



**Notice of meeting of
Economic & City Development Overview & Scrutiny Committee**

To: Councillors Scott (Chair), Hudson (Vice-Chair),
Alexander, D'Agorne, Holvey, Hyman, Kirk and Potter

Date: Tuesday, 13 July 2010

Time: 5.30 pm

Venue: The Guildhall, York

AGENDA

- 1. Declarations of Interest** (Pages 3 - 4)
At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.
- 2. Minutes** (Pages 5 - 8)
To approve and sign the minutes of the last meeting of the Economic & City Development Overview & Scrutiny Committee held on **17 May 2010**.
- 3. Public Participation**
It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **Monday 12 July at 5pm**.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Report - Work plan for the Economic & City Development Overview & Scrutiny Committee 2010/2011 and Forward Plan Extracts (Pages 9 - 16)

This report presents the Committee's work plan for the forthcoming year. Members are asked to consider any additions and/or amendments they may wish to make.

5. Update Report - Proposed Scrutiny Topic on the Acceptance of Euros by York Businesses (Pages 17 - 34)

This report asks Members to consider whether they would like to proceed with the proposed scrutiny topic on the acceptance of Euros by York businesses.

6. 2009/10 Finance and Performance Outturn Report (Pages 35 - 46)

This report provides details of the 2009/10 outturn position for both finance and performance in City Strategy and Housing Services.

7. Reports on Traffic Management at York Railway Station and York North West (Pages 47 - 80)

Members are asked to consider the Executive reports attached at Appendix 1 and 3 to this report and decide whether they wish to take any further action in relation to them.

8. Proposed Scrutiny Topic in Relation to the Adoption of New Estates (Pages 81 - 130)

This report asks Members to consider whether they would like to proceed with a scrutiny review on the Adoption of New Estates.

9. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer:

Name- Judith Cumming

Telephone No. – 01904 551078

E-mail- judith.cumming@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Judith Cumming Democracy Officer

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

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Further information about what's being discussed at this meeting

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The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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MEETING OF ECONOMIC AND CITY DEVELOPMENT OVERVIEW & SCRUTINY COMMITTEE

Agenda item 1: Declarations of interest

The following Members declared standing personal interests.

Councillor Holvey- Economic Policy Advisor for Leeds City Council

Councillor D'Agorne- Employee of York College

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City of York Council

Committee Minutes

MEETING	ECONOMIC & CITY DEVELOPMENT OVERVIEW & SCRUTINY COMMITTEE
DATE	17 MAY 2010
PRESENT	COUNCILLORS PIERCE (CHAIR), HUDSON (VICE-CHAIR), HOLVEY, HYMAN, KIRK, POTTER AND SCOTT
APOLOGIES	COUNCILLOR D'AGORNE

4. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests, other than the standing declarations, that they might have in the business on the agenda.

None were declared.

5. MINUTES

RESOLVED: (i) That the minutes of the meetings of the Economic and City Development Overview and Scrutiny Committee held on 22 February, 9 March and 24 March 2010 be approved and signed by the Chair as correct records.

(ii) That the minutes of the meeting of the Water End Councillor Call for Action (CCfA) Task Group held on 14 April 2010 be approved and signed by the Chair as a correct record.

6. PUBLIC PARTICIPATION

It had been reported that there had been two registrations to speak under the Council's Public Participation Scheme.

Representations were heard from Mr Andrew Pringle, a resident of Westminster Road, in relation to Agenda Item 4 (Water End Councillor Call for Action(CCfA)-Final Report). He spoke about how he was pleased with the conclusion of the report, but that he was disappointed that point closure of Westminster Road and The Avenue was not included because he felt that the situation at the junction had been shown to be exceptional.

Further representations were heard from Mr Alan Wells, another resident of Westminster Road in relation to Agenda Item 4. He told Members that he felt that the situation with excessive traffic in the area was worsening and suggested that all through traffic should be stopped from using the roads.

He felt that there were two possible solutions;

- The return of the left hand filter lane by widening the road which could be done by the removal of the cobbles(which were currently unsafe for pedestrians), or to raise or fill this area to the level of the road, in order to retain the cycle lane.
- Point closure on Westminster Road and The Avenue.

7. WATER END COUNCILLOR CALL FOR ACTION (CCFA)-FINAL REPORT

Members received a Draft Final Report on the Water End Councillor Call for Action(CCfA) to resolve traffic issues at the junction of Water End, Clifton Green, Westminster Road, The Avenue and Clifton Green.

Members commented that it was clear from the representations heard that the traffic problems in the area were not being resolved and were getting worse. They added that the left hand turn lane was the stumbling block but the solution to easing the problems would be to compromise by either closing off Westminster Road to through traffic or to change the junction dramatically to ease congestion.

Some Members supported point closure, as part of the junction improvements as suggested in the first recommendation, was the only sensible way forward to improve the junction and reduce traffic flows.

Other Members expressed concern at the first recommendation in its suggestion of allowing Officers to develop new proposals for the junction. They stated that they felt that a point closure on a temporary basis would be a solution to the congestion faced at the junction.

- RESOLVED:
- (i) That the final report be noted.
 - (ii) That new, comprehensive proposals be developed for the Water End junctions to improve the current junction and reduce traffic flows in Westminster Road/The Avenue.
 - (iii) That the Council should, in future, use traffic models which incorporate side streets when assessing and designing junction improvements.
 - (iv) That the present policy of reviewing new highway schemes only after a period twelve months should be modified in enable to a review after three months when unforeseen consequences have arisen and when Ward Members request.

REASON: To address the concerns raised in the Councillor Call for Action.

8. NEWGATE MARKET-INTERIM REPORT

Members received an interim report which provided them with information that had been collated in relation to the review being conducted on Newgate Market.

Discussion between Members and Officers focused around the following issues;

- The possible reduction of the days of the operation of the market to promote maintenance and bring in additional income.
- The physical constraints of the space; in particular the need to maintain the four entrances into the market to a high standard to appear welcoming, the need to move away from 'cramming in' stalls, and security issues from businesses backing on to the market.
- The poor physical state of frontages that backed on to the market.
- The possible introduction of more rigid times for loading vehicles to enter the space, to appear more welcoming to visitors.
- Niche and boutique style markets as opposed to traditional style markets.

In response to queries Officers told Members that;

- The possible use of market space at night for car parking was under investigation.
- Annex B should be viewed only as suggestions for alternative and additional uses of the market, not recommendations for approval or dismissal.
- That further consultation would have to take place with market traders before suggestions from Members could be put into action.

RESOLVED: (i) That the report be noted

(ii) That an additional informal brainstorming session be arranged in order to receive further consultation from Officers in order to formulate recommendations to be included in the draft final report.

REASON: In order to progress this review.

9. UPDATE REPORT- BROADWAY SHOPS COUNCILLOR CALL FOR ACTION

Members received an update report on the Councillor Call for Action in relation to maintenance, parking and safety issues at Broadway Shops. This report collated information gathered at a facilitated discussion held on Tuesday 20 April 2010.

The Scrutiny Officer informed Members that a 'marking out' date, to arrange where retailers would like hoops, cycle stands and white lining to be placed, was in development.

RESOLVED: That the report be noted and a further progress report be presented to the Committee after the next facilitated discussion.

REASON: To address the concerns raised in this CCfA.

10. WORK PLAN 2010 AND FORWARD PLAN EXTRACTS

Members considered the Committee's work plan for 2010/11 together with extracts from the Forward Plan related to the Committee's remit.

RESOLVED: That the work plan and Forward Plan extracts be noted.

REASON: To assist in the planning of work for this Committee.

Cllr R Pierce, Chair

[The meeting started at 5.30 pm and finished at 6.55 pm].



Economic & City Development Overview & Scrutiny Committee

13th July 2010

Report of the Head of Civic, Legal & Democratic Services

Report – Work plan for the Economic & City Development Overview & Scrutiny Committee 2010/2011

Summary

1. This report presents the Committee's work plan for the forthcoming year for consideration. It asks Members to consider any additions and/or amendments they may wish to make to it. The work plan is attached at Annex A to this report.

Background

2. The work plan is an ongoing and fluid document that aids the Committee to plan a programme of work for the forthcoming year. The Scrutiny Officer will be in attendance at the meeting and will be happy to answer any questions Members may have on any of the items currently on the work plan.

Ongoing Work

Newgate Market

3. The Committee are currently undertaking a review on Newgate Market. The Committee met informally on 5th July to undertake further discussions and, dependent on the outcome of these, it may be necessary for the Committee to arrange an additional meeting to give the topic further consideration.

Broadway Shops Councillor Call for Action

4. In addition to this there is an ongoing Councillor Call for Action (CCfA) in relation to Parking, Safety & Maintenance issues at Broadway Shops. A series of facilitated discussions has been held in relation to this and it is hoped that a further one will be held in the not too distant future. To date Councillor Kirk has facilitated these.

Acceptance of Euros by York Businesses

5. Councillor Alexander submitted this topic earlier this year. A further report is on today's agenda along with a presentation from Visit York for Member's consideration.

Adoption of New Estates/Developments

6. Councillor Simpson-Laing submitted this topic last year and the Committee have so far deferred the decision on whether to progress this topic to review. Councillor Simpson-Laing has recently amended her topic registration form and indicated that she would still like the Committee to progress this to review. Councillor Watt has also recently submitted a similar topic. A report regarding both of these is attached as part of today's agenda for Member's consideration

Future items

Food Security

7. Councillor D'Agorne has very recently submitted this topic. A feasibility study will be prepared and it is hoped that this will be ready for the September meeting of the Committee, unless an earlier date is scheduled.
8. Clearly, should the Committee choose to progress any of the above topics they will need to be scheduled within the attached work plan after consideration of the appropriate reports.
9. Members can also suggest their own topics for review or ask any of the senior officers present for advice on suitable topics for review. They may also request other information/reports for the work plan that fall within their remit.

Consultation

10. Members, relevant officers and external partners will be consulted on and/or notified of the Committee's work plan for 2010/11.

Options

11. Members should choose which topics and/or issues they would like on the work plan for 2010/11.

Analysis

12. Members should consider which topics, if any, they would like to review during the forthcoming municipal year. Further possible topics are set out in paragraphs 5 & 6 of this report and their associated reports are attached as part of today's agenda. The topic on Food Security mentioned at paragraph 7 of this report is a potential topic but as it has only very recently been received the feasibility study has not yet been prepared.
13. In addition to those items mentioned above the Committee will be receiving, at this meeting, the 2009/10 Year End Outturn Report and this may highlight potential topics for review.
14. The Committee can also request reports from officers on any matter within their remit. Members will also receive copies of relevant future Executive

Forward Plan items (Annex B refers) as part of agendas and can request copies of reports or further information from officers.

Corporate Strategy 2009/2012

15. This report relates to the 'Thriving City' theme of the Corporate Strategy 2009/2012.

Implications

16. There are no known financial, human resources, legal or other implications associated with the recommendations within this report. Any implications arising from reviews will be addressed within reports associated with the individual review.

Risk Management

17. In compliance with the Council's risk management strategy there are no known risks associated with the recommendations within this report.

Recommendations

18. Members are requested to agree a work plan for 2010/2011 and consider which topics they would like to address.

Reason: In order to provide the Committee with a work programme for future meetings.

Contact Details

Author:

Tracy Wallis
Scrutiny Officer
Scrutiny Services
01904 551714

Chief Officer Responsible for the report:

Andrew Docherty
Head of Civic, Legal & Democratic Services
01904 551004

Report Approved



Date 28.06.2010

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A Work plan

Annex B Forward Plan Extracts

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Economic & City Development Overview & Scrutiny Committee Work Plan 2010/11

Meeting Date	Work Programme
13 July 2010	<ol style="list-style-type: none"> 1. 2009/10 Year End Outturn Report & Proposals for Corporate Priorities 2. Presentation on the Visit York pilot scheme regarding use of Euros 3. Update on Proposed Scrutiny Topic - Highways Adoption 4. Information/Progress Report on York Northwest 5. Information/Progress Report on Traffic Arrangements at York Railway Station
28 September 2010	<ol style="list-style-type: none"> 1. Quarter 1 Monitoring Report & Reports 2. Updates on Recommendations from Previous Scrutiny Reviews (Guidance on Sustainable Development & Planning Enforcement) 3. Annual Report of the Local Strategic Partnership 4. Attendance & report(s) of Executive Member for City Strategy & the Leader
7 December 2010	<ol style="list-style-type: none"> 1. Quarter 2 Monitoring Report
25 January 2011	
8 March 2011	

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FORWARD PLAN ITEM**Meeting:** Executive**Meeting Date:** 20/07/10**Keyword:** Be significant in terms of its effects on communities;**Item Type:** Executive Decision - a 'Key Issue' - decision with significant effects on communities**Title of Report:** York Community Stadium Update**Description:** Purpose of report: To report back on the implications for funding pending decision from Full Council on 15 July.

Members are asked to: Consider the options whether or not to proceed with the outline business case as outlined in the report.

Wards Affected:**Report Writer:** Tim Atkins**Deadline for Report:** 06/07/10**Lead Member:** Councillor Steve Galloway**Lead Director:** Director of City Strategy**Contact Details:** Tim Atkins

tim.atkins@york.gov.uk

Implications**Level of Risk:** 04-08 Regular monitoring required**Reason Key:** It is significant in terms of its effect on communities**Making Representations:** N/A**Process:** N/A**Consultees:** N/A**Background Documents:** Committee Report for York Community Stadium Update**Call-In**

If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 26/07/10

Internal Clearance Process**Pre-Decision**

By Chief Officers at

on:

By Political Group Leaders on:

By Strategic Policy Panel (if required) on:

Post-Decision

By Strategic Policy Panel (if Required) on:

FORWARD PLAN ITEM**Meeting:** Executive**Meeting Date:** 07/09/10**Keyword:****Item Type:** Executive Decision - of 'Normal' Importance**Title of Report:** York Renaissance**Description:** Purpose of report: To acknowledge receipt of the final draft report including high level officer views and recommend the report is circulated for wider public consultation.

