



Report of the

**AD HOC SCRUTINY PANEL**

into

**THE MELTHAM  
ENHANCEMENT SCHEME**

**February 2000**

## AD HOC SCRUTINY PANEL

### **BACKGROUND:**

The Scrutiny Panel was established after a referral from Councillor John Green (Liberal Democrat - Holme Valley North).

Its Terms of Reference were:-

***"To scrutinise the circumstances surrounding pavement works in Meltham Town Centre as part of the Enhancement Scheme."***

The Panel was Chaired by Councillor Andrew Palfreeman (the Chair of the Scrutiny Forum) and Councillor Andrew Cooper (a Deputy Chair of the Scrutiny Forum).

The Panel was supported by Mrs Julie McDowell of Kirklees Committee Services.

The Panel received representations in public at two meetings:-

- **Friday 17 December 1999** in the Carlisle Institute, Meltham when the following witnesses were interviewed (by arrangement) during the morning session:-

Mrs P Radford	-	Clerk of Meltham Town Council
Mr D Pearson	-	Consultant Engineer
Councillor J Green	-	Kirklees Councillor and member of Meltham Town Council
Mrs G Horsman	-	Member of Meltham Enhancement Group and Secretary of the Meltham Chamber of Trade
Mrs J Danson	-	Member of the Meltham Enhancement Group and Meltham Town Council
Mr R Wrigley		

In the afternoon session the Panel received representations from 16 members of the public on an ad hoc basis.

- **Wednesday 2 February 2000** in Huddersfield Town Hall when the following witnesses were interviewed (by arrangement):-

Councillor Mr M Bower	-	Kirklees Councillor
Councillor Mrs M Bower	-	Kirklees Councillor
Mr G Ramsden	-	Kirklees Planning Services
Mr R Hadfield	-	Kirklees Highways Service
Mr N Conway	-	Kirklees Highways Service

The Chair of the Highways and Transportation Service Management Board, Councillor Peter Sykes, was present throughout the morning session on Friday 17 December 1999 and the Head of Kirklees Highways Service, Mr Richard Otter, was present on the morning of Friday 17 December 1999 and throughout the session on Wednesday 2 February 2000. Mr Otter was invited to make representations at the end of the session on 2 February 2000.

Documentary representations, all of which were considered by the Panel, were received from:-

Mrs P Radford (on behalf of Meltham Town Council)  
Mr G Holloway  
Town Councillor P R Powell, Meltham Town Council  
Town Councillor C Sheard, Meltham Town Council  
Councillor J Green, Kirklees Council and Meltham Town Council  
Mr D Pearson, Consultant Engineer  
Mr R Wrigley  
Kirklees Planning Services  
Kirklees Highways Service.

In addition, the Panel considered reports submitted to past meetings of Committees and Sub-Committees of Kirklees Metropolitan Council.

Panel members conducted two inspections of the pavement works on Friday 17 December 1999, when members of the public also informally expressed their opinions.

A draft of this Report was submitted to the Heads of Kirklees Highways and Planning Services, Kirklees Councillors Green, Bower and M Bower, the Chairs of the Highways and Transportation Service Management Board (Councillor Peter Sykes) and the Planning and Economic Development Service Management Board (Councillor Peter McBride) and the Clerk to Meltham Town Council.

Responses were received from the Heads of Highways and Planning and Councillor Green. All were considered before the publication of this final Report but no changes were made to the recommendations.

*The Panel would like to thank all those who assisted the Scrutiny process, whether as invited witnesses, members of the public or through written representations.*

## REPORT

The pavement programme was part of a scheme initiated by the Chamber of Trade for the enhancement of the Conservation Area for Meltham Town Centre. An initial presentation of the proposed scheme was given to a Joint Working Party on the Enhancement of the Meltham Conservation Area by Mr S Driver and Mr G Ramsden, both of Kirklees Planning Services, on Wednesday 16 September 1998. The Joint Working Party consisted of Labour, Conservative and Liberal Democrat Members of Kirklees Council, together with representatives from Meltham Town Council and Meltham Chamber of Trade.

At that meeting the Officers from Kirklees Planning Services explained that the scheme would involve financial contributions from Meltham Town Council, Kirklees Metropolitan Council and the Rural Development Commission. At the date of the meeting the Meltham Chamber of Trade had also been invited to join the discussions. The scheme contained two elements, one of which was streetscape improvements consisting of new stone paving, replacement lighting, replacement litter bins, the replacement of seating on Market Street and more seating.

The Working Party agreed, inter alia, that support should be given to the scheme and that a consultation exercise should be undertaken to ensure that the public was fully aware of the proposals.

