

# North Tyneside Council

## Report to Cabinet

### Date: 24 May 2021

#### Title: North Tyneside Vehicle Access Crossing Policy

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<b>Portfolio:</b> Environment	<b>Cabinet Member:</b> Councillor Sandra Graham
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#### Report from Service

**Area:** Environment, Housing and Leisure

**Responsible Officer:** Phil Scott, Head of Environment, Housing and Leisure **Tel:** (0191) 643 7295

**Wards affected:** All

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### PART 1

#### 1.1 Executive Summary:

North Tyneside Council is responsible for an extensive highway network and maintaining the roads and pavements is a key priority. This is underpinned by the Highways Asset Management Plan 2017 – 2032 (the 'HAMP'), previously approved by Cabinet.

The HAMP sets out the Authority's asset management practices. One of the key objectives of the HAMP is to deliver the Mayor and Cabinet's policy commitment for sustained improvements to footways across the borough.

An important aspect of this is the effective management of vehicles crossing the footpath when accessing properties where damage is likely to occur unless a properly constructed crossing is provided.

The Highways Act 1980 permits householders to request access to their driveways by means of a vehicle access crossing. This involves dropping the kerb on the public highway and carrying out works to the public footway to allow a vehicle to cross over to the property.

As part of the Authority's continuous improvement programme under the HAMP a policy has been developed. This formalises the existing process and seeks to strengthen the Authority's approach to managing vehicle access crossing applications.

The purpose of this report is to seek Cabinet approval of the new vehicle access crossing policy.

## 1.2 Recommendations:

It is recommended that Cabinet:

- (1) Notes the information presented in this report;
- (2) Approves the North Tyneside Vehicle Access Crossing Policy which is attached to this report as **Appendix 1**; and
- (3) Authorises the Cabinet member for Environment and Transport to consider any referral made to them regarding the review of a decision taken in relation to a vehicle access crossing application, and to determine the application following such a review.

## 1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 15 January 2021.

## 1.4 Council Plan and Policy Framework

The proposals in this report relate to the following priority in Our North Tyneside, the Council Plan 2020 to 2024:

- Our places will:
  - Have an effective transport and physical infrastructure

## 1.5 Information:

### 1.5.1 Background

North Tyneside Council is responsible for an extensive highway network and maintaining our roads and pavements is a key priority. This is underpinned by the Highways Asset Management Plan 2017 – 2032 (the 'HAMP'), previously approved by Cabinet.

The HAMP sets out the Authority's commitment to good asset management practices in the way it manages the highway. One of the key objectives of the HAMP is to deliver the clear policy direction from the Elected Mayor and Cabinet to increase the commitment to seek the sustained improvement of footways across the borough the improvement of footways across the borough. An important aspect of this is the effective management of vehicles crossing the footpath.

Throughout the year the Authority receives requests from residents seeking access to their property for their vehicles by 'dropping the kerb' to enable access to their property from the highway. The Highways Act 1980 makes provision for residents and property owners to do this by making a request to the Authority in its role of local Highway Authority. Decisions therefore need to be made by the Authority on whether to permit the construction of a vehicle access over a footway or verge. The decisions are made by assessing the applications against set highways criteria.

For a number of years, local highway authorities have managed applications for vehicle access crossings as part of daily business without recourse to a formalised policy. In North Tyneside, the Head of Environment, Housing and Leisure has delegated authority to make decisions on whether to permit a request for construction of a vehicle access crossing.

However, local highway authorities are moving towards creating formal policies for the management of vehicle access crossing applications. This is considered best practice as it provides greater clarity for the customer, provides transparency over the criteria applied, ensures a consistent management approach, and promotes consistent decision making.

As such, and in line with the aims and objectives of the HAMP, a vehicle access crossing policy has been developed which is attached to this report as **Appendix 1**.

### 1.5.2 The New Policy

The purpose of the new vehicle access crossing policy is to:

- Formalise the existing vehicle access crossing process and criteria for assessing applications in a policy document
- Ensure the right balance between on-road and off-road parking, and to preserve the character of the streetscape
- To improve the customer experience by providing clearer information on the application process and the assessment criteria.

The policy sets out the legislative background, processes, assessment criteria and all other information key to the management of vehicle access crossings including:

- Legislative background in relation to vehicle access crossings
- Approvals required for a vehicle access crossing request
- Criteria used to assess vehicle access crossing applications
- Details of the application process
- Details setting out construction options, fees and payment process.

