

Report to the Chief Officer (Highways and Transportation)

Date: 06 June 2017

Subject: Section 116 Highways Act 1980 – Stopping Up Order – Charles Gardens, Holbeck LS11

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Beeston and Holbeck		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

- 1 To declare an area of adopted highway known as Charles Gardens in Holbeck, shown hatched on drawing SD/997042/CG/01 (Appendix A), 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 Section 116 of the Highways Act 1980 for the area of adopted highway shown hatched on drawing SD/997042/CG/01.

1 Purpose of this report

- 1.1 To seek approval to promote a stopping up order for an area of adopted highway, known as Charles Gardens in Holbeck.

2 Background information

- 2.1 Charles Gardens is a cul de sac off Holbeck Moor Road in Holbeck, approximately 1.4km south west of Leeds City Centre. The road originally served housing which has now been demolished and the site redeveloped.
- 2.2 The road is therefore no longer needed and, as it is adopted highway, it will have to be legally stopped up. The area area to be stopped up, approximately 560 square metres, is shown hatched on Drawing SD/997042/CG/01.

- 2.3 The redundant highway has already been removed so 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. The footway along Holbeck Moor Road has been continued across the gap as part of the development.

3 Main issues

- 3.1 An area 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/997042/CG/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/997042/CG/01.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward members were consulted by a letter and drawing dated 10 March 2017 and no responses were received. The City Solicitor will inform statutory undertakers and emergency services as part of the statutory consultation process.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An equality, diversity, cohesion and integration screening (Appendix B) was carried out, confirming that a full impact assessment is not needed. 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 known as Charles Gardens in Holbeck 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 Section 116 of the Highways Act 1980 for the area of adopted highway shown hatched on Drawing SD/997042/CG/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.

Appendix B

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 37 87461

1. Title: Section 116 Highways Act 1980 – Stopping Up Order – Charles Gardens, Holbeck LS11

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 known as Charles Gardens in Holbeck 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	
If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.	
Please provide specific details for all three areas below (use the prompts for guidance).	
<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. 	
<ul style="list-style-type: none"> • 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	10 March 2017

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	10 March 2017
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	10 March 2017