

Birmingham City Council

Report to Cabinet

Date: 21 March 2023



Subject: Highways and Infrastructure: Footway Crossing Policy and Information for Applicants

Report of: Mark Wiltshire, Interim Strategic Director – City Operations

Relevant Cabinet Member: Councillor Liz Clements, Cabinet Member for Transport

Relevant O&S Chair(s): Councillor Chaman Lal, Chair, Sustainability and Transport Overview and Scrutiny Committee
Councillor Sir Albert Bore, Chair, Co-ordinating Overview and Scrutiny Committee

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 If residents wish to drive across the footway to gain access to park on their property, they are required under Section 184 of the Highways Act 1980 to have

an authorised vehicle access crossing constructed by the local authority known as a footway crossing.

- 1.2 A detailed review of the Council's existing Footway Crossing Policy as approved by the Cabinet Member for Transportation and Street Services on 11th August 2006 indicated a number of key issues requiring clarification. This has led to the development of the proposed Footway Crossing policy, provided in Appendix 1 of this report.
- 1.3 The proposed policy, which is the subject of this report, aims at providing clear guidelines on how applications for the provision of footway crossings are evaluated. It provides methodologies for dealing with physical constraints and sets out the minimum dimensional requirements for the depth and width of the frontage as 4.75m and 4.5m respectively.
- 1.4 The Council offers applicants with a disability 50% discount towards the cost of construction of a compliant standard 2.75m wide footway crossing. In addition, where programmed footway reconstruction are undertaken and householders who do not currently have a vehicle crossing will be given the opportunity to have one standard crossing constructed during the works at a reduced cost provided the requirements stipulated in this policy are met.

2 Recommendations

- 2.1 Cabinet approves the adoption of the proposed Footway Crossing Policy and Information for Applicants for the provision of footway crossings within the city as set out in Appendix 1 of this report.
- 2.2 Authorises the Assistant Director - Highways and Infrastructure to exercise all powers and obligations relating to operational and enforcement activities in respect of footway crossings under the Highways Act 1980 and the New Roads and Street Works Act 1991.

3 Background

- 3.1 The original Footway Crossing Policy was last revised in a report to the Cabinet Member for Transportation and Street Services on 11th August 2006.
- 3.2 In order to improve service delivery the proposed policy is an outcome of a briefing to the Cabinet Member for Transportation and Street Services in October 2018 on two major issues for the service: -
 - 3.2.1 Complaints received regarding parking over the footway where a dropped kerb crossing has been installed but the driveway is too small to accommodate the vehicle.
 - 3.2.2 Complaints received regarding reductions in levels of on street parking available as a result of the number of dropped kerb crossings being installed on certain roads.

- 3.3 The proposed policy seeks to resolve the issues identified in paragraph 3.2 as follows;
- 3.3.1 Restricting the installation of all new footway crossings to those properties where the minimum depth of frontage (clear distance from the front of the property to its boundary line at the back of the footway) is 4.75m and the width of the frontage (where the vehicle is parked) is at least 4.5m. These dimensions provide the minimum requirement for allowing parking at right angles to the carriageway.
 - 3.3.2 Ensuring removal of all walls and fences and that a hard standing is built to enable the parking of a vehicle on the curtilage before the footway crossing can be built.
 - 3.3.3 Planning permission requirement on classified roads, in conservation areas, multiple occupation properties and commercial properties.
- 3.4 The proposed policy allows the Council to consider any environmental and other factors such as the presence of trees, green spaces, other obstacles to construction and the impact the application will have on the requirements for on-street parking in the vicinity.
- 3.5 The application process, charges, refunds and details of residents who qualify for footway crossing at reduced cost are addressed under the proposed policy
- 3.6 The proposed policy supports disabled people in accordance with the Equalities Act 2010 and the Birmingham Parking Policy. It sets out the requirements to qualify for a 50% reduction in the cost of installation of a compliant footway crossing for disabled people.
- 3.7 The proposed policy covers programmed footway reconstruction or other resurfacing works. Where such works are undertaken, existing compliant footway crossings in poor condition will be resurfaced at no cost to the householder and householders who do not currently have a vehicle crossing will be given the opportunity to have one constructed during the works at a reduced cost. This excludes any costs that are incurred in the removal or relocation of street furniture, street trees, statutory undertaker's apparatus or traffic calming features etc.
- 3.8 The enforcement of unauthorised footway crossings including reinstatement of redundant footway crossings is also addressed by the proposed policy.

4 Options Considered and Recommended Proposal

4.1 Option 1 - Do Nothing

- 4.1.1 This would result in a lack of clarity in the decision-making process and safety implications to the public.

4.2 Option 2 – Adopt the Updated Policy (Recommended Option)

- 4.2.1 The proposed policy addresses the issues identified in paragraph 3.2, hence, improving public safety. It also provides residents with updated information required to apply for a footway crossing.