REPORT DEFERRED as a final draft report has yet to be received from the consultants to allow officer and members comments to be incorporated.

Members are asked to: To note receipt of report and endorse the recommendations.

Wards Affected:**Report Writer:** Derek Gauld **Deadline for Report:** 25/08/10**Lead Member:** Councillor Steve Galloway**Lead Director:** Director of City Strategy**Contact Details:** Derek Gauld

derek.gauld@york.gov.uk

Implications**Level of Risk:** 04-08 Regular monitoring required **Reason Key:****Making Representations:** N/A**Process:** N/A**Consultees:** N/A**Background Documents:** Committee Report for York Renaissance**Call-In**

If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 13/09/10

Internal Clearance Process**Pre-Decision**

By Chief Officers at

on:

By Political Group Leaders on:

By Strategic Policy Panel (if required) on:



Economic & City Development Overview & Scrutiny Committee

13th July 2010

Report of the Head of Civic, Legal & Democratic Services

Update Report – Proposed Scrutiny Topic on the Acceptance of Euros by York Businesses

Summary

1. This report asks Members to consider whether they would like to proceed with the proposed scrutiny topic on the acceptance of Euros by York businesses.

Background

2. Earlier this year Councillor Alexander submitted a scrutiny topic in relation to the acceptance of Euros by York businesses. A feasibility report was subsequently prepared and is attached at Appendix 1. A copy of the original topic registration form is attached at Annex A and the original consultation responses at Annex B.
3. Members consider the feasibility report and its associated annexes at a meeting held on 9 March 2010 and agreed to defer a decision on whether to proceed until the representative from Visit York had given a further presentation.
4. A representative from Visit York will be in attendance at the meeting to update Members on the objectives of the Gillygate Pilot Scheme (Appendix 1 refers). Unfortunately, the Gillygate Pilot Scheme is not yet underway and he will be unable to report any outcomes from this at today's meeting.

Consultation

5. Many people were consulted during the preparation of the feasibility report and their comments are set out at Annex B.

Options

6. In considering the information within this report, its associated annexes and that provided at today's meeting by the representative of Visit York Members may choose between the following options:

Option A Progress this topic to review

Option B Do not proceed with this review

Option C Defer the decision until the completion of the research currently being undertaken by Visit York.

Analysis

7. **Annex B** to this report outlines the comments made by the consultees in relation to this topic and Paragraphs 5 to 10 of the feasibility report contain analysis of the comments received. Members are advised to give both of these careful consideration and think about what positive outcomes could be achieved should they choose to progress this topic to review.
8. The comments in Annex B are mixed however one comment suggests that the perspective of any review should be around tourism which Visit York already have in hand. After receiving the information from Visit York at today's meeting Members should give careful consideration as to whether undertaking a scrutiny review could add any further value to the work already being undertaken by Visit York.
9. This topic was submitted some time ago and Members are urged to make a decision on whether they wish to progress this topic to review at this meeting. However, the outcome of the Gillygate Pilot Scheme is not known therefore, on the basis of the information available to date, it is suggested that Members do not progress this topic to review but ask for Visit York to return to present the outcomes of the Gillygate Pilot Scheme when they are known.

Corporate Strategy 2009/2012

10. The contents of this report, its associated annexes and any review that may be undertaken are linked to the 'Thriving City' theme of the Corporate Strategy 2009/2012.

Implications

11. There are no financial, human resources, legal or other implications associated with the recommendations within this report. However, implications may arise should this topic be progressed to review and these would be addressed within appropriate reports.

Risk Management

12. There are no risks associated with the decision on whether to progress this topic to review. However, risks may occur should any review take place and these would be addressed accordingly.

Recommendations

13. Members are asked to consider the information contained within the report and its associated annexes and the information provided by Visit York at today's meeting and are recommended to:

- i. Not proceed with this review
- ii. Request an update from Visit York on the outcome of the Gillygate Pilot Scheme once it is known

14. Reason: To address the issues outlined within the topic registration form.

Contact Details

Author:

Tracy Wallis
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Chief Officer Responsible for the report:

Andrew Docherty
Head of Civic, Legal & Democratic Services
Tel: 01904 551004

Report Approved Date 28.06.2010

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Attached as annexes

Annexes

Appendix 1 Feasibility Report dated 9th March 2010

Annex A Topic Registration Form

Annex B Consultation Responses

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Economic & City Development Overview & Scrutiny Committee

9 March 2010

Feasibility Report – Acceptance of Euros by York Businesses

Summary

1. This reports asks Members to consider the feasibility of a scrutiny topic registered by Councillor James Alexander regarding the acceptance of Euros by York Businesses. A copy of the registration form is attached at Annex A.

Criteria

2. Councillor Alexander believes that this topic fits with the following eligibility criteria as set out in the topic registration form:
 - Public Interest
 - In keeping with Corporate Priorities – This fits in with the ‘Thriving City’ them of the Corporate Strategy, which states: “We shall implement a programme of support for local businesses and communities, to ensure that York employment remains as high as it can be during the economic downturn.” and “We recognise the importance of tourism to the economy of the city and commit to further developing York as a major destination for visitors from all over the UK, Europe and beyond.”
 - National / Regional Significance

Consultation

3. The following people were consulted on the feasibility of progressing this topic to review.
 - Councillor Stephen Galloway, Executive Member for City Strategy
 - Councillor Richard Moore, Executive Member for Resources
 - Assistant Director of Economic Development
 - Director of Resources
 - Peter Kay, Chair of the Economic Development Partnership
 - Dave Martin, Visit York Director
 - Business Analyst for City Strategy

Their comments are set out at Annex B.

Options

4. In considering the information provided within this report Members may choose between the following options:

Option A Progress this topic to review.

Option B Do not proceed with a review.

Option C Defer the decision until the completion of research currently being undertaken by Visit York. Receive a presentation from Mr Martin on conclusion of his research pilot.

Analysis

5. Both the Assistant Director of Economic Development and Councillor Stephen Galloway, in his role as Executive Member of City Strategy, commented that the Council does not have the power to influence businesses to accept Euros.
6. Others consulted, such as the Director of Resources, commented on the extensive current use of credit cards in spending foreign currency, so the benefits upon businesses would be limited.
7. However, Mr Martin, a Visit York Director raised that in addition to increasing the turnover for retailers, the key benefit of doing this would be to be able promote York as a Euro friendly zone as a part of a wider strategy to make it a more visitor friendly zone, and in that way having a positive effect on York businesses.
8. He has begun to investigate this topic as part of his role with Visit York:

“I have already started conducting some research along Gillygate with around a dozen retailers [talking to them and encouraging them to accept Euros], and have had a very positive response to my arguments for adopting the policy.”

He advises:

“At this stage I cannot see any necessity for council involvement until at least another month of research is done. However, I would not like to close the door to the possibility, particularly if the scheme becomes extensive.”

9. Debate around the extent of the benefit for businesses accepting Euros would form part of the remit of any review. However, initial views do suggest that, if any, the key benefactors would be businesses in the tourist industry. Mr Kay, Chair of the Economic Development Partnership, suggested that any review should solely concentrate on this area. This narrower remit may avoid further complications with the Council’s own position of accepting Euros. For example, if a broader business context was taken and the Council encouraged all businesses to accept Euros, there may be the expectation that the Council itself should also accept Euros. The Director of Resources reflected that “In terms of CYC accepting euros I would be strongly against it from an efficiency

point of view as we are trying to move away from handling notes and coins in Sterling as this is expensive in terms of cashiers time, banking charges for handling coins and security of storing and transporting, therefore the same argument would apply to accepting Euros.”

10. Given that the focus of any review is likely to include tourists spending Euros in shops, the fact that Visit York are currently investigating this means that, if undertaken, a full review by scrutiny may be more beneficial after the initial research has by Visit York has been completed in order to avoid duplication. The initial Gillygate pilot by Visit York will be completed by April, after which conclusions may have been reached as to whether it would be beneficial for the Council to have a role in encouraging businesses to accept Euros. Mr Martin, who is carrying out the research, is willing to speak to the committee about this upon completing this initial piece of research. Mr Martin did not feel it would be worthwhile speaking to the committee before this point as he has only just begun his research and no conclusions have yet been made.

Conduct of Review

11. Should this topic be progressed to review, members should consider whether they wish the topic to be considered by the whole committee or set up a task group, and agreed a remit for the review. The review may include investigating:
 - Existing businesses that accept Euros
 - The evidence of whether this is beneficial to these existing businesses
 - Other towns around the country who have adopted this practice and the effect on their local economy
 - If the practice is deemed beneficial, what powers the Council has over persuading traders

Corporate Strategy 2009/2012

12. The contents of this report and the focus of any review that may be undertaken are linked to the ‘Thriving City’ theme of the Corporate Strategy as highlighted in paragraph 2.

Implications

13.
 - **Financial** - There are no financial implications associated with the decision of whether to commence a review, however should this topic be progressed there may be implications in further decisions on this topic. There is a small amount of funding in the scrutiny budget to enable reviews to take place.
 - **Human Resources (HR)** - There are no human resources implications associated with the decision of whether to commence a review, however

should this topic be progressed there may be implications in further decisions on this topic.

- **Equalities** – There are no equalities implications associated with the decision of whether to commence a review.
- **Legal** - There are no legal implications associated with the decision of whether to commence a review, however should this topic be progressed there may be implications in further decisions on this topic.
- **Other** – There are no other implications associated with the decision.

Risk Management

14. There are no risks associated with the decision of whether to commence a review. Should the review be progressed, there may be risk in further decisions on this topic, which would be monitored accordingly.

Recommendations

15. Having considered all the information provided within this report, it is recommended that the Committee receive a presentation from Mr Martin on his findings from the Gillygate pilot upon its completion in April. The decision of whether to proceed with any review should be deferred until this point.

Reason: In order to address the issues highlighted in the topic registration form without duplicating work.

Contact Details

Author:

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**Feasibility Study
Approved**



Date 24.02.2010

Specialist Implications Officer(s) None

Wards Affected: *List wards or tick box to indicate all*

All



For further information please contact the author of the report

Annexes

Annex A – Topic Registration Form

Annex B – Consultation Responses

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Annex A: SCRUTINY TOPIC REGISTRATION FORM

PROPOSED TOPIC: To find out what the effect would be on the York economy for businesses to accept Euros as well as pounds sterling. To discover whether this practice could be beneficial and if so whether the Council could take measures to encourage the acceptance of Euros as well as pounds sterling.

COUNCILLOR (S) REGISTERING THE TOPIC: Councillor James Alexander

SECTION 1: ABOUT THE TOPIC

Please complete this section as thoroughly as you can. The information provided will help Scrutiny Officers and Scrutiny Members to assess the following key elements to the success of any scrutiny review:

How a review should best be undertaken given the subject

Who needs to be involved

What should be looked at

By when it should be achieved; and

Why we are doing it?

Please describe how the proposed topic fits with 3 of the eligibility criteria attached.

As a general rule, topics will only proceed to review if they meet 3 of the criteria below. However, where it is adequately demonstrated that a topic is of significant public interest and fits with the first criteria but does not meet 3, Scrutiny Management Committee may still decide to allocate the topic for review. Please indicate which 3 criteria the review would meet and the relevant scrutiny roles:

	✓	Policy Development & Review	Service Improvement & Delivery	Accountability of Executive Decisions
Public Interest (ie. in terms of both proposals being in the public interest and resident perceptions)	✓	✓		
Under Performance / Service Dissatisfaction				
In keeping with corporate priorities	✓	✓		
Level of Risk				
Service Efficiency				
National/local/regional significance e.g. A central government priority area, concerns joint working arrangements at a local 'York' or wider regional context	✓	✓	✓	

Set out briefly the purpose of any scrutiny review of your proposed topic. What do you think it should achieve?

If you have not already done so above, please indicate in response to this, how any review would be in the public or Council's interest e.g. reviewing recycling options in the city would reduce the cost to the Council for landfill

To find out what the affect would be on the York economy for businesses to accept Euros as well as pounds sterling and to determine if this would be beneficial or detrimental to the York economy. If the appropriate Scrutiny Committee found that this practice would be beneficial, the Committee should then determine if and how the Council could promote this practice.

Please explain briefly what you think any scrutiny review of your proposed topic should cover.

This information will be used to help prepare a remit for the review should Scrutiny Management Committee decide the topic meets the criteria e.g. How much recycling is presently being done and ways of increasing it

- Existing businesses that do this
- The evidence of whether this is beneficial to these existing businesses
- Other towns around the country who have adopted this practice and the effect on their local economy
- If the practice is deemed beneficial, what powers the Council has over persuading traders

Please indicate which other Councils, partners or external services could, in your opinion, participate in the review, saying why.

Involving the right people throughout the process is crucial to any successful review e.g. CYC Commercial Services / other local councils who have reviewed best practice for recycling / other organisations who use recycled goods

- Local Chamber of Commerce to give their view of local traders and businesses
- Other towns who have adopted this practice to see if this practice has been beneficial to their local economies
- Councils of areas where this has been adopted to see how the Council helped to promote this
- Local businesses that have adopted this practice to see if this has been beneficial for their business.

Explain briefly how, in your opinion, such a review might be most efficiently undertaken?

This is not about who might be involved (addressed above) but how the review might be conducted e.g. sending a questionnaire to each household to gather information on current recycling practices and gathering information on how recycling is carried out in Cities similar to York

- A presentation on the issue
- Evidence received from local businesses who adopt the practice
- Evidence from another Council that oversees a town that has adopted the practice (this should focus on the effect on the local economy and powers of that Council to persuade traders to adopt.)

Estimate the timescale for completion.

Please circle below the nearest timescale group, in your estimation, based on the information you have given in this form.

- (a) 1-3 months; ✓**
- (b) 3-6 months; or
- (c) 6-9 months

PLEASE ENCLOSE ANY SUPPORTING DOCUMENTS OR OTHER INFORMATION YOU FEEL MIGHT BE USEFUL BACKGROUND TO THE SUBMISSION OF THIS TOPIC FOR CONSIDERATION.

