

# EXECUTIVE BOARD DECISION



**REPORT OF:** Executive Member for Growth and Development

**LEAD OFFICERS:** Director of Growth & Development

**DATE:** Thursday, 12 November 2020

**PORTFOLIO(S) AFFECTED:** Growth and Development

**WARD/S AFFECTED:** Billinge and Beardwood;

**KEY DECISION:** N

## **SUBJECT:**

Petition requesting the resurfacing of Yew Tree Drive, Service Road numbers 105 to 119, Blackburn

## **1. EXECUTIVE SUMMARY**

A petition signed by residents of seven of the eight properties on the side road servicing numbers 105 to 119, inclusive, off Yew Tree Drive, has been submitted to the Council requesting that their road be resurfaced.

## **2. RECOMMENDATIONS**

That the Executive Board:

- Notes the petition.
- Supports the officers' recommendation that the request for resurfacing be refused.
- Request that officers inform the lead petitioner of the decision.

## **3. BACKGROUND**

This service road, off Yew Tree Drive is an adopted 96m long cul-de-sac immediately off Whinney Lane at its junction with Yew Tree Drive, giving access to eight homes. The residents believe that both the carriageway and footway should be resurfaced. The petition states that some of the residents have lived there 20 years and the road has not been resurfaced in that time.

The residents note that both the main dual carriageway and the service road on the opposite side of Whinney Lane has been resurfaced and cannot understand why their cul-de-sac has not. They are concerned for the safety of the numerous lorries, van, wagons, joggers and dog walkers that use the cul-de-sac. They state that one resident has almost fallen over a number of times and cite negligence by the Council.

The carriageway appears to be surfaced with bituminous macadam which has been surfaced dressed in the past. This dressing is approximately 10mm thick and is in some places wearing away to reveal the original surfacing underneath.

In 2019 the council commissioned a condition survey of its entire highway network, the results of which categorised carriageways and footways as follows:

Grade 5	Structurally impaired
Grade 4	Functionally impaired
Grade 3	Mid life
Grade 2	Signs of surface wear
Grade 1	Free from defects

The footways were shown as approximately 47% grade 3; and 53% grade 4, whereas the carriageway was classed as 17% grade 5; 77% grade 4; 6% grade 3, overall functionally impaired.

In accordance with the Council's Safety Inspection Procedure for Highways this road is inspected annually and any defects which exceed the intervention levels are repaired. The table below identifies this repair history since 2017.

Year	Number of defects	
	Carriageway	Footway
2017	1	5
2018	0	3
2019	0	0
<b>Total</b>	<b>1</b>	<b>8</b>

This defect history supports the results of the condition survey that the major issues lie with the carriageway with the footways generally being acceptable.

#### **4. KEY ISSUES & RISKS**

The previous long term plan for highway work, approved by the Executive Member for Regeneration and published on 3<sup>th</sup> February 2017 described the authority's approach and commitment to highway maintenance.

Present funding levels, both revenue and capital, effectively restrict consideration of only the Borough's major classified roads for the foreseeable future. It would be unrealistic to expect or anticipate routine, planned resurfacing of side streets or cul-de-sacs in the foreseeable future. Unfortunately the structural condition and visual appearance of these roads will continue to deteriorate, however the authority will continue to inspect them to ensure that safety defects are identified and repaired.

#### **5. POLICY IMPLICATIONS**

None

#### **6. FINANCIAL IMPLICATIONS**

The capital maintenance budget is committed to the long term plan for highway work which effectively precludes resurfacing roads such as this service road off Yew Tree Drive.

#### **7. LEGAL IMPLICATIONS**

The Council has a duty to maintain the adopted highway under the Highways Act 1980.

This is an ordinary petition as defined in the Council's constitution as being one signed by at least 6 people and submitted by people who live, work or study in the Borough. Part 7 of the

Constitution outlines the possible mechanisms for petitions and this report and response is one such type of valid response.

## 8. RESOURCE IMPLICATIONS

None

## 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision.

## 10. CONSULTATIONS

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>CONTACT OFFICER:</b>	Dwayne Lowe, dwayne.lowe@blackburn.gov.uk
<b>DATE:</b>	24 <sup>th</sup> September 2020
<b>BACKGROUND PAPER:</b>	Petition