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Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr Matt Wright (Chairman)

CS/NG

Councillors: Haydn Bateman, Derek Butler,
Peter Curtis, Chris Dolphin, David Evans,
Veronica Gay, Cindy Hinds, Ray Hughes,
Joe Johnson, Colin Legg, Nancy Matthews,
Ann Minshull, Paul Shotton and Carolyn Thomas

3 October 2013

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Dear Sir / Madam

A meeting of the **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 9TH OCTOBER, 2013** at **10.00 AM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **POLICY FOR UNADOPTED ROADS** (Pages 1 - 4)
Report of Director of Environment

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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

4 **POLICY FOR THE PLACEMENT OF HIGHWAY STREET FURNITURE AND
OTHER TEMPORARY OBSTRUCTIONS ON THE ADOPTED HIGHWAY**
(Pages 5 - 16)

Report of Director of Environment

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **ENVIRONMENT OVERVIEW AND SCRUTINY**

DATE: **WEDNESDAY 9TH OCTOBER 2013**

REPORT BY: **DIRECTOR OF ENVIRONMENT**

SUBJECT: **POLICY FOR UNADOPTED ROADS**

1.00 PURPOSE OF REPORT

1.01 To seek approval of a Policy for un-adopted roads across the County.

2.00 BACKGROUND

2.01 There are a number of roads in the County which for various reasons remain un-adopted with residents unsure of their maintenance responsibilities and the process that should be followed in order to bring the road to an adoptable standard. The lack of a clear Policy causes frustration for residents and for the staff dealing with requests from residents for maintenance work to be carried out on these roads.

3.00 CONSIDERATIONS

3.01 The term un-adopted road or 'Private Street' has a statutory definition which relates to the ongoing maintenance liability for the road. Private Streets, unlike the majority of highways are not maintained by the County Council as local highway authority. Consequently a number of Private Streets in the County have suffered from a lack of maintenance and are now in poor condition. In many cases, the Private Street will be a highway. This means that the Council has a duty to assert and protect the rights of the public to use the Private Street, although not to maintain it. So far as there is any liability to maintain a private street, that lies with the owners of the street who will usually be the owners of the properties fronting the street.

3.02 If a Private Street is brought up to a defined standard, the County Council can adopt the road which will then cease to be a Private Street and becomes maintainable at public expense. The usual process is under the Private Street Works Code as set out in the Highways Act 1980. This can be a very lengthy and complex process which involves the Council in preparing a specification, plans, sections and estimate of the costs of the works, which are provisionally, and then finally (when the cost is known), apportioned among the frontages on the street. The costs incurred in carrying out the work to bring the road up to an adoptable standard is then recovered from

residents, normally based on a pro rata comparison to the length of each property's boundary with the new highway, and an assessment of the degree of benefit to each property. In these circumstances the Council would be liable for a contribution for the frontages of any properties within the ownership of the Council on the road and for any sections of the road without property frontage e.g. street end. The maximum Council contribution in this respect would be 20% of the complete cost of the proposed adoption work.

- 3.03 The Council does not hold a budget to contribute towards the cost of upgrading Private Streets and any contribution would need to come from existing maintenance budgets. In practice the improvement of Private Streets would provide only a marginal improvement to the overall highway network of the Council, as a high proportion of Private Streets are cul-de-sacs and of little strategic importance. However, there are good reasons for the County Council to support the process of improving these roads as it facilitates an equitable approach to highway adoption and maintenance arrangement for all residents of the County.
- 3.04 Without clear guidance, the mechanism for the adoption of a Private Street is not clear to residents, some of whom can put a great deal of time and effort into developing a proposal which the County Council or their neighbours are subsequently unable to support, either for financial or technical reasons.
- 3.05 A procedure is already in place for Highways on new Residential Developments to become adopted by the County Council under a legal agreement set out in Section 38 of the Highways Act 1980. Section 38 of the Highways Act is used by Flintshire County Council as Highway Authority to take over and maintain at public expense (adopt) new streets that have been constructed, lit and drained to agreed standards. This approach would therefore provide an effective mechanism for dealing with Private Streets.
- 3.06 Therefore the following Policy for dealing with Private Street Works applications is proposed:

The County Council will adopt a Private Street into the Highway Network if all of the residents on the street comply with the following:

- Submit a detailed design, meeting all the requirements of the current Section 38 process;
- Enter into a Section 38 agreement with the Council (this requires the owners of the street to dedicate it as highway);
- Can demonstrate that they will meet the total costs of upgrading the street in accordance with the Section 38 agreement. (with a Council contribution – if appropriate)
- Arrange for the construction of the works to be undertaken by a contractor approved by the County Council

- 3.07 The County Council will provide assistance to the applicant(s) by checking and approving the design details, preparing the Section 38 agreement and inspecting the works as they are carried out. The County Council will not make a charge for the assistance in the case of Private Streets in existence prior to the implementation of this Policy.
- 3.08 This proposal requires agreement of all frontages. If agreement can not be obtained from all of the frontages the County Council will be unable to enter into a Section 38 agreement and the road will not be adopted.
- 3.09 Maintenance liability on Private Streets will continue to be the responsibility of the owner(s) of the properties fronting on to it until it is formally adopted by the Council.
- 3.10 The Council will provide free of charge surplus road planing material to residents (subject to availability and if requested to do so) which they must spread themselves/at their own expense to temporarily fill any holes or defects in the road. The material will be supplied without prejudice and without assuming any liability for long term maintenance for the completed work or for the road in general.

4.00 RECOMMENDATIONS

- 4.01 That Members approve the Policy for Private Street adoptions and the interim maintenance arrangements on these un-adopted roads, as set out in paragraphs 3.06 and 3.10 inclusive.

5.00 FINANCIAL IMPLICATIONS

- 5.01 All of the proposals will operate from within existing budgets.

6.00 ANTI POVERTY IMPACT

- 6.01 Not applicable.

7.00 ENVIRONMENTAL IMPACT

- 7.01 No impact.

8.00 EQUALITIES IMPACT

- 8.01 A desk top assessment indicated the Policies included in the report do not unfairly impact on any particular group.

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 With Cabinet Member.

12.00 APPENDICES

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Contact Officer: Mr Steve Jones
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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **ENVIRONMENT OVERVIEW AND SCRUTINY**

DATE: **WEDNESDAY 9TH OCTOBER 2013**

REPORT BY: **DIRECTOR OF ENVIRONMENT**

SUBJECT: **POLICY FOR THE PLACEMENT OF HIGHWAY STREET FURNITURE AND OTHER TEMPORARY OBSTRUCTIONS ON THE ADOPTED HIGHWAY**

1.00 PURPOSE OF REPORT

- 1.01 To seek Member approval to adopt a Policy defining the type of street furniture which can be approved for use on the Adopted Highway to ensure a co-ordinated and consistent approach throughout the County

2.00 BACKGROUND

Street Furniture

- 2.01 Street furniture can be any item placed on the Adopted Highway for the benefit of the highway user and can include litter bins, seats, flower containers, advertisements, etc.
- 2.02 Whilst the majority of street furniture is owned and the responsibility of Flintshire County Council, other organisations may request items to be placed on the highway. In such cases the promoter must seek the Council's prior approval for the placement and unless a prior agreement for maintenance is made, the promoter will become responsible for the future maintenance of the item. This applies to Community Councils who may wish to place flower containers, seats or litter bins etc. within their community for the benefit of the residents there.
- 2.03 It is important that street furniture does not impact on the safety of the highway user and consideration for disabled and visually impaired highway users should be taken into account before approval is granted. There are however occasions when street furniture, such as safety guardrails, have to be erected to ensure the safety of all highway users, e.g. at school entrances or on extremely busy roads.

Obstructions on the Public Highway

- 2.04 Each year the Council receives numerous applications to place temporary obstructions on the public highway. This includes

requests to place skips, scaffolding, hoardings and building equipment/material on either the footway or carriageway.

- 2.05 In addition, many businesses place advertising signs on street furniture or directly onto the footpath in the form of 'A' boards. Without a formal approval process, these signs can often become a danger to the highway user by either creating a trip hazard, by restricting visibility or diverting the attention of drivers at busy junctions etc.
- 2.06 Each year the Council is required to remove unapproved obstructions from the public highway, e.g. advertisement boards. Without clear guidance and policy, this often creates uncertainty and confusion for staff and the owners of the obstructions.
- 2.07 The adoption of a clear policy for the placement of street furniture and temporary obstructions will ensure that Flintshire County Council complies with the statutory requirements of both the Highways Act 1980 and the Town and Country Planning (Control of Advertisement) Regulations 1994. This will maximise the operational efficiency and safety of the Highway Network and ensure a fair and consistent approach across the County for the provision of street furniture and for controlling and approving advertisements and all other materials placed on the Adopted Highway.

