

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

26 NOVEMBER 2009

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Regeneration and Transport – Lead Cabinet Member - Councillor Robert Cook

UNADOPTED HIGHWAYS – PROGRESS REPORT

1. Summary

On 6 November 2008, Cabinet adopted a policy and procedure for the adoption for highways and footpaths that are currently unadopted. The approval included onward delegations to carry out the procedure. This report provides an update on progress made on assessing known unadopted streets across the Borough and their potential to be adopted and maintained at public expense.

Over recent years, Members and residents have been concerned about areas of streets, paths and alleyways that are not maintainable at public expense. In theory their maintenance is the responsibility of the land owner, but in reality it is in the wider public interest that they are adopted as highway and fall under the maintenance regime of the public purse. In the majority of cases this can be done with little expenditure.

2. Recommendations

It is recommended that:

1. Members note the progress made to date as detailed in **Appendix A** and note that a full schedule with findings, plans and photographs is in the Members' library for information.
2. The Head of Technical Services in consultation with the Cabinet Member for Regeneration and Transport continues to consider the potential for adoption where it is in the interest of the public (recommendations approved in November 2008).

3. Reasons for the Recommendations/Decision(s)

The recommendations make progress on some adoptions and set out the Council's position for considering further streets for adoption.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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SUMMARY

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RECOMMENDATIONS

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DETAIL

1. In the 6 November 2008 Cabinet report, Members were advised on the legal status and responsibility for private, unadopted streets. The report gave examples of unadopted areas and some financial implications relating to the adoption of streets.
2. Subsequent to the report, a combination of Member and Officer knowledge led to the compilation of a list of known unadopted streets in the Borough. Officers have visited each street and made observations on the status and potential for adoption. It may be noted that some progress has been made in determining their appropriateness for adoption together with comments on the legal/cost implications. **Appendix A** sets out the list of streets and the findings. Those that are indicated for adoption are recommended on the basis of nominal cost and/or where they have been identified as anomalies on public records. Those that are not recommended are in the main private driveways, where the property owners have no desire to see them adopted and/or it is not in the wider public interest.
3. The adopted policy will be reviewed regularly by the Head of Technical Services in consultation with the Cabinet Member for Regeneration and Transport and any representations or requests made will be given due consideration based on the previous approved recommendations.

FINANCIAL IMPLICATIONS

4. There are no grants or other central government sources of funding specifically for making-up private streets to adoptable standards.
5. The policy agreed in the 6th November 2008 report sets out the Council's position and limits the financial contribution that the Council may contribute to the adoption of private streets.

LEGAL IMPLICATIONS

6. The adoption of private streets would be in accordance with the Highways Act 1980. There are varying degrees of legal implications and each street needs to be assessed on its merits.

RISK ASSESSMENT

7. The adoption of private streets is assessed as low risk to the Council.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration and Transport

8. The adoption of private streets has the potential to improve the overall quality of the Highway network.

Safer Communities

9. An improved Highway network together with enhanced street lighting will provide a safer community.

Children and Young People

10. An improved Highway network will provide a safer environment and enhanced streetscape.

Healthier Communities and Adults

11. Streets maintained by the Highway Authority should provide a regular inspection and maintenance regime to improve conditions and reduce the potential of trips and falls.

Environment and Housing

12. Adopted highways and footpaths are regularly maintained and cleared of litter and debris. This ensures that they contribute to a positive environment and street frontage.

EQUALITIES IMPACT ASSESSMENT

13. This policy relates to the legal status of a highway and as such has no direct effect on any individual or community.

CONSULTATION INCLUDING WARD/COUNCILLORS

14. Details of all current known unadopted highways and recommendations together with photographs will be placed in the Members' library for information and comment.

Name of Contact Officer: Brian Buckley

Post Title: Highway Network Manager

Telephone No. 01642 526703

Email Address: brian.buckley@stockton.gov.uk

Background Papers

Cabinet report of the 6th November 2008.

Ward(s) and Ward Councillors:

Not ward specific. Members consulted and contributed to the list of unadopted streets.

Property

N/A