

Crown Close Open Space

Relevant Portfolio Holder	Mike Webb
Portfolio Holder Consulted	Yes
Relevant Head of Service	John Godwin
Ward(s) Affected	St Johns
Ward Councillor(s) Consulted	No
Key Decision / Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The report advises Members of the deteriorating condition of the road and footpaths at Crown Close Public Open Space, Bromsgrove. The road and footpaths provide pedestrian and vehicle access to St John's Church, Amphlett Hall and surrounding properties as well as access to informal recreation.
- 1.2 The current poor condition of these roads and footpaths present potential liability to the Council both in terms of the escalating costs of temporary repairs and the risk of civil claims resulting from accidents.
- 1.3 The report provides an option for a full repair and reinstatement of the road and footpaths and highlights a potential source of funding through section 106 funds.

2. RECOMMENDATIONS

- 2.1 That Cabinet recommend an increase of £40k to the 2012/13 capital programme to be funded from identified S106 receipts to be utilised for resurfacing the road and footpaths at Crown Close.

3. KEY ISSUES

Financial Implications

- 3.1 Due to the deteriorating condition of the road and footpath in Crown Close officers have had to fund an increasing cost of temporary repairs. The recent poor weather conditions have caused further damage and therefore officers have reviewed the position with the aim to undertake a more permanent solution for repair.
- 3.2 The cost of resurfacing the road and paths has been estimated at £44k but it is anticipated that a more competitive quotation could be obtained of approximately £40k.
- 3.3 Officers have identified a section 106 agreement which can be utilised to fund open space enhancements. It is proposed that these funds be used to support the financial cost of the full repair of the road and footpaths.

Legal Implications

- 3.4 The road and footpaths are in the ownership of the Council. They are not public highway.
- 3.5 Public liability for the road and footpaths rests with the Council. Given that the Council Engineer has identified that condition of the road and footpaths creates a health and safety risk, if no action is taken and accidents occur, the Council may face claims in negligence.
- 3.6 If no action is taken in respect of the condition of the road and footpaths the Council may need to consider closing the road and footpaths to the public.

Service / Operational Implications

- 3.7 The surfacing has developed a large number of potholes, particularly around drain covers and edges and although attempts have been made to fill these and patch up over a number of years this is not addressing the long term issue.
- 3.8 The road has been inspected regularly and was repaired following storms in July 2012 however, subsequently a report was received of a minor accident caused that resulted in a small insurance claim relating to damage to property.
- 3.9 A further inspection has been carried out by a Council Engineer and the road and paths have been condemned as a Health and Safety risk. Additional temporary patching has been undertaken, however it is expected that further storms and frosts will result in the surface opening up again. The Engineer advises that a complete resurfacing is required.
- 3.10 Full repair will enhance the amenity value and access to the site, currently local volunteers contribute to the appearance of Crown Close and the area has a high value within the townscape, a significant heritage contribution and designated as a Conservation Area.

Customer / Equalities and Diversity Implications

- 3.11 Crown Close as previously mentioned is a Conservation Area and the state of the roads currently detracts from the visual amenity of the site as well as being a health and safety concern. Resurfacing will complement the environmental improvements planned for the Town Centre and Spadesbourne Brook.

- 3.12 The improvements will benefit everyone but in particular, Amphlett Hall is a facility for older people for whom providing safe access is particularly important.

4. RISK MANAGEMENT

- 4.1 If action is not taken the Council may be held liable for any injury or harm resulting from the condition of the road and paths. This is of particular concern following the recent engineer's report that identifies the health and safety risk and potential liability
- 4.2 The surface will continue to deteriorate further and the cost of temporary patching will continue to increase

5. APPENDICES

Appendix 1 - Site Location
Appendix 2 - Photographs of the road surface

6. BACKGROUND PAPERS

7. KEY

AUTHOR OF REPORT

Name: Susan Cooper
email: susan.cooper@bromsgrove.gov.uk
Tel.: 01527 881612