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Councillor Dr Christopher Mason
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Leader of the Social and Liberal Democrat Group



A nuclear-free zone authority

An equal opportunities authority



CM/LM(Huntly)

30 July 1989

The Committee
Huntly Gardens Proprietors Association
16 Huntly Gardens
GLASGOW
G12 9AT

Ladies and Gentlemen

I have been asked to write to you about the suggestion that your road and pavement should be adopted by the Regional Council as a publicly maintained street.

The present situation, as I understand it, is that the street is owned in sections by the proprietors. The proprietors of each house are responsible for the maintenance of the pavement and carriageway immediately in front of it and there is no arrangement for joint responsibility of all the proprietors for maintenance of the street. The Regional Council, as Highways Authority, does have power under the Roads Acts to require any proprietor to repair his part of the carriageway or pavement at his own expense; but this power is very seldom used and in practice the Regional Council leaves the proprietors to make their own arrangements. It follows that in the event of any third party suffering an accident on the carriageway or pavement a claim for damages could lie against the individual proprietor or proprietors responsible for that bit of the street. It is the Regional Council's policy not to assist with the repair costs of such "private" roads, except in cases where the person liable for the cost of maintenance has an income lower than the Income Support level.

There are a number of options now open to the proprietors of Huntly Gardens.

1. No change. Repairs continue to be at the discretion of the individual proprietors.
2. As (1) but the proprietors could agree among themselves to close off both ends or one end of the street. This would require the consent of the District Council, as Planning Authority, and of the Regional Council, as Highways Authority. If this option were taken, it is most unlikely that the Regional Council would agree to adopt the street.

LSLDCM456

New Address: 18 Randolph Road, Glasgow, G11

For Surgery times see Focus and local press

Home - 17 Rossmore Gate Glasgow G10 0PD Tel 041 220 0940

3. The whole street could be repaired to bring it up to Regional Council standards, at the expense of the proprietors, if this were followed by adoption as a publicly maintained street all future repair costs would then be the responsibility of the Regional Council, which would also be liable in the event of any claim for accidental damage or injury.

Options 2 and 3 require the consent of a clear majority of the proprietors.

If a clear majority of the proprietors wished to pursue the third option, the Roads Department's position would be as set out in Mr Muir's letter to me of 5 May 1988, which was confirmed at his meeting with Dr. Anderson on 11 May 1988, and of which the main points are as follows:

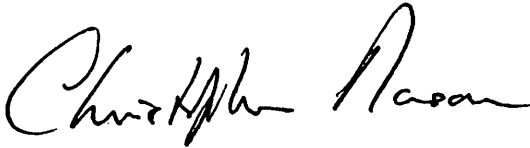
- (i) Both carriageway and footway will require to be made up to acceptable standards and all costs will require to be met by the proprietors of Huntly Gardens. The Roads Department would only require the minimum standard for carriageway upgrading using the retread process.
- (ii) It would be for the proprietors to decide what kind of surface should be used for the pavement, although they should consult the Planning Department of the District Council because Huntly Gardens is in the Conservation Area. An asphalt surface would be sufficient to allow the footway to be adopted by the Regional Council, but the proprietors might prefer to use slabs for environmental reasons.
- (iii) Should agreement be reached on specifications and costings and the majority of the proprietors agree to their proportionment of cost, the Roads Department would issue notice under Section 13 of the Roads (Scotland) Act 1984 to all proprietors of Huntly Gardens requiring the work to be done. An appeal against the notice could be made to a Sheriff.
- (iv) The Roads Department will be prepared to arrange for the issue and supervision of the contract for the upgrading of Huntly Gardens should the majority of the proprietors wish it. This would allow the recovery of apportionment costs to be made through the Region's Director of Finance.
- (v) Once the work had been completed and approved by the Roads Department, the street would be adopted by the Regional Council as a publicly maintained street. The grass verge would remain in private ownership and continue to be maintained by proprietors.

It is entirely a matter for the proprietors how to proceed. But there may be some misunderstanding on one point that I should like to clear up. There is a fear that if the road were adopted, the Regional Council would be able to impose a one-way system as part of some Dowanhill traffic management scheme. There are two points to be made about this. One is that the Region has that power now, even though the road is private. You have an example in Grosvenor Terrace Lane, where there is a one-way order in force. But the more important point is that the Roads Department has no wish or intention to introduce traffic management (or a regulated parking scheme) in Dowanhill, or indeed to make any other change in your street other than to assist with the repair and adoption, if that is how you wish to proceed. No-one can give a guarantee that the Highways Authority will never propose traffic management in Dowanhill; but as I have said, the power to do so is not affected by whether the street is publicly-maintained. As Regional Councillor for the area, I would not support a traffic management scheme.

I gather that there is also a belief that I am "enthusiastic" to have your street adopted. That is true only to the very limited extent that I happen to think the suggestion is in the best interests of the proprietors. But it is not my view which counts. The decision is solely for the proprietors. If a clear majority of the proprietors wish to proceed, the Roads Department will assist on the lines set out above. If, however, you decide one of the other options, the Roads Department will not pursue the matter any further. I hope it will not be thought offensive if I say quite bluntly that the Roads Department have quite enough to do maintaining the roads which are their present responsibility, and have no time or inclination to add to their responsibilities in the teeth of opposition.

I am on holiday until 11 August but I should be glad to discuss this with you after that if it would be helpful.

Yours sincerely

A handwritten signature in cursive script, reading 'Christopher Mason'.

Christopher Mason
Strathclyde Regional Councillor
Kelvindale/Kelvinside