The decision of the Working Party was reported to both the Kirklees Council Planning and Economic Development Committee on Wednesday 7 October 1998 and the Kirklees Council Policy (Regeneration) Sub-Committee on Monday 19 October 1998. Reports to both meetings, signed by the Head of Kirklees Planning Services, Mr K Faragher, contained the following statement:

*"Management will be through the well-established arrangements between services in Kirklees."*

This statement was repeated in a report which was considered by the Policy (Regeneration) Sub-Committee on 15 February 1999 when Members approved the details of the enhancement programme and delegated authority to the Working Party, within the general overall scheme and budget, to vary the details to ensure the most cost effective and beneficial project.

Between the meetings in October 1998 and February 1999, a public exhibition of the project was held in Meltham Library (2-7 November 1998) which over 800 people were said to have visited. This was manned by members of the Meltham Enhancement Group. The Panel heard that the scheme, as presented at the exhibition, was well received.

The Panel heard from Mr Graham Ramsden, the Kirklees Planning Officer responsible for the overall scheme, that after the exhibition, which was intended to be a public consultation exercise offering broad ideas for comment, the scheme was amended to take into account proposals that did not receive public support. It was told that it was not possible to give precise details of the construction practices so far in advance of the actual construction and before the detailed design had been completed.

The plans displayed during the consultation process showed natural stone paving which was in line with the practice of paving in Conservation Areas. As Meltham is in a Conservation Area, the use of stone paving was specified for the scheme in line with previous conservation enhancement schemes carried out jointly by Planning and Highways Services, notably in Holmfirth.

The Panel received a copy of a letter dated 8 September 1998 sent to Mrs P Radford, Clerk to Meltham Town Council, from Dransfield Properties, agents involved in the construction of the Safeway supermarket on Station Street, Meltham, which warned against the use of York Stone paving due to the danger of it being dangerous in wet or icy conditions, particularly on sloping surfaces. This letter was discussed at a meeting of the Working Party for the Meltham Centre Enhancement on Tuesday 6 October 1998 and the Panel noted that it was minuted that:-

*"A lengthy discussion followed on alternative materials but, unfortunately, these alternatives, although anti-slip, looked "artificial" and was not what was wanted for a Conservation Area."*

A copy of the notes of that meeting was sent to Kirklees Planning Services.

The Panel was told by Mr Richard Hadfield, of Kirklees Highways Services, that he was commissioned by Planning Services to draw up the detailed scheme. He found that the scheme, as outlined in his brief, could not be delivered within the available budget and that amendments had to be made to reduce costs. One of those amendments was the introduction of Riven stone pavings which, he said, would assist in reducing the cost of the scheme. The Panel were told that paving had been used successfully in Holmfirth, Batley and Huddersfield.

The Panel was told by every member of the public who attended the meeting on 17 December 1999 that they were not aware that Riven paving would be used. This would appear to be consistent with all the evidence supplied to the Panel as the decision to introduce Riven paving was made after the public consultation process.

**The Panel felt that, as such a fundamental element of the scheme had changed since the public consultation process, further public consultation should have taken place once the detailed design had been completed. As the type of paving was so crucial to the scheme, the Panel also believed that the public should have been made fully aware what Riven paving was.**

The Panel heard from Mr D Pearson, Consultant Engineer, who argued that, had this been done, the samples would have set the standard for the paving which was subsequently laid and the public would have been fully aware of the nature and standard of Riven paving.

**The Panel heard, and agreed, that the effects of Riven paving on wheelchair users and those with prams and pushchairs was not fully taken into account.**

On 26 January 1999 the Clerk to the Town Council wrote to Kirklees Planning Services confirming that the Town Council approved the details of the Enhancement Programme. It is not clear whether that approval was made in the knowledge that Riven paving would be used, although the letter refers to the report which was to go before the Kirklees Policy (Regeneration) Sub-Committee on 15 February 1999, which in paragraph 4.2 mentions only "Stone paving".

The construction work began in the second week of July 1999 outside the Post Office on Holmfirth Road.

**The Panel was told that it would be usual to lay a "test strip" and noted that it was acknowledged that on this occasion this was not done properly. Had this been done members of the public would have been put on notice as to the nature of Riven paving and any defects in the workmanship might have been revealed earlier.**

Public complaints were received by members and officers of the Town Council as soon as the work began. The Riven paving was seen to be dangerous and liable to cause trips. The standard of workmanship was also questioned. Increasingly, concerns were raised about the disruption in the centre of Meltham and the need for the extensive traffic signals which were installed.