5 Consultation

- 5.1 Consultation with ward councillors was undertaken in February 2019 as summarised in Appendix 2. There were 2 comments in favour and no objections.
- 5.2 A public consultation exercise was carried out via Be Heard in February 2021 and the results are detailed in Appendix 2.
- 5.3 Councillor Yvonne Mosquito, Cabinet Member for Finance and Resources, has been consulted on the proposals. In view of the minimal financial implications for the Council and there being no Procurement implications, there were no concerns raised by Councillor Mosquito to the proposed policy document.

6 Risk Management

- 6.1 Risk assessment is shown in Appendix 3.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The proposals set out in this report will support the City Council's key policies and priorities as set out in the City Council Financial Plan 2022:

- 'Prosperous: through continued economic growth, tackling unemployment, attracting inward investment and infrastructure, and maximising the opportunity of the Commonwealth Games;'
- 'Green: by improving the cleanliness of our city and its streets, improving the environment and air quality, carbon reduction and enabling an inclusive green transition.'

- 7.1.2 Suitable provision of footway crossings helps to reduce traffic congestion on the highway network and keep traffic moving, cut down journey times, reduce emissions and improve the air quality.
- 7.1.3 The proposed policy is positively seeking to specify on materials that are environmentally friendly along with improving street scene and green spaces. It also aims to reduce the carbon footprint of the works, which demonstrate that the Council is tackling climate change.

7.2 Legal Implications

- 7.2.1 Alterations to the Highway during installation of the footway crossings are carried out under Section 184 of the Highways Act 1980, and enforcement powers are contained in other provisions of the Highways Act 1980 and the New Roads and Street Works Act 1991. Other related regulations, directives and general guidance is contained in the Town and Country Planning Act 1990; Road Traffic Act 1974; Road Traffic Regulation Act 1984; Traffic Management Act 2004.

7.3 Financial Implications

- 7.3.1 The report seeks approval to adopt the proposed Footway Crossing Policy. The service is self-funding with the full cost funded via fees paid by applicants.
- 7.3.2 The policy sets out the elements which make up the cost of construction of the footway crossing. An application and admin fee is charged in all cases and other costs including statutory undertakers inspection fees and apparatus costs, on street parking controls etc are charged as appropriate. The applicant is charged the actual cost of the construction of the footway crossing (full cost recovery basis) and an administration fee which would cover the Council's direct costs for the provision of the service. Fees are reviewed annually and set by Cabinet in February as part of the budget report.
- 7.3.3 The policy also details circumstances where costs can be refunded. Application fees are non-refundable and other costs are only refundable where the work has not been undertaken and as such, the cost has not been incurred by the Council or its contractor.
- 7.3.4 The Council offers applicants with a disability 50% discount towards the cost of construction of a compliant standard 2.75m wide footway crossing. The cost of this discount is covered from existing approved City Operations revenue budgets.
- 7.3.5 Where programmed footway reconstruction or other resurfacing works are undertaken, existing compliant footway crossings in poor condition will be resurfaced at no cost to the householder and householders who do not currently have a vehicle crossing will be given the opportunity to have one standard crossing constructed during the works at a reduced cost provided the requirements stipulated in this policy are met.
- 7.3.6 Preparation of the updated Footway Crossing Policy has been carried out using existing Highways and Infrastructure staff resources whose costs are funded from existing approved City Operations revenue budgets.

7.4 Procurement Implications (if required)

- 7.4.1 N/A

7.5 Human Resources Implications (if required)

- 7.5.1 N/A

7.6 Public Sector Equality Duty

- 7.6.1 An Equality Analysis was carried out (Report ref. EQUA626) and is attached in Appendix 4. This indicated that the policy does not have any adverse impact on the protected groups and characteristics under the Equality Act 2010 and there is no requirement for a full assessment.
- 7.6.2 The discounts offered to disabled persons towards the cost of a footway crossing have a positive impact.

8 Appendices

- 8.1 Appendix 1 – Footway Crossings Policy and Information for Applicants dated January 2021
 - 1.1 – List of Classified Roads in Birmingham
 - 1.2 – Footway Crossings and Trees
 - 1.3 – Unauthorised Dropped Kerb Priority Scoring Sheet
- 8.2 Appendix 2 – Consultation
 - 2.1 – Be Heard - Footway Crossing - Public Consultation
 - 2.2 – Be Heard - Footway Crossing - Policy Consultation Summary Report
 - 2.3 – Be Heard - Footway Crossing - Policy Consultation Responses
- 8.3 Appendix 3 – Risk Assessment
- 8.4 Appendix 4 – Equality Impact Needs Assessment (EINA) EQUA626
- 8.5 Appendix 5 - ESA

9 Background Documents

- 9.1 Existing Footway Crossings Policy dated 2006
- 9.2 Birmingham Parking Policy