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Annex B: Consultation Responses**Director of Resources**

I would have thought that in the era of debit and credit cards that the acceptance of Euros (I assume you are referring to notes and coins) for purchasing goods will have a minimal impact on local businesses.

There are very few city centre traders that do not accept cards for all value of transactions. Cards that are non-UK registered (those used by tourists) assuming they are visa or link cards etc will pay in sterling to the trader but charge the user in the domicile currency plus the usual exchange fee. Personally when I go abroad now I don't take much foreign cash, as most places will accept cards, even bank cards to withdraw euros.

Therefore the only benefit I could foresee would be for one or two traders that do not accept cards for all values.

In terms of CYC accepting euros I would be strongly against it from an efficiency point of view as we are trying to move away from handling notes and coins in Sterling as this is expensive in terms of cashiers time, banking charges for handling coins and security of storing and transporting, therefore the same argument would apply to accepting Euros.

It is also a fact that there are places in the city centre that allow currency to be exchanged

Personally I cannot see what merit there is in such a review, unless I am missing something.

Councillor Stephen Galloway

The Council has no powers in this regard. It is up to local businesses to decide whether to accept Euros. Many already do.

Councillor Richard Moore

I believe it is now illegal to refuse to accept Euros for payment. However, there is no set exchange rate, and retailers can set whatever they like.

Assistant Director of Economic Development

I think everything people have said is spot on - there are credit/debit cards nowadays and easy sources of currency exchange in the city and I cannot see retailers missing out because a visitor is out of small change. We cannot force retailers to accept euros - I do not think Richard is correct when he says it is illegal for retailers to refuse to accept Euros.

Here is the earlier reply a Business Analyst in City Strategy sent to Cllr. Alexander - I think we could go through the considerable work involved in a scrutiny, which in the end would result in the status quo.

"Thank you for your enquiry re. the acceptance of Euros in York shops and businesses. As far as I am aware, no analysis has been done in this respect -

possibly largely since the debate over whether the UK should, or should not, join the Euro has been less at the forefront of political debate of late.

There are, of course, a number of York businesses and shops who will accept Euros - and US Dollars too - but this is of course very much a matter of personal choice and whether they regard it as being to their advantage or not. You might imagine, a shop for example, might make more sales if they were to accept payment in Euros - however, while this might possibly be the case, the business has then to maintain a Euro account (some High Street banks will do this) but opens itself to exchange rate risk in having to consider how the exchange rate is moving since it purchased the goods - more probably in pounds sterling.

If you had retail shops in mind when you posed the question, currently visitors to the city are enjoying a more favourable exchange rate to the Pound when they come here which would be removed were they to buy goods and services in Euros. Also visitors will be expecting to buy in Pounds Sterling and will have either cash for small items (bought at the above favourable rate) or they will use their credit/debit cards, which will debit their accounts in Euros at the current exchange rate.

I think the credit card probably negates the question for the retailer - once the shopper returns to their own country in the Eurozone their purchases have already been converted and to buy in Euros would currently make the UK more expensive than it would be in pounds for say a French visitor (compared to goods bought in France) - as the Euro has risen in recent months generally. I would not imagine a small business would wish to add the cost and expose themselves to the risk of maintaining a Euro account.

For larger businesses, the question will hinge on the amount of business transacted in the Eurozone - the drawbacks apply as for a small business, but there will be more expertise available to manage the level of foreign currency balances held so as to maximise possible benefits whilst minimising risk. The risk for any business is the rate of exchange - and how that will rise and fall in line with economic conditions in both the UK and Eurozone as well as activity on the currency markets and monetary policy decisions by both the Bank of England and European Central Bank. I'd imagine the small business would not think it worth the effort but a large business may do - based on who their suppliers and customers are.

Hope this helps - not a straightforward topic really! If I were asked to advise a business on this one - I'd make sure they received good advice from their accountant. For example, if they were holding Euros and the ECB suddenly cut rates (perhaps after lower inflation results), they might well see the value of those euros tumble overnight with respect to their home currency. Big firms (such as Nestle) have teams working in futures markets in key raw materials such as cocoa to minimise this sort of risk - and international firms will do the same for currencies."

Chair of the Economic Development Partnership

I consider it should only be considered in the context of tourism, which Visit York has in hand. Businesses that deal in euros will establish a euro account. Credit or debit cards give options for local or currency of origin. Your question is directed at cash dealings.

Response from the Chamber is:

"To assess the benefits I think we need to talk to other authorities where retailers accept Euros and how much difference it has made. Some shops of course already do accept Euros, such as W H Smith. If there is one in York it might be worth speaking to them. On the banking issue, as far as I know the majors are running Euro accounts at the same price as Sterling accounts. The economics will clearly depend upon the volume of traffic. If any retailer is selling on the web, then I would think offering prices in Euros would be an advantage, especially those shops that sell York related products. It is worth shopping round though as some banks will levy charges for each movement, some give interest but charge other fees and so on. If the shops do not plan to hold large amounts and do not plan to spend Euros, then clearly a non-interest account with lower/no fees would be better. I would think that a Chamber enquiry to the banks could possibly bring better results than an individual one.

The main issues are of course fluctuations in the exchange rate and costs of converting. It would not be too difficult to keep abreast of rates published by banks, post office etc to provide a competitive rate for tourists, and as we know, those rates are not very good! The money could then be placed into a Euro account and converted at a much better spot rate. If it were done weekly or even monthly then there would only be one charge for the whole transaction. The differences between the two rates should easily cover many of the costs of the accounts. Looking at a number of sites on the web the differences between such places as the Post Office, Bank counters etc and using one of the organisations such as 4X can be as much as 5 - 8%. Of course with 4X there is no charge, just a small difference between the rates."

Dave Martin, Visit York Director

The objective is to:

1. Increase turnover for participating retailers
2. To promote York as a Euro friendly zone as a part of a wider strategy to make it a more visitor friendly zone

Of the two, most benefit will be gained by the second if it is used as a means of free publicity for the city.

There has been historically some resistance to accepting Euros on the grounds that there are issues regarding administration, exchange rates and re-conversion of currency. These are issues, which can and are being addressed and given the current state of the economy, the argument that it's too much hassle is no longer such as strong one.

I have already started conducting some research along Gillygate with around a dozen retailers, and have had a very positive response to my arguments for adopting the policy. I continue this research and start to piece together the mechanics of operating the scheme so that it would be as uniform as possible throughout the participating establishments.

Crucial to the success is the promotion of the scheme through not only the media, but also promotional material provided to overseas tour operators and visitors. It will need to achieve a 'critical mass' of a certain size in order for it to be self-sustaining and marketable. This would involve in excess of one hundred participants and an instantly recognisable badge or sticker in order for the participants to be identified from the street.

There will have to be some co-ordination of exchange rate to be used so that no-one is seen to be out of line, and potentially this could be done through publishing a city exchange rate on the Visit York website or Council website. This could be updated every week and would be set in such a way as to be fair but also slightly beneficial to the retailer, as well as being a simple figure for calculation purposes. In the fullness of time if there are sufficient participants, there could be a mini economy within the city using Euros between participating outlets. e.g. a souvenir shop might use its excess Euros to go for a coffee. Likewise excess Euros could be used by some businesses to take on holiday and excess holiday cash could be used as spending money in the city. This could apply non-participants also.

At this stage I cannot see any necessity for council involvement until at least another month of research is done. However, I would not like to close the door to the possibility, particularly if the scheme becomes extensive.



Economic and City Development Overview and Scrutiny Committee

13 July 2010

Report of the Director of City Strategy

2009/10 Finance and Performance Outturn Report

Summary

1. This report provides details of the 2009/10 outturn position for both finance and performance in City Strategy and Housing Services.

Analysis

Finance – outturn overview General Fund

2. The outturn position within the City Strategy Directorate was a net overspend of £+121k (£+580k) on a total net budget of £9.996m, Housing General Fund has a projected overspend of £-62k (£+60k) on a net budget of £2,247k. Variations by service plan are shown below:

	Net Budget £'000	Outturn £'000	Variance £'000	Monitor 3 Variance £'000
City Strategy Directorate				
City Development & Transport	4,541	4,466	-75	+142
Planning & Sust. Development	1,510	1,966	+456	+368
Resource & Business Management	389	464	+75	+85
Economic Development	3,556	3,471	-85	-15
LTP saving		-250	-250	0
Total	9,996	10,117	+121	+580
HASS Directorate				
Housing General Fund	2,247	2,185	-62	+60

Note: '+' indicates an increase in expenditure or shortfall in income
 '-' indicates a reduction in expenditure or increase in income

3. Details of the main variations by service plan are detailed in the following paragraphs.

City Development and Transport £-75k (£+142k)

4. Car Parking income was £+267k below budget which is made up of £+70k short stay, £+191k standard stay, £+39k on-street offset by £-33k surplus on Respark and season tickets. This position has worsened by £+23k since monitor 3 due to the impact of the weather conditions in late December and January. Costs of car park promotions and transactions were £13k.

5. There was an underspend of £-97k on employee costs within Network Management where a number of posts were unfilled in the first part of the year, £-21k additional streetworks income, £-47k saving in traffic signal and CCTV maintenance, and £-11k underspend on new Respark schemes. Engineering Consultancy had £-69k additional fees from developer-funded highway projects.
6. There has been additional costs of £+184k compared to budget in issuing bus tokens and bus pass reimbursements to operators. The North Yorkshire Concessionary Fare partnership has reduced costs by bringing in revised reimbursement rates from 1st December 2009 but a number of operators have appealed against the changes, which may impact on the level of savings that can be delivered. This is offset by £-277k savings in road safety, speed camera trial, public transport, park & ride operations and other staff savings within the service area.
7. A saving of £-25k in City Development was offset by £+8k miscellaneous costs within the service area.

Planning and Sustainable Development £+456k (£+368k)

8. The economic downturn has continued to have a significant impact income within the Planning Service. The planning income shortfall was £+511k, a 49% reduction in income on the previous year following a sharp reduction in major scheme applications. This was offset by £-52k saving from staff vacancies, overheads and recruitment. Income from building control was £+180k below budget, £80k less than previously forecast, but offset by £-34k staff and overhead savings. There was a further saving of £-28k from reduced activity in Land Charges, £-29k saving in Design & Conservation costs, offset by additional £+10k maintenance on the Bar Walls.
9. The government has reviewed the distribution of Housing and Planning Delivery Grant for 2009/10 and York has received an additional -£102k.

Resource & Business Management £+75k (£+85k)

10. The primary reason for this projected overspend was the lower than expected dividend from Yorwaste (£+122k) due to reduced tonnages and reductions in recyclates prices. There is additional financial, technical and legal costs incurred on the Waste PFI project (£+100k) but this is offset by an underspend on staffing (£-54k) due to a staff vacancy. Elsewhere, there are (£-93k) staff savings within finance and performance and from the Director covering Chief Executive post.

Economic Development £-85k (£-15k)

11. Market income improved in March and further savings in operating costs resulted in an underspend £-18k, with a further £-42k saving from City Centre staffing and maintenance. In addition, there were £-25k savings due to a staff vacancy, reduced Key Cities contribution and a freeze on overheads.

Underspend on LTP £-250k

12. In order to support the overall council position the directorate has been able to redesignate a number of other council schemes/projects to be charged to capital budgets. This has resulted in a £-250k saving in revenue budgets.

Conclusions

13. The overall overspend of £121k can be shown as shortfalls in income totalling £1080k (Parking, Planning, Building Control and Yorwaste Dividend) as well as uncontrollable additional expenditure totalling £284k on Concessionary fares and Waste procurement. This baseline overspend of £1,364k has been mitigated by additional Housing and Planning Delivery Grant £102k as well as management action through vacancy management (£476k), capital funding (£250k), control of project expenditure (£120k) and other directorate underspends (£518k). Contingencies had been set aside in the budget process for items such as the impact on the Economic downturn and shortfall in parking income, cost of concessionary fares but in terms of presenting the overall council position these have been presented as corporate underspends.

Housing Services £-62k (£+60k)

14. The outturn position for Housing General Fund is an underspend of £62k on a total net budget of £2.2m, primarily due to increased income from higher occupancy at Howe Hill and a number of staffing vacancies in the latter part of the year.

Housing Revenue Account (HRA)

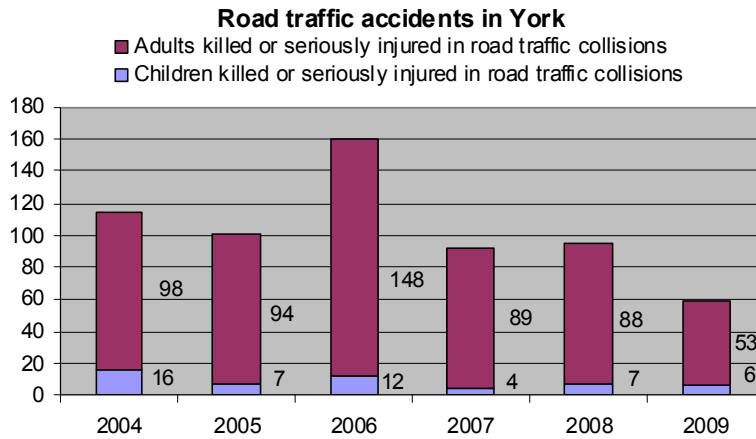
15. The budgeted working balance on the HRA for 2009/10 was estimated to be £8,052k, however the reported outturn is a balance of £8,914k, an increase of £862k. The underspend has resulted from reduced expenditure on Projects, Decorating and Estate Improvements (£159k), a reduction in recharges (£130k), overachievement of income on rent (£128k) and reduced running costs in Housing Operations (£108k). The More For York programme is progressing with the housing blueprint and should start to deliver efficiencies during 2010/11 to bring the partnership spend back towards the approved budget.

