

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION
CAPITA SYMONDS

REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE

DATE: 28th July 2016

TITLE: STOPPING UP OF JACK CROFT BLACKBURN UNDER
SECTION 116 OF THE HIGHWAYS ACT 1980

WARD: Queens Park **COUNCILLORS:** Mustafa Desai
Faryad Hussain
Salim Mulla

1.0 PURPOSE OF THE REPORT

The purpose of the report is to inform Members of the receipt of a request by The Kay Group UK Ltd for the Council to progress an Order for the Stopping Up of part of Jack Croft, (Rear Haslingden Road) Blackburn and to ask Members to authorise the Director of HR Legal & Corporate Services to apply to the Magistrates' Court for the necessary Order as per the attached plan.

2.0 BACKGROUND AND DETAILS

Capita Highways received a formal request for a stopping up on 7th June 2016 from The Kay Group who have agreed to meet the costs as described in the Council's Fees and Charges list.

Jack Croft is a back street which served terraced properties on Haslingden Road. As these properties have been demolished it is reasonable to take the view that it has no role as a public highway and is therefore eligible to be Stopped Up under the terms of S.116 of the Highways Act 1980.

3.0 PROCEDURE

The power to make a Stopping Up Order under the Highways Act is vested in the Magistrates' Court, and only the Highway Authority for the road to be stopped up may make the application. Section 116 allows the Magistrates' to make this order if they are satisfied that the Highway is no longer "necessary" or it "can be diverted so as to make it nearer or more commodious to the public", In this instance the applicable reasoning for the proposed closure is on the grounds of lack of necessity. The Court will require evidence that the road is unnecessary and that notices and consultations with all affected and interested parties, in accordance with the requirements of the Act, have been made, and that there are no outstanding objections to the making of the Order.

4.0 IMPLICATIONS

Customer	None
Financial	The costs of implementing the change will be met by The Kay Group. Any future cost on the Council as the Highway Authority for maintaining this Street following its closure will cease.
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that Committee authorise the Director of HR Legal & Corporate Services to progress with the closure of part of Jack Croft, Blackburn and if the Department believes there is a good chance that the application will be successful, to apply to the Magistrates' Court for the necessary Order.

6.0 BACKGROUND PAPERS: None

7.0 CONTACT OFFICERS: Gina Lambert

8.0 DATE PREPARED: 11th July 2016