

DIRECTOR DECISION

Decision: Section 228 Highways Act 1980 – Adoption of Government House Road, Clifton York

Type of Decision: Director	Key	N	Non-Key	Y
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Portfolio Area that decision relates to:

Leader (in Policy & S&P)

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Finance & Performance

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Deputy Leader & Transport

☒

Culture, Leisure & Comm

☐

Environment & Climate C

☐

Children & Young P & Edui

☐

Economy & Strategic Plan

☐

Health Adult Social Care

☐

Housing & Safety Neigh

☐

Background

Whilst investigating a highway related issue on Government House Road in Clifton, York, new information has come to light leading to some uncertainty as to the status of the street as an adopted highway maintainable at public expense.

The full length of Government House Road is currently included on City of York Council's list of streets, as an adopted highway. The Council is therefore responsible for managing and maintaining the street. The new information however seems to indicate that the road may not have been adopted by the local authority in 1967, under the provisions of Section 202 of the Highways Act 1959, as was previously thought. This could result in the street being taken off the list of adopted highways maintained by the Council.

Residents were therefore informed of this situation by a letter dated 26 April 2021. The letter explained that if residents wanted Government House Road to be an adopted highway maintainable at public expense, it would be possible for property owners on the street to apply to the Council for this. The application would need to be made by "*the majority in rateable value of the owners of premises in the street*", under Section 228(7) of the Highways Act 1980.

Such an application was received by the Council on 10th May 2021. The application was signed by eight of the nine property owners on Government House Road (this has been checked against Land Registry records).

Officers have obtained rateable value information for these properties (eight out of nine). The value for each of these properties is 348. All nine properties are Council Tax Band F. The "*majority in rateable value*" criteria can therefore be considered as fulfilled.

The Council has been maintaining and inspecting Government House Road as part of routine inspection and maintenance regimes as the street is currently on the list of adopted streets. The authority has done so since 2001, at least, based on CYC records. The Council is therefore content that all street works have been executed to satisfaction and understands the structural integrity and maintenance history of the Highway. This decision should therefore not result in any significant additional liability for the authority.

This note therefore seeks authorisation to prepare and advertise notices under the provisions of Section 228 of the Highways Act 1980 (see section quoted below), declaring the street as a whole (as shown on the plans included overleaf)

to be highway maintainable at the public expense. This needs to be done within 3 months of receiving the application (so no later than 9th August 2021).

Section 228 (7) of the 1980 Highways Act states:

"If all street works (whether or not including lighting) have been executed in a private street to the satisfaction of the street works authority, then, on the application of the majority in rateable value of the owners of premises in the street, the street works authority shall, within the period of 3 months from the date of the application, by notice displayed in a prominent position in the street, declare the street to be a highway which for the purposes of this Act is a highway maintainable at the public expense and thereupon the street shall become such a highway.

In this subsection a reference to a street does not include a reference to a part of a street."

Implications: Crime & Disorder	<input type="checkbox"/>	Equalities	<input type="checkbox"/>	Other:	
Human Resources	<input type="checkbox"/>	Legal	<input checked="" type="checkbox"/>	Highways	<input checked="" type="checkbox"/>
Financial	<input type="checkbox"/>	ITT	<input type="checkbox"/>	Property	<input type="checkbox"/>

Decision Date: 12 July 2021

Wards Affected:

All Wards	<input type="checkbox"/>	Fishergate	<input type="checkbox"/>	Holgate	<input type="checkbox"/>	Rural West York	<input type="checkbox"/>
Acomb	<input type="checkbox"/>	Fulford & Heslington	<input type="checkbox"/>	Hull Road	<input type="checkbox"/>	Strensall	<input type="checkbox"/>
Bishopthorpe	<input type="checkbox"/>	Guildhall	<input type="checkbox"/>	Huntington & New Earswick	<input type="checkbox"/>	Westfield	<input type="checkbox"/>
Clifton	<input checked="" type="checkbox"/>	Haxby & Wigginton	<input type="checkbox"/>	Micklegate	<input type="checkbox"/>	Wheldrake	<input type="checkbox"/>
Copmanthorpe	<input type="checkbox"/>	Heworth	<input type="checkbox"/>	Osbalwick & Derwent	<input type="checkbox"/>		<input type="checkbox"/>
Dringhouses & Woodthorpe	<input type="checkbox"/>	Heworth Without	<input type="checkbox"/>	Rawcliffe & Clifton	<input type="checkbox"/>		<input type="checkbox"/>

Comments/Observations:

Decision:

Authorise the preparation and advertisement of notices under the provisions of Section 228 of the Highways Act 1980, declaring the street as a whole to be highway maintainable at the public expense.

