
**EXCERPT FROM THE MINUTES OF THE
INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE
HELD ON 9 SEPTEMBER 2004**

IOS.107/04 REPAIRS TO ADOPTED AND UNADOPTED BACK LANES

Councillors Mrs Mallinson (Chairman) and Miss Martlew, having declared personal interests, took part in the discussion on this item of business.

There was submitted reference from the meeting of the City Council held on 3 August 2004 concerning repairs to adopted and unadopted back lanes –

“That the Council recognises the urgent need for repair of many adopted and unadopted back lanes in the City. In order to commence a programme of improvements, the Council requests Officers to prepare a report for submission to the next meeting of the Infrastructure Overview and Scrutiny Committee on a strategy for dealing with the disrepair of back lanes. This should include proposals of a rolling programme of improvements commencing in this current financial year. Following the Infrastructure Overview and Scrutiny Committee meeting the matter be referred to the Executive for progress.”

That item had also been included on the Forward Plan (KD.09/04) for consideration by the Executive on 13 September 2004.

Subsequent to the above resolution, the Head of Commercial and Technical Services presented report CTS.13/04. He reported that, over many years, the condition of back lanes had been deteriorating due to a lack of investment in their maintenance and improvement and that had led to an increasing number of complaints. In the main urban area there were a total of 139 adopted back lanes and 46 unadopted back lanes. The number and condition of such lanes in the rural area was not known and surveys would need to be conducted to gather information.

With regard to the adopted lanes, the City Council was responsible for carrying out maintenance works as part of its claimed rights arrangement with the County Council. The unadopted back lanes were normally the responsibility of those persons whose property abutted the lane.

The City Council had submitted annual funding bids to the County Council to repair the worst of the adopted lanes, so far without any success.

The unadopted lanes were not generally the direct responsibility of the City Council, although there was a responsibility under the Highways Act 1980 for the City Council to ensure the lanes were safe for highway users and, in some instances, the Council may be an adjacent landowner.

The County Council policy on unadopted roads was that they would contribute up to 50% of the cost of works required to bring the road up to an adoptable standard, provided that the following conditions applied –

- the road was a through road
- there was a high density of development along the road
- the road had a direct appearance with a significant visual impact
- the road was prominent within the landscape

It was not certain whether any unadopted back lanes in Carlisle would be deemed to satisfy those conditions and a detailed appraisal would be required to assess those.

The current condition of back lanes had an impact on the delivery of Council services, details of which were provided.

With regard to funding, approaches could be made to the County Council and United Utilities and, for unadopted back lanes, local residents. The City Council was responsible for the maintenance of adopted back lanes, but the claimed rights funding from the County Council had been falling with the result that only essential safety repairs could be funded.

Mr Battersby summarised the options available to the Council –

Adopted Back Lanes

The City Council could, subject to County Council endorsement, allocate funding and commence work upgrading the adopted lanes. Of 139 identified adopted back lanes in the urban area, 69 had been assessed as requiring repair and those had been ranked into three priorities –

Priority 1 – 10 lanes with a total repair cost of approximately £178,540;

Priority 2 – 10 lanes with a total repair cost of approximately £202,880;

Priority 3 – 49 lanes with a total repair cost of approximately £628,200.

No funding had been set aside in the 2004/05 Budget to undertake a programme of improvements to adopted back lanes. If work was to be undertaken in the current financial year, then a supplementary estimate would need to be approved by the City Council.

The City Council could also refer the issue to the County Council requesting a review of their funding prioritisation with a greater emphasis to be placed on back lanes.

Unadopted Back Lanes

There were 46 unadopted back lanes and investigations would be needed to prepare a costed repair programme identifying works required to bring those unadopted back lanes up to adoptable standard or, in some cases where the lanes were 'no through roads', effect appropriate repairs.

On private streets it was normal practice for the frontagers to make a proportionate contribution to the cost of improvements and all frontagers may not agree to the principle or the apportionment which may frustrate improvements. It may be that a similar policy to that applied by the County Council could be considered.

No detailed assessment had been carried out into the condition of adopted back lanes in the rural area or unadopted back lanes and investigation work would cost approximately £7,500. No funding had been set aside in the 2004/05 Budget for that investigation work.