3.00 CONSIDERATIONS

Street Furniture

- 3.01 The Highway Network in Flintshire consists of 1,161 km of carriageway and approximately 938 km of footways. There are approx 6,000 signs and an unrecorded number of other items of street furniture i.e. seats and benches on the network.
- 3.02 As the network grows and maintenance budgets come under pressure, it is important that signage and street furniture are of a consistently high standard, requiring minimal maintenance. All signs must be bi-lingual and approved in accordance with the Council's Corporate Welsh Language Policy.
- 3.03 The maintenance of all Council owned street furniture is the responsibility of Streetscene within the Environment Directorate. The cost of replacing some items of bespoke street furniture installed and originally funded by external sources can be significant.
- 3.04 **Appendix 1** defines the approval process which should be followed before any item of street furniture can be installed on the Adopted Highway. It also defines the designated service area that will approve the addition to the Network

- 3.05 The Policy for the removal of any unauthorised Street Furniture is detailed in the Council's Environment Enforcement Policy (see separate agenda item)

Obstructions on the Public Highway

- 3.06 There are on average each year:-

Applications to place skips on the network.	250
Applications to place scaffolding on the network	60
Applications to place building material on the network	Not currently required to apply
Applications to place hoardings on the network.	2

- 3.07 The policy and approval/charging arrangement for all applications to place obstructions or advertisements on the Adopted Highway Network are shown in **Appendix 2**.

- 3.08 Authority to remove objects deemed to be causing an obstruction on the Highway is provided by the Highways Act 1980 and the Council's approach to removing the items is detailed in the Council's Environment Enforcement Policy and **Appendix 3**

4.00 RECOMMENDATIONS

- 4.01 That Members approve the Policy for the Placement of street furniture on the Adopted Highway Network, as set out in the report.

- 4.02 To delegate authority to the Head of Assets and Transportation to determine all requests and actions under the attached policies.

5.00 FINANCIAL IMPLICATIONS

- 5.01 There are no financial implications from this report. The income from the existing licences is incorporated into the budget allocation within the Environment Directorate

- 5.02 Appendix 2 compares the Council's charges against neighbouring authorities, where available.

6.00 ANTI POVERTY IMPACT

Not Applicable

7.00 ENVIRONMENTAL IMPACT

7.01 The policy will reduce the quantity of unauthorised signs and ensure a consistent standard for street furniture on the Public Highway

8.00 EQUALITIES IMPACT

8.01 A desk top equalities impact assessment has been completed and confirmed that the policy in general is designed to meet the needs of all groups. Further consultation is required for individual applications in respect of the specification for seats and benches and the location of 'A' frame advertisement boards.

9.00 PERSONNEL IMPLICATIONS

9.01 Approval for the placement of street furniture and other obstructions on the Network will be undertaken by existing staff from the Streetscene service or the Assets Team within the Environment Directorate - as detailed in the Appendices

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 With Cabinet Member

12.00 APPENDICES

12.01 Appendix 1 - Policy for approving the placement of permanent street furniture on the Adopted Highway Network.

12.02 Appendix 2 - Policy for approving temporary obstruction of the Adopted Highway Network

12.03 Appendix 3 - Policy for removing unauthorised temporary obstruction of the Adopted Highway Network

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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Flintshire County Council

Policy for the approval of permanent street furniture on the public highway

Classification	Standard	Guidelines/minimum standard	Process for approving location	Guidelines to be followed	Final approval
Traffic Signs and road bollards	As per Department for Transport Statutory Instruments and Guidance	As per Department for Transport Statutory Instruments and Guidance	<ul style="list-style-type: none"> - Formal request to Traffic Section – Assets Dept - Need assessed against criteria - Rechargeable/provided by FCC - Site inspection - Design production/approval - Payment/Erection 	DFT/Welsh Govt.	Head of Assets/ designated officer
Road/Street Name Plates	The signs will be plastic faced on galvanised and plastic coated frame details as FCC standard details	A minimum of a single name plate at each end of roads with names noted on the councils inventory	<ul style="list-style-type: none"> - Formal request - Consult with Building Control - Site inspection - Risk Assessment to assess the location to minimise the impact on all the network users 	Streetscene standards	Streetscene Manager
Pedestrian Guardrails	Galvanised steel standard or other suitable rail in accordance with guidance notes	As required following Highway statutory and advisory and on site risk assessment	Following request and following site Risk Assessment	DFT	Streetscene Manager

