
REPORT FOR: CABINET

Date of Meeting:	10 December 2015
Subject:	Highway Adoption and Stopping-up Policy
Key Decision:	Yes
Responsible Officer:	Venetia Reid-Baptiste, Divisional Director of Commissioning Services
Portfolio Holder:	Councillor Graham Henson, Portfolio Holder for Environment, Crime and Community Safety
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix A – Highway Adoption and Stopping up Policy Appendix B – Summary of the Public Consultation Results Appendix C - EqIA

Section 1 – Summary and Recommendations

This report requests Cabinet to adopt the Highway and Adoption Policy attached at Appendix A. If adopted, the criteria set out in the policy will supersede all previous criteria that may have been applied for the adoption of highways in the Borough. The Highway Adoption and Highway Stopping up Policy is relevant when:

- Adopting a new highway;
- Adopting an existing unadopted highway; and
- Stopping up of highway.

The Council will consider each application on its merits and will review the policy guidelines on the second anniversary of adoption. Nothing in the policy absolves those concerned from their legal responsibilities at common law or statute.

Recommendations:

Cabinet is requested to:

- a. Adopt the Highway Adoption Policy set out in Appendix A.
- b. Delegate authority to the Divisional Director of Commissioning Services, in consultation with the Portfolio Holder for Environment, Crime and Community Safety, to make any minor amendments required to the policy before it is published.

Reason: (For recommendation)

A written policy is required to ensure a consistent approach in considering requests for highway adoption and stopping up. The Policy will help the Borough discharge its duties in respect of highway adoption and stopping-up.

Section 2 – Report

1. Introduction

- 1.1 Harrow Council is the highway authority for roads in Harrow and has a responsibility to keep all highways safe and accessible for everyone to use. Throughout this document, the 'highway' refers to publicly accessible roads, footways, public areas and other public rights of way which are the responsibility of the highways authority.
- 1.2 Highway Adoption is a process where a road in private ownership (private road) or a privately maintainable highway (private street)

becomes a public road, which is then maintained by the highway authority.

- 1.3 Stopping up of an adopted highway is a process where the highway rights over a road are extinguished in law. When highway rights are extinguished, ownership reverts to the owner of the land and the public have no right to access.
- 1.4 The Highway Adoption and Highway Stopping up Policy is relevant when:
 - Adopting a new highway;
 - Adopting an existing unadopted highway; and
 - Stopping up of highway.

2. Options considered

- 2.1 The policy is needed to facilitate the effective management of highway adoption and stopping up across the borough.

Option 1- Do nothing

- 2.2 Without a clear and consistent policy, the Council will continue to adopt and stop up highways without a set policy to guide decision making.
- 2.3 This option is not considered viable.

Option 2 – Approve the Highway Adoption Policy

- 2.4 The Highway Adoption and Stopping up Policy will:
 - ensure that the Council has the clear policy, process and criteria for evaluating any requests to adopt or extinguish highway.
 - ensure that the Council's policy is clear to both members and the public and is communicated effectively;
 - ensure that the Council's policy is applied consistently and fairly, in accordance with legislation; and
 - serve as a reference document on highway adoption matters.
- 2.5 This option is preferred.

Resources

- 2.6 Any additional costs incurred by the Council by implementing this policy will be covered by the fees charged. Current staffing will be used and there is no requirement for additional staffing.

3. Community & Consultation

- 3.1 Consultation has taken place with key service managers to ensure that the policy aligns with service areas.
- 3.2 A public consultation has been undertaken with the deadline on 13 November 2015. A summary of the responses received to the consultation is at Appendix B.

4. Performance Issues

- 4.1 This policy will be reviewed as required with changes to legislation and Central and Local Government Policy. The reviews will also seek to introduce where necessary any new powers granted to local authorities.

5. Environmental Implications

- 5.1 The policy will have no environmental implications.

6. Risk Management Implications

- 6.1 The policy is introduced to minimise legal risk and challenges to decisions made on highway adoption and stopping-up.

7. Legal Implications

The Council has various statutory powers under the Highways Act 1980 to adopt a road as a highway maintainable at the public expense or to stop up highway rights over an existing highway. Similar stopping up powers exist under the Town and Country Planning Act 1990.

8. Financial Implications

- 8.1 The Highway Adoption and Stopping up Policy will enable officers to deal with requests consistently and any fees charged appropriately. Should a road be adopted as a public highway, the Council becomes responsible for the on-going maintenance of the road including street lights, footpath, trees and grass verge etc, the costs of which can vary depending on the length of road(s) being adopted and need to be assessed on a case by case basis. In practice, any additional maintenance costs as a result of road adoption are being met from existing budgets wherever possible.

9. Equalities implications / Public Sector Equality Duty

The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty which requires public authorities to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

The EqIA carried out is attached to this report at Appendix C. The EqIA did not identify any potential for unlawful conduct or disproportionate impact and that all opportunities to advance equality are being addressed.

The policy addresses equalities and ensures a fair, balanced approach in line with statutory requirements and guidance.

Council Priorities

The Council's vision:

Working Together to Make a Difference for Harrow

The policy supports the following council corporate priorities.

- Making a difference for Communities
- Making a difference for Local Businesses.

Section 3 - Statutory Officer Clearance

Name: Jessie Mann	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 10 November 2015		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 11 November 2015		

Ward Councillors notified:	NO, as it impacts on all Wards
EqIA carried out:	YES
EqIA cleared by:	Hanif Islam

Section 4 - Contact Details and Background Papers

Contact: Hanif Islam, Policy & Performance Manager,
Tel: 020 8424 1548, hanif.islam@harrow.gov.uk

Background Papers: None.

Call-In Waived by the Chairman of Overview and Scrutiny Committee	NOT APPLICABLE <i>[Call-in applies]</i>
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