As regards the legal position, then Section 42 of the Highways Act 1980 provided that the City Council may undertake the maintenance of any eligible highway in the district which was a highway maintainable at the public expense (i.e. an adopted highway). Expenses in carrying out that function may be recoverable from the County Council. Agreement must be reached with the County Council as to what level of work constituted 'maintenance' as opposed to 'improvement'.

Section 2 of the Local Government Act 2000 provided that the Council had the power to do anything it considered likely to achieve, inter alia, the promotion or improvement of the environmental well-being of its area. The power included the power to incur expenditure. Subject to certain caveats, that power could be used on both adopted and unadopted highways. If unadopted highways were to be brought up to adoptable standard then an agreement must be reached with the County Council prior to any works to ensure that it would adopt the said highways. Otherwise, the City Council may become liable for future maintenance thereof.

The Council's insurer should be made fully aware of its proposed course of action.

Mr Battersby added that he and the Portfolio Holder would be meeting with the County Council the following week to discuss the matter further and would represent the Committee's views at that meeting.

Discussion arose, during which Members commented and raised questions as follows –

- (a) It would have been beneficial if representatives of the County Council had been invited to today's meeting.

The Portfolio Holder for Environment, Infrastructure and Transport stated that it was a matter for the Committee as to whom they invited to their meetings. Clearly a problem did exist with back lanes and any action would have to be taken in partnership with the County Council and local residents. Account would also require to be taken of legal implications. He added that the Executive was looking for the Committees' views on the way forward.

- (b) On what basis was the estimated cost of the proposed programme of works based?

Mr Battersby responded that the figures were based upon the Schedule of Rates. Obviously there was a degree of variance, but he was confident that the figures quoted in the report for Priority 1 repairs were accurate. If Members were minded to go ahead

with the works then it would be necessary to look at the most appropriate options. It should be noted that Priorities 2 and 3 had been based on comparative costs in the past.

- (c) In many urban areas back lanes had become dumping grounds because of their shabby condition which impacted indirectly upon crime and disorder. Priority should be given to those back lanes which fell within crime and disorder hot spots. Would it be possible to access funding from the Crime and Disorder Budget?

In response, Mr Battersby advised that he was happy to explore every source of funding and would take that up.

- (d) Whilst the difficulties associated with private streets and frontagers being required to make a proportionate contribution to the costs of improvement were noted, the Council had to take the initiative, make a start and then take it from there.

Councillor Bloxham responded that, subject to the Council agreeing to the proposed programme of survey and investigation being undertaken as regards unadopted lanes and the outcome of that work, residents would have to be informed of the likely costs to them. It may also be necessary to explore ways of assisting those residents who would have difficulty in meeting those costs.

- (e) How did the proposals link with the Council's corporate priorities?

Ms Mooney, Acting Town Clerk and Chief Executive, advised that the links were detailed within the report. Discussions were currently taking place on a number of the Council's priorities, many of which had financial implications. A process of prioritisation would commence the following week.

- (f) It was important to treat adopted and unadopted lanes separately since it may be possible to undertake improvements to some but not others.

- (g) Members agreed, in principle, to the commencement of a rolling programme of work on back lanes, including improvements to unadopted streets and street lighting, and recommended that –

- (i) Adopted Lanes – option (c), as detailed at paragraph 1.6.1 of the report, be pursued.

- (ii) Proposed Programme of Works – subject to the availability of funding, activities 1, 2 and 3 at paragraph 1.7 of the report be pursued.

- (iii) Unadopted Lanes – the proposed programme of survey and investigation work be undertaken, at an estimated cost of £7,500. Concern was, however, expressed as regards the legal implications for the City Council of undertaking work on unadopted lanes.

- (iv) That this Committee receives feedback following the meeting with the County Council.

RESOLVED – (1) That the Executive be advised that it is the recommendation of this Committee that –

(i) Adopted Lanes – option (c), as detailed at paragraph 1.6.1 of report CTS.13/04, be pursued.

(ii) Proposed Programme of Works – subject to the availability of funding, activities 1, 2 and 3 at paragraph 1.7 of the report be pursued.

(iii) Unadopted Lanes – the proposed programme of survey and investigation work be undertaken, at an estimated cost of £7,500. The Committee was, however, concerned as regards the legal implications for the City Council of undertaking work on unadopted lanes.

(2) That the Head of Commercial and Technical Services be requested to report further to this Committee on feedback from the forthcoming meeting with the County Council.

