



SURREY LOCAL COMMITTEE IN SPELTHORNE

PETITIONS RIVERFIELD ROAD, STAINES

11 July 2005

KEY ISSUE:

To note a petition received regarding removal of barriers at each end of Right of Way No. 35 (Staines) between Riverfield Road and Thames Side.

SUMMARY:

This report sets out the background to the request to retain barriers at each end of the footpath. Options are put forward in an attempt to deter motor scooters from traversing the path yet allow for the passage of the majority of mobility scooter users and for Surrey County Council to comply with its obligations under the 1995 Disability Discrimination Act.

OFFICER RECOMMENDATIONS:

The Local Committee is asked to note that there are three improved barrier options available for the public Right of Way footpath 35 (Staines) between Riverfield Road and Thames Side which will be determined by Head of Rights of Way in consultation with the Local Transportation Director and Electoral Division Member (Staines).

1. INTRODUCTION & BACKGROUND

- 1.1 A request was received last April on behalf of a Mrs Halton from Cllr Saliagopoulos for the two barriers at each end of the footpath between Riverfield Road and Thames Side, Staines to be removed. The purpose of the request was to allow access along the footpath for Mrs Halton's mobility scooter.
- 1.2 The status of the footpath is that of a Public Right of Way, and is thus the responsibility of Surrey County Council as Highway Authority but the Rights of Way Group in the Planning and Countryside service have overall responsibility. The footpath is designated as Right of Way 35 (Staines), and leads from Riverfield Road (a private street) to Thames Side (also a private street). It is approximately 45m in length.
- 1.3 The Council's Rights of Way officer for the area agreed that the barriers could be removed to allow clear access for mobility scooters, and the work was provisionally programmed for August this year.
- 1.4 On 3 May a letter was received from the original complainant's son, Mr Nic Halton, outlining his views as to why the barriers should be removed.
- 1.5 On 27 June a petition was received from 17 residents of Riverfield Road, 10 residents of Thames Side, and one resident of St Peter's Close objecting to the proposal to remove the barriers. It should be noted that St Peter's Close is a private street off Laleham Road which has no direct access to Riverfield Road nor to Thames Side.

2. ANALYSIS

- 2.1 The barriers at each end of the footpath are of tubular steel construction. The footpath at the Thames Side end is 1.69m wide and the barrier is 0.94m wide, leaving a clear gap of 0.75m. The footpath is 1.78m wide at the Riverfield Road end, with a barrier width of 1.07m and a clear gap of 0.71m. The accompanying drawing shows the plan layout.
- 2.2 It has been established that the absolute minimum width requirement for the complainant's mobility scooter is 0.77m, though mobility scooters can be up to 0.9m in width.
- 2.3 The Department for Transport's recommendations call for a minimum clear access width of 1.0m for mobility scooters.
- 2.4 The options are as follows:
 - 2.4.1 Do nothing
 - 2.4.2 Widen the accesses to 1m to comply with DfT guidelines

- 2.4.3 Widen the accesses to 0.77m to allow passage for the majority of mobility scooters, including that of the complainant
- 2.4.4 Introduce 2 further barriers in a staggered arrangement at each end of the path, with 1m access widths and 1.2m between barriers, thus complying fully with DfT guidelines
- 2.4.5 In conjunction with other options, erect a “No Cycling” sign at each end of the path

3. COMMENTARY

- 3.1 Option 2.4.1 would satisfy the petitioners, but not the original complainant neither would this absolve the Council of its obligations under the Disability Discrimination Act.
- 3.2 Option 2.4.2 would comply with the provisions of the Disability Discrimination Act.
- 3.3 Option 2.4.3 would entail widening the clear access at one end by 20mm and at the other end by 60mm. This small extension of the existing gaps would allow the complainant’s mobility scooter to traverse the path, yet would have only a minimal effect on the current situation regarding motor scooters.
- 3.4 Option 2.4.4, widening both accesses to 1m and introducing two more barriers one at each end in a staggered arrangement, would ensure the Council complies in all respects with the Disability Discrimination Act. However, as the path at both ends is under 2m wide, this would leave a small centre gap, which could possibly lessen any detrimental affect for motor scooter riders.
- 3.5 The law states that a cyclist who rides on a footpath commits trespass against the holder of the land over which the path runs. District councils have powers to make byelaws to restrict or prohibit cycling on specified footpaths and traffic authorities have powers under the Road Traffic Regulations Act 1984 to make orders to the same effect. It is a criminal offence under the Road Traffic Act 1988 S.34 to drive a mechanically propelled vehicle over a footpath. S.34 does not apply to invalid carriages.
- 3.6 In conjunction with 3.2, 3.3 or 3.4 above, or as a measure on its own, “No Cycling” signs could be erected at each end of the path. Although without the legal backing of a Traffic Regulation Order, this should nevertheless provide a further deterrent to cyclists and motor scooter riders along the footpath.
- 3.7 It is recommended that Options 2.4.3 and 2.4.5 are adopted as the most cost-effective and equitable solution.

4. FINANCIAL IMPLICATIONS

- 4.1 Option 2.4.1 would cost nothing.

- 4.2 Options 2.4.2 and 2.4.3 are estimated to cost £300.
- 4.3 Option 2.4.4 is estimated to cost £600
- 4.4 Option 2.4.5 is estimated to cost £200.
- 4.5 The recommended options, therefore, are estimated to cost a total of £500. However, funding from the Rights of Way budget is very limited and, at present, there is no funding available. The same applies to the Local Transportation budget. The Electoral Division Member (Mrs Saliagopoulos) has agreed to support this important work to enable these essential works to proceed which can be paid for by Mrs Saliagopoulos members' fund allocation through delegated authority.

5. SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 5.1 There are no implications.

6. CRIME & DISORDER IMPLICATIONS

- 6.1 Improved arrangements along this footpath may lessen the extent of antisocial behaviour in the immediate area.

7. EQUALITIES IMPLICATIONS

- 7.1 Improved access along this footpath resulting from a rearrangement of the existing barriers would be a positive benefit for the mobility impaired.

8. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 8.1 The recommended options would allow the complainant's mobility scooter to traverse the footpath by slightly increasing the clear access width, whilst at the same time providing a deterrent in the form of additional signing to kerb antisocial behaviour.

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BACKGROUND PAPERS: Drawing with photos of existing barrier and showing dimensioned arrangement.