

Report on	Maintenance of Unadopted Roads Policy
Reporting Officer	Andrew Cassells, Director of Environment & Property
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Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To consider the adoption of a Policy in relation to the Maintenance of Unadopted Roads
2.0	Background
2.1	Members will recall that the Council has exercised its General Power of Competence in relation to instigating repairs to the roads infrastructure at Curran Terrace, Dungannon.
2.2	Members will also recall that a report was presented to the Policy & Resources Committee at its meeting of 9 February 2017 which considered the criteria which could be included within a Policy on the Maintenance of such Unadopted Roads.
2.3	As previously reported a number of requests have been received in relation to maintenance issues relating to roads which have not been adopted by the statutory roads authority, Transport Northern Ireland (TNI). In the absence of a Policy it has not been possible to assess these requests as no criterion has currently been agreed by Council.
3.0	Main Report
3.1	Section 79 of the Local Government Act (Northern Ireland) 2014 which deals with the application of the General Power of Competency for local authorities in Northern Ireland.
3.2	<p>In order to establish reasonable grounds for the Council to exercise its General Power of Competence in relation to the maintenance of unadopted roads the Council is required to consider issues such as; resource use and utilisation; financial implications; anticipated specific benefits; risk mitigation; statutory duties and strategic objectives alignment; effective and economic roll out; any public law duties; and any other relevant considerations.</p> <p>In determining whether an application for the Council to undertake maintenance works on an unadopted road under the General Power of Competence a number of criteria must be met as set out at Section 5 of the attached Policy (Appendix 1).</p> <p>These criteria are as set out below:</p> <p><i>The Council will only consider any application to exercise the General Power of Competence with respect to the repair, reconstruction or preparation for adoption of unadopted roads where the following criteria are satisfied:</i></p>

	<p>a) <i>The Council owns the land on which the road is constructed or previously had responsibility for the road in question prior to Local Government Re-organisation in 1972</i></p> <p>Or</p> <p>b) <i>The subject road was not transferred to nor adopted by the statutory 'Roads Authority' at the relevant time of transfer of local government functions for example under the 1972 Local Government Act.</i></p> <p>Or</p> <p>c) <i>Properties adjacent to and accessed from the subject road were built by the Council or its predecessors.</i></p> <p>Or</p> <p>d) <i>The situation appears to have arisen in light of an anomaly</i></p> <p>And</p> <p>e) <i>All options (to establish ownership and/or maintenance liabilities) with other relevant statutory bodies have been exhausted.</i></p> <p>f) <i>The subject road is in a state of disrepair to the extent that it is difficult to safely drive a vehicle on it and/or is a safety hazard.</i></p> <p>g) <i>An exceptional case must be proven and other statutory bodies and adjacent owners not in a position to carry out works.</i></p> <p><i>Land that is privately owned and/or where a developer is involved and/or where there is or should be a road bond/insurance in place, would not be eligible under this Policy.</i></p>
4.0	Other Considerations
4.1	<p>Financial & Human Resources Implications</p> <p>Financial: None at this juncture although should any requests comply with the criterion as set out in the Policy then there exists the potential for requests to Council to approve expenditure in relation to such successful requests.</p> <p>Human: Officer time in the implementation of the Policy.</p>
4.2	<p>Equality and Good Relations Implications</p> <p>Equality and Good Relations Screening has been carried out (see attached Screening Document at Appendix 2).</p> <p>A Rural Impact Assessment (RIA) has been carried out in line with the legislative guidance (see attached RIA at Appendix 3).</p>

4.3	Risk Management Implications The adoption of a Policy in respect of the 'Maintenance of Unadopted Roads' which sets out the criterion against which any requests are to be measured assists in mitigating the risks associated with Council considering such requests on an ad hoc or case by case basis in the absence of such a Policy.
5.0	Recommendation(s)
5.1	Members are requested to approve the Maintenance of Unadopted Roads Policy for adoption by the Council
6.0	Documents Attached & References
6.1 6.2 6.3	Maintenance of Unadopted Roads Policy Equality and Good Relations Screening Document Rural Impact Assessment Document