### **STANDARD OF WORKMANSHIP**

**The Panel inspected the work and agreed that, at the time of the inspection on 17 December 1999, it was clearly apparent that the workmanship was not of a standard which it would have expected from the Council and its contractors.**

The Panel subsequently heard from Mr Neil Conway, the "Clerk of Works" who independently supervised Highways Direct Services, who carried out the work. The Panel was impressed with the evidence submitted by Mr Conway who, acknowledging that mistakes were made during the work, was open with the Panel and willing to accept his part of the responsibility for what transpired. For that reason, the Panel laid great store on his evidence.

He told the Panel that the state of the paving stones was partly due to vehicles, both cars and vans, mounting the pavement before the newly laid stones had been allowed to settle.

The Panel was aware that this was a problem in Meltham before the work began. The notes of the meeting of the Working Party for Meltham Centre Enhancement held on 6 October 1999 reveal that a lengthy discussion of this problem took place. The note concludes:-

*"..... that lengthy discussion regarding alterations to yellow lining on Station Street has already taken place, but KMC are not prepared to accommodate the requests."*

**Therefore, the Panel was satisfied that this problem had already been identified and that Planning, Highways or the Town Council should have seen that a solution to short term parking and delivery was incorporated into the design of the scheme or the contractors should have been made aware so that steps could be taken to avoid the damage to newly laid stones.**

**However, the Panel also feels that the contractors, aware that damage was being caused, should have taken steps to protect the newly laid stones until such time as they had settled, although the Panel notes that Highways Services contend that some of the barriers which were erected were removed by members of the public.**

The Panel was advised by Mr Pearson, the Consultant Engineer, that the flags should have been laid on mortar rather than sand. When this point was put to Kirklees Highways Service, the Panel was told that this was not usual in schemes such as this in Meltham.

**Clearly it would have produced a firmer surface had a mortar bed been used, but neither sand nor mortar would have affected the criticism of the surface of the stones, nor the Panel suspects would it have led to improvements in the standard of workmanship. The Panel also suspects that the choice of sand or mortar might also have been affected by the tight costings for the scheme.**

## **THE USE OF RIVEN PAVING STONES**

The Panel has already concluded that the public of Meltham did not know that Riven paving was to be used. It is also satisfied that, had it been told, the majority would not have known what Riven paving was without seeing examples.

Members of the Town Council and the Enhancement Group reacted to the public concern and the number of reported incidents that had occurred since the earliest days of the construction work.

Mr Pearson's report, commissioned by the Town Council, goes into great detail in explaining why the particular Riven pavings used in Meltham were unsuitable and why Riven paving generally might be considered to be inappropriate for Meltham village centre.

**The Panel found no reason to question Mr Pearson's expertise on the matter and noted that Kirklees Council had accepted the contents of his report. The Panel concluded that more thought should have been given to the particular circumstances existing in Meltham when the scheme was designed and the decision made to introduce a Riven pavement.**

The Minutes of a meeting of the Finance Sub-Committee of Meltham Town Council held on 19 July 1999 notes that a week earlier the Enhancement Group had expressed their concern about the *"uneven or textured surface and the fact that they were perceived as being dangerous"*. It was noted that a meeting was to take place with Mr G Ramsden of Kirklees Planning Services and the Kirklees Highways and Footpaths Officer the following day.

A note of that meeting, written by Town Councillor Colin Sheard, was submitted to the Panel. This concludes that *"problems will sort themselves out as each section is completed"*.

What concerned the Panel was a section of the note which stated that:

*"Flagstones are level, Riven texture is the problem. These will smooth out with usage."*

The Panel has been unable to identify any Officer from Kirklees who is willing to take responsibility for the statement that the stones will *"smooth out with usage"*. The Panel, finding the accuracy of this statement impossible to believe, sought advice from Mr Pearson. He confirmed that this statement is misleading.

Representatives from Meltham were taken to Holmfirth to view the condition of Riven paving laid four years earlier. It was acknowledged that some wearing had taken place and that the surface was appreciably smoother than that in Meltham.

It appears that no account was taken of the differing nature of Riven pavings and that that laid in Holmfirth came from a different source and might well have been smoother when first laid.

The Panel heard criticism of the Town Council for not insisting that the Riven paving was changed earlier. Whereas the Panel comments on the role of the Town Centre later in this report, it does acknowledge that both the Town Council and the Enhancement Group were entitled to rely on advice given to them by, what they regarded, to be experts from Kirklees Council.

