

Report to: The Chief Officer (Highways and Transportation)

Date: 16 February 2016

Subject: Section 116 Highways Act 1980 – Stopping Up Order – Lingwell Green (Part), Middleton, Leeds LS10

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|--|---|--|
| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Middleton Park | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

- 1 To declare an area of adopted highway comprising part of Lingwell Green, Middleton, Leeds LS10 unnecessary in accordance with Section 116 of the Highways Act 1980.

Recommendations

- 2 The Chief Officer (Highways and Transportation) is requested to instruct the council's City Solicitor to apply to the Magistrates' Court for a Stopping Up Order under the provisions of Section 116 of the Highways Act 1980 for the area of adopted highway shown hatched on the attached drawing number SD/217960/LG/01. The total area of highway to be stopped up is approximately 38 square metres.

1 Purpose of this report

- 1.1 To seek approval to promote a Stopping Up Order for an area of adopted highway, comprising part of Lingwell Green, Middleton, Leeds LS10.

2 Background information

- 2.1 Lingwell Green is situated in Middleton approximately 5.5km south of Leeds City Centre. It was constructed to serve a development which was never completed and the undeveloped part of the site was subsequently developed with a different road layout. The area of highway proposed for stopping up was not needed as part of the new layout.

3 Main issues

- 3.1 The area of highway to be stopped up is considered unnecessary in accordance with Section 116 of the Highways Act 1980 and is shown on the enclosed plan reference SD/217960/LG/01.
- 3.2 An application to the Magistrates' Court under Section 116 of the Highways Act 1980 is required to stop up the area of adopted highway shown hatched on the enclosed plan reference SD/217960/LG/01.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members have been consulted by a letter and drawing dated 12 January 2016. To date no responses have been received.
- 4.1.2 The City Solicitor will inform the Statutory Undertakers and Emergency Services as part of the statutory consultation process of promoting a Stopping Up Order.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.3 The proposals are a legal requirement and will not impact on any equality characteristic more significantly than any other.

4.3 Council policies and City Priorities

- 4.3.1 There are no consequences in relation to Council Policies as a result of this decision.

4.4 Resources and value for money

- 4.4.1 The applicant has agreed to cover the costs incurred in promoting the Stopping Up Order. The estimated cost is £3000 plus the advertising costs which will be approximately £800.

4.5 Legal Implications, Access to Information and Call In

The applicant for the Stopping Up Order has agreed to meet the costs, if any, which may be incurred by Statutory Undertakers exercising their rights under Section 116 of the Highways Act 1980 to recover from the Council the cost of removing, diverting or abandoning any equipment located in, on, over, along or across the highway(s) affected by an Order granted under Section 116.

4.6 Risk Management

- 4.6.1 None

5 Conclusions

- 5.1 The area of adopted highway comprising part of Lingwell Green, Middleton, Leeds LS10 is considered to be unnecessary in accordance with Section 116 of the Highways Act 1980.

6 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is requested to instruct the City Solicitor to apply to the Magistrates' Court for a Stopping Up Order under the provisions of Section 116 of the Highways Act 1980 for the area of adopted highway shown hatched on the attached drawing number SD/217960/LG/01. The total area of highway to be stopped up is approximately 38 square metres.

7 Background documents ¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

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|--------------------------------------|--|
| Directorate: City Development | Service area: Highways and Transportation |
| Lead person: Nick Flood | Contact number: 0113 247 6382 |

1. Title: Section 116 Highways Act 1980 – Stopping Up Order – Lingwell Green (Part), Middleton, Leeds LS10

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify:

2. Please provide a brief description of what you are screening

Declaring an area of adopted highway comprising part of Lingwell Green, Middleton, Leeds LS10 unnecessary in accordance with Section 116 of the Highways Act 1980.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

| When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels). | | |
|--|-----|----|
| Questions | Yes | No |
| Is there an existing or likely differential impact for the different equality characteristics? | | X |
| Have there been or likely to be any public concerns about the policy or proposal? | | X |
| Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom? | | X |
| Could the proposal affect our workforce or employment practices? | | X |
| Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations | | X |

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

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| <p>4. Considering the impact on equality, diversity, cohesion and integration</p> |
| <p>If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.</p> <p>Please provide specific details for all three areas below (use the prompts for guidance).</p> |
| <ul style="list-style-type: none"> • How have you considered equality, diversity, cohesion and integration? (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected) |
| <ul style="list-style-type: none"> • Key findings (think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another) |

- **Actions**
(**think about** how you will promote positive impact and remove/ reduce negative impact)

5. If you are **not** already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.**

| | |
|--|-----|
| Date to scope and plan your impact assessment: | N/A |
| Date to complete your impact assessment | N/A |
| Lead person for your impact assessment (Include name and job title) | N/A |

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

| Name | Job title | Date |
|---------------|----------------------------------|-----------------|
| Dave Stainsby | Group Engineer, Site Development | 13 January 2016 |

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

If this screening relates to a **Key Delegated Decision, Executive Board, full Council** or a **Significant Operational Decision** a copy should be emailed to Corporate Governance and will be published along with the relevant report.

A copy of **all other** screening's should be sent to equalityteam@leeds.gov.uk. For record keeping purposes it will be kept on file (but not published).

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|--|-----------------|
| Date screening completed | 13 January 2016 |
| If relates to a Key Decision - date sent to Corporate Governance | |
| Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk) | 13 January 2016 |