

Notice of Meeting

Cabinet Member for Highways Decisions



Date & time
Tuesday, 23
January 2018 at
4.30 pm

Place
Committee Room C,
County Hall, Kingston
upon Thames, Surrey
KT1 2DN

Contact
Angela Guest
Room 122, County Hall
Tel 0208 541 9075

Julie Fisher
**Acting Chief
Executive**

angela.guest@surreycc.gov.uk

If you would like a copy of this agenda or the attached papers in another format, eg large print or braille, or another language please either call 020 8541 9122, write to Democratic Services, Room 122, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 8914, fax 020 8541 9009, or email angela.guest@surreycc.gov.uk.

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Angela Guest on 0208 541 9075.

Elected Members
Mr Colin Kemp

AGENDA

1 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- i. Any disclosable pecuniary interests and / or
- ii. Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

2 PROCEDURAL MATTERS

MEMBERS' QUESTIONS

The deadline for Members' questions is 12pm four working days before the meeting (*17 January 2018*).

PUBLIC QUESTIONS

The deadline for public questions is seven days before the meeting (*16 January 2018*).

PETITIONS

The deadline for petitions was 14 days before the meeting, and no petitions have been received.

3 PROPOSED STOPPING UP OF KNIGHTS PLACE, REDHILL

(Pages 1
- 6)

Knights Place, a cul-de-sac off Noke Drive, Redhill, was adopted as a highway maintainable at public expense (by virtue of an agreement made under Section 38 of the Highways Act 1980) in January 2004.

The freehold owner of the road known as Knights Place (Knights Place, Redhill) Management Company has requested the County Council to apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over the road.

The Management Company's reason for wishing this to be done is to take responsibility for the road, which provides access to the properties at Knights Place.

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Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

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Thank you for your co-operation

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR HIGHWAYS****DATE: 23 JANUARY 2018****LEAD OFFICER: TREVOR PUGH, STRATEGIC DIRECTOR OF ENVIRONMENT AND INFRASTRUCTURE****SUBJECT: PROPOSED STOPPING UP OF KNIGHTS PLACE, REDHILL****SUMMARY OF ISSUE:**

Knights Place, a cul-de-sac off Noke Drive, Redhill, was adopted as a highway maintainable at public expense (by virtue of an agreement made under Section 38 of the Highways Act 1980) in January 2004.

The freehold owner of the road known as Knights Place (Knights Place, Redhill) Management Company has requested the County Council to apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over the road.

The Management Company's reason for wishing this to be done is to take responsibility for the road, which provides access to the properties at Knights Place.

RECOMMENDATIONS:

It is recommended that an application be made to the Magistrates' Court for an order stopping up Knights Place (identified on the plan at Annex 1) as highway, 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.

REASON FOR RECOMMENDATIONS:

Knights Place is a small cul-de-sac serving 3 blocks of private flats providing little or no function for the public at large. On completion of a successful application the County Council would be relinquished from any future maintenance liability for the road in question.

DETAILS:

1. Knights Place was adopted as a publicly maintainable highway by virtue of an adoption agreement made under Section 38 of the Highways Act 1980. The agreement, dated the 24th of August 2000, was made between Reigate and Banstead Borough Council (acting as the County Council's highway authority agents), Ideal Homes Limited and the National Housebuilding Council. The road was formally adopted on the 14th of January 2004.
2. Knights Place (Knights Place, Redhill) Management Company – the freehold owners of the road – approached the Council on behalf of the residents of Knights Place, requesting that the public rights be removed from the road in order for them to take responsibility for it.

3. When a request is received for the highway rights over road to be removed and the Cabinet Member for Highways considers that it is no longer necessary for the land to be part of the highway, the County Council will, subject to the conditions contained in the policy approved by the Cabinet on 21 December 2010, apply to the Magistrate's Court for an order stopping up the road as a highway.

CONSULTATION:

4. All owners of land and properties affected by the proposed stopping up application were written to and 35 responses were received (out of 46 letters sent). All responses received were in favour of the proposal.
5. The Development Manager at Reigate and Banstead Borough Council has raised no planning objections to the proposal.
6. Before making an application to the Magistrate's Court for a stopping up order the highway authority must serve notice of their intention to do so on the district/borough council and the parish council if there is one. If either council objects to the making of the application within two months of the date of service of the notice it may not be made.
7. At least 28 days before the making of an application for a stopping up order the highway authority must serve notice of their intention to apply for the order on:
 - the owners and occupiers of all lands adjoining the highway;
 - any utility company having apparatus under, in, upon, over, along or across the highway;
 - if the highway is a classified road, the Minister for Transport, district/borough council and parish council if there is one.

