

CABINET MEMBER DECISION

Decision:

PROPOSED STOPPING UP OF WEY ROAD AND ROUND OAK ROAD, WEYBRIDGE

(i) Details of decision

- (1) That an application be made to the Magistrates' Court for an order stopping up Wey Road and Round Oak Road as highways, in accordance with the provisions of Section 116 and 117 of the Highways Act 1980 and subject to the conditions of the County Council's approved policy on stopping up applications.
- (2) Prior to an application being made to the magistrates' court by the County Council, that the County Council require the applicant to produce a legally-binding indemnity to the effect that those owners that do not wish to contribute to the upkeep of the road (including utilities) shall not be required to do so.

(ii) Reasons for decision

The results of the consultation exercise carried out in November 2012 show that a significant majority of the owners of the properties fronting Wey Road and Round Oak Road wish them to be stopped up as highways.

(iii) Details of any alternative options considered and rejected

In addition to the Cabinet Member for Transport and Environment, the following people attended the meeting:

- Christian Mahne, local Member for Weybridge
- Ian Taylor, Highways Information Team Manager
- Laura Avery, Planning and Highways Lawyer
- Noel Groves – local resident
- Mike O'Sullivan – local resident

The Cabinet Member invited the officers to highlight the relevant points in relation to the details of consultation process and its outcome, as well as the legal aspects that needed to be considered as part of the proposed Stopping Up request.

Mr Grove made a short presentation on behalf of the Wey Road and Round Oak Residents Association – a copy is attached as an annex to this Decision Sheet.

(iv) Details of any consultation and representations received not included in the published report

None

Conflicts of Interest and any Dispensations Granted

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded and any dispensations granted by the Audit and Governance Committee)

None

Decision taken by:

- (i) **Name:** John Furey
- (ii) **Portfolio:** Cabinet Member for Transport and Environment

Date of Decision: 17 May 2013

Date of Publication of Record of Decision: 17 May 2013

Date decision effective (i.e. 5 working days after date of publication of record of decision unless subject to call-in by the Environment and Transport Select Committee): 28 May 2013

**Wey Road and Round Oak Residents Association
Presentation to Surrey County Council Cabinet Member
Friday 17 May 2013**

Weybridge has grown considerably in the last ten years, resulting in increased demand for low-cost and on-street parking. However, the situation that now exists is expensive with underutilised car parks, and 'residents only' parking zones, which leaves shop and office workers, together with the shoppers themselves, looking for free of charge parking. This is what Wey Road and Round Oak Road have become in recent years.

No longer can children play safely in our roads which, are now packed with parked cars, learner drivers and even motor cycle lessons. Unfortunately, car owners also think it is a good place to dump their rubbish of fast food and packaging, dirty nappies and other unpleasant matter.

Having worked for many years with both Borough and County Councils as the situation has worsened, it was not until Elmbridge Councillor Dodsworth recommended to us in 2011 that we take advantage of recent changes in County de-adoption policy implemented at the end of the previous year.

Following an extensive investigation by the Residents' Association Sub-committee set up for the purpose, a plan was devised and open forums and one-to-one private meetings held amongst the owners over a period of six months. Only after the Sub-committee was satisfied that it had carried out a full investigation of liabilities and responsibilities, and had budgeted costs as accurately as possible, were owners given the opportunity to vote for or against the proposal.

There was a 100% turnout for the vote from properties within either road, which returned an overwhelming majority decision in favour of 76.4%, following which, and in conjunction with our nominated Solicitors, an application was lodged with Surrey County Council in April 2012.

It should be noted at this point that, due to changes in circumstances, all 7 votes from Cedar Lodge and a majority of those from Stretton Court would now be cast in favour of the proposal, resulting in an increased paying majority of 82.6%.

The Sub-committee's 5-year budget has been compiled assuming an 80% majority, but is believed to be sufficiently robust to support a marginal reduction in that figure without requiring any payment from those few owners who felt they did not wish to participate, but who would still gain all the benefits of privatisation without any restriction in access. The revised result produces an excess number of contributors to budget.

Surrey CC then carried out its own consultation, which included all those properties that merely shared a common boundary with any part of Wey Road. The result again showed a favourable majority of 70.9%, but, with the changes already mentioned, this majority has now increased to 80.9%, including 3 non-responses, assumed to have no objection to the proposal.

The Highways Department has been most helpful, particularly Mr Ian Taylor, in allowing the Sub-committee to review objections in confidence without identification of individual voters. The Sub-committee took these objections most seriously and spent considerable time to ensure those matters, apart from personal views, were either ill-founded, or had been adequately covered.

The new management company will hold insurance cover against private, public and officer liability, together with defective title as it has not proved possible to locate any living relative of the family who are believed to be the historic owners of the land on which the roads now sit.

Should Surrey County Council approve both parties to continue with the process, we have put together a formidable group of owners who include lawyers, solicitors, a legal counsel, company directors, accountants and auditors to guide the way forward in conjunction with an outside firm of property solicitors with experience of the requirements.

We hope that the Cabinet Member will acknowledge the diligence that has been applied during this process to date, will accept our subject application, and agree that Surrey County Council will request the Magistrates Court to issue the required Stopping-up Order once final due diligence has been satisfactorily completed by both parties.

Thank you.

Noel Groves
Chairman, WRRRRA Roads' Joint Ownership Sub-committee
17 May 2013

