

## **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE**

**9 OCTOBER 2013**

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold CH7 6NA on Wednesday, 9 October 2013

### **PRESENT:**

Councillors Haydn Bateman, Peter Curtis, Chris Dolphin, David Evans, Cindy Hinds, Ray Hughes, Joe Johnson and Nancy Matthews

**SUBSTITUTES:** Councillors Andy Dunbobbin (for Derek Butler) and Mike Reece (for Paul Shotton)

**APOLOGIES:** Councillors Colin Legg.

### **CONTRIBUTORS:**

Cabinet Member for Environment, Cabinet Member for Public Protection, Waste & Recycling and Leisure, Director of Environment, Head of Streetscene Services, and Head of Neighbourhood Policy and Strategy

### **IN ATTENDANCE:**

Environment and Social Care Overview & Scrutiny Facilitator and Committee Officer

## **32. APPOINTMENT OF CHAIRMAN FOR THE MEETING**

In the absence of the Chairman and Vice-Chairman, the Environment and Social Care Overview & Scrutiny Facilitator sought nominations for a chairman for the meeting.

### **RESOLVED:**

That Councillor D. Evans be appointed Chairman for the meeting.

## **33. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

There were no declarations of interest.

## **34. POLICY FOR UNADOPTED ROADS**

The Head of Streetscene Services introduced a report to seek approval of a policy for un-adopted roads across the County. He provided background information and explained that private streets, unlike the majority of highways, were not maintained by the County Council as local highway authority. Consequently a number of private streets in the County are in a poor condition.

The Head of Streetscene Services advised that the liability to maintain a private street lay with the owners of the street who would usually be the owners

of the properties fronting the street. If a Private Street was brought up to a defined standard the County Council could adopt the road which would cease to be a Private Street and become maintainable at public expense. He referred to the usual process under the Private Street Works Code as set out in the Highways Act 1980 and commented this was lengthy and complex. He advised that the Council did 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 response to the questions and concerns raised by Members the Head of Streetscene Services advised that without clear guidance the mechanism for the adoption of a Private Street was not clear to residents. A procedure was 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.

During discussion Members raised a number of concerns around residential developers in relation to enforcement, responsibility, and bankruptcy.

Councillor C.J. Dolphin referred to issue of maintaining bridleways and asked if the proposed policy would address this problem. The Head of Streetscene advised that bridleways would be covered by the policy and provided further clarification on the matter.

The Chairman commented on the difficulties which could be experienced in establishing land ownership. In response to the further questions raised by Members concerning maintenance and repair of private roads, the Head of Streetscene Services advised that if they were available, the Council would provide free of charge, on request, surplus road planning material to residents which could be used to temporarily repair any defects in the road surface.

### **RESOLVED**

That the Committee recommends that Cabinet approve the Policy for Private Street adoptions and the interim maintenance arrangements on these un-adopted roads, as set out in paragraphs 3.06 to 3.10 of the report.

### **35. POLICY FOR THE PLACEMENT OF HIGHWAY STREET FURNITURE AND OTHER TEMPORARY OBSTRUCTIONS ON THE ADOPTED HIGHWAY**

The Head of Streetscene Services introduced a report 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.

The Head of Streetscene Services provided background information and gave an overview of the key considerations detailed in the report in relation to street furniture and obstructions on the public highway. He referred to the information provided in Appendix 1 which defined the approval process which should be followed before any item of street furniture could be installed on the

Adopted Highway. It also defined the designated service area that would approve the addition to the Network.

The charging arrangements for all applications to place obstructions or advertisements on the Adopted Highway Network were set out in Appendix 2.

During discussion a number of questions and comments were raised by Members concerning objects deemed to be causing an obstruction on the Highway. The Head of Streetscene Services explained that authority to remove such objects on the Highway was provided by the Highways Act 1980 and the Council's approach to removing the items was detailed in the Council's Environment Enforcement Policy as outlined in Appendix 3 of the report.

Councillor N.M. Matthews asked if the Council was able to specify boundaries in relation to the placement of street furniture. The Head of Streetscene Services advised that the aim of the policy was to give reasonable guidelines without being too prescriptive. Cllr Matthews also asked if the policy included notices on street furniture. The Head of Streetscene Services advised that the policy did not include notices on street furniture. In response to a further question raised by Councillor Matthews the Cabinet Member for Public Protection, Waste & Recycling and Leisure confirmed that the policy would be implemented if agreed by Cabinet at the meeting to be held 15 October 2013.

**RESOLVED:**

- (a) That the Committee recommends that Cabinet approve the Policy for the placement of street furniture on the Adopted Highway Network, as set out in the report; and
- (b) That authority be delegated to the Head of Assets and Transportation to determine all requests and actions under the attached policies

**36. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were no members of the press or public in attendance.

(The meeting started at 10.00 am and ended at 11.05 am)

.....  
**Chairman**