

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting6th November 2008

1. Title of Item/Report

Unadopted Streets - Policy and Procedure for Adoption

2. Record of the Decision

Consideration was given to a report on unadopted streets and the policy and procedure for adoption.

The report detailed the legal status of adopted and unadopted streets together with a list of known unadopted streets in the Borough. It set out procedures that may be considered for adoption and made recommendations to that effect.

The condition and maintenance of some private streets within the Borough had been a source for concern by residents for many years. Many residents did not, generally, appreciate that some streets were private and that the Council had no obligation or legal rights, without landowner permission, to repair or maintain private streets. It was also highly likely that this issue also had a negative impact upon public satisfaction with roads and footpaths.

Furthermore, in recent years, the Council had allocated Ward Members a Community Participation Budget for small environmental improvements. This had generated enquiries from some members regarding maintenance or improvement works, funded from this budget, to be undertaken on some private streets. This occurred when the street's condition, through lack of maintenance, was a source of concern to local residents.

The report set out the legal situation and proposes policies for dealing with private streets. The definitions associated with the adoption of highways were attached of the report.

RESOLVED that the following policies be approved:-

1. Where Streets require no additional works to become adopted, it is in the interest of the public to adopt and adoption will not have significant ongoing maintenance liabilities:-

- the Head of Technical Services, in consultation with the Cabinet Member be authorised to approve the adoption of such private streets.

2. Where Streets require minor works to become adopted, it is in the interest of the public to adopt and adoption will not have significant ongoing maintenance liabilities:-

- the Head of Technical Services will seek full or partial contributions from residents or landowners to facilitate adoption,
- the Head of Technical Services, in consultation with the Cabinet Member be authorised to allocate limited Council funding, to assist adoption, up to a maximum of £5,000 per street, where appropriate,
- the Head of Technical Services, in consultation with the Cabinet Member be authorised to approve the adoption of such private streets on condition a private contribution is secured,
- an initial allocation of £10,000 will be provisionally set aside, from the 2009/2010 Highways Maintenance Budget, to fund this activity, should this not be utilised the budget will revert to being used for general highway maintenance.

3. Where Streets require significant works to become adopted, it is in the interest of the public to adopt and adoption will have significant ongoing maintenance liabilities:-

- the Head of Technical Services will seek costs from the landowners,
- the Head of Technical Services in consultation with the Cabinet Member be authorised to approve the adoption of such private streets at the expense of the landowner/frontagers in accordance with the legal requirements of the Highways Act 1980 (Private Street Works Code).

4. It is clarified to Ward Members that, subject to the agreed protocols for the use of Community Participation Budget (formerly Small Environmental Improvements Budget), private street adoption is a permissible use of that budget.

5. A further report be brought to Cabinet in November 2009 to update members on the progress of dealing with private streets and to review the policies agreed.

3. Reasons for the Decision

The report clarified the Council's position in relation to the legal status and maintenance obligations for private streets.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not Applicable

7. Date and Time by which Call In must be executed

Not later than Midnight on Friday, 14th November 2008

Proper Officer
10 November 2008