

Report to the Chief Officer (Highways and Transportation)

Date: 13 September 2016

Subject: Section 116 Highways Act 1980 – Stopping Up Order – Highway Spur Off Brayton Green, Swarcliffe

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Cross Gates and Whinmoor
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 a spur off Brayton Green, Swarcliffe unnecessary in accordance with Section 116 of the Highways Act 1980.

Recommendations

- 2 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 drawing SD/217960/BG/01 (Appendix A).

1. Purpose of this report

- 1.1 To seek approval to promote a stopping up order for an area of adopted highway, comprising a spur off Brayton Green, Swarcliffe.

2 Background information

- 2.1 Brayton Green is situated in Swarcliffe, approximately 7km north east of Leeds City Centre. The spur to be stopped up originally served an old people's home at the corner of swarcliffe Avenue and Brayton Green which was demolished in 2003. The site is now vacant and the council intends to sell it for development as a doctors' surgery.

- 2.2 The access next to 35 Brayton Green is no longer needed and, as it is adopted highway, it will have to be legally stopped up. The area area of highway to be stopped up, approximately 11 square metres, is shown hatched on Drawing SD/217960/BG/01.
- 2.3 The redundant highway spur has already been removed and the footway along Brayton Green continued across the gap. Stopping up under Section 116 of the Highways Act 1980 is needed rather than under Section 247 of the Town and Country Planning Act 1990 because the work has already taken place and would not therefore be needed to implement a planning consent.

3 Main issues

- 3.1 A section of adopted highway is no longer needed since the demolition of former buildings on the site. The area of highway to be stopped up is therefore considered unnecessary in accordance with Section 116 of the Highways Act 1980 and is shown hatched on Drawing SD/217960/BG/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 Drawing SD/217960/BG/01.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward members have been consulted by a letter and drawing dated 31 May 2016. 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

- 4.2.1 An equality, diversity, cohesion and integration screening (Appendix B) has been carried out and confirms that a full impact assessment is not required. The proposals 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 £3,000 plus the advertising costs which will be approximately £800.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The applicant 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 the access to vacant land on the corner of Swarcliffe Avenue and Brayton Green, Swarcliffe, 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 Drawing SD/217960/BG/01.

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.

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 – Highway Spur Off Brayton Green, Swarcliffe

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 a spur off Brayton Green, Swarcliffe, 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 X 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	31 May 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	31 May 2016
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	31 May 2016