City Strategy Performance – Outturn Overview

16. Overall 64% of the 22 City Strategy indicators improved, with 59% achieving their 2009-10 target. 78% of the 9 LAA indicators are showing an improvement and 56% achieved target. Key performance headlines are:

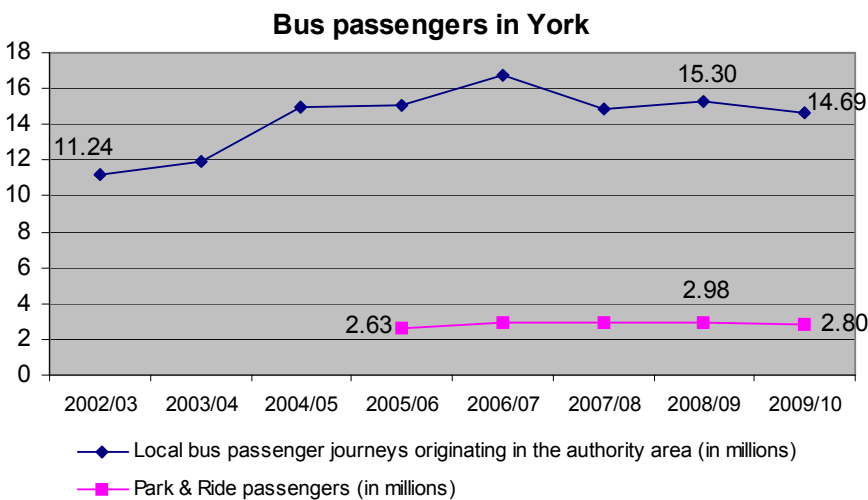
Roads & Transport

17. *NPI 47: Road traffic accidents* (LAA indicator). The number of people killed or seriously injured on York's roads reduced significantly in 2009-10 with just 59 incidents (a 38% decrease on the 95 reported in 2008-09). This was helped by a range of successful initiatives introduced in the last year, such as the 'Made you Look' campaign, which was launched in 2008 and re-launched again in February 2010. A 'Safer Business Driving Conference' was also run in June 09 for fleet managers in the York area, together with an event for older drivers in October 2009. Currently, York's KSI figures already exceed the 2009-10 and 2010-11 LAA targets of 87 and 81 respectively.



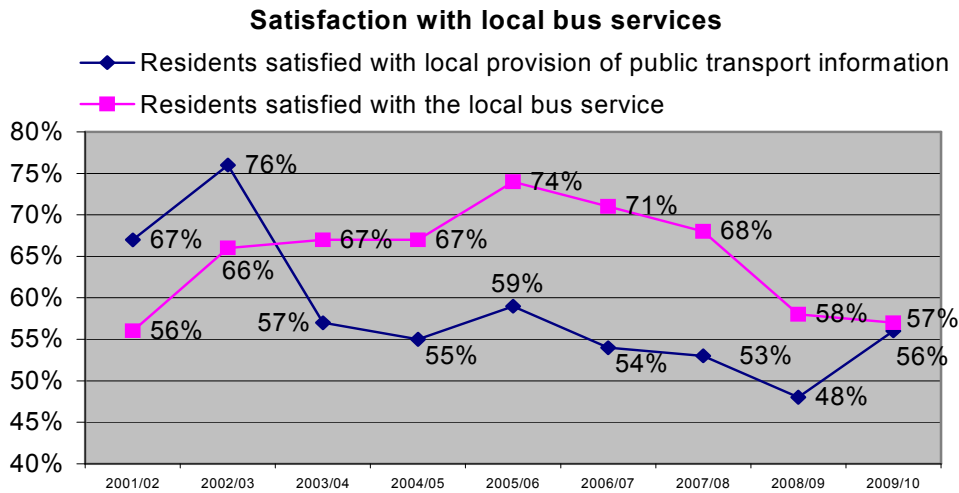
18. *NPI 177 & 178: Bus services.* The number of local bus passenger numbers in York reduced by 4% in 2009-10 (see graph below), although levels are still much higher than those experienced between 2002 and 2005. The decrease in passengers could be a result of the economic downturn, with less journeys being made into York. For example, the cost of subsidised bus services in York increased to £1.08 per passenger, which is a 6% increase on 2008-09. However, the overall costs (based on total passenger numbers) went up by just 2.3%, which indicates an increase in subsidised passengers mixed with a larger reduction in full-fare passenger journeys. Other factors affecting performance are:

- Bus fares have increase steadily since 2006, whilst car parking charges have not risen at the same rate, with some city centre car parks even reducing their charges. As a result, car travel may have become a more attractive option for travelling in and around the city.
- There have been a number of reductions to some bus services over the past few years.
- The bad weather experienced over the winter also affected bus patronage numbers, with park & ride passengers reducing by over a quarter in January alone (see graph below).



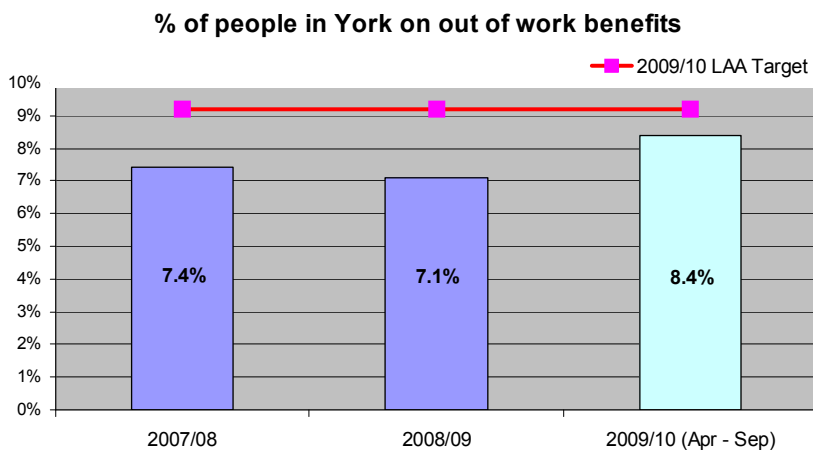
Park & Ride	Jan 09	Jan 10	Change
Askham Bar	55,544	45,363	-18%
Grimston Bar	33,622	26,198	-22%
Rawcliffe Bar	58,875	38,993	-34%
Designer Outlet	45,367	40,973	-9.7%
Monks Cross	36,096	35,845	-0.7%
Total	229,550	187,371	-26.4%

19. The % of bus services running on time increased to 70.1% in 2009-10, from 63.3% in 2008-09. In addition, the % of residents who were satisfied with the provision of local transport information increased by 8% points in 2009-10 (see graph below).



Economic Development

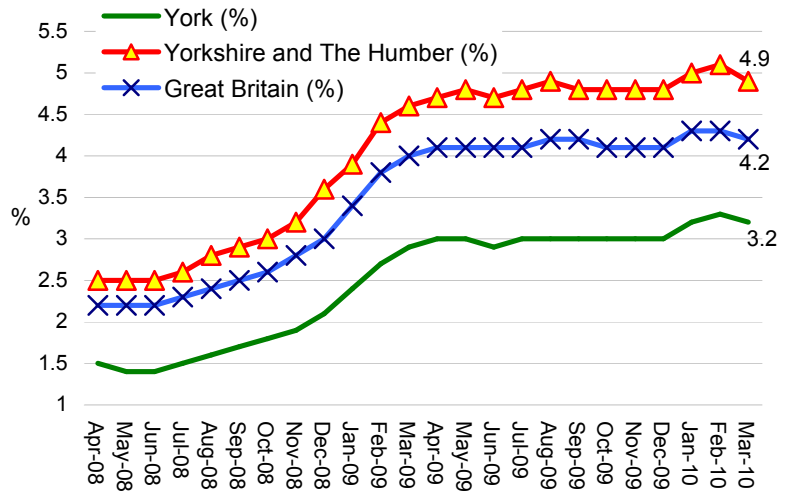
20. *NPI 152: Number of people on out-of-work benefits* (LAA indicator). The number of working age people in York on out of work benefits has increased to 8.4% based on latest data from April to September 2009. This is an increase of 1.3 percentage points since 2008-09 and is in line with national trend. The 2009-10 LAA target was amended in the recent refresh and is now to “maintain a 4.3 percentage point gap below the national rate”. Currently York exceeds this gap, although the final full 12 month figures for 2009-10 are not yet available.



21. A linked indicator for future performance on NPI 152 is York’s unemployment rate, which is currently 4% below the national rate and 5% below the regional rate. Another is the number of people in York claiming job-seekers allowance, which started to reduce in March 2009 (see chart below) and shows similar gaps between York and the regional/national average.

People claiming job seekers allowance in York

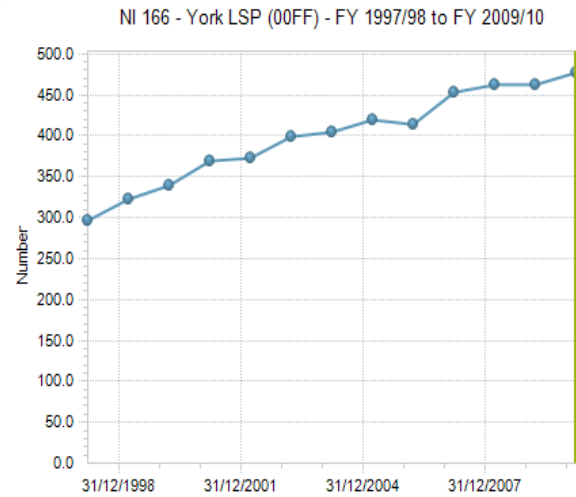
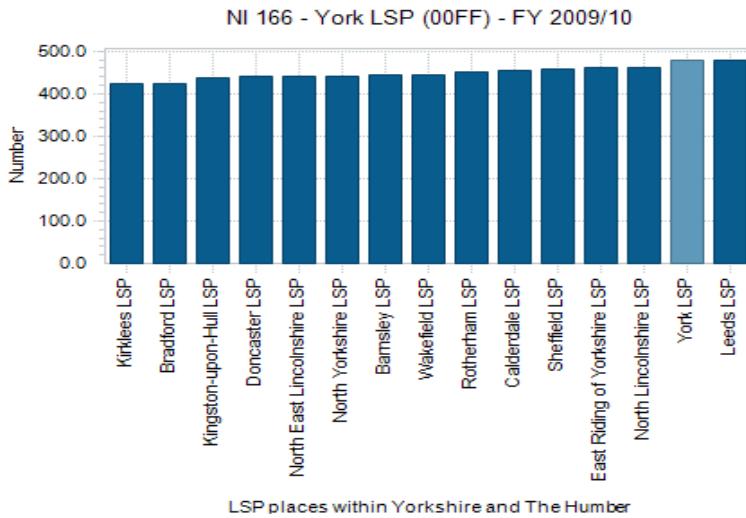
Mo	York (Numbe	Yor (%)	Y& (%)	GB
Apr	3,735	3.0	4.7	4.1
Ma	3,742	3.0	4.8	4.1
Jun	3,654	2.9	4.7	4.1
Jul0	3,730	3.0	4.8	4.1
Aug	3,819	3.0	4.9	4.2
Sep	3,808	3.0	4.8	4.2
Oct	3,820	3.0	4.8	4.1
Nov	3,856	3.0	4.8	4.1
Dec	3,858	3.0	4.8	4.1
Jan	4,094	3.2	5.0	4.3
Feb	4,134	3.3	5.1	4.3
Mar	4,006	3.2	4.9	4.2



22. Many factors have influenced these encouraging rates, one of which is the maintenance of employment levels within the city. 'One City' is one example initiative, which involves the council helping residents and businesses through the recession, with the main aim to support business growth, minimise job losses and help individuals limit debt.

23. *NPI 166: Average earning of York employees* (LAA indicator). Performance for this indicator is reported in 2 formats, both of which show good improvement:

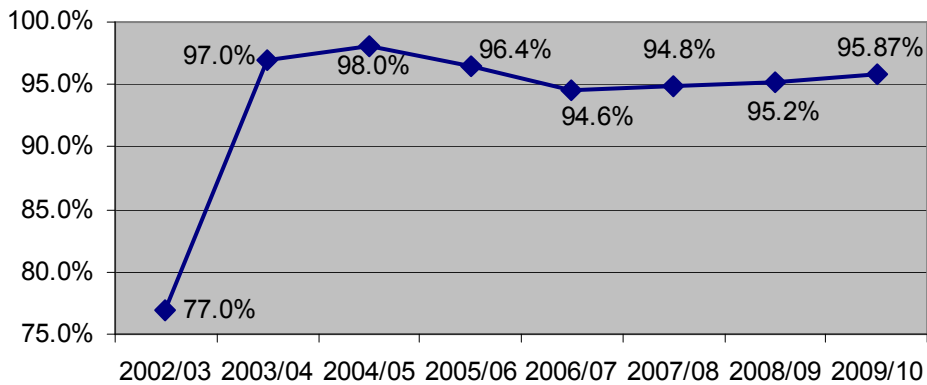
- The median average weekly pay, which was £477.5 for 2009-10, and represents a 5.2 % rise on the £453.4 reported for 2008-09 (see graphs on the next page).
- The ratio between York and the England average, which stood at 0.97:1 for 2009-10 compared to 0.94:1 in 2008-09. This was below the '0.99:1' LAA target set for 2009-10, but represents a much higher ratio rise than other areas in the Yorkshire & Humber region. Only Leeds is higher.



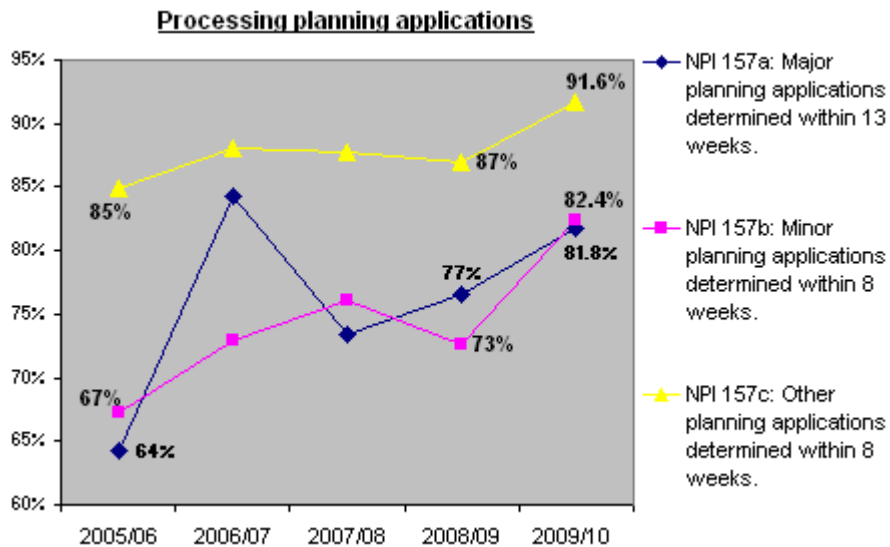
Environment

24. *BVPI 106 & NPI 170: Brownfield site development.* The % of new homes in York, which were built on previously developed land increased to 95.9% in 2009-10, the highest achieved since 2005-06 (see graph below). However, the % of brownfield land in York that has been vacant or derelict for more than 5 years increased slightly in 2009-10 to 1.06% from 0.96% in 2008-09. Despite the small increase, York is still 2nd quartile based on the latest benchmarking data.

