

Report to Cabinet Member for:	Locality Services	Date of Issue:	1 st December 2021
		Date of Decision:	9 th December 2021
Subject:	Knob Hall Lane		
Report of:	Head of Highways and Public Protection	Wards Affected:	Cambridge
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary

To seek Cabinet Member endorsement of the suggested position regarding maintenance responsibility for Knob Hall Lane, Southport

Recommendation(s):

That the Cabinet Member:

- (1) Considers the content of this report;
- (2) Endorses the position set out in paragraph 7 of the report; and
- (3) Requests the Head of Highways & Public Protection to write to Cambridge Ward Councillors and residents, affirming the Council's position on this matter.

Reasons for the Recommendation(s):

The issue of maintenance responsibility for Knob Hall Lane has been the source of dispute for many years. In November 2019, Cambridge Ward Councillors, on behalf of the residents of Knob Hall Lane, collectively raised the issue with the Head of Highways and Public Protection. Investigations were therefore commenced which involved a thorough search of the Council's documentary records, and legal advice was sought. Endorsement of the suggested position will enable officers to communicate that position to interested parties.

Alternative Options Considered and Rejected: (including any Risk Implications)

The Council could adopt a different position to that set out. This option has been rejected, as the position suggested is considered correct on the basis of analysis of the circumstances, legislation, case law, and historic documentary evidence.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no further revenue costs associated with this report.

(B) Capital Costs

There are no Capital costs associated with this report.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): There are no resource implications associated with this report.	
Legal Implications: The Chief Legal and Democratic Officer has been consulted and any comments have been incorporated into the report	
Equality Implications: There are no equality implications.	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y
The recommended position will result in no changes to the level of Council activity and have no impact on the Council's Carbon Footprint.	

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: As the local Highways Authority, maintenance of highways falling within the authority's responsibility is a core function of the Council. It is therefore important to have a clear understanding of the extent of the authority's responsibilities.
Place – leadership and influencer: As the local Highways Authority, it important that the Council maintains the highways it is responsible for in line with legal requirements and to the best of its abilities within the resources available to it.
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity:

Effective maintenance of the adopted highway network is an important function for facilitating economic prosperity.
Greater income for social investment: Not applicable
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director Corporate Resources and Customer Services (FD6589/21) and The Chief Legal and Democratic Officer (LD4790/21) has been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Cabinet Member decision.

Contact Officer:	Peter Moore – Head of Highways & Public Protection
Telephone Number:	0151 934 3730
Email Address:	peter.moore@sefton.gov.uk

Appendices:

There are no appendices to this report

Background Papers:

There are no background papers to this report

Background

1. Knob Hall Lane is a road, approximately 450 metres (0.27 miles) in length, that runs between Radnor Drive and Marshside Road in Southport. There are three cul-de-sacs accessed from Knob Hall Lane (Granby Close, Knob Hall Gardens, and Croston Brow) and a short access road to a small number of properties (Cotty's Brow). Granby Close, Knob Hall Gardens and Croston Brow are all adopted highways but Knob Hall Lane itself has never been adopted. The Council does maintain some streetlights on part of Knob Hall Lane, but they are not installed along the full length.
2. The status of Knob Hall Lane has been disputed by land owners, residents and the Council (including its predecessor bodies) since the 1800s and whilst over the years the Council and its predecessor bodies have undertaken some maintenance to the

road, this maintenance work has only ever been to a "keep safe" standard and the road has never been brought up to or maintained to a full adopted highway standard.

3. Several attempts have been made by the Council to secure the agreement of property owners with frontages onto the road, for it to be brought up to an adoptable standard, including the necessary agreement to contribute to the cost of these works, after which the Council would have become responsible for its maintenance, but this has been unsuccessful on each occasion.
4. Periodically, residents and Councillors have raised concerns and questions about the condition of the road and where responsibility for maintaining it sits. Whilst the Council (and its predecessor bodies) position appears to have changed over time, in recent years, its position has been that, as the road is unadopted, it is the collective responsibility of the property owners with frontages onto Knob Hall Lane to maintain the road.
5. In November 2019, Cambridge Ward Councillors, on behalf of the residents of Knob Hall Lane, collectively raised the issue with the Head of Highways and Public Protection. Investigations were therefore commenced which involved a thorough search of the Council's documentary records, and legal advice was sought.
6. In summary, the following aspects of this issue have all been thoroughly investigated:
 - (a) relevant highways Legislation and case law;
 - (b) the Agreement between Southport Corporation and the Hesketh Family, included as a Schedule in the Southport Improvement Act 1885;
 - (c) relevant historical Council and predecessor body documents; and
 - (d) their application to Knob Hall Lane.
7. Having investigated the issue, it is my view that:
 - (a) Knob Hall Lane has not been adopted in accordance with any relevant statutory provisions applicable since it was formed;
 - (b) the Agreement, included as the Third Schedule to the Southport Improvement Act 1885, was most likely an early example of the "making up of a private street" procedure introduced by the Public Health Act 1875;
 - (c) the Agreement does not apply to Knob Hall Lane, as:
 - a. there is considerable doubt that the Agreement as a whole is enforceable in contract and the obligations binding on successors of the Southport Corporation and the Hesketh family (if such even still exists as an entity); and
 - b. in relation to Knob Hall Lane, there were repudiatory breaches of terms of the agreement by the Hesketh family in the early 1930's in respect of properties on Knob Hall Lane, and thereafter the Agreement ceased to apply;
 - (d) Consequently, the Council is not responsible for the maintenance of Knob Hall Lane; and
 - (e) It remains the collective responsibility of the property owners with frontages onto Knob Hall Lane to maintain the road