

# Southend-on-Sea Borough Council

Agenda  
Item No.

Report of Corporate Director for Place  
to  
Traffic and Parking Working Party  
on  
10 March 2016

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Parking, Traffic Management

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## The Maze

**Executive Councillor: Councillor Terry**  
*A Part 1 Public Agenda Item*

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### 1. Purpose of Report

To advise Members on the history and background to this location and obtain Members views on whether to proceed with the extension of waiting restrictions.

### 2. Recommendations

- (a) That no further action is taken in respect of this matter; or
- (b) To proceed to extend waiting restrictions on the remaining section of land marked as show on the pan to be displayed at the meeting.

### 3. Background

3.1 The Maze is a small residential cul de sac accessed from Rayleigh Road. A local resident expressed concerns regarding the parked vehicles obstructing their premises.. As a matter of expediency, the then Head of Planning & Transport agreed to address the problem under his delegated powers by looking to propose waiting restrictions( apparently double yellow liens) in the relevant section of the Maze.

3.2 The proposal did not proceed and significant time and resources were spent to establish to legal status of the highway and legal Counsel advice was also sought details of which were reported to the Council's Cabinet Committee on 2<sup>nd</sup> January 2014. In summary the position was that the Council cannot show that the section of the Maze highlighted on the plan to be shown at the meeting was public highway. It was sold into private ownership before The Maze was adopted and there is no evidence of the Council ever having maintained it. As such The Council cannot impose waiting restrictions or undertake other highway enforcement if the land in question is not public highway.

- 3.3 During, and separate to this process, concerns were also raised by residents and the Police regarding vehicles parked in the proximity of the junction of The Maze and Rayleigh Road. This was investigated and a request to advertise a proposal to extend the existing junction protection was referred to the Cabinet Committee on 2<sup>nd</sup> January 2014. The proposal was agreed and advertised however residents expressed concern that the proposal would not fully resolve the parking issues and the Cabinet Committee agreed on 23<sup>rd</sup> September 2014 that a site visit with ward Members, the Portfolio Holder and residents should be arranged.
- 3.4 The site visit was undertaken and it was felt that due to the narrow width of the road and absence of the formal raised footway, it would be advantageous to introduce yellow lines at the junction as well as the majority of the publically maintained highway on an experimental basis. This approach was subsequently agreed by the Cabinet Committee on 6<sup>th</sup> November 2014.
- 3.5 The experimental order was implemented resulting in double yellow lines in the Maze from its junction with Rayleigh Road on both sides of the road up to the extent of the public highway based on clarification from the legal Counsel.
- 3.7 During this period, there was a county court decision which concluded that the area shown on the plan to be displayed at the meeting is privately owned. However a small piece of land between the existing publicly maintained highway and the privately owned land had no defined status. This resulted in a resident seeking extension of the yellow lines to cover this small area.
- 3.8 At this point further clarification was sought from the Counsel in light of the County Court decision. It was determined by the Counsel that the status less piece of land can be regarded as the public maintained highway and the yellow lines can be extended to cover this.
- 3.9 Based on the latest legal advice, Members are requested to consider whether the waiting restrictions should be extended into this area. It also needs to be noted that restrictions of this nature are in an isolated area and cannot necessarily be enforced on a regular basis as the priorities are to maintain public safety and traffic flows in town centre and other busy areas.

#### **4. Other Options**

The Council could decide to let matters rest and not install yellow lines.

#### **5. Reasons for Recommendations**

- 5.1 As there are already existing restriction in place, any extension can be covered by the experimental order..

#### **6. Corporate Implications**

- 6.1 Contribution to Council's Vision & Corporate Priorities

The use of waiting restrictions supports the objectives of a safe and prosperous borough.

## 6.2 Financial Implications

The Council has already spent significant time and expense researching this problem and an appropriate way forward. The cost of additional lining would be met from existing budget. It should be noted that should Committee agree to install yellow lines the enforcement of said lines would be prioritised with all other waiting restrictions in the borough and that no particular priority or preference will be given to the extended waiting restrictions.

## 6.3 Legal Implications

As set out in the report.

## 6.4 People Implications

None.

## 6.5 Property Implications

None

## 6.6 Consultation

None at this stage.

## 6.7 Equalities and Diversity Implications

There are no equalities and diversity implications.

## 6.8 Risk Assessment

The risks involved in trying to pursue further action by the Council are set out above, along with the risks of intervening in a neighbour dispute.

## 6.9 Value for Money

Works are undertaken by term contractors procured to ensure value for money.

## 6.10 Community Safety Implications

None

## 6.11 Environmental Impact

None

**7. Background Papers**

Report to Cabinet Committee 2<sup>nd</sup> January 2014

**8. Appendices**

**None**