that;
- (b) the Town Council requests Dorset County Council to urgently investigate the installation of electronic crossing gates at the Wareham Rail Station crossing point and that;
- (c) should Purbeck District Council find that a legal challenge to any future proposals to close the pedestrian rail crossing is viable (an action being investigated by Mr Sturgess), then Wareham Town Council would support such a challenge.

The Mayor thanked both Mr. Sturgess and Mrs. Annette Brooke MP for attending the meeting.

80. ANY OTHER ITEMS THE MAYOR DEEMS URGENT (for report or for the next agenda only)

Nil

81. DATE OF NEXT MEETING

Noted that the date of the next meeting was scheduled for **Tuesday, 27th October, 2009.**

The meeting closed at 11.13 a.m.

.....Mayor