

PART 1 - PUBLIC

Decision Maker: Environment Portfolio Holder

**For Pre-decision scrutiny by the Environment PDS
Committee on**

Date: 1st March 2011

Decision Type: Non-Urgent Executive Non-Key

Title: PRIVATE STREET WORKS - RAVENSBOURNE AVENUE,
BECKENHAM (UNADOPTED SECTION) - SECOND
RESOLUTION

Contact Officer: Malcolm Harris, Team Leader:Traffic Engineering
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Chief Officer: Nigel Davies, Director of Environmental Services

Ward: Bromley Town

1. Reason for report

To obtain a Resolution of Approval under the Private Street Works Code, in respect of the unadopted section of Ravensbourne Avenue. TfL have given funding for Officer time to progress this scheme.

2. **RECOMMENDATIONS**

- 2.1 The specification, plan, sections and typical details, estimate and provisional apportionment submitted by the Director of Environmental Services, in respect of the scheme approved by the Environment Portfolio Holder following the Environment PDS committee on 21 September 2009, be approved without modification.
- 2.2 The Portfolio Holder further resolves that the Council bears the whole of the cost of the street works, under the provisions of s. 236(1) of the Highways Act 1980. It is proposed to fund this cost from external TfL funding.
- 2.3 The Portfolio Holder approves the allocation of funding from the 2011/12 Neighbourhoods and Corridors allocation, subject to officers identifying the funding from within the TfL LIP allocation for 2011/12 and subject to the approval of Transport for London.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: Estimated cost £43k
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: TfL, Neighbourhoods, Corridors and Supporting Measures
 4. Total current budget for this head: £2.949m
 5. Source of funding: TfL Funding for 2011/12
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Staff

1. Number of staff (current and additional): 1
 2. If from existing staff resources, number of staff hours: The staff time involved with this scheme will depend entirely upon whether or not objections are raised at provisional and final apportionment stages. However, the superintendence charge shown in the report is considered sufficient to meet the cost of officers time.
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Legal

1. Legal Requirement: Statutory requirement. The Resolution of Approval is to be made under the provisions of the Private Street Works Code, comprising s.205 - 218 of the Highways Act 1980. The authority for the Council to adopt the street following street works is contained in s.228 of the Act and for the Council to meet the cost of the works, s.263 (1)
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Difficult to quantify because of the various new paths this could connect with. There are the new footways in Crab Hill and Ravensbourne Avenue, the new path built in Lewisham Park and also the new path built in Warren Avenue Sports Ground in 2010. However, the number could easily go to 500 pedestrians and cyclists per day, because of the nearby railway station.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes.
2. Summary of Ward Councillors comments: To be reported on the night

3. COMMENTARY

- 3.1 On 21 September 2009, the Environment and Leisure Portfolio Holder received a report regarding the use and condition of a part of Ravensbourne Avenue, for a shared pedestrian and cycle way, that has not been fully made up and has not been adopted as a highway maintainable at the public expense.
- 3.2 The Council decision was to progress this scheme if the new shared path in Lewisham Park was built. It was approved by Lewisham Council and consequently completed in July 2010. Another shared path was also built in Murray Avenue Playing Fields, which connects to nearby Ravensmead Road.
- 3.3 In order that the Council may address the various complaints that have been made about the surface in Ravensbourne Avenue (north section), it needs to adopt the street, but is only empowered to do this following improvement to the appropriate standards. The improvement works may be carried out under the provisions of the Private Street Works Code, but for this to occur, the Council has to make two distinct resolutions.
- 3.4 The Portfolio Holder made a First Resolution under s. 205(1) of the Highways Act 1980, on 21 September 2009. The appropriate documents have now been prepared to enable a further resolution, the Resolution of Approval, to be made and these documents will be available for inspection at the meeting.

4. POLICY IMPLICATIONS

- 4.1 Policy T14 of the Council's Unitary Development Plan 2006 states that unadopted highways will normally be considered for making-up and adoption, as resources permit, only following a referendum conducted in each road, in which the owners of the majority length of frontage are in favour.
- 4.2 This policy safeguards the frontagers, who usually have to meet most of the cost of making-up. In this case, however, it is intended that the Council will meet the whole of the expenses of the street works, and therefore it was not appropriate to conduct a referendum.

5. FINANCIAL IMPLICATIONS

- 5.1 The council obtained funding of £5k via London Greenways (TfL) to progress this scheme to second resolution stage in 2010/11.
- 5.2 The resolution in this report will involve more extensive works to be undertaken at an estimated cost of £43k that will involve the preparation of the plan, section and details of the proposed making-up.
- 5.3 It is proposed to fund this cost from the 'Neighbourhoods, Corridors and Supporting Measures' allocation for the year 2011/12 from Transport for London. This is subject to officers identifying sufficient funding from the TfL LIP allocation although specific TfL approval is also required before any expenditure can be committed.
- 5.4 It should be noted that all Private Street Works are charged an amount of 15% of the total costs to cover staff time associated with the administration and supervision of the works. In this case the staff costs are likely to amount to £5k and are included within the overall estimated cost of the scheme (£43k) to be funded by TfL resources.

6. LEGAL IMPLICATIONS

- 6.1 S.228 of the Highways Act 1980 permits the Council to adopt any private street by means of a notice, displayed in the street for a period of one month, but only after “street works have been executed” in the street
- 6.2 During the period that a s.228 notice is displayed, the owner(s) of the street is/are able to object to its adoption as a highway maintainable at the public expense. In this case, the Council is able to apply to the Magistrates Court for an Order overruling the objection.

Non-Applicable Sections:	PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Ravensbourne Avenue, Beckenham (Unadopted Section) – First Resolution. 21 September 2009. PH decision following this first report. Apportionment document. Drawing.