

Cabinet

6 March 2025

County Highways 'Highway Enforcement Policy'

Recommendation

That Cabinet approves the County Highways 'Highway Enforcement Policy', as set out at **Appendix 1**

1. Executive Summary

- 1.1 Warwickshire County Council is the Highway Authority for the purposes of The Highways Act 1980 (the Act). The Act includes provisions enabling the Highway Authority to address various encroachments, obstructions, and unlawful interferences
 - 1.1.1 **Section 130(1) of the Act** imposes a duty on the Highway Authority to "assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority."
 - 1.1.2 **Section 333 of the Act** makes it clear that no provisions of the Act affect the Highway Authority's right to exercise existing common law rights to remove or reduce obstructions and nuisances.
- 1.2 The County Highways service at the Council administers the licensing of temporary activities on the public highway and undertakes enforcement action in respect of obstructions and nuisances where necessary.
- 1.3 Areas of responsibility in respect of enforcement include dealing with:
 - Highway Obstructions
 - Encroachments or unlawful interferences
 - Items placed on the verge, carriageway or footway such as builders' skips, scaffolds, hoardings, building materials and other temporary structures
 - Other instances provided for by legislation, such as the protection and management of public rights of way and ensuring the safety of highways
- 1.4 Enforcement against encroachments, obstructions, and unlawful interferences on the highway has been undertaken to date in accordance with the relevant statutory provisions. The opportunity has been taken to review and refresh the arrangements for enforcement which are set out in the attached Highway Enforcement Policy (Appendix 1) to ensure that they are up to date and remain legally compliant.

- 1.5 The proposed policy details the enforcement principles to be followed by officers when dealing with encroachments, obstructions, and unlawful interferences on the highway. It sets out the standards and guidance that should be applied by the Council when acting in its role as the Highway Authority across its range of relevant legal powers and duties.
- 1.6 In addition, the proposed policy, being purposely overarching, will assist the Council to fulfil its obligations in managing a safe and efficient road network, pursue prosecutions related to enforcement issues where these are necessary and provide assurance that the Council is taking a consistent approach to complying with its regulatory duties.

2. Financial Implications

- 2.1 There are no financial implications arising directly from the approval of the proposed enforcement policy. The implementation of the policy will be accommodated within existing resources.

3. Environmental Implications

- 3.1 There are no environmental implications arising directly from this report.

4. Supporting Information

- 4.1 A comprehensive review was conducted across various teams within County Highways regarding the current enforcement decision-making process. The aim of the review was to identify where any areas of our enforcement arrangements could be simplified, clarified or strengthened and to ensure that the Council has a robust enforcement policy that clearly sets out the basis for enforcement action and can be relied upon in the event of legal proceedings.
- 4.2 Benchmarking against other local authorities that provide similar services was undertaken and helped to inform the review and ensure that Warwickshire is taking a best practice approach to enforcement.
- 4.3 The adoption of the proposed policy is regarded as best working practice and will assist the Council to demonstrate that its enforcement activities are proportionate, targeted, consistent, transparent, and accountable. It will ensure that all officers are aware of the enforcement actions available to them.
- 4.4 Regarding equality, it is considered unlikely that there will be potential for discrimination or negative impact to those with protected characteristics. As part of the process of reviewing the Council's enforcement arrangements and drafting the policy opportunities to promote equality have been considered.

- 4.5 Section 130 of The Highways Act is fundamentally designed to assert and protect the public's rights to use and enjoy the public highway, thereby promoting inclusivity for all. The Act embeds equality through various provisions that ensure public access and safety for all users. One key aspect is the Act mandates that highway authorities protect the rights of the public to use and enjoy highways without obstruction. This includes ensuring that footways are accessible to individuals with disabilities and other vulnerable groups, thereby fostering an inclusive environment. By addressing these aspects, the Act supports the principle of equality in public infrastructure.
- 4.6 Officers adhering to a policy informed by the Highways Act 1980 will be able to enforce measures to uphold and manage the public rights mentioned above effectively.
- 4.7 The proposed policy should be viewed as a positive tool aimed at promoting a proportional, targeted, consistent, transparent, and accountable approach to highway enforcement. It will outline the options that the Council will consider when undertaking enforcement and how instances of non-compliance can be addressed.

5. Timescales associated with the decision and next steps

- 5.1 Subject to Cabinet approval, County Highways will implement the Highway Enforcement Policy from 1 April 2025. No additional training for officers will be required but a period for familiarisation and an opportunity for questions and clarification is planned into the roll out.

Appendices

Appendix 1 - County Highways 'Highway Enforcement Policy'

Background Papers

None.

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The report was circulated to the following members prior to publication:

Local Member(s): None – this is a County wide report

Other members: Chair & Spokes of Communities OSC, Councillors Clarke, Chilvers, Feeney and Fradgley