Brownfield - % of new homes built on previously developed land



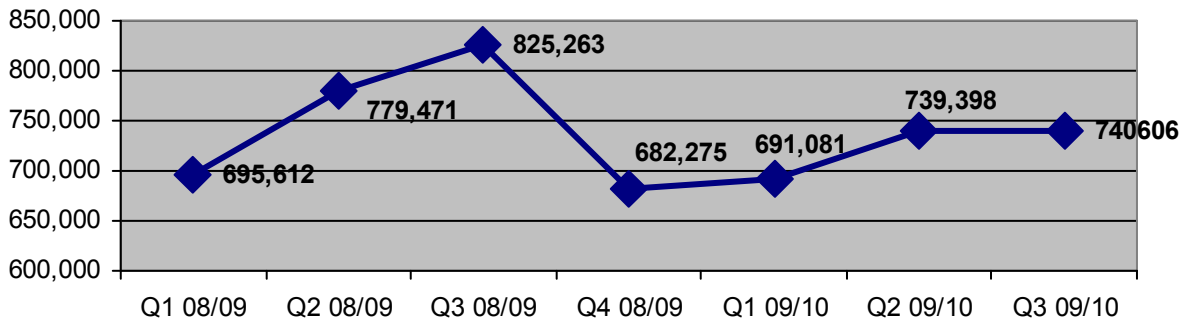
26. *NPI 157: Planning applications* – Significant improvement was achieved in terms of the processing times of planning applications in 2009-10. In particular, a 9.6% increase in the number of minor applications determined within 8 weeks. This moves York up from 2nd to top quartile, based on the latest benchmarking data. However, these improvements have been supported by a drop in the number of planning applications received due to the recession. In 2009-10 the council received significantly less ‘minor’ and ‘major’ applications than in 2008-09. These come on top of previous reductions, which equate to a 32% drop in minor and 65% drop in major applications since 2006-07.



28. *NPI 186: CO2 emissions in the York area - per capita* (LAA indicator). The 2009-10 figure is not yet finalised, but 2008 results suggest that there will be a 10% decrease in CO2 emissions in the York area. If achieved, this will exceed the 8% reduction target set for 2009-10.
29. *NPI 188: Adapting to climate change*. This indicator assesses local authority preparedness and plans to adapt to the changing climate, with grading ranging from level 0 – 4. York has achieved level 1 for 2009-10, which meets the LAA target. Arrangements are now in place to achieve the target of level 2 by March 2011, including the development of a new climate change strategy with partners, agreement for new Park & Ride sites through the Access York initiative, the Cycling city initiative, and new sustainable builds such as the council's new headquarters.
30. *NPI 47 (LAA): People killed or seriously injured in road traffic accidents*. The number of incidents for April to December 2009 currently stands at 37. This is significantly better than the 68 incidents that occurred for the same time period in 2008. Ranges of successful initiatives have been introduced over the past year, including the 'Made you Look' campaign, which was launched in 2008. Others include a 'Safer Business Driving Conference', coordinated by the council in June 2009 and a similar event for older drivers took place in October 2009. The 'Look Again' campaign is to be re-launched in February designed to encourage pedestrians, cyclists and motorists to be more aware of accident causing risks. NI 47 is an LAA indicator and if the trend continues York will come in well under the 2009/10 target of 87 incidents.
31. Though these figures are exceptionally positive it must be noted that these are provisional figures which are subject to change once the data has undergone a quality checking process. The numbers are also relatively small so are potentially subject to significant variations from month to month and year to year.
32. *Park and Ride*: The number of Park and Ride passenger journeys has fallen compared to the same time period in 2008. Residents and visitors to York are being encouraged to use the bus through a variety of means. These include York's first 'Car Free Day' on 22nd September when two of the City's major bus operators were offering free day passes on their services (First/Park & Ride and Transdev/Coastliner). The council is also gradually rolling the 'Your next bus'

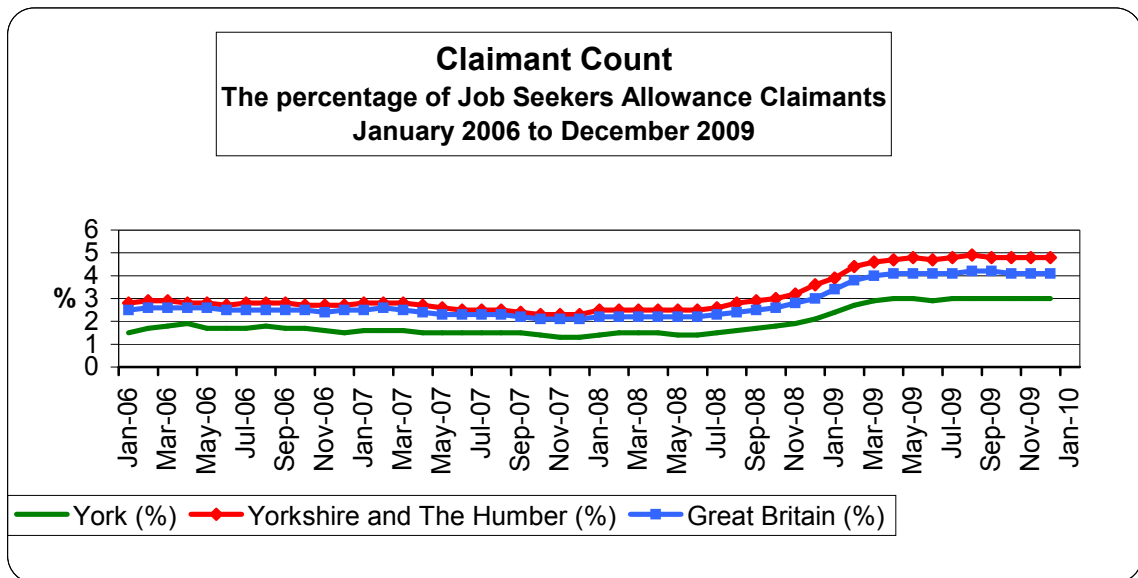
initiative, providing SMS text, real time bus information to mobile phone users. The bad weather in quarter 3 has contributed to the declining figure in comparison to 08/09.

Note: It is not possible to compare to previous park and ride figures due to a change in the way the numbers are counted. There are also seasonal variations.



Economic Development

33.VJ15a&b: Unemployment. York’s unemployment rate (12 month rolling average) is currently 2.5% below the regional and 1.6% below the national average. Despite the economic climate, the gap has widened from the same period last year and current monthly figures show the gap to be even higher. The % of people claiming job seekers allowance continues the local overall trend showing the decrease in claimants in June was an anomaly, although numbers have remained stable since April. The graph below also shows that York is performing significantly better than the Yorkshire and Humber Region and Great Britain.

34. Claimant Count Jan 06 to Dec 09Resource and Business Management

35. This service plan area holds the cross cutting performance information for the directorate of City Strategy; for example, indicators relating to Health and Safety, Human Resources, Customer First and Finance. Resource and Business Management is not responsible for any National Performance Indicators.

Housing Services

36. NPI 155: Affordable homes (LAA indicator). The original LAA target for the year of 280 completions has been revised to 146 after negotiations with the Government Office in the LAA refresh in March this year. The revision was largely due to the downturn in the housing market and needs to be considered in the context that the original LAA targets were set in 2007 at the peak of the market. Since then, some developments have stalled and others slowed down. The number of affordable homes delivered in 09-10 was 130. The shortfall was mainly due to unusually bad weather in January and February, which impacted on the timescales for delivery of Discus bungalows completions on around 16 homes were delayed by approximately 4 weeks. However, if we illustrate all additional housing provided through the council's planning system, together with housing funded through external schemes (e.g. Golden Triangle private sector leasing, Social Homebuy and purchase & repair), there was actually a 13% rise in 'additional housing' in York throughout 2009-10.
37. NPI 156: Homelessness (LAA indicator). The number of York households living in temporary accommodation continues to reduce, despite the national increase in home repossessions across England. Performance for 2009-10 was just 79, which represents a 67% decrease since 2007-08 and exceeds the 2010-11 LAA target of 110. York is a regional champion for homelessness and new facilities at Arclight and transitional facilities at the custom built Peasholme building has helped improve performance by supporting former homeless residents back into employment and private accommodation.

38. NPI 187: Fuel poverty (LAA indicator). This indicator measures the proportion of people living in York who receive income-based benefits and live in homes with a low or high-energy efficiency rating. People in York receiving income based benefits who live in homes with a low energy efficiency rating improved by 0.8% and York is now performing at the level of 2010-11 LAA target. The number of people living in homes with a high-energy rating appears to have declined to 41.4% in 2009-10, missing the target. However, the 2008-09 outturn for this indicator was incorrectly calculated at 60.4% by an external body and as a result, the 2009-11 targets set from this baseline were also incorrect. New 3-year targets will be set this year.
39. A range of other actions have also been implemented to support improvement, including the hotspot scheme, an area based insulation scheme targeted at the wards and areas with highest fuel poverty, changes to the grants and assistance policy to focus on energy efficiency, and improved advice available to households on accessing appropriate schemes. However, there are other 'economic factors' some of which are outside of the council's control that could also affect this indicator.
40. NPI 158: Non-decent homes. Improvement on NPI 187 above has also been helped by the council's housing modernisation programme, which has reduced the number of non-decent council homes in the city from nearly 16% in 2004 to 2.9% in 2009-10.
41. NPI 156: Homelessness (LAA indicator). The number of York households living in temporary accommodation continues to reduce, despite the national increase in home repossessions across England. Performance currently stands at 109 (well below the LAA target of 120) and indications are that this could reduce further to below 80 before the end of the financial year, which would represent a 62% reduction since 2007-08.

Corporate Priorities

42. The information included in this report demonstrates progress on achieving the council's corporate strategy (2009-12) and the priorities set out in it.

Implications

43. There are no financial, human resources, equalities, legal, crime & disorder, information technology, property or other implications associated with this report.

Risk Management

44. The report provides Members with updates on finance and service performance and therefore there are no significant risks in the content of the report.

Recommendations

45. As this report is for information only, there are no recommendations.

Reason: To update the scrutiny committee of the final finance and performance position for 2009/10.

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Specialist Implications Officer(s) None

Wards Affected: *List wards or tick box to indicate all*

All

√

Background Working Papers

Third Performance and Financial Monitor for 2009/10 , Executive 16th Feb 2010

Annexes

None



Economic & City Development Overview & Scrutiny Committee

13th July 2010

Report of the Head of Civic, Legal & Democratic Services

Reports on: -

- **Traffic Management at York Railway Station**
- **York North West**

Summary

1. Members are asked to consider the Executive reports attached at Appendix 1 **and 3** to this report and decide whether they wish to take any further action in relation to them. Relevant officers will be in attendance at today's meeting to answer any questions that Members may have.

Background

2. At a meeting of the Committee held on 9th March 2010 Members considered the Forward Plan extracts that formed part of the agenda for that meeting. Members are presented with these to enable them to identify possible topics for review or items for discussion at future meetings.
3. In light of the above Members identified two reports for further discussion and asked that these be presented to their meeting on 17th May 2010. Due to a large amount of business on the agenda at that meeting these items were subsequently slipped and are presented instead for consideration at today's meeting.

Traffic Arrangements at York Railway Station (Appendix 1 and associated annexes refer)

4. This report provided the Executive with an update on progress made in reviewing the traffic arrangements at York Railway Station and recommended further work with East Coast and Network Rail to investigate possible short, medium and long term improvements.
5. The Executive considered this report at their meeting on 30th March 2010 and the relevant minute arising is attached at Appendix 2 to this report.

York Northwest Progress Report & next Steps (Appendix 3 and associated annexes refer)

6. The report presented the results of collaborative work carried out by the Council and the York Central Consortium, following suspension of the developer procurement process for the York Central site, and sought approval for further work to explore other models of regeneration partnerships and funding opportunities. The report also provided an update on progress with the York Northwest Urban Eco Settlement (UES).

The Executive considered this report at their meeting on 30th March 2010 and a copy of the minute arising from consideration of this report is attached at Appendix 4 to this report.

Consultation

7. This is detailed within the individual reports.

Options

8. Members are asked to:
 - i. Note the reports attached at Appendices 1 and 3 of this report
 - ii. Consider whether they wish Officers to provide any further information
 - iii. Consider whether they wish to undertake any other work in relation to either of the attached reports

Analysis

9. Analysis of the individual subjects is contained within Appendices 1 and 3 of this report.
10. After consideration of the reports Members will need to identify what, if any, further information they require from officers. They will also need to carefully consider whether there is anything within these reports that might be an appropriate topic for review. However, Members are requested to be mindful of other items of work scheduled on their work plan and any benefits or added value a scrutiny review could bring.

Corporate Strategy 2009/2012

11. Both of the attached reports are linked with the 'Thriving City' element of the Corporate Strategy.

Implications

12. There are no known implications associated with the recommendations within this report. Appendices 1 and 3 contain implications directly associated with the recommendations within them.

Risk Management

13. In compliance with the Council's risk management strategy there are no risks associated with the recommendations within this report.