Notices must also be displayed on site and published in the London Gazette and at least one local paper 28 days prior to the making of the application.

RISK MANAGEMENT AND IMPLICATIONS:

8. The County Council's policy regarding applying for stopping up orders on behalf of a third party has been drafted to ensure that the Council is indemnified against all risks associated with the making of an application for a stopping up order. Providing the policies are adhered to and correct procedures are followed any risks will lie with those requesting the stopping up.

Financial and Value for Money Implications

9. The applicant is to pay all costs associated with the application for a stopping up order. There is no financial cost to the County Council.

Section 151 Officer Commentary

10. The S151 Officer confirms that all material financial and business issues and risks have been considered in this report.

Legal Implications – Monitoring Officer

11. The County Council's policy on applying for stopping up orders was drafted to meet the requirements of the Highways Act 1980 ("the Act"). Section 116 of the Act provides the power for a highway authority to apply to the Magistrates' Court for an order stopping up a highway, or part of a highway. Section 117 enables a highway authority to apply for a stopping up order on behalf of a third party. Schedule 12 to the Act determines the form of notices that must be given in connection with an application for a stopping up order.

Equalities and Diversity

12. The County Council has considered the loss of public parking here (maximum of 4 spaces) and, given the location and nature of Knights Place, there are no foreseen negative impacts in relation to equalities.

Other Implications:

13. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	No significant implications arising from this report
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report
Environmental sustainability	No significant implications arising from this report
Public Health	No significant implications arising from this report

WHAT HAPPENS NEXT:

14. When the applicant has deposited sufficient monies with the County Council to cover the cost of making an application for a stopping up order, the process of making the application will commence.
15. Before making an application to the Magistrates' Court for a stopping up order to be made the highway authority must serve notice of their intention to do so on the district/borough council and the parish council if there is one. If either council objects to the making of the application within two months of the date of service of the notice it may not be made.
16. At least 28 days before the making of an application for a stopping up order the highway authority must serve notice of their intention to apply for the order on:
- the owners and occupiers of all lands adjoining the highway;
 - any utility company having apparatus under, in, upon, over, along or across the highway;

- the Minister for Transport, district/borough council and parish council if there is one, if the highway is a classified road.
17. Notices must also be displayed on site and published in the London Gazette and at least one local paper 28 days prior to the making of the application.
 18. In accordance with clause 3 of the County Council's policy regarding requests for the removal of public rights over roads, any unresolved objections will be reported to the Tandridge Local Committee for a decision on whether to continue with the making of an application to the Magistrates' Court for a stopping up order to be made.

Contact Officer:

George Emmett, Highway Boundary Team Leader, 020 8541 7446

Consulted:

Trevor Pugh, Strategic Director of Environment and Infrastructure
Lucy Monie, Head of Highways and Transport
Zena Curry, Area Highways Manager
Nancy El-Shatoury, Legal Services
Tony Orzieri, Financial Services
Jonathan Essex, County Councillor
Richard Coad, Borough Councillor
Steve McKenna, Borough Councillor
Andrew Benson, Head of Planning, Reigate and Banstead BC
Debbie Prismall, Countryside Access, Surrey County Council
All property owners at Knights Place, Redhill

Annexes:

Annex 1 – Plan: Land subject of proposed application – Knights Place, Redhill

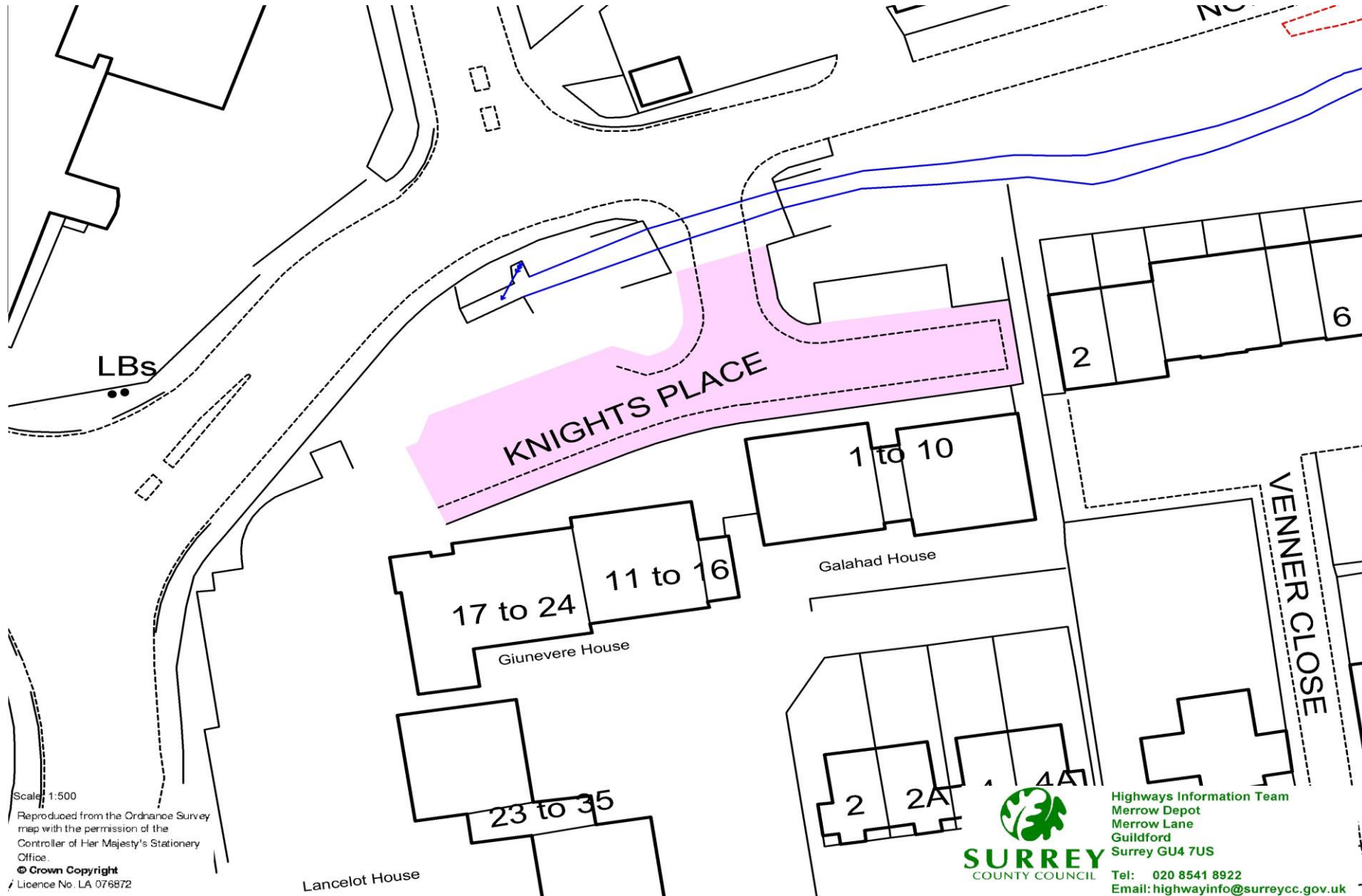
Sources/background papers:

Sections 116 & 117 and Schedule 12, Highways Act 1980:

<http://www.legislation.gov.uk/ukpga/1980/66>

Report to the Cabinet on 21 December 2010 titled "Policy Regarding the Removal of Public Rights Over Roads and Highway Land" (item 12).

[http://mycouncil.surreycc.gov.uk/celistdocuments.aspx?MID=466&DF=21%2f12%2f2010&A=1&R=0&F=embed\\$Item%2012%20-%20Policy%20regarding%20the%20removal%20of%20Public%20Rights%20over%20Roads%20and%20Highway%20Land.htm](http://mycouncil.surreycc.gov.uk/celistdocuments.aspx?MID=466&DF=21%2f12%2f2010&A=1&R=0&F=embed$Item%2012%20-%20Policy%20regarding%20the%20removal%20of%20Public%20Rights%20over%20Roads%20and%20Highway%20Land.htm)



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