**In the early stages of the work they were given assurances that the problems with the Riven pavings would soon subside. The Panel is not convinced that this was true. The Panel are certain that the statement that "*these will smooth out with usage*" was, whilst in the very long term accurate, misleading and led to a false sense of security for the representatives in Meltham.**

In addition, the Panel had sight of a memorandum dated 27 July 1999 written to Mr Steve Johnson of Kirklees Highways Service by Mr G Ramsden of Kirklees Planning Services. This details the visit to Holmfirth and a visit which Mr Ramsden (and senior colleagues from Planning Services and two members of Meltham Town Council) made to inspect the paving in Meltham. It states:-

*"We (it is unclear whether "we" includes the Meltham Town Councillors) are happy that the material is visually appropriate to the setting and character of the Conservation Area and that a high proportion of the paving is acceptable in terms of pedestrian safety. However, there is a small proportion which may be seen to be too deeply grooved and potentially cause a problem."*

It was also suggested that one solution might be to "tool out" (i.e. mechanically smooth) the worst examples of paving stones. There is no evidence that this was done and the Panel could only speculate as to the upheaval, noise and dust that this would have caused for the traders in the centre of Meltham.

## **DISRUPTION TO THE CENTRE OF MELTHAM AND TRAFFIC SIGNALS**

The Panel heard many complaints that the centre of Meltham was dramatically affected by the installation of traffic lights during the duration of the works. Concerns were expressed by traders who had seen their businesses suffer and members of the public who had been inconvenienced by the situation.

In their defence, Highways Service pointed out to the Panel that the pavement scheme came at a time when the general area had already been subjected to other Public Utility works. Traffic lights had already, or during the pavement works, been installed by Yorkshire Electricity, Transco, British Telecom and Yorkshire Water. In addition, works were also executed by the PTE and Cable company.



The Panel acknowledged that it was inevitable that the nature of the pavement works would involve the erection of traffic lights. The safety of the public and contractors would require such measures.

The Panel heard from Mr R Wrigley that the lights were still being used during the August Bank Holiday when no work was being executed.

**The Panel attached significance to the evidence of some local traders who stated that they had not been made aware of the precise traffic measures that would be required. Kirklees Council should have ensured that all the traders were aware of the possible consequences before the work began. In addition, measures should have been taken to reduce any disruption at a time when work was not taking place, such as the August Bank Holiday.**

## **GENERAL**

The Panel received a wide spectrum of evidence. It became clear that the events surrounding the pavement scheme had become the subject of agendas outside the practical issues to which the Panel devoted the majority of its attention.

It is not the function of the Kirklees Scrutiny Forum, or its Panels, to make political judgements. However, the Panel was conscious that some of the evidence that was placed before it was motivated by political rather than practical considerations.

Much was made, by members of other political parties, of the Liberal Democrat majority on the Town Council. Any perceived failures of the Town Council were interpreted, by them, as failures by a particular political group. The Panel regards the Town Council's responsibility as joint, with Kirklees Council, irrespective of political affiliation. In the same way, any criticism of the Enhancement Group should be "corporate", irrespective of the groups represented thereon. It is probably fair to say that Councillors, of whatever political affiliation, would have acted in the same way faced with the advice received from Officers of Kirklees Council.

The Panel heard from Mr N Conway that he felt exposed to different pressures. As the public face of the construction scheme he was subjected to pressure from members of the public, members of the Enhancement Group and members of the Town Council. He was never able to identify one person who had authority to act on behalf of the local partnership responsible for the scheme.

In a similar way, the Panel could not determine who was responsible for the management of the scheme from the point of Kirklees Council. It became apparent that Highways sought to shift responsibility to Planning, and Planning to Highways.

The Panel also received criticism of the role played by Kirklees Councillor John Green. It is clearly documented that Councillor Green made representations to Kirklees Council in his capacity as a Kirklees Councillor. His membership of Meltham Town Council makes him as liable to criticism as any other Town Councillor. The Panel noted that Councillor Green was on holiday during August 1999 and, for that reason, asked to interview his Kirklees Council Ward colleagues, Councillors Mike and Marie Bower.

Councillor Mike Bower told the Panel that he received only two complaints of accidents and that he became aware of the problems through the local press. It was clear to the Panel that, although all three Members were elected to represent the whole Ward, and Councillor Mike Bower did hold surgeries in Meltham, there appeared to be an informal arrangement that the responsibility for the Ward was split and that Councillor Green was seen to be the Member responsible for Meltham. For that reason the Panel recognised that Councillor Green received local criticism, much of which was politically motivated, when any criticism (upon which the Panel makes no comment) should be directed towards all three Ward Members.

