

Report to: The Chief Officer (Highways and Transportation)

Date: 16 February 2016

Subject: Section 228 Highways Act 1980 – Adoption of Turning Head (Part) and Adjacent Footway, Primrose Hill, Pudsey LS28

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Calverley and Farsley	<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 the main issues

- 1 Adopting an area of highway at Primrose Hill, Pudsey, Leeds LS28 in accordance with Section 228 of the Highways Act 1980.

Recommendations

- 2 The Chief Officer (Highways and Transportation) is requested to:
 - i) take all necessary steps to under the provisions of Section 228 of the Highways Act 1980 to declare the area of highway shown hatched on the attached Drawing SD/994652/PH/01 to be highway maintainable at public expense;
 - ii) instruct the City Solicitor to prepare and advertise notices under the provisions of Section 228 of the Highways Act 1980 declaring the area of highway shown hatched on the attached Drawing SD/994652/PH/01 to be highway maintainable at public expense and
 - iii) if objections are received from the majority of the owners of the land, request the City Solicitor to make immediate application to the Magistrates' Court for an Order overruling the objections.

1 Purpose of this report

- 1.1 To seek approval for advertising notices under the provisions of Section 228 of the Highways Act 1980 with a view to adopting part of the turning head and adjacent footway at Primrose Hill, Pudsey, as a highway to be maintained at public expense.

2 Background information

- 2.1 Work has recently been carried out to construct a turning head and adjacent footway at Primrose Hill, Pudsey, part of which is in land for which no known ownership can be traced.

3 Main Issues

- 3.1 Section 228 of the Highways Act 1980 allows Highway Authorities to adopt and declare a street to be a highway maintainable at public expense after carrying out street works.
- 3.2 It is proposed to adopt the area of highway shown hatched on Drawing SD/994562/PH/01 using powers under Section 228 of the Highways Act. If the owner of the land (or, if more than one, the majority of owners) objects to the proposal, the Council would need to apply to a Magistrates' Court within a period of two months from the expiry of the notice for an Order overruling the objections. Providing any objections can be overcome, the highway would then become adopted.

3 Corporate Considerations

3.1 Consultation and Engagement

- 3.1.1 Ward Members were consulted by a letter and drawing dated -. To date no responses have been received.

3.2 Equality and Diversity / Cohesion and Integration

- 3.2.1 The proposals will not impact on any equality characteristic more significantly than any other.

3.3 Council Policies and City Priorities

- 3.3.1 There are no consequences in relation to Council Policies

3.4 Resources and value for money

- 3.4.1 The area of highway to be adopted will become maintainable at public expense.
- 3.4.2 All staff and legal costs involved in the Section 228 process will be funded from the Children's Services Capital Program.

3.5 Legal Implications, Access to Information and Call In

- 3.5.1 If the owner of that land objects, the Council would need to apply to a Magistrates' Court for an Order overruling the objection.

3.6 Risk Management

- 3.6.1 The Section 228 Notice will be displayed on site and advertised by the Council following authorisation of this report by Highways Board. The successful adoption of the highway depends on any objections made by landowners being overruled by the Magistrates' Court.

4 Conclusions

- 4.1 The area of highway shown hatched on Drawing SD/994562/PH/01 should be adopted using powers under Section 228 of the Highways Act.

5 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is requested to:
- i) take all necessary steps to under the provisions of Section 228 of the Highways Act 1980 to declare the area of highway shown hatched on the attached Drawing SD/994652/PH/01 to be highway maintainable at public expense;
 - ii) instruct the City Solicitor to prepare and advertise notices under the provisions of Section 228 of the Highways Act 1980 declaring the area of highway shown hatched on the attached drawing number SD/994652/PH/01 to be highway maintainable at public expense; and
 - iii) if objections are received from the majority of the owners of the land, request the City Solicitor to make immediate application to the Magistrates' Court for an order overruling the objections.

6 Background documents ¹

- 6.1 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.

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

1. Title: Section 228 Highways Act 1980 – Adoption of Turning Head (Part) and Adjacent Footway, Primrose Hill, Pudsey LS28

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify:

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

Adopting an area of highway comprising part of Primrose Hill, Pudsey, Leeds LS28 as a highway maintainable as public expense in accordance with Section 228 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**.

4. Considering the impact on equality, diversity, cohesion and integration
<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	20 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).

Date screening completed	20 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)	20 January 2016