



HILLINGDON
LONDON



Petition Hearing - Cabinet Member for Planning, Transportation and Recycling

Date: WEDNESDAY, 12
OCTOBER 2011

Time: 7.00 PM

Venue: COMMITTEE ROOM 3 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

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Cabinet Member hearing the petitions:

Keith Burrows, Cabinet Member for Planning, Transportation and Recycling

How the hearing works:

The petition organiser (or his/her nominee) can address the Cabinet Member for a short time and in turn the Cabinet Member may also ask questions.

Local ward councillors are invited to these hearings and may also be in attendance to support or listen to your views.

After hearing all the views expressed, the Cabinet Member will make a formal decision. This decision will be published and sent to the petition organisers shortly after the meeting confirming the action to be taken by the Council.

Published: Tuesday, 4 October 2011

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Agenda

PART 1 - MEMBERS, PUBLIC AND PRESS MAY ATTEND

- 1 To confirm that the business of the meeting will take place in public.
- 2 To consider the report of the officers on the following petitions received.

	Start Time	Title of Report	Ward	Page
3	7.00pm	Townsend Way, Northwood - Petition Requesting Traffic Calming Measures	Northwood and Northwood Hills	1 - 6
4	7.00pm	Langland Court, Northwood – Petition Requesting Footway Parking	Northwood	7 - 12
5	7.30pm	Church Road and High Street, Northwood – Petition Requesting Traffic Calming Measures	Northwood	13-18
6	8.00pm	Seaford Close, West Ruislip – Condition of Carriageway Surface	West Ruislip	19- 28
7	8.00pm	Airdrie Close & West Quay Drive, Yeading – Petition Request to ‘Stop Up’ Adopted Public Footpath	Yeading	29-38

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TOWNSEND WAY, NORTHWOOD – PETITION REQUESTING TRAFFIC CALMING MEASURES

Cabinet Member

Cllr Keith Burrows

Cabinet Portfolio

Planning, Transportation and Recycling

Report AuthorHayley Thomas,
Planning, Environment, Education & Community Services**Papers with report**

Appendix A

HEADLINE INFORMATION

Purpose of report

To inform the Cabinet Member that a petition has been submitted from residents requesting traffic calming measures be introduced in Townsend Way, Northwood.

Contribution to our plans and strategies

The request can be considered as part of the Council's strategy for road safety.

Financial Cost

There is none associated with the recommendations to this report.

Relevant Policy Overview Committee

Residents' and Environmental Services

Ward(s) affected

Northwood & Northwood Hills

RECOMMENDATION

That the Cabinet Member:-

1. Meets and discusses with the petitioners their concerns in detail and explores potential options to address the issues that would be acceptable to local residents.
2. Subject to above asks officers to conduct further investigations into possible traffic calming measures under the Road Safety Programme.
3. Asks officers to undertake traffic surveys to establish the volumes and speeds of traffic in Townsend Way.
4. Asks officers to liaise with the local Safer Neighbourhoods Team.

INFORMATION

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

Reasons for recommendation

Traffic calming measures are largely successful if they are acceptable to local residents and businesses. These can be identified with petitioners for further detailed investigation by officers within the Road Safety Programme.

Alternative options considered

These will be discussed with petitioners.

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

1. The Council has received a petition containing 20 signatures from residents requesting traffic calming measures in Townsend Way, Northwood. The signatures collected represent 37% of the households in Townsend Way.
2. Townsend Way runs parallel to Emmanuel Road, Northwood and has a junction at its northwestern end with High Street, Northwood and at its southeastern end with Emmanuel Road. The road is in close proximity to the parade of shops located on High Street. Hillside Infant & Junior School and Emmanuel Church are also a short walk away. The location of Townsend Way is indicated on Appendix A.
3. A total of 2 Police recorded accidents have occurred on Townsend Way in the three years to December 2010. The first was a shunt type accident and the second involved a pedestrian crossing close to the junction with High Street.
4. The Council has not previously received any requests from residents for traffic calming measures in Townsend Way and the petitioners have not indicated their specific concerns or suggested any measures which they would like to see implemented. It is therefore suggested that the Cabinet Member discusses with the petitioners their specific concerns with regard to road safety and determines with them acceptable options that officers could investigate in detail as part of the Road Safety Programme. Whatever measures can be developed would require the support of local residents who would be most affected.
5. Subject to the evidence heard at the petition hearing meeting, the Cabinet Member may wish to have an independent 24 hour full week speed and volume survey in Townsend Way as part of the Road Safety Programme.
6. The Cabinet Member will also be aware that officers are in regular communication with counterparts within the Police 'Safer Neighbourhoods Team' (SNT) who are able to investigate issues of community concern and share their findings with the Council. This will be shared with the Northwood Hills SNT and their input will be further sought in the development of any measure.

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

Financial Implications

There are none associated with recommendations in this report. However, if the Cabinet Member approves the inclusion of the request in the Council's Road Safety Programme a subsequent bid would be required. At this stage the estimated cost for these measures is unknown and will only be determined following investigation and consultation with residents.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

To allow the Cabinet Member to consider the petitioners request and possible options to address their concerns.

Consultation Carried Out or Required

Consultation with local residents would be carried out if suitable traffic measures could be identified to address the petitioners concerns

CORPORATE IMPLICATIONS

Legal

There are no special legal implications for the proposal, which amounts to an informal consultation. A meeting with the petitioners is perfectly legitimate as part of a listening exercise, especially where consideration of the policy, factual and engineering issues are still at a formative stage. Fairness and natural justice requires that there must be no predetermination of a decision in advance of any wider non-statutory consultation.