Seats and Benches	To be approved by Streetscene Manager – High quality with low maintenance requirement	In keeping with local environment	<ul style="list-style-type: none"> - Formal request - Site inspection Risk Assessment - Formal approval - Maintenance regime agreed 	N/A	Streetscene Manager
Litter and Recycling bins	Galvanised Steel with FCC logo. Details to be approved by Streetscene Manager	Standard FCC manufacture unless situated in conservation area or development area	<ul style="list-style-type: none"> - Site identified - Need assessed - Site inspection Risk Assessment - Maintenance regime agreed 	N/A	Streetscene Manager
Dog waste Bins	Galvanised steel with FCC logo and Dog Waste only notice	Standard FCC manufacture unless situated in conservation area or development area	<ul style="list-style-type: none"> - Site identified - Need assessed - Site inspection Risk Assessment - Consultation by promoter (Local Member) - Maintenance regime agreed 	N/A	Streetscene Manager
Winter salt bins	Yellow plastic or in keeping with local environment- Hinged lid	At locations should meet the requirements of the Winter maintenance policy	Assessment by Area Supervisor for compliance. R.A. to determine location	WM Policy	Area Supervisor
Statutory Undertakers equipment including Telecom/Post	As proposed by scheme promoter	Not Applicable	<ul style="list-style-type: none"> - Formal request - Site inspection and Risk Assessment 	N/A	Streetworks

office equipments					
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Policy for approving the placement of temporary obstructions on the public highway

Classification	Application accepted	Charge 2013 – 2014*	Neighbouring Authorities Charges	Process for approving location	Final approval
Skips	Via Web site Call to Contact Centre Written request	£35 up to 7 days Additional £25 per subsequent week	Denbighshire - £10 per week or £30 for each month that the skip is on the road Wrexham - £31 for up to 7 days and £62 for 8 days or longer (up to a month)	Formal request Site inspection RA Charge Licence issued	Area Supervisor Streetscene
Scaffold	Via Web site Call to Contact Centre Written request	£35 per application	Denbighshire - £45 per month (need to reapply after 1 month)	Formal request Site inspection RA Charge Licence issued	Area Supervisor Streetscene
Building Site Hoardings	Via Web site Call to Contact Centre Written request	£35 per application		Formal request Site inspection RA Charge Licence issued	Area Supervisor Streetscene
Building Material	Via Web site Call to Contact Centre Written request	£35 per application		Formal request Site inspection RA Charge Licence issued	Area Supervisor Streetscene
'A' Boards for advertising purpose	Via Web site Call to Contact Centre Written request	FOC		Formal request Site inspection RA Provisional consent issued to enable applicant to submit formal application to Planning Service	Planning Service

				Full licence issued subject to advertisement consent or confirmation of exemption	
General Advertising Boards (Up to A0 size)	Via Web site Call to Contact Centre Written request	FOC – Max 1 month Above A0 Size (1189 x 841 mm) – formal Planning consent required		Formal request Site inspection RA Provisional consent issued to enable applicant to submit formal application to Planning Service Full licence issued subject to advertisement consent or confirmation of exemption	Planning Service
Seating and dining areas On Street sales	Via Web site Call to Contact Centre Written request	Subject to Planning Consent		Formal Application to Planning Service	Planning Service

* Subject to annual review taking into account the cost of issuing licence

Flintshire County Council

Policy for the removal of non-approved temporary obstructions on the public highway

Classification	Timescales	Responsible Officer	Comments
Skips, scaffolding, hoardings	As soon as can be arranged	Streetscene Supervisor	Arranged by promoter/owner
'A' Boards	Immediately	Streetscene Supervisor	Kept for collection in depot. No notification to promoter to be sent. Items kept for 7 days before disposal
Building Material	As soon as can be arranged	Streetscene Supervisor	Written notice to be served Material moved by Council and the costs recharged
Non approved advertising boards	Immediately	Streetscene Supervisor	Kept for collection in depot. No notification to promoter to be sent. Items kept for 7 days before disposal

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