Recommendations

14. Members of the Committee are requested to note the reports and consider what, if any further information they require from officers. They are also asked to consider whether they wish to undertake any further scrutiny work in relation to the matters covered within the attached appendices.

Reason: To keep the Committee informed of progress in areas of ongoing work within their remit.

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Report Approved Date 29.06.2010

Specialist Implications Officer(s) None

Wards Affected: Holgate, Micklegate, Acomb and Rural West York All

For further information please contact the author of the report

Background Papers:

Attached

Annexes

Appendix 1 & Associated Annexes Report – Traffic Arrangements at York Railway Station

Appendix 2 Extract from the minutes of the Executive meeting held on 30.03.2010 in relation to Traffic Arrangements at York Railway Station

Appendix 3 & Associated Annexes Report - York Northwest Area Action Plan

Appendix 4 Extract from the minutes of the Executive Meeting held on 30.03.2010 in relation to the York Northwest Area Action Plan

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Executive**30 March 2010**

Report of the Director of City Strategy

Traffic Arrangements at York Railway Station.**Summary**

- 1 This report updates Members on the progress made to date in reviewing the traffic arrangements at York Railway Station and in particular the concerns raised by Members in a motion to Full Council on 2 April 2009. The report identifies key issues arising from initial investigations and sets out possible improvement options for further consideration. It recommends further work takes place with East Coast and Network Rail to investigate possible short, medium and long term improvements and that this be co-ordinated with the Capacity Study being undertaken for East Coast.

Background

- 2 The scheme to improve facilities at York Rail Station Frontage was outlined to Members of the City Centre Planning and Transport Sub Committee on 10 October 2002. It advised that an outline scheme had been developed to better integrate and manage the many activities that occur in front of the station, and enhance the visual integrity of the area. Members approved that a formal consultation be undertaken with residents, rail station users and affected parties regarding the remodelling of the Railway Station Frontage.
- 3 At the Planning and Transport (City Centre Area) Sub-Committee held on 6 March 2003, Members considered a report which sought approval to amend the location of the appointed public taxi rank outside York Railway Station and subject to the outcome of the legal process, enter into a licence agreement with Network Rail for works in Tea Room Square and the former Red Star Parcel Office. The report further advised that within the rail industry there was a formal procedure known as "Station Change Procedure" to be undertaken to ensure that all companies involved in the station, as well as the national rail bodies were informed of the proposals and were able to comment.
- 4 On 3 April 2003 Members of the City Centre Planning and Transport Sub-Committee received a report on the outcome of the formal consultation on the moving of the station taxi rank, and sought approval to award and commence the proposed improvements to the Interchange Facilities at York Railway Station.

- 5 On 26 January 2004 the Disabled Persons Advisory Group were briefed on the proposals for changes to the frontage of the Railway Station, comments were made and these were reflected in the design of the scheme.
- 6 The main change to the proposals from those that Members had previously seen was the retention of the traffic flow through the Portico in its existing direction. In earlier proposals it had been intended to reverse the traffic flow through the Portico, at the request of GNER, so as to remove heavy good vehicles and traffic to the Railway Station Short Stay Car Park from having to pass through the Portico. That layout ultimately did not satisfy the taxi and bus operators who foresaw problems following their detailed analysis of the layout.
- 7 On 3 November 2004, following a lengthy investigation and consultation period, the Executive Member for Planning and Transport and Advisory Panel received an "Update report on Improvements to the Facilities at York Rail Station, and approved the layout shown as Option 1 in Annex A. The purpose of that report was to advise Members of the changes made to the layout of the scheme following concerns raised by various operators and to seek approval; to proceed with Option 1, make changes to the taxi arrangements in front of the station, complete agreements with Network Rail and GNER, and make provision to award the civil engineering contract.
- 8 The detail design was completed and works were constructed during 2005/6, with the scheme coming into full operation in spring 2006.
- 9 At Full Council on 2 April 2009 it was moved by Cllr Wiseman and seconded by Cllr Brooks that :

"Council believes that the traffic layout, signposting and related infrastructure at York Railway Station concerning the entrance/exit to the short-stay, the gyratory known as Tea Room Square, and the entrance/exit onto Station Road are congested and therefore cause difficulties for all road-users attempting to negotiate this area. The Council moves to request the Executive to investigate in detail the issues related to this area, with a view to improving the access and traffic flow in and out of this part of the station."

Consultation

- 10 To explore the concerns reported in the motion about the problem at the station a number of meetings were convened and inspections made.
- 11 Contact was initially made with Cllrs Wiseman and Gillies who advised on the information they had received about the length of time taxis were experiencing travelling round Tea Room Square, resulting in a £5.00 tariff being on their meter before they entered the highway, at peak times. Part of the problem seem to be the single arch into the station's short stay car park which cannot accommodate two way traffic. This causes tail backs in either direction. Also that the headlights on the FTR could be difficult to see past at night for drivers looking right as they exit Tea Room Square. Various possible options for improvements were explored such as:

- Exchanging the Station's Executive Parking with the Short Stay Car Park at the back of Tea Room Square, as this would reduce the volume of traffic in Tea Room Square.
 - Review the use of the parking spaces in the centre of Tea Room Square, currently used by the Police, to create more space.
 - Review the crossing points for the pedestrians from the Hotel corner to the Portico.
 - Review the pedestrian movements around Tea Room Square or consider them entering the Station via the arch at the back of Tea Room Square.
 - Consider revising the entry arrangement to the current Long Stay Car Park, via Queen Street, past the Railway Institute building, and make modifications to the barrier system in the car park entrance.
- 12 These suggestions were carried forward to a meeting with a number of representative from Network Rail and East Coast. It was acknowledge that there are congestion problems at the Rail Station in peak times and on days with special events. East Coast have recognised this and have tried to reduce the affect with a Parking Warden, but this did not prove satisfactory. They have now commissioned a Capacity Study, to be carried this spring, on all the stations on the East Coast mainline and the car parking arrangements at York will be reviewed as part of that study. Issues, relevant to this report, to be considered in that study are:
- Location for Premier Parking.
 - Possible expansion of long stay parking by providing an extra deck.
 - Taxi provision and location.
 - Flow of traffic in Tea Room Square.
 - Traffic control at entrance/exit to Tea Room Square.
 - Management of Race Day and special event traffic.
 - HGV parking regime and lay-by damage.
 - Pedestrian flow.
- 13 Comment was also made about the parking of the FTR and on occasions the difficulty in viewing to the right when exiting Tea Room Square because of its presence.
- 14 Council staff have visited the site during peak times to view the operation of Tea Room Square and the Long and Short stay Car Parks. A camera was also installed to view traffic flows in Tea Room Square and take photographs at regular intervals. This was complemented by recordings of the highway

network from the CCTV cameras on the road junctions at Blossom Street / Queen Street and Station Road / Station Rise.

- 15 At peak times there is significant traffic flow on the highway network in this area of the City. The Urban Traffic Control (UTC), which manages the traffic signals around the City, is managed by officers within the Council's Network Management Section. They have fine tuned this system to keep traffic flowing as efficiently as possible, however some minor intervention is possible to deal with particular incidents by rephrasing the timing for the traffic signals if necessary.
- 16 From these visits and observations, a number of peak time issues have been identified:
 - The pedestrian crossing in front of the Hotel carries a high flow of pedestrians walking to the station and regularly interrupts the flow of traffic on Station Road, causing long queues back towards Blossom Street. This has a detrimental affect on traffic leaving Tea Room Square as it prevents left turning traffic from exiting. However, it was noted that the yellow box on Station Road was generally respected, so right turning vehicles can exit Tea Room Square.
 - High pedestrian flow across the pedestrian crossings between the Hotel and Station Portico, interrupts the traffic flow round Tea Room Square and causes queues to form in Tea Room Square.
- 17 The entrance to the short stay car park at the rear of Tea Room Square is via a single vehicle width arch, but has to accommodate two way traffic. This causes major problems when traffic is entering/exiting at busy times causing tailbacks in both directions. This is further compounded by passengers being dropped off just though the arch and blocking it. Travellers looking for a space in the short stay car park at peak times, either wait causing a tailback or leave straight away, to park elsewhere, adding to the volume of traffic in Tea Room Square .
- 18 In order to get a view from the Taxi Operators a meeting was held with their representatives, Cllrs Wiseman and Gillies and the report author. There main concern was the length of time to travel round Tea Room Square, which apparently puts a significant fare on the meter before they get onto Station Road. This frustrates the passengers and does not give a good impression to visitors. They too also commented on; the high flow of pedestrians across the two pedestrian crossings, FTR Headlights, problems turning left and right out of Tea Room Square, the problem of car passengers being dropped off in the short stay car park causing tail backs, all mentioned earlier. They report a significant problem with race day buses, special event buses and rail replacement buses, as they indiscriminately park at bus stops displacing the regular services, which further contributes to the traffic congestion in the area.
- 19 They suggested a number of improvements to consider:
 - Ask bus operator to turn off the FTR headlight whilst parked at the Station, to ease the situation for drivers exiting Tea Room Square. This request

has recently been past on to First and instructions have been given to the drivers.

- Increase the splay on the left side of the exit to Tea Room Square so as to create a space to allow more vehicles to turn left .
 - Give Taxis priority to exit the Portico.
 - Provide a new lane into Tea Room Square, with the left lane dedicated to the entrance of the short stay car park.
 - Try reversal of traffic flow through the Portico.
 - Have a direct exit from the Portico onto Station Road.
 - Create box junction and put signal controls on the arch entrance to short stay car park.
 - Reassign the bus stops from under the Hotel and at the end of the Portico so the exit from Tea Room Square can be widened.
- 20 A review of the accidents which have occurred in the area has been undertaken. At the southern end of the portico, for a short period after the works had been completed, there were a few accidents which occurred between cyclists and vehicles entering the Railway Station. This led to minor amendments to the road markings and since then there has only been one more accident which was attributed to the driver failing to look properly. There have been a number of accidents at the northern end, between the Portico and Hotel's vehicle entrance, but there seems to be no common theme and are typical of what could happen elsewhere in the City. However, there are two issues which may need addressing which are discussed in the options section below at paragraphs 23 and 24.

Options

- 21 There are a number of options and actions which could be initiated following these investigations and these are detailed below for Members to consider.
- 22 Discussions about improvements to the traffic flows around Tea Room Square have taken place with East Coast and Network Rail, and they are keen to engage with the Council to see what can be done to achieve this. One fundamental issue to creating any significant changes, will be the outcome of the Capacity Study to be undertaken by East Coast. It is suggested that a working group made up of East Coast, Network Rail and Council officers is set up to review short, medium and long term initiatives. These discussions would include those points discussed in paragraphs 11 to 20 and would take account of any elderly and disabled access needs.

- 23 It appears that a number of pedestrians leave the station through the middle of the Portico frontage intending to use the bus stops on the opposite side of Station Road. Instead of using the pedestrian crossings at either end of the Portico, they cross the wide road leaving themselves vulnerable to traffic. It is proposed that discussions with East Coast take place to improve the signage inside the station in order to direct pedestrians to the two pedestrian crossings at either end of the Portico.
- 24 The other issue is to review the docking position of the FTR and the lane markings alongside it, so as to improve the view for drivers exiting Tea Room Square.

Analysis

- 25 The investigations to date have raised numerous issues about traffic congestion in Tea Room Square and the route of the problem seems to be the high volume of traffic using the short stay car park at the rear of Tea Room Square. This causes tailbacks out into Tea Room Square and occasionally all the way out onto Station Road, as well as within the short stay car park, due to the high demand for dropping off or parking. Fundamental to making any medium to long term improvements will be the outcome from the East Coast Capacity Study.
- 26 The land responsibilities in the area falls under the control of both the rail industry, through Network Rail and East Coast, and the Council as highway authority. Annex B indicates the respective areas. In drawing up any recommendations for change in the area this would have to be done with full consultation and agreement of the rail industry. To this end discussion have already taken place with both rail organisations about the Members concerns. Should any future recommendations be made to change any of the infrastructure in the area which resulted in a change to the land owned and occupied by Network Rail /East Coast then the existing agreement would have to be revisited and amended to suite. This is a complex issue and can take a considerable time to complete. It would require the engagement of the Council's Legal Services department.
- 27 The original proposals took a long time to develop and wrestled with the conflicting interests/demands of the many user groups who have interests in the area. If any changes are proposed to the present layout, these should only be done following full consultation with all user groups and interested parties.

Corporate Priorities

- 28 Any improvements to the area would contribute to the Council's priority in promoting a Thriving City by reducing the traffic congestion and improving the attraction of the City to Tourists. The reduction in congestion would make the City more sustainable by the reduction in vehicle emissions. The City would be

a safer place by reducing the conflict and tension between drivers and pedestrians in the area of Tea Room Square.

Implications

29 This report has the following implications:

- **Financial** – No impact
- **Human Resources (HR)** - No impact
- **Equalities** – As this is an information report there will be no impact on equalities, however if any future works are promoted then this issue will be considered at that time.
- **Legal** - As this is an information report there will be no impact on legal issues, however if any future works are promoted then the agreements with Network Rail and East Coast, as successors to GNER, will need to be revised.
- **Crime and Disorder** - No impact
- **Information Technology (IT)** - No impact
- **Property** - No impact
- **Other** -

Risk Management

30 There is a risk to the Council's reputation if it does not engage in further discussions to try and identify improvements to the traffic congestion in the area of Tea Room Square.

Recommendations

30 Following the investigation into the traffic congestion issues in Tea Room Square it is recommended that Members authorise officers to:

- (i) Engage in discussions with East Coast and Network Rail to see what short term measures can be introduced to improve the traffic situation in the area of the Railway Station Frontage.
- (ii) Following the outcome of East Coast Capacity Study continue discussions with East Coast and Network Rail to see what medium and long term traffic improvements can be identified and take a report to an Executive Member for City Strategy Decision Session, with those finding.
- (iii) Explore what options are available and could be implemented to improve the visibility to the right, when exiting Tea Room Square.

Reason: To overcome the concerns raised about traffic congestion in the Tea Room Square area of York Railway Station.