Should there be a decision that further measures are to be considered then the relevant statutory provisions will have to be identified and considered.

In considering any informal consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer recommendation. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

Corporate Landlord

No comment

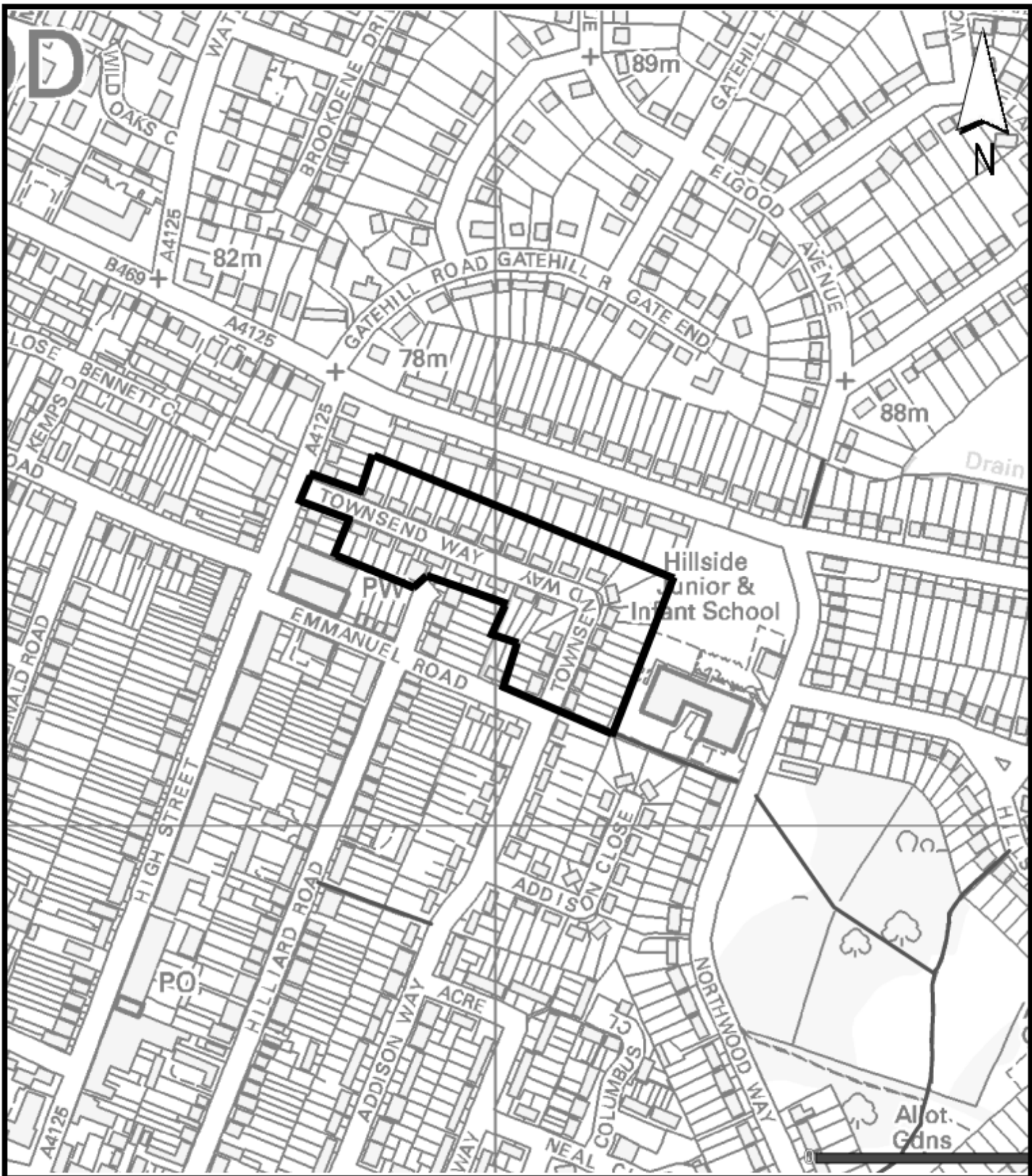
BACKGROUND PAPERS

Petition dated 23rd November 2010

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

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Townsend Way, Northwood

Appendix A

Date: April 2011

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Agenda Item 4

LANGLAND COURT, NORTHWOOD – PETITION REQUESTING FOOTWAY PARKING

Cabinet Member

Cllr Keith Burrows

Cabinet Portfolio

Planning, Transportation and Recycling

Report AuthorHayley Thomas,
Planning, Environment, Education & Community Services**Papers with report**

Appendix A

HEADLINE INFORMATION

Purpose of report

To inform the Cabinet Member that a petition has been submitted from residents of Langland Court, Northwood requesting cars be allowed to park on the footway.

**Contribution to our
plans and strategies**

The request can be considered as part of the Council's strategy for on-street parking.

Financial Cost

There are none associated with the recommendations to this report.

**Relevant Policy
Overview Committee**

Residents' and Environmental Services

Ward(s) affected

Northwood

RECOMMENDATION

That the Cabinet Member

1. Considers the petitioners' request for footway parking in Langland Court, Northwood.
2. Asks officers to add Langland Court to the programme for Footway Parking Exemption Schemes so that design, feasibility and subsequent consultation with residents can be undertaken when resources permit.

