

MASEFIELD LANE, HAYES - PETITION REQUESTING FOR THE CARRIAGEWAY TO BE RESURFACED AND FOOTWAY RECONSTRUCTED

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Planning, Transportation and Recycling
Officer Contact(s)	Poonam Pathak, Residents Services
Papers with report	Appendix A - Location Plan Appendix B - Photographs

1. HEADLINE INFORMATION

Summary	Inform the Cabinet Member that a petition has been received from residents requesting the Council to resurface the carriageway and reconstruct the footways in Masefield Lane, Hayes
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 Services.
Ward(s) affected	Barnhill

2. RECOMMENDATION

That the Cabinet Member:

1. Notes that the carriageway resurfacing was completed in May 2016.
2. Considers the petitioners' request and discusses with them in detail their concerns regarding the condition of the footway surface.
3. Subject to the outcome of (2), instruct officers to place Masefield Lane, Hayes on to the list being considered for planned footway maintenance in a future programme.

Reasons for recommendation

The existing surface of the footway has started to show signs of deterioration to the extent that shallow cracking has taken place in isolated areas of the surface layer. The isolated failure is due to aggregate fretting of the material. The surface profile is uneven in places and the bitumen surface is scarred due to utility trenches at a number of locations. Reconstruction of the footways would enhance the visual appearance of the street and provide a safe environment for

residents and road users; however, based on the existing condition, reconstruction would not be the most economical option.

Alternative options considered / risk management

Further isolated maintenance works would restore the condition of footways, and enhance the visual appearance.

Policy Overview Committee comments

None at this stage.

3. INFORMATION

Supporting Information

1. The Council has received a petition with 37 signatures which states that local residents from Masefield Lane would like the carriageway resurfaced and footway reconstructed. It is worth noting that the carriageway was programmed to be resurfaced prior to the receipt of this petition.
2. Masefield Lane is a residential road, approximately 765 square metres in footway surface area. It is a cul-de-sac located towards the west of Yeading Lane. The footway has been constructed using bituminous surface with concrete vehicle crossings.
3. Based on the results of the most recent United Kingdom Pavement Management System (UKPMS) structural condition surveys, carried out on all Borough roads, Masefield Lane is not placed very high on the advised priority list for future treatment. Officers consider that this road is deteriorating due to natural ageing of the surface course. This road is heavily used by residents as the doctor's surgery is situated near Yeading Lane hence the road scores a high priority on 'serviceability' criteria such as appearance, ride quality and related factors. At the time of the assessment, prior to writing this report, there were no defects in evidence greater than 20mm, the minimum intervention level for immediate repair of dangerous defects.
4. Currently the footways have been maintained in accordance with the Council's policy on reactive maintenance and defect repairs have been carried out over the years. The proposed option would be mixture of overlay of the existing footway surface and reconstruction of other areas of footway.

Financial Implications

The estimated cost for undertaking these works is £19,478.71. If it is decided to proceed with these works, a funding source would need to be identified. These works are typically funded from the annual Highways Capital Structural or Localities Programmes. Officers will also explore the availability of Section 106 funds. This would be subject to normal capital release and Member approval protocols.

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 its 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.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The proposed improvement works of Masefield Lane will take into consideration the particular needs of local residents, schoolchildren and older people, and people with disabilities to provide smoother, safer highway surfaces and features. The reconstruction of deteriorated footway surfaces will offer the most satisfactory outcome for residents, as they would be less pleased with patching works.

Consultation Carried Out or Required

None at this stage.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed the recommendation and notes that this report asks the Cabinet Member to consider the request for works to the footway surface, but does not agree for works to proceed until a funding source has been identified.

Legal

The Highway Authority has a duty under section 41(1) of the Highways Act 1980 (HA 1980) to maintain a highway.

The duty to maintain is confined to a duty to repair and keep in repair.

The section 41(1) duty is an absolute duty to maintain, and is not qualified by any requirement of reasonableness. However, the scope of the duty is based on an objective standard and depends on the level of use of the particular highway in question.

The duty to maintain a publicly maintainable highway under section 41(1) of the HA 1980 is owed by the Highway Authority to all users of the highway. A private law action for damages can be brought against the Highway Authority for breach of statutory duty.

There are no special legal implications for the proposal to discuss with petitioners their request to place Masefield Lane on the list for roads being considered for treatment in a future footway maintenance programme, 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 issues is still at a formative stage. Fairness and natural justice requires that there must be no predetermination of a decision in advance of any wider consultation.

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

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recommendation. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

If Masefield Road is placed on the list being considered for planned footway maintenance in a future programme and specific advice is requested, Legal Services should be instructed.

Corporate Property and Construction

None at this stage.

Relevant Service Groups

None at this stage.

6. BACKGROUND PAPERS

None.

Appendix A (Location Plan)



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Cabinet Member Petition Hearing - 25 January 2017

Appendix B (Photographs)





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