

Report to: The Chief Officer (Highways and Transportation)

Date: 05 June 2018

Subject: Section 116 Highways Act 1980 – Stopping Up Order – Low Whitehouse Row, Glasshouse Street and the Footway Linking Low Whitehouse Row with St Helen’s Street in Hunslet, Leeds LS10

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): City and Hunslet		
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:		

1 Summary of Main Issues

To declare the area of adopted highway shown hatched on Drawing SD/217960/GS/01B in Appendix A comprising Low Whitehouse Row, Glasshouse Street and the footway linking Low Whitehouse Row with St Helen’s Street in Hunslet, Leeds LS10, unnecessary in accordance with Section 116 of the Highways Act 1980.

2 Recommendations

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/GS/01B.

1 Purpose of this Report

- 1.1 To seek approval to promote a Stopping Up Order for the area of adopted highway, comprising Low Whitehouse Row, Glasshouse Street and the footway linking Low Whitehouse Row with St Helen’s Street, Hunslet, Leeds LS10.

2 Background Information

- 2.1 Low Whitehouse Row and its continuation, Glasshouse Street, are in Hunslet approximately 1.7km south east of Leeds City Centre. Low Whitehouse Row and

Glasshouse Street form a cul de sac off Whitehouse Street in the north west quadrant of the junction between Hunslet Road and Hunslet Distributor Road.

- 2.2 Hunslet Road, Glasshouse Street, Low Whitehouse Row and Whitehouse Street form the perimeter of a factory and office complex known as Angel's Wing. There is a car park for Angel's Wing on the western side of Low Whitehouse Row.
- 2.3 There are footways on the eastern side of Low Whitehouse Row and northern side of Glasshouse Street and a turning head on the southern side of Glasshouse Street. A further footway runs alongside the distributor road linking Low Whitehouse Row with St Helen's Street to the west and there are landscaped areas between the distributor road and Glasshouse Street and between the distributor road and the footway linking Low Whitehouse Row with St Helen's Street.
- 2.4 Low Whitehouse Row and Glasshouse Street, including their footways, the footway linking Low Whitehouse Row with St Helen's Street and the two landscaped areas are adopted highway but not the turning head. Low Whitehouse Row and Glasshouse Street provide on street parking and access to off street parking for Angel's Wing. The footway alongside Glasshouse Street and the footway linking Low Whitehouse Row with St Helen's Street provide a pedestrian route alongside the Distributor road.
- 2.5 Union Industries, which owns Angel's Wing, owns the land on both sides of Low Whitehouse Row and the northern side of Glasshouse Street but no part of the land occupied by any adopted highway. Leeds City Council owns the land occupied by half the widths of both Low Whitehouse Row and Glasshouse Street, the land occupied by the footway linking Low Whitehouse Row with St Helen's Street, the turning head and both landscaped areas. Union Industries maintains the landscaped area between the distributor road and Glasshouse Street under an informal arrangement.
- 2.6 Statutory undertakers have equipment in Low Whitehouse Row, Glasshouse Street, the footway linking Low Whitehouse Row with St Helen's Street and both landscaped areas. There are two lighting columns for the distributor road located in each landscaped area and a length of guardrailing runs alongside the distributor road.
- 2.7 Union Industries is seeking a stopping up order for Low Whitehouse Row, Glasshouse Street and the footway linking Low Whitehouse Row with St Helen's Street to carry out environmental improvement work and improve maintenance. The total area of highway to be stopped up is approximately 1,100 square metres. Drawing SD/217960/GS/01B shows the area of adopted highway proposed for stopping up and Drawing SD/217960/GS/03B in Appendix A shows the area of adopted highway which would remain following the proposed stopping up order.
- 2.8 Whitehouse Street, which has a continuous footway along each side, provides an alternative pedestrian route. Drawing SD/217960/GS/04A in Appendix A shows the footways which would remain following the proposed stopping up order.
- 2.9 On ceasing to be highway, control of the land the highway occupies passes to whoever owns it or, if no-one does, half the width passes to each frontage. This

would leave Union Industries and the council each controlling half the width of each road.

- 2.10 Union Industries has agreed to buy the council's half width of each road, the turning head and the footway linking Low Whitehouse Row with St Helen's Street. Drawing SD/217960/GS/06B in Appendix A shows the area of land to be sold to the applicant.
- 2.11 The two planted areas will remain in council ownership and Union Industries will have a licence to cultivate them. The guardrailing and lighting columns will be unaffected.
- 2.12 Union Industries will cover any costs 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 highways affected by a stopping up order.

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 hatched on Drawing SD/217960/GS/01B. 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/GS/01B.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members were consulted by a letter and drawing dated 27 October 2016 and no responses were received. The Highways and Transportation Service's access officer has been consulted about the proposed alternative pedestrian route along Whitehouse Street and has no objection. The City Solicitor will inform 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 has been carried out (Appendix B) and confirms that a full impact assessment is not required as 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 specific implications for council policies or city priorities.

4.4 Resources and value for money

- 4.4.1 The applicant, Union Industries, has paid the standard fee for promoting a stopping up order of £3,800 which includes advertising costs of approximately £800. 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 any highway affected by an order granted under Section 116.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 None of the content of this report is exempt from public display or contains confidential information. Any decisions arising from this report are eligible for call in.

4.6 Risk Management

- 4.6.1 There is negligible risk to the council.

5 Conclusions

- 5.1 The area of adopted highway comprising Low Whitehouse Row, Glasshouse Street and the footway linking Low Whitehouse Row with St Helen's Street, Hunslet, 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 Drawing SD/217960/GS/01B.

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 – Low Whitehouse Row, Glasshouse Street and the Footway Linking Low Whitehouse Row with St Helen's Street in Hunslet, 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 Low Whitehouse Row, Glasshouse Street and the footway linking Low Whitehouse Street with St Helen's Street in Hunslet, 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**.

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	27 October 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	27 October 2016
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	27 October 2016