INFORMATION

Reasons for recommendation

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

It would appear it has been common practice for vehicles to park on the footway in Langland Court due to the width of the carriageway. Officers will investigate if the layout of Langland Court will allow footway parking to take place in accordance with the Council's criteria.

Alternative options considered

None as the petitioners made a specific request to park on the footway.

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

1. A petition with 20 signatures has been received from residents of Langland Court under the following heading;

"I support the proposal that parking on the pavement is permitted at Langland Court, Northwood."

The petition contains signatures from 20 out of the 21 households of Langland Court supporting the petition.

2. Langland Court is a small cul-de-sac from The Avenue, Northwood comprising of 21 apartments. Its location is indicated on the plan attached as Appendix A. It is a residential road with tarmac footway approximately 2.0 metres wide and a carriageway approximately 5.5 metres wide. There is also a private parking area off the adopted highway and 21 garages at the end of the close which would appear to be associated with the properties.

3. The Cabinet Member will be aware the Council can exempt roads from the Footway Parking Regulations providing it conforms with approved criteria. This requires a minimum of 1.5 metres of footway remaining for the safety and convenience of pedestrians although in cul-de-sacs this can be reduced to 1 metre on one side only. Parking on the footway should not take place within 15 metres of a junction and the footway construction must be of a flexible nature and not surfaced with paving slabs.

4. It would appear from initial investigation that Langland Court conforms with the Council's criteria for footway parking which may give sufficient flexibility for residents and retain access for emergency and delivery vehicles. However, it is recommended that the request is added to the footway parking scheme programme for detailed site inspection. If the road conforms with the Council's criteria a scheme can be designed for consultation with residents. Following consideration of the results from this consultation the Council will then be in a position to consider a formal decision on whether a Footway Parking Exemption Scheme can be installed in Langland Court.

Financial Implications

Investigation, design and consultation are undertaken within normal staff resources. The cost of introducing parking schemes will depend on the final details and this would not be known until

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

consultation has been completed. The eventual cost of the work will need to be funded from the accumulated surplus of the Parking Revenue Account.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

To add the request to the Council's programme for Footway Parking Exemption Schemes, so that subsequent design and consultation can be carried out. All residents of Langed Court will eventually be consulted on a formal Footway Parking Exemption Scheme.

Consultation Carried Out or Required

Consultation with local residents would be carried out if suitable measures could be identified to address the petitioners concerns.

CORPORATE IMPLICATIONS

Legal

At this stage there are no legal implications arising from the recommendations above.

However, following further investigation by officers and where statutory consultation takes place, resources permitting, the proposed introduction of footway parking may be introduced using powers conferred under section 6 of the Road Traffic Regulations Act 1984 to make Traffic Regulation Orders (TRO's) to regulate the speed, movement and parking of vehicles and to regulate pedestrian movement.

Section 122 of the Act provides that when making a road traffic order the Council is under a duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and provide suitable and adequate parking facilities on and off the highway.

In performing this duty the Council must, so far as is practicable, have regard to the following matters (section 122(2) of the Act):

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected and ... the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
- (c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- (d) any other matters appearing to . . . the local authority . . . to be relevant.

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

The duty under section 122(1) of the Act is subject to the provisions of Part II of the Road Traffic Act 1991 (section 122(3) of the Act).

Procedures for making road traffic order

In making any road traffic order the Council must comply with the procedures set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Regulation 13 requires that the Council consider any objection or petition received and not withdrawn following public notification of the road traffic order.

Regulation 14 allows the Council to modify an order in response to objections received. Pursuant to Regulation 14 (3) if the Council does modify an order it must take such steps as appear appropriate to it, in order to:

- i. inform persons likely to be affected by the modifications;
- ii. give those persons an opportunity of making representations; and
- iii. ensure that those representations are duly considered by the Council

Accordingly, the Council must balance the concerns of the objectors with its statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic.

The Council must conduct any consultation in accordance with the expected legal standards. The leading case on consultation is the High Court decision *R v Brent London Borough Council, ex parte Gunning* (1985) 84 LGR 188. In this case, Hodgson J drew attention to four elements that should exist in the proper performance of a statutory duty to consult.

Members must be satisfied that:

- a. Consultation took place at a time when proposals were still at a formative stage;
- b. Sufficient reasons for the proposal were given to permit intelligent consideration and response;
- c. Sufficient time was allowed for consideration and response; and
- d. That responses from the public were conscientiously taken into account when finalising the statutory process.

