

## READING BOROUGH COUNCIL

### REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

|                         |   |                     |   |
|-------------------------|---|---------------------|---|
| <b>TO:</b>              | <b>STRATEGIC ENVIRONMENT PLANNING &amp; TRANSPORT COMMITTEE</b> |                     |   |
| <b>DATE:</b>            | <b>21 NOVEMBER 2018</b>   | <b>AGENDA ITEM:</b> | <b>16</b>   |
| <b>TITLE:</b>           | <b>HIGHWAY MAINTENANCE POLICY UPDATE</b>                        |                     |   |
| <b>LEAD COUNCILLOR:</b> | <b>COUNCILLOR<br/>TONY PAGE</b>                                 | <b>PORTFOLIO:</b>   | <b>STRATEGIC ENVIRONMENT<br/>PLANNING &amp; TRANSPORT</b>                     |
| <b>SERVICE:</b>         | <b>TRANSPORTATION<br/>&amp; STREETCARE</b>                      | <b>WARDS:</b>       | <b>BOROUGH WIDE</b>   |
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| <b>JOB TITLE:</b>       | <b>STREETCARE<br/>SERVICES MANAGER</b>                          | <b>E-MAIL:</b>      | <b><a href="mailto:sam.shean@reading.gov.uk">sam.shean@reading.gov.uk</a></b> |

#### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report updates Members on the Highway Policies approved at Strategic Environment Planning & Transport Committee in April 2017.
- 1.2 This report seeks approval for the proposed changes to the 'A' Board Policy.
- 1.3 This report seeks approval to proceed with a trial 'Short Frontage Agreement' for vehicle crossings where the minimum 4.8m depth requirement cannot be met.

#### 2. RECOMMENDED ACTION

- 2.1 That the Committee approve the proposed changes to the 'A' Board Policy set out in 4.5.
- 2.2 That the Committee approve a one-year trial 'Short Frontage Agreement' for vehicle crossings, and to bring a report back to Committee on the findings of the trial, as set out in 4.6.

#### 3. POLICY CONTEXT

- 3.1 To secure the most effective use of resources in the delivery of high quality, best value public service.

- 3.2 To make travel more secure, safe and comfortable for all users of the public highway.
- 3.3 To provide a public highway network as safe as reasonably practical having due regard to financial constraints and statutory duties.

#### 4. THE PROPOSAL

- 4.1 The Council has a Highway Maintenance Policy document which amalgamated several stand-alone Highway Maintenance Policies and Working Practices.
- 4.2 The Council is committed to meeting legislative requirements and guidance in respect of the public realm and highway maintenance standards. Responsibility for maintaining these standards rests with the Council, in its capacity as the Local Highway Authority, but affects everyone living, working and visiting the Borough.
- 4.3 Section 41 of the Highways Act 1980 places a duty on Reading Borough Council as Local Highway Authority to maintain public highway land, so far as reasonably practicable.
- 4.4 The duty extends to include applications and issuing licences for the following on the public highway, under the Highways Act 1980:

| LICENCE                            | HIGHWAYS ACT 1980 SECTION |
|------------------------------------|---------------------------|
| 4.4.1 Advertising ('A' Boards)     | Section 115E (Appendix 1) |
| 4.4.2 Vehicle Crossings            | Section 184 (Appendix 2)  |
| 4.4.3 Disabled Bays                | Section 115               |
| 4.4.4 Access Protection Markings   | Section 115               |
| 4.4.5 Placing of skips             | Section 139               |
| 4.4.6 Excavate and store materials | Section 171               |
| 4.4.7 Oversail the Highway         | Section 177               |
| 4.4.8 Hoarding & Scaffold          | Sections 169 & 172        |
| 4.4.9 Private Sewers               | Section 50                |
| 4.4.10 Private Structures          | Section 115               |
| 4.4.11 Planting                    | Section 142               |
| 4.4.12 Obstructions                | Sections 143 & 149        |
| 4.4.13 Cranes                      | Section 178               |

- 4.5 'A' Board advertising on the public highway (Amended).

##### 4.5.1 Current position

A policy to control 'A' Boards on the public highway was adopted in April 2017. Applications have been considered and assessed in accordance with the policy requirements/conditions and licences have been issued accordingly.

The 'A' Board Policy has been working with measured success since its introduction in April 2017, however, some minor issues have arisen which warrant consideration.

- 4.5.2 A situation has arisen where for example a Reading Borough Council (RBC) Department has held an event or when a Member of Parliament and /or Local Ward Councillor holds periodic surgeries and uses of an 'A' Board on the public highway.

The proposal is to waive the cost of the application fee for all Council Departments and Political organisations. Each RBC Department will still need to apply for the 'A' Board licence and Councillor Services will apply on behalf of the Political Parties.

For Community, Church & Charity Organisations it is proposed that they will still need to apply for the licence and pay the application fee, but will not then be charged for the annual renewal cost.

