

FORTYFOOT ROAD

SURREY COUNTY COUNCIL'S LOCAL COMMITTEE
(MOLE VALLEY)

21 MARCH 2007

KEY ISSUE:

To receive the Executive's response to the Committee's request to identify sufficient funds from central budgets to facilitate making up and adoption of Fortyfoot Road with costs being shared, subject to negotiation, with the major frontagers.

SUMMARY:

The County Council's major frontager is Education having both Woodlands School and St Mary's Infant School situated along Fortyfoot Road.

The Executive received the Committee's request at its meeting on 5 December 2006, when the Executive Member for Schools, Children and Youth Services tabled the following response:

"I am unclear what provision, if any, has been made for road upkeep in either central or devolved budgets. I will ask officers to urgently investigate this matter and that a response be prepared for the next meeting of the Local Committee."

This reply was accepted by the Executive.

Officers' from 'Education' having carefully considered the request referred to them by the Executive have responded that judged against their other competing education priorities improvements to Fortyfoot Road cannot be considered as a priority for investment from the Education capital programme for 2007/08.

Therefore, Fortyfoot Road will remain a privately maintained public highway for the time being, i.e. status quo. Ongoing maintenance and repair responsibilities continuing to rest with the frontagers. In this case the two schools, residential care home, public recreation ground, scout hut and 17 houses; the hospital has a frontage with no direct access.

Surrey County Council as Highway Authority only randomly inspects privately maintained highways when circumstances dictate to assess whether frontagers should be notified informally of a need to repair.

The Highway Authority is not legally obliged to take action when a privately maintained highway falls into disrepair, but does have powers (under Section 230 of the Highways Act 1980) to require the frontagers to carry out necessary repairs to make the highway safe for users. If the frontagers refuse the authority can carry out work and recharge the expense.

OFFICER RECOMMENDATIONS:

The Committee is asked to note the report.

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**BACKGROUND PAPERS: Committee 25 September 2006 Item 8
Executive 5 December 2006 Item 5(a)**