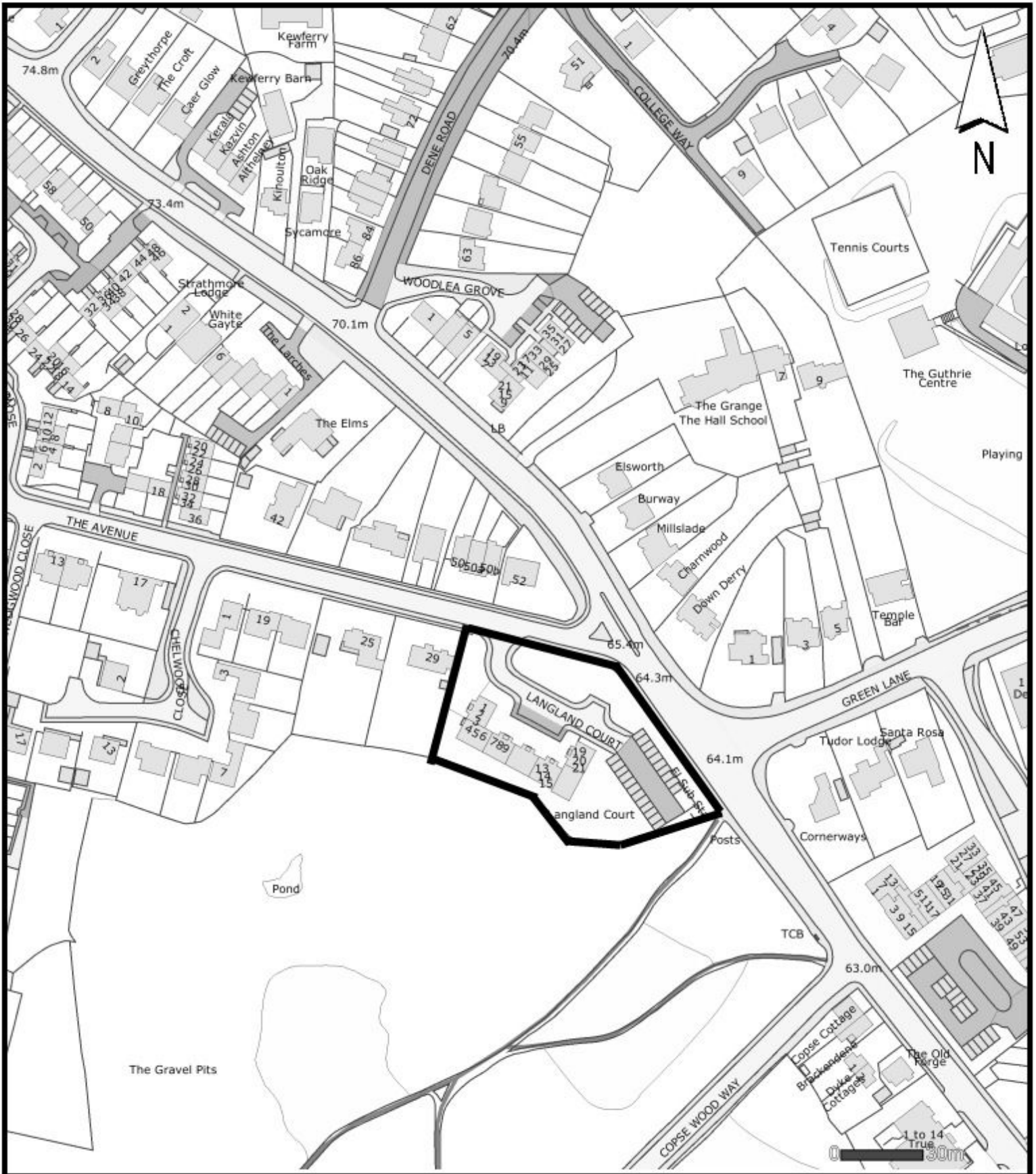
Accordingly, the Council must balance the concerns of the objectors with its statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic.

BACKGROUND PAPERS

Petition dated 9th June 2011

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011



Langland Court, Northwood

Appendix A

Date: Sept 2011

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Langland Court, Northwood

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CHURCH ROAD AND HIGH STREET, NORTHWOOD – PETITION REQUESTING TRAFFIC CALMING MEASURES	
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Cabinet Member	Cllr Keith Burrows
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Cabinet Portfolio	Planning, Transportation and Recycling
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Report Author	Hayley Thomas, Planning, Environment, Education & Community Services
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Papers with report	Appendix A
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HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a petition has been submitted from residents and businesses requesting traffic calming measures be introduced in Church Road and High Street, Northwood.
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Contribution to our plans and strategies	The request can be considered as part of the Council's strategy for road safety.
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Financial Cost	There is none associated with the recommendations to this report.
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Relevant Policy Overview Committee	Residents' and Environmental Services
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Ward(s) affected	Northwood
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RECOMMENDATION

That the Cabinet Member;

1. **Meets and discusses with the petitioners their concerns in detail and explores potential options to address the issues that would be acceptable to local residents and businesses.**
2. **Subject to the above recommendation asks officers to conduct further investigations into possible traffic calming measures under the Council's Road Safety Programme.**
3. **Asks officers to undertake traffic surveys to establish the volumes and speeds of traffic in Church Road and High Street, Northwood.**

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

4. Asks officers to liaise with the local Safer Neighbourhoods Team.

INFORMATION

Reasons for recommendation

Traffic calming measures are largely successful if they are acceptable to local residents and businesses. These can be identified with petitioners for further detailed investigation by officers within the Road Safety Programme.

Alternative options considered

These will be discussed with petitioners.

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

1. The Council has received a petition containing 80 signatures from residents and businesses requesting traffic calming measures in Church Road and High Street, Northwood under the following heading;

*“We the residents of ‘The Old’ High Street and Church Road, Northwood request **Traffic Calming Measures** to stop the dangerous and anti-social speeding that occurs down our road.”*

2. The location of the A4125 Church Road/High Street, Northwood is indicated on Appendix A. It is one of Hillingdon’s main distributor roads and has a junction at its northern end with Green Lane and Northwood Way and at its southern end with Pinner Road and Rickmansworth Road. The road incorporates both businesses and residential properties and also provides access to several other residential roads. Hillside Infant & Junior School and Emmanuel Church are also a short walk away.

