

Single Member Cabinet Decision

Executive
Forward Plan
Reference

E2368

Proposed cycle track between Bathwick Street and Powlett Road, Bath

Decision maker/s	Cllr Roger Symonds, Cabinet Member for Transport
The Issue	<p>The proposal is to convert an existing footpath between Bathwick Street and Powlett Road to a cycle track. A cabinet member decision is required to authorise the making of a Cycle Track Order under the Cycle Tracks Act 1984.</p> <p>The Council has been unable to identify the owner of the land over which the footpath runs which has meant that it is not possible to see if he/she would have been willing to enter into a dedication agreement with the Council to allow cyclists to use this route. Therefore, a Cycle Track Order is required to legally increase the user rights on this route to enable cyclist use. This will then be advertised and a 28 day objection period will run from the date of advertising.</p>
Decision Date	19th March 2012
The decision	<p>The Cabinet Member agrees that:</p> <p>(1) The Environmental Services Divisional Director is authorised to take all necessary action to make and advertise the Cycle Track Order.</p> <p>(2) In the event there are no objections received to the Cycle Track Order or if objections are received but subsequently withdrawn, the Environmental Services Divisional Director is authorised to take all necessary action to confirm the Cycle Track Order as unopposed; or</p> <p>(3) In the event that objections are received to the Cycle Track Order and not withdrawn the matter is referred to Cabinet for Members to consider the objections and decide to either abandon the Cycle Track Order or refer it to the Secretary of State for confirmation.</p>
Rationale for decision`	<p>The rationale of this scheme is to allow cyclists to use this route legally and encourage people to cycle rather than using their cars. This route would be useful for cyclists and has potential for being an important link between a residential area and a wider network of cycling routes. It would provide an attractive, safer and more convenient route for cyclists who might want to avoid using the roads around Sydney Gardens.</p>
Financial and budget implications	<p>(1) The Council will be liable to pay the cost of preparation, making of the order and advertising the making of the Order in the Bath Chronicle. If objections are received against the Order and the</p>

	<p>Cabinet decides to send the matter to the Secretary of State for determination then the Council will have to meet the costs of the public inquiry, including preparation, advertising, and hearing or written representations. The Council will also have to cover the cost of providing the location for any public inquiry or hearing. If the Secretary of State decides not to confirm the order, the Council could be liable to pay any objector's costs. All costs will be met from the B&NES cycle network budget which has an allocation each financial year.</p> <p>(2) If the Order is confirmed the Council will be responsible for covering the costs of any subsequent newspaper adverts. These costs will be met from the B&NES cycle network budget which has an allocation each financial year.</p> <p>(3) The Cycle Tracks Act 1984 contains compensation provisions which include the Council paying compensation to anyone who suffers damage because of the highway works associated with the cycle track including the erection of barriers (s5(1)). The path will be insured under the Council liability insurance. The act also provides for paying compensation to anyone who suffers damage because of depreciation in value of any interest in land to which he is entitled. However, that person would not be entitled to recover any compensation if a claim can be made under section 5(1) or where it is anticipatory (s5(2)).</p> <p>(4) The works required for this scheme include signs and lines/symbols. All costs will be met from the B&NES cycle network budget which has an allocation each financial year. The cost of the scheme is approximately £1200.</p> <p>(5) There will be minimum additional future maintenance costs. The maintenance costs are not included in this budget and would be part of a future highway maintenance budget. These costs would be minimal as the scheme consists of signs and lines so it is unlikely that these will need replacing very often.</p>
Issues considered	Social Inclusion; Customer Focus; Sustainability; Human Rights; Health & Safety.
Consultation undertaken	Ward Councillor; Cabinet members; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer
How consultation was carried out	An initial consultation was carried out with local residents and local pedestrian/access and cycling groups in May 2011 and in November 2011 a wider consultation was carried which included various national groups and notices on site.
Other options considered	The other option would be to do nothing. Cyclists currently use this route and it is likely that they will continue to do so with the legal restriction. The Cycle Track Order will formalise/regularise the current situation. With the cycle track in place the number of cyclists are likely to increase but not significantly as this is a local route from a residential area.

Signatures of Decision Makers	
Date of Signature	
Subject to Call-in until 5 Working days have elapsed following publication of the decision	