Contact Details

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Assistant Director - City Development &
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Tel No. 01904 551600

Report approved

| ✓ 18 March 2010

Specialist Implications Officer/s

None

Wards Affected: Micklegate



For further information please contact the author of the report

Background Papers:

City Centre Planning and Transport Sub-Committee. - 10 October 2002
"Improvements to Interchange Facilities at York Railway Station."

Planning and Transport (City Centre Area) Sub-Committee. - 6 March 2003
"Improvements to Interchange Facilities at York Railway Station."

City Centre Planning and Transport Sub-Committee. - 3 April 2003
"Improvements to Interchange Facilities at York Railway Station."

Disabled Persons Advisory Group - 26 January 2004
"York Railway Station Frontage Environmental Improvements."

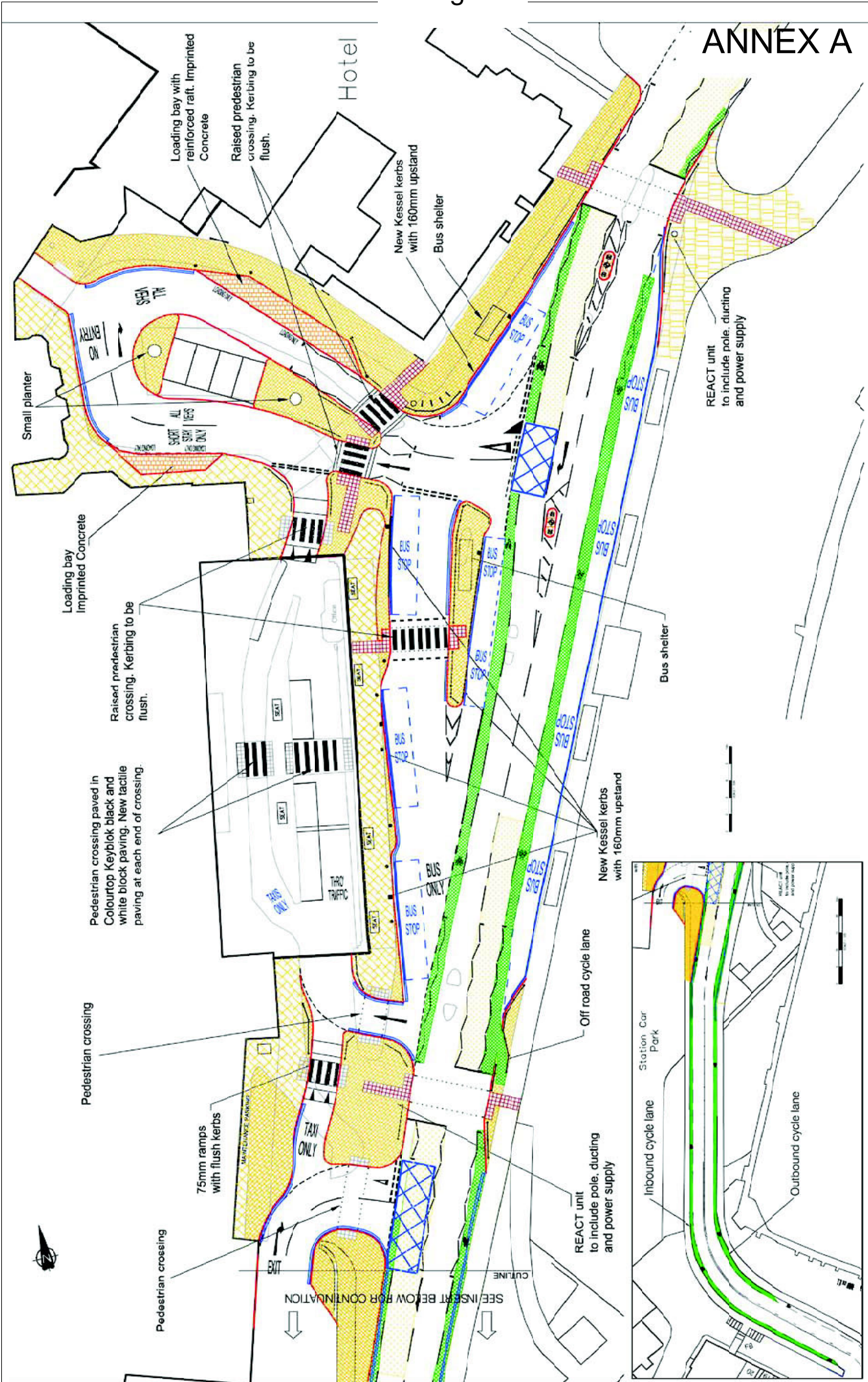
Executive member for Planning and Transport and Advisory Panel - 3 November 2004
"Update report on Improvements to the Interchange Facilities at York Rail Station."

Annexes

Annex A – York Station Environmental Improvements, General Arrangements – Option 1.

Annex B – Plan showing Land ownership in the area of York Railway Station.

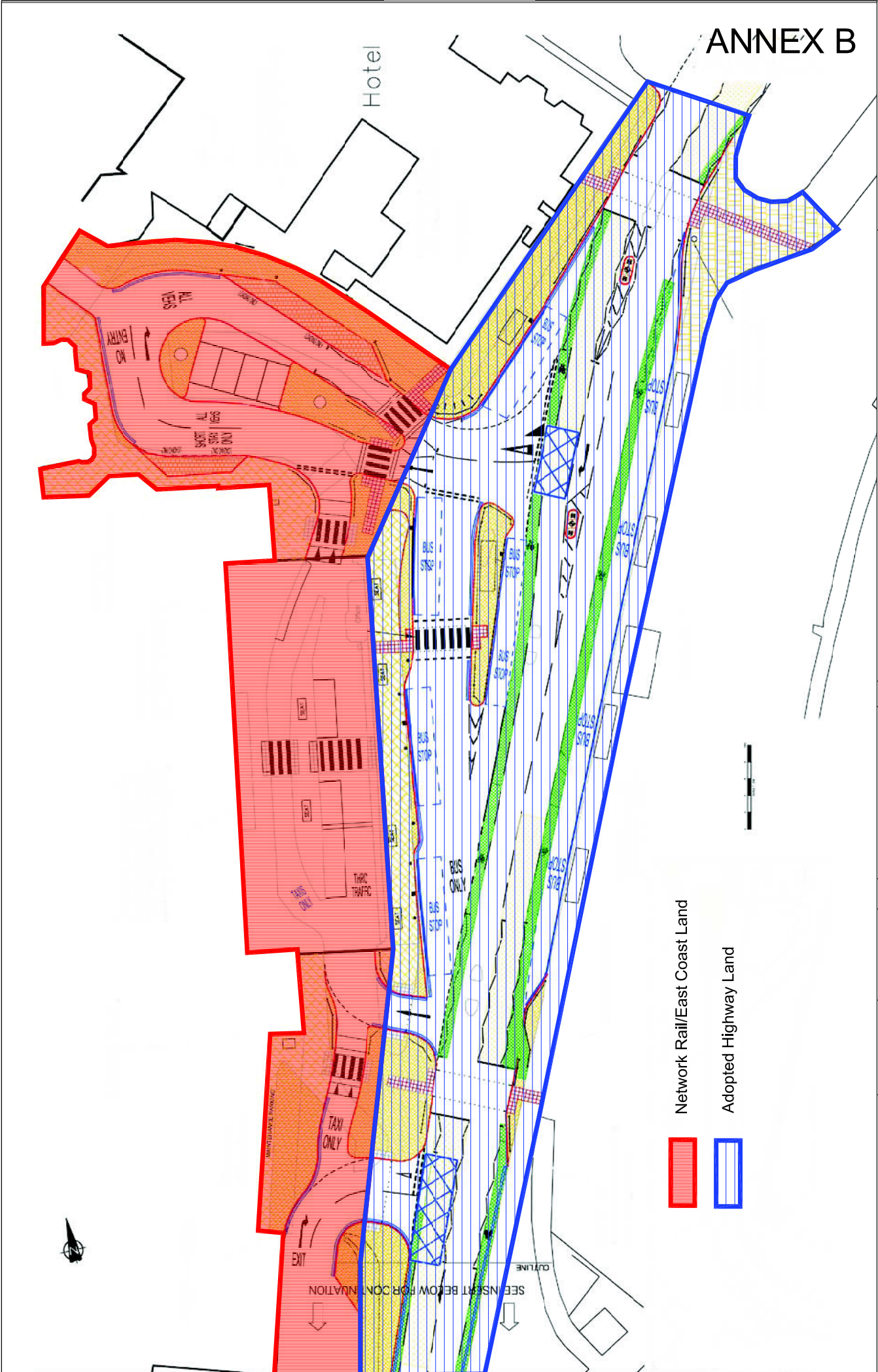
ANNEX A



		YORK STATION ENVIRONMENTAL IMPROVEMENTS GENERAL ARRANGEMENT - OPTION 1		OPTION 1
DRAWN BY AGS	CHECKED BY AGS	AMENDMENTS 1. KERBLINE IN TEA ROOM SQUARE AND LOTS 15/16 - CHAIRMAN TRAFFIC SIGNALS AND BAY 2. CENTRAL ISLAND KERBLINE AMENDED	DATE 21/09/04	DATE 24/09/04
SCALE 1:200	DATE September 2004			

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ANNEX B



- Network Rail/East Coast Land
- Adopted Highway Land

					
DRAWN BY	DR	REV	DATE	Land ownership in area of York Railway Station	
CHECKED BY	RC	AMENDMENTS			
SCALE	NTS				
DATE	17th March 2010			Annex B	

BASED UPON THE ORDINANCE SURVEY MAPS WITH THE ASSISTANCE OF THE ARCHITECTURAL RECORDS OFFICE TO DRAW, COPYRIGHT AND UNAUTHORISED REPRODUCTION OR TRANSMISSION IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE City of York Council is Licence No. LA 08007L

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Minute – Executive – 30.03.2010 - Traffic Arrangements at York Railway Station

Members considered a report which provided an update on progress made in reviewing the traffic arrangements at York Railway Station and recommended further work with East Coast and Network Rail to investigate possible short, medium and long term improvements.

The report referred in particular to the concerns about traffic in this area raised in a motion approved at Full Council on 2 April 2009. Suggestions to address these concerns had been discussed at a meeting with representatives from Network Rail and East Coast, who had now commissioned a Capacity Study on all stations on the East Coast mainline, which would include car parking arrangements at York. Further issues had been identified by Officers during visits and observations to the area and a meeting with Taxi Operators had resulted in a number of suggestions for improvements, as set out in paragraph 19 of the report.

Paragraphs 22 to 24 highlighted a number of actions that could be initiated to address the problems raised, including:

- Setting up a working group comprising East Coast, Network Rail and Council Officers to review short, medium and long term initiatives.
- Discussions with East Coast to improve signage inside the station so as to direct pedestrians to the pedestrian crossings at either end of the Portico.
- Review the docking position of the ftr bus and the lane markings alongside it, to improve the view for drivers exiting Tea Room Square.
-

It was noted that the outcome of the East Coast Capacity Study would be fundamental to any long term improvements and that any recommendations for changes to the area would need to be drawn up in consultation and agreement with the rail industry.

RESOLVED: That, following the investigation into the traffic congestion issues in Tea Room Square, Officers be authorised to:

(i) Engage in discussions with East Coast and Network Rail to see what short term measures can be introduced to improve the traffic situation in the area of the Railway Station Frontage.

(ii) Continue discussions with East Coast and Network Rail, following the outcome of the East Coast Capacity Study, to see what medium and long term traffic improvements can be identified, and report those findings to a Decision Session of the Executive Member for City Strategy.

(iii) Explore what options are available and could be implemented to improve the visibility to the right when exiting Tea Room Square.

REASON: To overcome the concerns raised about traffic congestion in the Tea Room Square area of York Railway Station.

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Executive

30th March 2010

Report of the Director of City Strategy

YORK NORTHWEST AREA ACTION PLAN

Update on Planning Progress and York Central Review

Summary

1. In January this year Members of the LDF Working Group agreed a project programme setting out the key areas of collaborative work between the council and the York Central Consortium following the suspension of the developer procurement process for York Central. This report outlines the joint work carried out and the headline findings of the review and issues arising from this work. A number of objectives for the York Central site arising from this work are set out for Member's consideration. Members are asked agree that further work is carried out to explore other models of regeneration partnerships and funding opportunities.
2. The report also provides a short update on progress with the York Northwest Urban Eco Settlement (UES) and Members are asked to agree that policies for York Northwest are included within the Core Strategy which seek to achieve Eco Town standards.
3. To take account of the emerging work on both the York Central and the British Sugar sites a number of measures are suggested to address the arising issues. This includes preparation of a more responsive planning framework which will allow for the development timescales on each site to be disengaged whilst retaining the overriding designation of the area within the Core Strategy. Members are asked to agree that York Northwest is taken forward in a revised policy approach within the Core Strategy and Supplementary Planning Documents are prepared for each site, together with a framework for development which would be used to guide the approach taken for York Central. Work on the AAP will be transferred into these documents.

Background

4. A progress report on the York Northwest Area Action Plan was brought to a meeting of the LDF Working Group on 4 January 2010. The report outlined the

position with York Northwest and provided a summary of progress to produce the Preferred Options for the YNW Area Action Plan (AAP).

5. The report also outlined work to develop a proposal to deliver a first phase 60 unit demonstration exemplar Urban Eco Settlement (UES) at the former British Sugar site. Members were advised that an expression of interest for funding to support the development of the UES proposals from a £10m Eco Development Fund had been submitted to the government by the Leeds City Region.
6. Members of the LDF Working Group were also advised of the joint work being carried out by the council and the York Central Consortium following the suspension of the developer selection process for York Central. A joint programme of collaborative work had been agreed to review issues arising from the process and to explore the way forward including the possibility of alternative delivery approaches.