3. A total of eight Police recorded accidents have occurred on High Street, Northwood in the three years to December 2010. Four of the accidents reported at its junction with Pinner Road were described as shunt type accidents. Three of the incidents reported were caused where pedestrians failed to look properly when crossing the road. Two of these accidents occurred at the junction with Pinner Road and a third near the junction with Townsend Way. One accident occurred close to the junction of Chester Road where the driver was distracted and swerved off the carriageway.

4. The Council has previously received representations from concerned residents regarding vehicle speeds in High Street Northwood, but subsequent investigations by officers have found the majority of vehicles to be travelling near or at the speed limit. The petitioners have not indicated specific measures which they would like to see implemented. It is therefore suggested that the Cabinet Member discusses with the petitioners their specific concerns with regard to road safety and determine with them acceptable options that officers could investigate in detail

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

as part of the Road Safety Programme. Whatever measures can be developed would require the support of local residents and businesses who would be most affected.

5. Subject to the evidence heard at the petition hearing meeting, the Cabinet Member may wish to have an independent 24 hour full week speed and volume survey in High Street Northwood as part of the Road Safety Programme.

6. The Council receives a considerable amount of positive feedback from residents where Vehicle Activated Signs (VAS) have been installed. These signs are most effective when in place for a short period of time. Therefore the Council has developed a programme whereby the signs are installed at key sites, left in place for three months and then moved to another site. There is currently a Vehicle Activated Sign located on High Street, Northwood, however this has been in place since February 2011 and is due to be moved to another location. High Street, Northwood will be retained on the list for re-installation in future phases.

7. The Cabinet Member will also be aware that officers are in regular communication with their counterparts within the Police 'Safer Neighbourhoods Team' (SNT) who are able to investigate issues of community concern and share their findings with the Council. This will be shared with the Northwood SNT and their input further sought in the development of any measure.

Financial Implications

There are none associated with recommendations in this report. However, if the Cabinet Member approves the inclusion of the request in the Council's Road Safety Programme a subsequent bid would be required. At this stage the estimated cost for these measures is unknown and will only be determined following investigation and consultation with residents and local businesses.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

To allow the Cabinet Member to consider the petitioners request and possible options to address their concerns.

Consultation Carried Out or Required

Consultation with local residents and businesses would be carried out if suitable traffic measures could be identified to address the petitioners concerns

CORPORATE IMPLICATIONS

Legal

At this stage there are no special legal implications arising from the recommendations contained in this report.

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

Should there be a decision that further measures are to be considered then the relevant statutory provisions will have to be identified and considered.

In considering the discussions with the petitioners, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer recommendation. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

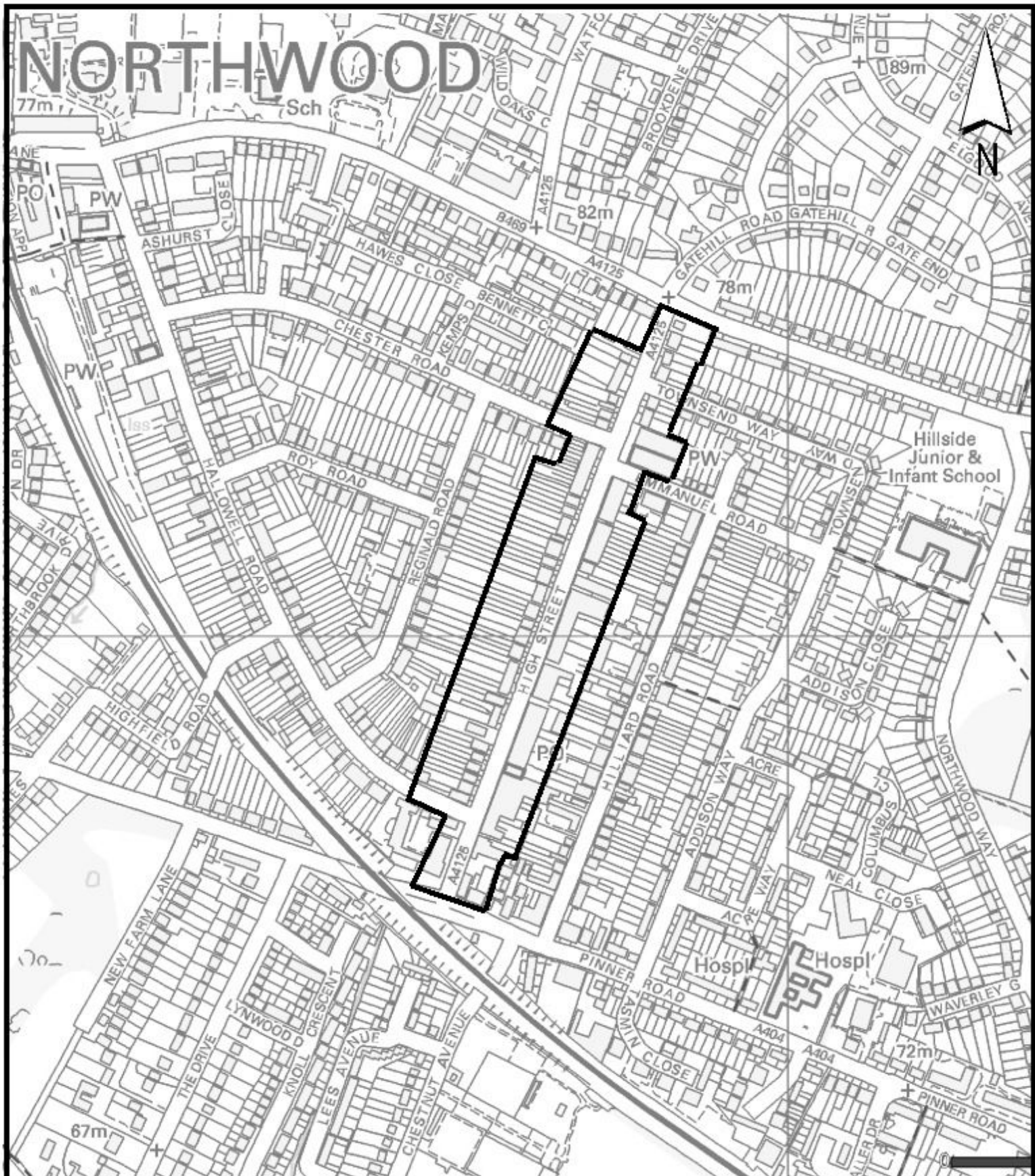
In all cases the decision maker should bear in mind Section 122 of the Road Traffic Regulation Act 1984 which means that the Council as traffic authority has a statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic.