**The Panel concluded that the Enhancement Group should have identified one person to act as its "Champion" with responsibility for liaising with the contractors and Kirklees Council, and that there was no one individual ultimately responsible for the management of the scheme on behalf of Kirklees Council.**

**The Panel further concluded that it would have been preferable had the Town Council delegated responsibility to one of its members to oversee the scheme during the Summer break between 2 August 1999 and 6 September 1999.**

The Panel was concerned that the obvious practical problems which arose during the scheme became the focus of both political and parochial activity at a time when the public would have been better served by strong local leadership.

Some of the verbal evidence, submitted in Meltham by local political activists, whilst dealing with the practical aspects of the Panel's Terms of Reference, had obvious undertones seeking political advantage. The Panel has disregarded all the political statements made to it and ignored all views which it judges to have been politically motivated.

**While this may be interpreted as criticism of members of the Labour and Conservative Parties, the Panel feels that it also has to be recognised by the Liberal Democrat Party that they have a responsibility to consult local people over how they want the situation resolving. It is not satisfactory to simply delegate all responsibility to Kirklees Council.**

**Whilst Kirklees Council is undertaking a programme of modernisation, placing an emphasis on community involvement, the Panel appeals to other partners, particularly those with a democratic legitimacy, to show a similar will to encompass the modernisation process.**

Whereas the Panel has already explained the reasons it saw for the delay in the Town Council taking steps in trying to resolve the growing number of problems it feels that, with a clearer identification of a local project "champion", action could have been taken earlier. Although the Town Council was a partner in the scheme, it appeared to the Panel that its main concern was that it, rather than Kirklees Council, was being blamed locally for the problems being experienced.

**Partnerships, by their very nature, create joint relationships. Public satisfaction would have been reflected on all the partners, and public criticism should have been accepted in the same way. With hindsight, and after lengthy consideration of all the circumstances by the Panel, much of the responsibility has been attributed to Kirklees Council, its individual Services, and Highways Direct Labour Organisation. At the time of the construction that consideration could not have taken place and, just as the Panel now criticises Kirklees Highways and Planning Services for**

**attempting to shift responsibility to each other, so too it wonders whether the Town Council could have played a more constructive role during July and August 1999.**

## **RECOMMENDATIONS**

Whereas the Panel was delegated to scrutinise the circumstances surrounding the events in Meltham between July and September 1999 and have, in this report, relayed their conclusions in the context of the history of the project, it believes that some recommendations are necessary to ensure that events are not repeated.

1. All parties are congratulated on the initial consultation process. As crucial aspects of the scheme changed, the public should have been consulted again. All aspects of the scheme should have been made clear, including the nature of Riven pavings and their advantages and disadvantages.

**Extensive public consultation should always take place. Experts should advise but, when public money is being spent, it should always be recognised that the public as a whole knows best.**

2. No scheme will be efficiently delivered without clearly defined lines of responsibility. The Panel is reminded of the words in the reports to the Council Committee and Sub-Committees in October 1998 and February 1999 that *"Management will be through the well established arrangements between services in Kirklees"*. The Panel believes that, in this case, management failed.

The Panel recalls that Elected Members have previously recommended changes in the way that projects are managed. Those recommendations should be implemented as soon as possible.

**All projects should have ONE "Project Manager" responsible for the delivery of the scheme, with the necessary cross-Service authority, willing to take both the credit for a success and the responsibility for any failure.**

3. The Panel recognises the expertise that exists within all the Services of Kirklees Council. It is clear that everyone in Meltham relied upon that expertise in this case. Equally, the public relied upon "The Council". Kirklees works, not as a group of separate Services, but as one unit. It is not a competition nor should it be seen as a way of shifting blame.

**Kirklees Council should be constantly striving to ensure more efficient cross-Service working.**

4. A major function of Scrutiny in Kirklees is to encourage improvements in the way that the Council delivers its services to partners and the public alike. The recommendations and comments in this report are designed to do just that. The Panel considers it essential that Services illustrate they have learnt from their experiences and considered ways of improving their performance.

**The Panel believes that Meltham Town Council should be allowed to play a key role in consulting local people to ensure that the remedial measures, which are inevitable to resolve the problem, have broad local support.**

**The Panel requires Kirklees Planning Services and Highways Service to report to the Scrutiny Forum after three months, illustrating what changes have been made as a result of this Report.**

Signed by: ..... Councillor Andrew Palfreeman  
(Chair of the Panel)

..... Councillor Andrew Cooper  
(Deputy Chair of Scrutiny Forum)

Ref: JMcD/NH/D5K104  
24 February 2000