### 1.5.3 Customer Approach

Should Cabinet approve the policy, the intention is to publish it on the Authority's website and make it available in other formats. In addition, to simplify the application process and to improve the customer experience, the new vehicle access crossing policy will be supported by a new customer guide. This will include plain language guidance on the application process, useful contacts, frequently asked questions and visual illustrations to help explain the acceptable criteria. The customer guide is currently in development and is expected to be made available on the Authority's website during summer 2021.

## 1.6 **Decision options:**

The following decision options are available for consideration by Cabinet:

### Option 1

Cabinet approves the recommendations at paragraph 1.2 of this report.

## Option 2

Cabinet does not approve the recommendations at paragraph 1.2 of this report.

Option 1 is the recommended option.

### **1.7 Reasons for recommended option:**

Option 1 is recommended in order to have a formal vehicle access crossing policy in place to ensure a consistent approach to managing applications and to assist customers through the application process.

### **1.8 Appendices:**

Appendix 1: Draft North Tyneside Vehicle Access Crossing Policy

### **1.9 Contact officers:**

Anthony Hewitt, Capita Head of Highways & Construction, tel 07740 531 130

Mark Newlands, Highways and Infrastructure Manager, tel. (0191) 643 6129

Colin MacDonald, Senior Manager, Technical and Regulatory Services,  
tel. (0191) 643 6620

David Dunford, Senior Business Partner, tel (0191) 643 7027

John Barton, Lawyer, Legal Services, tel (0191) 643 5354

### **1.10 Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

[Highways Act 1980](#)

[North Tyneside Highway Asset Management Plan 2017 to 2032](#)

[Equality Impact Assessment](#)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no financial and resource implications directly arising from this report. Customers requesting a vehicle access crossing are required to pay for the work at their own expense. The process is explained in Section 8 of the proposed policy.

### **2.2 Legal**

The Authority has a statutory duty to maintain the public highway under the Highways Act 1980 and is the local highways authority. Section 184 of the Act a person may make a request to construct a vehicle access over a footway, or verge in the highway.

The Officer Delegation Scheme, which forms part of the Authority's Constitution in relation to "General Delegations", states that; 'The Chief Executive and all Heads of Service are authorised to exercise the functions listed below.'

Included in that list is GD 6 which states: -

'GD6 To take decisions on behalf of the Authority on all matters where they have managerial or professional responsibilities for their service areas. A summary of the scope of each Head of Service's responsibility is set out at the beginning of each service area's section in the scheme.'

Responsibility for highways functions is the responsibility of the Head of Environment, Housing and Leisure who therefore has the appropriate delegated authority to make decisions under the proposed policy.

The Policy permits officers to refer a decision to refuse an application for vehicle access crossing to the Cabinet Member for Environment and Transport if that decision is challenged by an individual. This is not currently in the Mayor's Delegation Scheme and therefore will need to be added to that scheme if considered appropriate to do so.

### **2.3 Consultation/community engagement**

Internal consultation on the draft policy has been undertaken with the Cabinet Member for Environment and Transport and the relevant Authority service areas

External consultation has taken place with the North East Highways Alliance and other highways networking groups which has informed development of the policy.

### **2.4 Human rights**

The vehicle access crossing policy seeks to improve transparency around decision-making in line with the relevant articles of the Human Rights Convention.

### **2.5 Equalities and diversity**

There are no equalities and diversity issues directly arising from this report. An Equality Impact Assessment has been undertaken which has concluded that there will be no potential adverse impact on any of the protected characteristic groups. A copy of the Equality Impact Assessment has been included in the background papers. If approved, the policy will be made available to all members of the public in accessible formats.

Vehicle access crossing applications are assessed using prescribed criteria which sets out the standard dimensions for a dropped kerb to allow a vehicle to safely cross the public footway. The criteria is the same for all users of vehicles, regardless of their characteristics. For example, a vehicle access crossing will provide the same facility for a disabled driver as it would a non-disabled driver. The policy relates to domestic vehicles only and does not apply to motorised scooters. In summary, the policy is compliant with the requirements of the Equality Act 2010.

### **2.6 Risk management**

There are no risk management implications directly arising from this report. Risks associated with the provision of the Highways service, delivered through a long-term strategic partnership with Capita, are monitored via the established Technical Partnership governance arrangements.

## 2.7 Crime and disorder

There are no crime and disorder implications arising directly from this report.

## 2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report. However, service delivery is provided by the Authority's Technical Services partner Capita. As part of the annual service planning process, Capita has regard to how it contributes towards carbon reduction following the Authority's declaration of a climate emergency.

### PART 3 - SIGN OFF

- Chief Executive  X
- Head of Service  X
- Mayor/Cabinet Member  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Head of Corporate Strategy and Customer Service  X