BACKGROUND PAPERS

Petition dated 22nd July 2010

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011



Church Road/High Street, Northwood

Appendix A

Date: April 2011

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SEAFORD CLOSE, WEST RUISLIP – CONDITION OF CARRIAGEWAY SURFACE

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Cabinet Member for Planning, Transportation & Recycling
Officer Contact	Gurmeet Matharu
Papers with report	Appendices A and B

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a petition signed by 59 residents of Seaford Close, West, Ruislip has been received.
Contribution to our plans and strategies	A safe Borough, a clean and attractive Borough.
Financial Cost	There are none at present associated with this report.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	West Ruislip Ward

RECOMMENDATION(S)

That the Cabinet Member for Planning, Transportation and Recycling:

- 1. Considers the petitioners' request and discusses with them in detail their concerns regarding the condition of the carriageway surface.**
- 2. Subject to the outcome of (1), instruct officers to place Seaford Close on to the list for roads being considered for treatment in a future resurfacing programme.**

Reasons for recommendation

The existing carriageway surface has deteriorated to the extent that shallow fretting has taken place in isolated areas of the carriageway. This is due to the natural ageing of the surface and

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

the surface dressing that has been applied over the original layer. Past patching has filled some of the worst fretting but only as medium term measure. The road profile is “bumpy” in places and service trenches have sunk at a number of locations. In areas the surface has worn away resulting in shallow ruts and general unevenness. Resurfacing would improve the visual appearance of the road and improve the ride quality.

Supporting Information

1. The petition states that local residents from Seaford Close would like the road to be fully resurfaced.
2. Seaford Close is a residential cul-de-sac, approximately 425 metres in length and 5.75 metres in width a turning head, coming off Chichester Avenue. The carriageway is of flexible construction, i.e. various layers of bound stone aggregate with bituminous ('bitmac') surfacing, that has been subsequently surfaced over with various layers of bituminous material. The uppermost layer has oxidised to the extent that potholes and surface cracking have appeared as well as a general 'wearing away' of the surfacing, resulting in ruts, general unevenness and a porous surface that is liable to let in surface water that will ultimately affect the strength of the structural road layers.
3. Based on the results of the recent United Kingdom Pavement Management System (UKPMS) structural condition surveys, carried out on all Borough roads between January and March 2010, Seaford Close is placed high on the advised priority list for future treatment. Officers also consider that this road is a high priority on 'serviceability' criteria such as appearance, ride quality etc. At the time of the assessment, prior to writing this report, there was no fretting in evidence greater than 40mm, the minimum intervention level for immediate repair of dangerous defects.
4. Numerous patching operations have been carried out over the years. Compacting of new repair material is impractical due to the brittleness of the existing surface course. Therefore resurfacing the whole road is an option which would cost £38,000.

Alternative options considered

Further patching works: However this option has been discounted given the level of deterioration and that it does not offer the most economic solution. Delaying or not undertaking certain schemes may place additional pressure on the Councils financial resources if highway permanent repairs are not implemented in a timely manner. In many instances, the delay of schemes may also have safety implications with possible consequent impact on the public liability insurance budget.

Officers consider that the carriageway surface is now beyond normal patching repair and that resurfacing is the only option available to restore a smooth surface.

Comments of Policy Overview Committee(s)

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

None at this stage

Financial Implications

The estimated cost of the resurfacing works is £38,000. If it is decided to proceed with these works a funding source would need to be identified. These works are typically funded from the Highways Structural or the Highways Localities Capital Programmes, subject to prioritisation and capital release and member approval protocols. Officers will also explore the availability of Section 106 funds..

In certain circumstances the Council can incur legal liability, as the Highway Authority, for loss or damages to users of the highway, as a result of not complying with their duties under the Highways Act 1980 which could result in costs being incurred by the Council in settling insurance claims if the work is not carried out.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The resurfacing of Seaford Close will take into consideration the particular needs of local residents, school children and older people and people with disabilities to provide smoother, safer highway surfaces and features. A full resurfacing of the deteriorated road area will offer the most satisfactory outcome for residents as they would be less pleased with patching works.

