

Questions pursuant to Council Procedure 10.1

The following question has been received, on notice, from a member of the public:

Question

From Jeremy Rendle, to Councillor Neil Stock OBE, Leader of the Council:

“Does the Council agree with the proposition (in which case, please outline the next steps to be taken by the Council in relation to the two roads), or disagree with the proposition (in which case, please provide a full and reasoned statement outlining the Council's position on the applicability of s.230(7)?”

Background to his Question provided by Mr Rendle:

Seawick Road and Seaview Road in St Osyth are in a dangerous state and are in need of urgent repair. I acknowledge that they are 'Private Roads' and that they remain unadopted by TDC.

Section 230(7) of the Highways Act 1980 provides as follows:

“Without prejudice to the foregoing provisions of this section or to any other enactment for the time being in force relating to private street works, the street works authority and also, in the cases mentioned below, the district council may, in any street that is not a highway maintainable at the public expense, execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street.

The cases in which the district council may act under this subsection are those in which the street concerned [is situated in a non-metropolitan district and] is a footpath, bridleway or any such road as is mentioned in section 42(2)(c) above (urban roads).”

For completeness, s.42(2)(c) of the same Act does not preclude roads such as Seawick Road and Seaview Road.

PROPOSITION: TDC has a statutory power to carry out the urgent repairs required in Seawick Road and Seaview Road.