Decision Made by: Neil Ferris, Corporate Director of Place

Contact Details: Directorate of Place, West Offices

Tel No: 01904 551448, email: neil.ferris@york.gov.uk

On behalf of: Neil Ferris, Corporate Director of Place

To be implemented by: Helene Vergereau

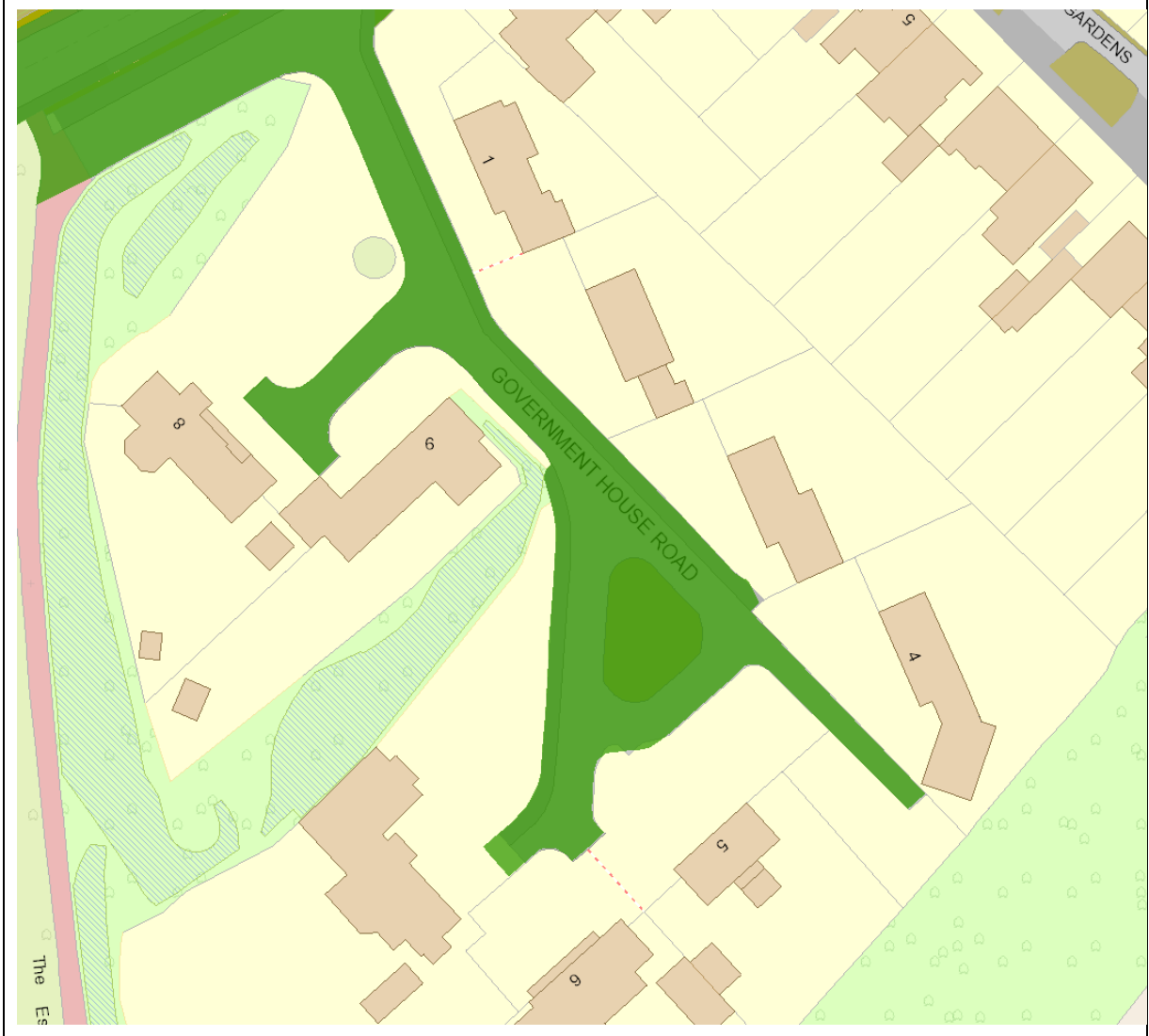
On Completion – Signed off by:

Date: 12 July 2021



Neil Ferris, Director

Area for adoption under S228 of the Highways Act
(Government House Road area marked in green below)



Extent of area dedicated under the provisions of Section 202 of the Highways Act 1959 in 1967 (in yellow below)