CORPORATE IMPLICATIONS

Legal Implications

The Council has a statutory duty to maintain the highway under section 41 of the Highways Act 1980 (the duty). The duty to maintain includes a duty to carry out repairs. The highway should be maintained to a standard that it is safe and fit for ordinary traffic using that highway to pass along it.

Failure to maintain the highway to this standard could give rise to a claim that a danger has been caused or could result in loss or damage to those who may reasonably use that highway.

As stated in the report Seaford Close was placed high on the priority list for serviceability and future treatment following structural condition survey but, in your officers opinion, immediate repair for dangerous defects is not required at this time. Continued periodic inspection and the making of expeditious repairs is, therefore, sufficient to keep the highway in accordance with

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

the necessary legal standard however the officer's report also indicates that although the highway is not dangerous, in practical terms, it is beyond normal patching repair.

There are competing priorities in any ongoing programme of maintenance. It is a matter for officers to recommend when the planned resurfacing should take place in the programme of highway works having regard to the legal requirement to meet the duty.

BACKGROUND PAPERS

A petition received 24th May 2011.

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

APPENDIX 'A' – LOCATION PLAN

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

APPENDIX 'B' – PHOTOGRAPHS OF EXISTING CARRIAGEWAY SURFACE – APRIL 20110



PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011



PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

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AIRDRIE CLOSE & WEST QUAY DRIVE, YEADING - PETITION REQUEST TO 'STOP UP' ADOPTED PUBLIC FOOTPATH

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Cabinet Member for Planning, Transportation and Recycling
Officer Contact	John Fern Planning, Environment, Education and Community Services
Papers with report	Appendix A

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a Petition has been received asking for the adopted public footpath that runs between Airdrie Close And West Quay Drive, Yeading to be 'stopped up'.
Contribution to our plans and strategies	The request can be considered as part of the Council's Road Safety Programme
Financial Cost	The re-opening of the footpath and the clearance of undergrowth will be catered for within the present highways budget
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	Yeading

RECOMMENDATION

That the Cabinet Member;-

1. **Meets and discusses with petitioners their request to 'stop up' the adopted public footpath.**

2. **Subject to the outcome of 1 above, considers the Petitioners request together with the advice given in the report by Officers and Legal and instructs Officers to carry out the necessary actions to re-open the footpath.**

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with petitioners – 12 October 2011

INFORMATION

Reasons for recommendation

The recommendation meets the Council's legal obligation as the Highway Authority to protect the rights of the public to use the adopted public highway.

Alternative options considered

There are no alternatives to consider as there is not a more commodious alternative route and to stop up the adopted public highway would prevent the public's use and enjoyment of the highway.

Comments of Policy Overview Committee(s)

None at this stage.

Supporting Information

1. A Petition with 32 Signatures has been submitted to the Council under the following heading 'Residents petition to keep the footpath between 7 & 8 Airdrie Close, Yeading fenced off'.
2. The Glencoe Estate was developed in around 1995 and Airdrie Close was adopted in early 1996 together with a footpath that joins Airdrie Close with West Quay Drive. Other such footpaths throughout the estate were also adopted.
3. The footpath has a tarmac surface and street lighting at the Airdrie Close end and should provide residents in various roads and closes on the Glencoe Estate access to West Quay Drive and Marina Approach together with the Marina with residential moorings and its restaurant.
4. It is alleged that at some time in the past, due to anti social behaviour along the path, residents erected a wooden fence across the path thereby blocking its use to the public. There was no consultation with the Highways Authority over this obstruction. The claims relating to anti social behaviour connected with this footpath have not been evidenced to the Council to date.
5. In April 2011 the Council received correspondence from Solicitors on behalf of the lead Petitioner asking for the footpath to be 'stopped up'. This was to enable the lead petitioner who lives adjacent to the footpath to purchase the land and incorporate it within his property.
6. The Council replied at that time that they did not wish the footpath to be stopped up. They thanked the writer for bringing the matter of the blockage to the Council's attention and stated that efforts would now be made to re-open the path as the Council had a duty to protect the rights of the public to the use and enjoyment of any highway. The overgrowth would be cut right back which would open up the way and make it safe and accessible.
7. The Council has also received a letter of support for the stopping up of this footpath from John McDonnell MP a copy of which is attached to this report.

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8. Although this footpath has been blocked by residents there is prima facia evidence of use in the past. Officers are of the view that the footpath is necessary and should be retained for the benefit of the wider public. In particular, the footpath is a convenient route which links the estate roads to the North of the footpath to West Quay Drive, Marina Approach and the Marina with its residential moorings and restaurant. An earlier petition requesting a footpath to be constructed along West Quay Drive to assist pedestrians to gain access to the Marina and restaurant has been received by the Council. This shows that there is a requirement to provide footpaths within the estate. If this footpath were to be stopped up, the route to West Quay Drive, Marina Approach and the Marina would be less convenient for pedestrians travelling from areas to the North of the development.

9. The Council having now been advised that the footpath is obstructed must take the necessary action to ensure that it is opened up for the public use.

Planning

There are no planning issues.

Safety, Security and Crime

There is no evidence of any anti-social behaviour on this footpath. The footpath when re-opened will be cleared back to ensure it is safe and accessible. The Local Safer Neighbourhood Officers will also be informed.

