

Notice of Non-key Executive Decision

Subject Heading:	Halifax 8 Station Road, Upminster – Licence to place and retain external access ramp on the Highway
Cabinet Member:	Cllr Osman Dervish Environment
SLT Lead:	Dipti Patel Assistant Director of Environment
Report Author and contact details:	John Deasy LLB (Hons) Highways Engineering Manager Development Control 01708 434745 John.deasy@havering.gov.uk
Policy context:	Havering Local Development Framework (2008) Havering Local Implementation Plan 2018/19 Delivery Plan
Financial summary:	The full costs of the highways licence, legal fees, technical fees and implementation of works will be met by the developer Income to be received by the Council from the development is £0.002m technical fee and £0.002m legal fee.
Relevant OSC:	Environment
Is this decision exempt from being called-in?	No

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This Executive Decision authorises the Council entering into a highway licence made under section 115E of the Highways Act 1980 (as amended) for installation of an external access ramp over the adopted highway providing wheelchair access to 8 Station Road, Upminster (Halifax) as detailed on drawings HUD1D.03.01.2019 and HU2.03.01.2019

CANNOT LOCATE PLANNING APP OR APPROVAL

AUTHORITY UNDER WHICH DECISION IS MADE

Council's Constitution:

Part 3, Section 3.8.3, paragraphs (b) and (v)

(b) Other than in those matters delegated to the Lead Member following consideration by the Highways Advisory Committee, to exercise all powers and duties in respect of maintaining and improving highways, providing facilities, and interference with highways arising under Parts IV, V, VII, IX and XIV of the Highways Act 1980; and

(v) To exercise all powers and duties under the Highways Act 1980 that are not delegated to the Leader or Cabinet Member.

STATEMENT OF THE REASONS FOR THE DECISION

This report concerns an application for an access ramp over the adopted highway providing wheelchair access to number 8 Station Road, Upminster which is currently operating as a bank.

Section 115E of the Highways Act 1980 (as amended) authorises the Council as highway authority to licence works and use of objects or structures on the maintained highway, by 3rd parties.

On 14 December 2018 the Council granted Halifax bank planning permission (planning application reference P1577.18 for the construction of an access ramp.

8 Station Road is currently accessible by wheelchair users. An access ramp is considered necessary for compliance with duties under the Equalities Act 2010.

In considering the licence application the Council has considered footway width; minimum clear passage required for pedestrians; potential for obstruction; and safety implications. There are no adverse implications to the safety for highways users.

OTHER OPTIONS CONSIDERED AND REJECTED

The alternative of refusing a licence for the access ramp would have the result of disadvantaging wheelchair users.

PRE-DECISION CONSULTATION

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: John Deasy

Designation: Highways Engineering Manager

Signature: *John Deasy LLB (Hons)*

Date: 23 October 2019

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council's constitution requires a formal decision to be taken before granting a licence under section 115E of the Highways Act 1980 and the authority for such is delegated to the Assistant Director for Environment.

Section 115E of the Highways Act 1980 permits the Council to authorise 3rd parties to place objects or structures on the highway for the purposes of:

- enhancing the amenity of the highway and its immediate surroundings; or
- of providing a service for the benefit of the public or a section of the public.

The proposed access ramp over the adopted highway will provide wheelchair access

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to number 8 Station Road, Upminster which is currently operating as a bank. Improved accessibility to bank facility at 8 Station Road will benefit a section of the public.

The provision of the access ramp is complainant with the general duty placed on organisations including employers, shops and local authorities under the Equalities Act 2010 to make reasonable adjustments to ensure access to:

- Employment;
- Goods and services like shops, banks, cinemas, hospitals, council offices, leisure centres

if you are disabled.

FINANCIAL IMPLICATIONS AND RISKS

The legal and technical fees associated with the works will be secured within the licence as specified in the table below.

Technical fees are calculated against the project type and allows for at least 10 hours of staff time per project. In all cases it is anticipated that this work will be contained within the allowed hours. For the purposes of this licence staff costs have been set at £175.00 per hour.

The full costs for the implementation of the external access ramp will be met by the developer.

The future maintenance costs of the external access ramp will be met by the developer.

The income generated from the developer through the agreement is set out below:

<u>Item</u>	<u>£m</u>
Technical Fees	£0.002
Legal Fee	£0.002
Total	£0.004

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

None arising from this decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Council has a general duty under the Equality Act 2010 to ensure that its highway network is accessible to all. Where infrastructure is provided or substantially upgraded, reasonable adjustments should be made to improve access. In considering the impacts and making improvements for people with protected characteristics (often, but not limited to disabled people, the young and older people), this will assist the Council in meeting its duty under the Act.

Havering has a diverse community made up of many different groups and individuals. The council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.

The Technical Approval process which leads to the drawings supporting the licence will give consideration to ensuring the Council's duties are met.

BACKGROUND PAPERS

None.

Part C – Record of decision

I have made this Executive Decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposals agreed.

Details of decision maker

Signed x 

Name: Dipti Patel

Assistant Director of Environment

Date: 26/11/18

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

<p>For use by Committee Administration</p> <p>This notice was lodged with me on <u>27/11/18</u></p> <p>Signed <u>A-H-M</u></p>
