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**Meeting of Executive Members for City  
Strategy and Advisory Panel**

**26 March 2007**

Report of the Director of City Strategy

**LEAFLET PETITION FROM RESIDENTS WHO LIVE IN THE PLANTATION  
DRIVE AREA AND USE THE SHOPS AND POST BOX IN THE AREA OF  
THE SHOPS IN PLANTATION DRIVE/BOROUGHBRIDGE ROAD**

**Summary**

1. This report advises Members of the receipt of a leaflet petition presented by Councillor Simpson-Laing at Full Council on 25 January 2007. Councillor Simpson-Laing presented the petition on behalf of 36 residents that use the shops and post box adjacent to the shops in the Plantation Drive/Boroughbridge Road area.
2. The residents are requesting that the area be tidied up including repairs to the footway surfaces and the issues relating to litter.
3. Members are asked to consider the options outlined in the report and to approve the recommendation.

**Background**

4. Copies of the completed leaflets signed by the residents will be available at the meeting.
5. A plan of the area, including the areas which are adopted as highway maintainable at public expense is attached as Annex 1. The adopted areas are shown hatched on the plan
6. Members will be aware that officers undertake a variety of inspections including an annual inspection each year in June of all the adopted roads and footways within the Council's area.
7. The latest inspection in June 2006 did identify the condition of the adopted sections of footways around the shops in both Plantation Drive and Boroughbridge Road to be in an average (2) condition.
8. In accordance with the council's policy following the receipt of a petition the adopted areas around the shops have been inspected with a view to forming part of our 2007/08 Resurfacing and Reconstruction programme.
9. The detailed condition assessment of the adopted areas has now been undertaken but these areas did not score high enough to be considered for inclusion in the forthcoming financial year and would not warrant attention at this time.

10. The responsibility for repairs or reconstruction of the private forecourted areas rests with the adjoining frontagers.
11. Streetscene at Neighbourhood Services has confirmed that the area adjacent to the shops is part of the new pilot zone for street sweeping and cleansing and is visited by the barrow sweeping crews on a weekly basis. They further advise that a mobile crew can be dispatched up to three times a week should any complaints be received.
12. The Council do have powers under Section 230 of The Highways Act 1980 to serve notice on the owners of the private forecourts to execute repairs needed to ensure the areas are safe for all users of the highway.

## **Proposal**

13. To write to all the owners of the private forecourts requesting that they carry out any necessary repairs to their areas in the interests of the safety of the general public within a definite timescale.
14. Should works not be completed by the due date to serve formal notice on the property owners under Section 230 (1) of The Highways Act 1980 listing what works are necessary to maintain this area in a safe condition and defining a timescale in which these works should be completed. Powers are also available under Section 230 (4) for the highway authority to execute these works by default and recover all reasonable costs incurred.
15. Streetscene will continue to attend to the sweeping and litter picking of these areas under the new pilot zone and will attend with the mobile crews as and when requested.
16. The adopted areas will continue to be monitored and repairs will be actioned as and when required.

## **Analysis**

17. Should Members choose to approve the proposal the Council will be reliant on the individual owners agreeing to carry out works to their own areas in the first instance.
18. A Notice served under Section 230(1) of The Highway Act would ensure the area is maintained in a safe condition but whilst this report relates to the private forecourts fronting the shops on Plantation Drive/Boroughbridge Road, there are a considerable number of similar areas throughout the City where the public have access over private areas. The proposal, therefore, has implications across the whole of the Council's area. Should any of the owners appeal to a Magistrates court relating to the service of the formal notice and works are subsequently carried out by the Council in its role as highway authority, the area would then be determined to be highway maintainable at public expense for the Council to subsequently maintain in the future.
19. Members should be aware that whilst streetscene continue to sweep and litter pick this area under the pilot zone scheme it does remain private, but whilst the Council continue to carry out these works it could be implied that the whole area, including

the surfacing and drainage, to be the responsibility of the City of York Council for future maintenance.

## **Corporate Priorities**

20. Maintenance of the public highway has a direct impact on several of the Council's corporate aims and priorities:

21. Corporate Aim 1: (Environment)

Take pride in the City by improving quality and sustainability, creating a clean and safe environment.

Specific priorities:

1.1 Increase resident satisfaction and pride with their local neighbourhoods.

1.2 Protect and enhance the built and green environment that makes York unique.

1.3 Make getting around York easier, more reliable and less damaging to the environment.

22. Corporate Aim 3: (Economy)

Strengthen and diversify York's economy and improve employment opportunities for residents.

Not directly relevant to any of the specific priorities, but good quality highway infrastructure is vital to the local economy.

23. Corporate Aim 4: (Safer City)

Create a safe City through transparent partnership working with other agencies and the local community.

Specific priority:

4.7 Make York's roads safer for all types of user.

24. Corporate Aim 8: (Corporate Health)

Transform City of York Council into an excellent customer-focused "can do" authority.

Specific priority:

8.9 Manage the Council's property, IT and other assets on behalf of York residents.

## **Implications**

### **Financial**

25. There are no immediate financial implications as any works will be either carried out by or on behalf of the appropriate landowners. There is the risk that should the Council have to carry out the works, under The Highways Act 1980, the future maintenance liabilities and costs for the maintenance of this area would rest with the Council.

### **Human Resources**

26. There are no human resources implications.

### **Equalities**

27. There are no equalities implications.

### **Legal**

28. Delegated authority for the serving of a Notice under Section 230 of The Highways Act 1980 rests with the Head of Network Management.

### **Crime and Disorder**

29. There are no Crime and Disorder implications.

### **Information Technology (IT)**

30. There are no information technology implications.

### **Property**

31. There are no property implications.

### **Other**

32. There may be implications across the Council's boundaries as detailed in paragraph 17.

### **Risk Management**

33. In compliance with the Council's Risk Management strategy the main risks have been identified in this report are risks arising from hazards to assets and people (physical), those which could lead to financial loss (financial), and none compliance with legislation (Legal and regulatory).
34. Measured in terms of impact and likelihood the risk score for all of the above has been assessed at less than 16. this means that at this point the risks need only to be monitored as they do not provide a real threat to the achievement of the objectives of this report.

### **Recommendations**

35. That the Advisory Panel advise the Executive Member to:
- (a) Note the receipt of the leaflet petition
  - (b) Approve the proposals outlined in paragraphs 13, 14, 15 and 16.

Reason: To ensure the area is maintained in a satisfactory condition for all users of the private forecourted areas.

## Contact Details

**Author:**

Robin Sweetman  
Engineer  
Highway Infrastructure  
Tel 01904 551649

**Chief Officer Responsible for the report:**

Damon Copperthwaite  
Assistant Director  
(City Development & Transport)

**Report Approved**



**Date** 13/3/07

**Specialist Implications** None

**Officers:**

**Wards Affected:** Acomb

**For further information please contact the author of the report**

## Background Papers:

None.

## Annexes

**Annex 1 Plan of area**

RKS/LT

27 February 2007

comm/emap-citystrategy/260307 Leaflet petition from residents in the Plantation Drive area