Financial Implications

The minor financial implications of re-opening of the footpath and the clearance of undergrowth can be met from existing highways budgets.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The footpath will provide residents on the estate and members of the public with access between other roads on the estate and West Quay Drive, Marina Approach and the Marina with its residential moorings and restaurant. The Council will be carrying out its statutory duty to assert and protect the public's right to use the adopted public highway.

Consultation Carried Out or Required

No consultation required.

CORPORATE IMPLICATIONS

Legal

The Council has various powers to stop up a highway. In this particular case, the Council could apply to the Magistrates Court for an order to stop up the footpath in accordance with Section 116

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of the Highways Act 1980. In deciding whether or not to 'stop up' the way the Court would need to be satisfied that the way was 'unnecessary' for public passage. This report indicates that officers are of the view that the footpath is necessary and is an important link between various estate roads and West Quay Drive and the Marina. If that is the case then the powers under Section 116 of the Highways Act 1980 would not be available.

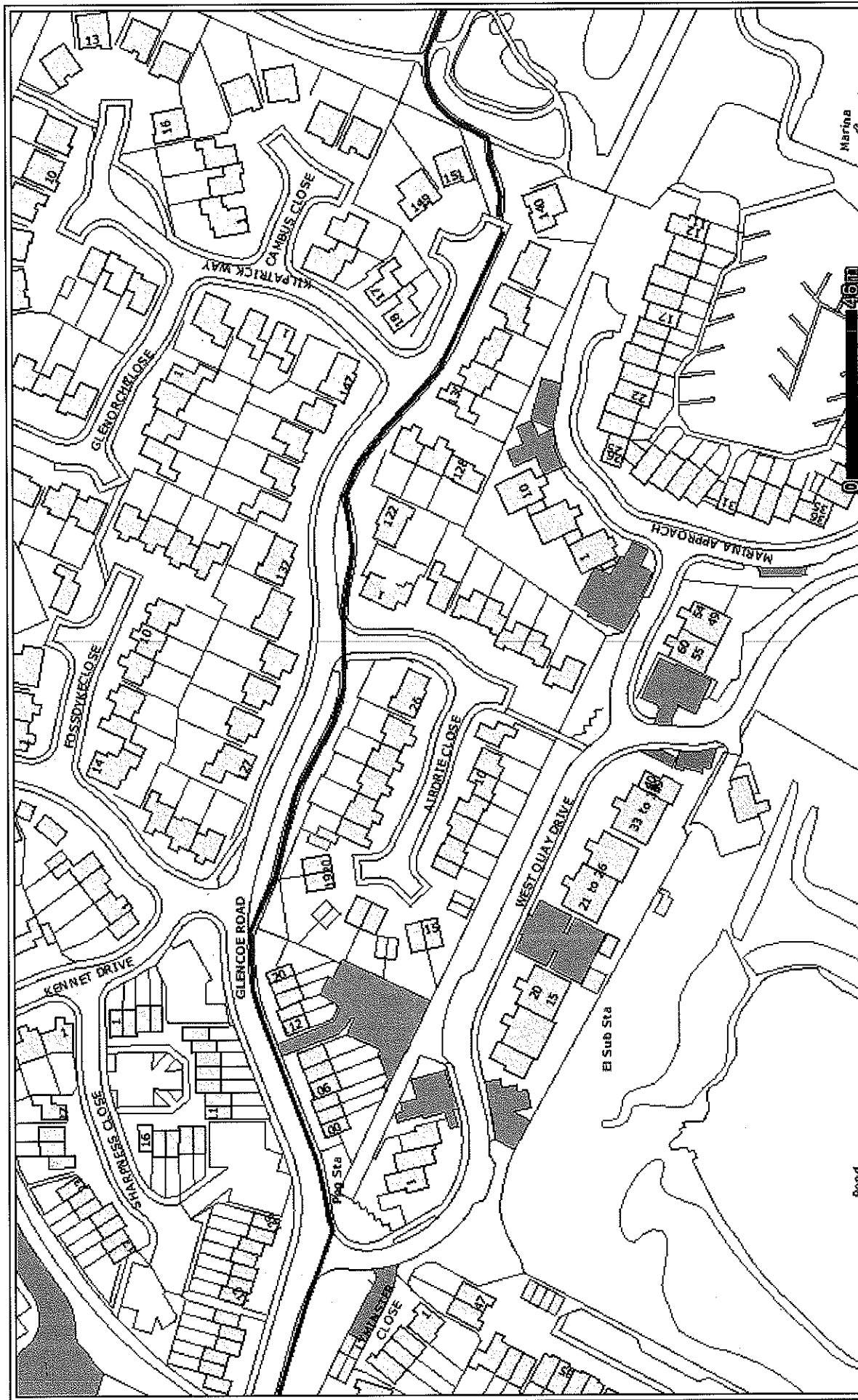
Section 138 of the Highways Act 1980 states that it is a criminal offence to obstruct a highway (for these purposes including the foot path) by erecting a fence. That being the case, the person(s) responsible for erecting the fence is liable to criminal prosecution which could result in those persons receiving both a substantial fine and criminal record. Should officers wish to pursue this course of action, further advice should be sought from Legal Services.

BACKGROUND PAPERS

Appendix A

Plan

Photographs of the footpath



1527
 30.6.2011
 100019283 2011



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