

PART 1 - PUBLIC

Decision Maker: **General Purposes and Licensing Committee**

Date: **16th February 2011**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **UNADOPTED HIGHWAYS AT BICKLEY PARK**

Contact Officer: Peter Garrett, Highway Development Officer
Tel: 020 8313 4402 E-mail: peter.garrett@bromley.gov.uk

Chief Officer: Nigel Davies, Director of Environmental Services

Ward: Bickley

1. Reason for report

- 1.1 To seek the Committee's authorisation to apply to the court for a declaration that St Georges Road and certain other streets within Bickley Park are highways.
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2. **RECOMMENDATION(S)**

- 2.1 **Members are requested to authorise the Director of Legal, Democratic and Customer Services, subject to the evidence and after consultation with the chairman, the Environment Portfolio Holder and the Director of Environment to commence legal proceedings as set out in paragraph 1.1.**

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: Estimated cost £10,000, but, as with any litigation, this could increase sharply as matters proceed
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
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Staff

1. Number of staff (current and additional): 2 existing members of staff (part time)
 2. If from existing staff resources, number of staff hours: Not known at this stage
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Legal

1. Legal Requirement: Statutory requirement. Section 130 Highways Act 1980
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): General public.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes.
2. Summary of Ward Councillors comments: Replies awaited

3. COMMENTARY

- 3.1 In an area bounded by Pines Road, Chislehurst Road, Station Approach and Bickley Park Road, now referred to as “Bickley Park”, there are a number of streets shown in the Council’s non-statutory records as unadopted highways where not only are “private road” signs displayed, but gates have been erected. In the case of one street, St Georges Road, these gates have been closed and numerous complaints have been received from members of the public about this, asking the Council to take action to remove the gates.
- 3.2 In this instance, there is considered to be evidence supporting the view that St Georges Road and other streets within Bickley Park are subject to public rights of way, both vehicular and pedestrian and further details are set out in the exempt appendix to this report.
- 3.4 In order to be able to take appropriate action to clarify the position the above authorisation is required.

4. POLICY IMPLICATIONS

- 4.1 There is no existing Council policy regarding this matter, which is driven by the Council’s statutory duties as set out in the Highways Act 1980.

5. FINANCIAL IMPLICATIONS

- 5.1 Over the last 30 years considerable correspondence has been generated between the Council, and various Residents Associations and individuals, concerning the status of a number of unadopted streets, taking up a vast amount of staff time, without any satisfactory resolution of the problem. The current dispute as to the status of streets within Bickley Park is the latest example of this.
- 5.2 It is expected that the proposed Council action, if successful will clarify the legal position, not just in relation to Bickley Park, but for other streets where similar claims as to status have remained unresolved. It is therefore hoped and expected that in the longer term a significant saving in staff time and costs will result.

6. LEGAL IMPLICATIONS

- 6.1 Legal implications are covered in the exempt appendix .

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	None