

Environment and Transport Overview and Scrutiny Committee 4 March 2021**Questions asked by Mr. M. Hunt CC**

- 1. Why does the County Council not allow urban communities to have small wooden posts, or similar arrangements, to protect grass verges and amenity areas on former council estates when the authority tolerates them in rural, parished areas and so-called beauty spots?**

Response by the Chairman:

The statement that there is a different approach depending on the type of area is incorrect.

Barriers of this kind are typically used to protect highway verges that are damaged through either parking or over riding. Leicestershire County Council (LCC) has no statutory duty to improve the existing road network only maintain it. Any alteration to the network to stop vehicles parking on a verge would be classed as an improvement scheme and must therefore meet a strict criterion for it to be funded. The aesthetics of a location are not considered when assessing proposals/requests, as such LCC are normally not able to justify funding to install this kind of barrier.

If individuals, communities or parishes wished to explore this kind of arrangement, the installation and maintenance would have to be fully funded by a third party, including costs associated with licensing and public liability insurance.

The location of the proposal is only assessed to ensure that the “barrier” can be safely installed according to legislative guidelines. Whether a site is in a rural or urban location does not impact on the decision, each site is assessed on individual basis.

- 2. To residents who live in former council estates this seems a use of ‘red tape’ to frustrate their efforts to apply the same protection as they see in more privileged areas. What is the legal situation under equalities legislation?**

As explained in the above response, the perception that there is a different approach depending on the type of area is incorrect. All locations are assessed individually regardless of their wider environment. The process for applying for any improvement on the highway that is funded by a third party is the same irrespective of locality and applicant. It does not conflict with equalities legislation.

- 3. Why does the County Council tolerate rocks on grass verges when they won’t tolerate wooden posts? Would the authority tolerate a local school to install posts an adjacent amenity area in order to prevent unauthorised parking on grassed areas.**

The County Council does not authorise the placing of stones on verges. The use of (typically) white painted stones by residents, is contrary to the Highways Act 1980 and may make the resident and or the authority liable for third party damage and injuries. We acknowledge that in some instance’s stones have been used on verges without permission from the authority. Whilst

we do not proactively enforce their removal, if a complaint is received regarding their installation, action is taken to address the situation.

As detailed in the response to question 1 a school may apply to the authority for permission to install preventative barriers on the highway, however these would need to be funded by a third party and meet national guidelines.

4. On the wider question of inequality, does the law permit the County Council to devote more resources to support Parish and Town Council in contrast to unparished areas.

The law applies across all areas and our practice is to respond to requests regardless of the area it is derived from according to the Councils Highway's Asset Management Policy.