- 4.5.3 Clarification on number of 'A' Boards

There are some applicants whose business property fronts on to different roads, in this instance they can have more than one 'A' Board, but would need to make separate applications for each location.

- 4.5.4 The revised 'A' Board Policy is attached in Appendix 1.

- 4.6 Vehicle Crossings

- 4.6.1 Current Position

The Vehicle Crossing Policy was adopted in April 2017. Applications have been considered and assessed in accordance with the policy requirements /conditions and licences have been issued accordingly.

The ~~Vehicle Crossing~~-Policy has been working with measured success since its introduction in April 2017, however, some minor issues have arisen which warrant consideration.

- 4.6.2 The Proposal

A review has been carried out of the vehicle crossing criteria/requirements and it should be noted that there is specific reference to Council maintained grass verge areas and where such areas would be affected by a vehicle crossing application. The loss of sizeable areas of grass verge (permeable surface/natural soakaway) within the highway domain can have implications with drainage, potentially aggravating highway drainage issues. In addition, the loss of grass verge/green open space areas can have a considerable negative visual impact on the local environment and street scene. The loss of

such amenity is considered unacceptable and, for this reason alone, a vehicle crossing application will be refused. Where there is just a small area of grass verge affected by an application, this will be identified through the assessment process and dealt with accordingly, as specified in the criteria/requirements of the Vehicle Crossing Policy.

#### 4.6.3 Some confusion on actual size/extent of loss of grass verge area has arisen and the following clarification is provided:

Loss of grass verge area up to 8m<sup>2</sup> is acceptable

Loss of grass verge area between 8m<sup>2</sup> and 15m<sup>2</sup> is acceptable, however, will require the use of permeable materials to reduce the impact of surfacing a verge area. It should be noted that these vehicle crossings are more expensive to construct.

#### 4.6.4 Short Frontage Agreements

The vehicle crossing criteria includes for a minimum 4.8m depth of property frontage to ensure that the vehicle can park perpendicular to the boundary and not overhang the public highway.

There are numerous historic examples across the Borough where this minimum depth was not achieved, but a vehicle crossing installed. The assumption is that they were approved at a time when the obstruction of the public highway was not included in the approval process and presumably met the Council's criteria in place at that time. The Council continues to receive applications which are refused because the 4.8m depth criteria cannot be met.

The Council has carried out a benchmarking exercise and found that three London Borough Councils employ the use of 'Short Frontage Agreements', which reduces the minimum depth criteria to either 4.3m or 4.1m depth. The Agreement contains conditions to ensure that the vehicle is contained within the property frontage and an actionable outcome should the property break the conditions and overhang / obstruct the public highway.

The Council proposes to carry out a one-year trial of 'Short Frontage Agreements' for vehicle crossings where the minimum 4.8m depth requirement cannot be met. The minimum property frontage depth will be reduced to 4.3m with a requirement for the applicant to prove that they can safely park a vehicle wholly within their property and not overhang the public highway causing an obstruction.

Failure to comply will result in the vehicle crossing being removed and all costs recovered from the property owner.

The Vehicle Crossing Policy is shown in Appendix 2.

4.7 The remaining items listed in 4.4 (4.4.3 to 4.4.13) are generally working well and no changes proposed at this time.

4.8 An annual review of these Highway Policies will be carried out and brought back to this Committee at a future date.

## **5. CONTRIBUTION TO STRATEGIC AIMS**

5.1 The Highway Maintenance Policy will contribute to the Council's Corporate 2018-21 objectives of:

- Securing the economic success of Reading
- Keeping Reading's environment clean, green and safe
- Ensuring the Council is fit for the future priorities

## **6. COMMUNITY ENGAGEMENT AND INFORMATION**

6.1 The Highway Maintenance Policy and Appendices will be available on the Council's website.

## **7. EQUALITY IMPACT ASSESSMENT**

7.1 In addition to the Human Rights Act 1998 the Council is required to comply with the Equalities Act 2010. Section 149 of the Equalities Act 2010 requires the Council to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 The Council's existing Highway Maintenance Policies and Working Practices are amalgamated into a single Highway Maintenance Policy document. There is no overall change to service delivery at this time. Should any future updates/amendments be required, which result in service delivery changes, an equality impact assessment will be carried out.

## **8. LEGAL IMPLICATIONS**

8.1 The principal legislation covering the Highway Maintenance Policy is contained within the Highways Act 1980.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 There are no financial implications to the Council associated with this report. All operational costs associated with the Highway Maintenance Policy are contained within the existing fully funded Revenue Budgets.
- 9.2 The Council regularly reviews its Fees & Charges which will include the Licences issued in relation to this Highway Maintenance Policy, as listed in Section 4.4 of this report.

## **10. BACKGROUND PAPERS**

- 10.1 Highways Act 1980
- 10.2 Strategic Environment Planning & Transport Report 'Highway Maintenance Policy' 4<sup>th</sup> April 2017

## **11. APPENDICES**

- 11.1 Advertising ('A' Boards) (Appendix 1)
- 11.2 Vehicle Crossings (Appendix 2)