Urban Eco Settlement Progress

7. Sustainable development is a key overarching strategic objective for York Northwest. The UES programme is Leeds City Region's response to the national Eco Town Programme. A central feature of this is a commitment to take the PPS eco-town standards through the submission document of the Core Strategy with detail in the supporting documents. Formal Member commitment to this, is, therefore, being sought.
8. The option of including policies in the Core Strategy (publication draft) which would included to refer to the UES and PPS eco town standards is outlined in paragraph 38. It will be challenging to meet PPS standards on these brownfield sites whilst ensuring that viable schemes are developed and ensure deliverability criteria for the Core Strategy is met.
9. A bid for revenue funding from the Eco Development Fund to support the development of PPS eco-town standards within the Core Strategy for the four areas within the City Region UES programme was formally submitted by Leeds City Region (LCR) on 26 February 2010. CYC element of this bid included funding to carry out eco feasibility work and to support the masterplanning/ community engagement process. In addition a bid was submitted for capital funding to help deliver an eco show-home facility which will act as a centre for local residents and school children to learn about 'green living' and a base for eco- construction training.
10. On 9 March 2010, Leeds City Region were advised by the Department for Communities and Local Government that they had successfully secured £1.2m funding to support the development of the UES programme and eco exemplar demonstrator projects. A key criteria of the funding award is the ability to deliver early development within an agreed timeframe.
11. The first phase 60 unit demonstration exemplar project at the former British Sugar site has also been incorporated in the draft City Region Investment Plan 2010-2014. This document will form the basis of discussions between LCR and the Homes and Communities Agency (HCA) for further potential funding to support delivery of the UES.

York Central Review

12. A high level review of the development appraisals and the council's emerging planning policy has been carried out. Meetings with key stakeholders and other parties have been held and five joint workshops between the council and the York Central Consortium have taken place to look at issues arising from this and to review the lessons learned from market testing. In addition, the council have re-examined the comprehensive approach to developing the area and explored whether there may be alternative ways of delivering the project to achieve the objectives of all parties.

Headline Findings

13. The headline messages arising from the work carried out are outlined in paragraphs 14 to 19 below and a suggested way forward to address these is set out for consideration by Members.
14. Feedback from parties directly involved in the developer procurement process, indicated that further clarity on retail, transport and open space provision would promote greater confidence for developers when the project is taken to the market in the future. Retail has been identified as a key land use essential for the deliverability of York Central. York Central has also been identified in the emerging Core Strategy as the sequentially preferable site to meet future identified capacity in the city.
15. Given the market circumstances and the current suspension of the developer procurement process it is now unlikely that it will be possible to align the masterplanning process for York Central with the AAP planning policy process. There is, therefore, an issue with meeting the timescales set out in the Local Development Scheme.
16. Analysis and appraisal work identified that some areas of the site had very high abnormal costs associated with their development. These were essentially either rail related or related to key items of infrastructure provision. It will be important to examine opportunities to reduce these costs.
17. The indications are that public sector funding from various sources will be necessary to bring York Central forward for development. This is not unusual for a scheme of this scale and complexity. Once secured, it will be important to direct public funding to items of key transport infrastructure to facilitate development and act as a catalyst for development which will build confidence in the market.
18. Feedback from the review also highlighted that increased clarity of the council's objectives for the development of the area would also be helpful.
19. Due to changing market conditions, more flexible delivery mechanisms which incorporate public/private partnerships are now being used to bring forward major development sites for regeneration. There is an opportunity for alternative delivery mechanisms to be investigated to see if they would add value to the process for York Central.

Way Forward

20. The suggested approach outlined below will make a significant contribution to addressing key issues identified in paragraphs 14 to 19 above. A number of areas have been identified for future work.

Redefining the Planning Framework

Planning Approach

21. Given the recent issues regarding delivery of the York Central site it is clear that the policy context for York Northwest could not be brought forward to include input by developers within the Area Action Plan timeframes. Further it is likely that the 'early deliverable' proposal for the former British Sugar site will need the planning context and masterplanning in place as soon as possible. In these circumstances it is suggested that AAP approach to produce a planning framework for York Northwest is reconsidered.
22. Changes to PPS12 now mean that it is possible to identify strategic sites in the Core Strategy which then become part of the statutory development plan when the Core Strategy is adopted. Site specific detail can now be included in Supplementary Planning Documents (SPD's) which sit alongside an adopted Core Strategy. Whilst the SPD approach would not have the same statutory weight as an adopted AAP, it would be backed up by clear allocation as a 'strategic site' in the Core Strategy.
23. Subject to Member's agreement it is proposed that the York Northwest area is identified within the Core Strategy as a 'zone of change', with detailed policy to be provided within Supplementary Planning Documents (SPD's) which will be supported by a development framework. These would be prepared for the strategic sites within this area, including both the York Central and the former British Sugar site. This would also allow the option of preparing SPD's for any further sites coming forward for development within this zone. Subject to Member's agreement to undertaking this approach, consequential amendments will be made to the Local Development Scheme and reported to a future meeting of the LDF Working Group and Executive.
24. A key benefit of the approach outlined above is that it would allow greater responsiveness to timescales and deliverability for both strategic sites whilst allowing the regional significance of York Northwest to be retained within a Development Plan Document (DPD). This approach would also allow the overarching issues relevant to the wider York Northwest area, including transport and open space provision, to be brought forward as part of the Core Strategy. Informal discussions have been held with the Government Office who are supportive of this approach.

Evidence Base

25. Evidence base and Preferred Options work which has been produced for the Area Action Plan would be used to provide evidence base to the Core Strategy and to inform the preparation of the SPD's. The intention is to bring a report to a meeting of the LDF Working Group later this spring outlining the key findings on work undertaken to date on the AAP Preferred Options, including transport and

open space. This will set out the issues relevant to each theme area together with suggested key principles to take forward in drafting policies for the SPD's. It will also provide early clarity on the approach being undertaken which can then be used to inform the masterplanning process for each site.

Retail

26. Given the constrained nature of the historic city centre, York Central provides an opportunity for the city to maintain and enhance its retail offer in a central location. A substantial level of background retail work has been prepared by consultants GVA Grimley which will form part of the evidence base to the Core Strategy. As part of this work the consultants reviewed a number of indicative retail development scenarios. Recently the Government has published revised Planning Policy Guidance on retailing/economic issues (PPS 4) which will also be used to inform the strategic approach to retail issues within the city.
27. In April/May it is anticipated that a report will be taken to Members of the LDF Working Group setting out the options for the future allocation of retailing as part of the submission document for the Core Strategy. This will clarify the future approach to retailing in the city and provide clear policy guidance to potential developers. A key issue is the need to establish a quantum of retail, which does not adversely impact on the historic core.

Development Framework

28. Work to re-examining the comprehensive approach has demonstrated that there would be benefits in making a clear distinction in the phasing of the development which will allow the issues arising from the identified abnormal costs to be addressed. This would concentrate early delivery of the areas around the station which would achieve the council's objectives for increasing employment opportunities and promoting leisure and tourism associated with the National Railway Museum. This approach would establish a climate of greater certainty and confidence for later phases to be brought forward in the longer term. It is likely that the phases for development will be identified and defined within the SPD.
29. For York Central, a Development Framework with high level masterplanning would be progressed to inform the preparation of the SPD. Appraisal and analysis work carried out as part of this review will provide a robust basis to inform masterplanning work. It is intended that this will be carried out by the newly appointed Urban Renaissance Team within City Strategy. This team is being funded by Yorkshire Forward who have also allocated a budget to support the work of the team. It is anticipated that this work could be carried out over a period of 12 months following the appointment of the team this summer. Guidance on design quality and criteria/principles could be provided as part of this work.
30. A programme identifying the main work areas to be progressed with timescales is attached in Appendix 1. A diagram showing an indicative process and timescales to produce the SPD's and development framework for York Central and masterplan for the British Sugar site is attached at Appendix 2.

Reviewing York Central Objectives

31. The wider strategic objectives for York Northwest, as previously agreed by Members, would be outlined in the Core Strategy. Suggested site specific objectives for York Central could be outlined in LDF documents subject to Members views on these and are listed below.
- i) Creation of a sustainable new community of outstanding quality and design.
 - ii) Provision of a new employment area for high quality new offices which will contribute to the overall economic prosperity of the city.
 - iii) Enhancement of the cultural area around the NRM within high quality public realm and improved connectivity of this to the city centre.
 - iv) Provision of new housing to assist in meeting the housing needs of York.
 - v) Creation of a new urban quarter for York with new retail provision which helps to meet identified future capacity in the city.

Funding and Delivery

32. There is a clear opportunity for the public sector to take a stronger role in helping to attract public funding and increase confidence to potential investors. A proactive approach to securing external funding and attracting inward investment is suggested to be taken forward by the council. Possible sources of funding could be from the Homes and Communities Agency (HCA), regional transport funds and the regional development agency.
33. Preliminary advice on opportunities for public sector involvement in regeneration partnerships and alternative finance models has been given by consultant's ARUP. ARUP recently prepared a research paper "Promoting Innovative Public – Private Partnerships in Regeneration" (January 2010) on behalf of The Northern Way. The Arup's work highlights the critical role of the public sector in taking a key role on lobbying for and accessing funding and being a key partner in any future delivery mechanism. It is suggested that further work is undertaken to examine alternative partnership arrangements.

Options

34. There are two main options to provide a planning framework for the York Northwest area:
35. Option 1: To continue to produce an Area Action Plan for York Northwest.
- This approach will not allow potential York Central developers to input into the AAP. It will also delay delivery of the demonstration exemplar as part of the UES at the former British Sugar site.
36. Option 2: To identify York Northwest as a 'zone of change' within the Core Strategy with York Central and British Sugar allocated as 'strategic sites'. SPD's would be prepared for each site to cover detailed planning issues, supported by a development framework with work to progress this outlined in the indicative programme of work and process at Appendix 1 and 2. (Preferred approach).

This approach will retain the strategic regional importance of York Northwest whilst providing flexibility to bring forward strategic sites with varying delivery timescales.

37. There are two options relating to the York Northwest UES:
38. Option 3: To include specific reference to the UES and Eco Town standards within the publication draft of the Core Strategy. (Preferred approach)

This approach will ensure that the UES is considered for possible designation as an Eco Town by the government and would ensure eligibility for future funding.

39. Option 4: No specific reference is made to the UES and Eco Town standards within the publication draft of the Core Strategy.

It is unlikely that the York Northwest could be considered as an Eco Town and the recent funding award from the Eco Development fund could be reallocated elsewhere within the City Region.

40. There are four further options relating specifically to the York Central Project.
41. Option 5: To agree the objectives set out in paragraph 29 above. (Preferred approach).

This approach will ensure that council objectives for increasing employment opportunities and leisure and tourism associated with the NRM are used as guiding principles for the area.

42. Option 6: To request officers to develop alternative objectives for York Central.

Any revised approach would need to take account of deliverability issues for the area.

43. Option 7: To agree a proactive approach to public funding is undertaken with further work carried out to look at other development delivery models. (Preferred approach)

The council will be in a better position to access a wider range of public funding streams and assess whether there would be benefits in the council being included in any future partnership arrangements.

44. Option 8: Public funding streams and other development delivery mechanisms are not investigated.

Public funding has been identified as necessary to the delivery of the York Central site.

Corporate Priorities

45. The York Northwest area provides large brownfield development opportunities adjacent to the city centre. Development of this area will help to protect and enhance York's existing built and green environment and provides an opportunity for a flagship sustainable development. The regeneration of this area will support the following corporate priorities:
- Increase the use of public and other environmentally friendly modes of transport
 - Improve the quality and availability of decent affordable homes in the City
 - Improve the contribution that Science City York makes to economic prosperity

Implications

46. Implications are as listed below:
- **Financial** None.
 - **Human Resources (HR)** None
 - **Equalities** None
 - **Legal** None
 - **Crime and Disorder** None
 - **Information Technology (IT)** None
 - **Property** None
 - **Other** None

Risk Management

47. There is a risk attached to Option 4 (UES) in that the funding for eco feasibility work, support for masterplanning/community engagement and construction of the eco show-home facility would be withdrawn if the council do not intend to include commitment to the UES in the Core Strategy.
48. In compliance with the Council's risk management strategy a risk management assessment has been undertaken for York Northwest. The delivery risks identified for York Central are intended to be addressed by taking a proactive approach to seeking external funding and investigating alternative delivery mechanisms.

Recommendations

49. Members are asked to:
- 1) Note the progress with York Northwest and agree the programme of work and indicative SPD process outlined in Appendix 1 and Appendix 2.

Reason: To ensure that work being undertaken for York Northwest is progressed.
 - 2) Agree the planning framework for York Northwest is provided within the Core Strategy, with York Northwest identified as a zone of change and York Central and the former British Sugar sites identified as strategic sites.

Reason: To ensure the regeneration of both major development sites is delivered within an overarching framework and within anticipated timeframes.

- 3) Agree the preparation of supporting Supplementary Planning Documents for York Central and the former British Sugar site and the preparation of a development framework for York Central..

Reason: To ensure the regeneration of both major development sites is delivered within an overarching framework and within anticipated timeframes.

- 4) Agree that policies are included within the Core Strategy seeking to achieve PPS1 standards for Eco Towns for the York Northwest area

Reason: To meet the requirements for Eco Towns and possible designation as part of the national programme of Eco Towns.

- 5) Agree objectives for the York Central site as outlined in paragraph 31 and reaffirm the council's commitment to bringing forward the site for redevelopment.

Reason: To ensure continuing commitment to moving the project forward.

- 6) To agree that the council take a proactive approach to public funding for the York Central site and investigate alternative delivery mechanisms in collaboration with the YC partners.

Reason: To enable delivery issues to be addressed.

Contact Details

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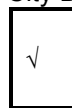
Ann Ward Tel: (01904 552409)
York Northwest Project Officer

Chief Officer Responsible for the report:

Bill Woolley
Director of City Strategy

Richard Wood
Assistant Director of City Development and Transport

Report Approved



Date 12.3.10

Specialist Implications Officer(s): None

All



Wards Affected: Holgate, Micklegate, Acomb and Rural West York

For further information please contact the author of the report

Report to LDF Working Group 4th January 2010
Report to Executive 21st July 2009

Annexes

Annex 1 York Northwest Programme
Annex 2 Indicative SPD/Development Framework Process

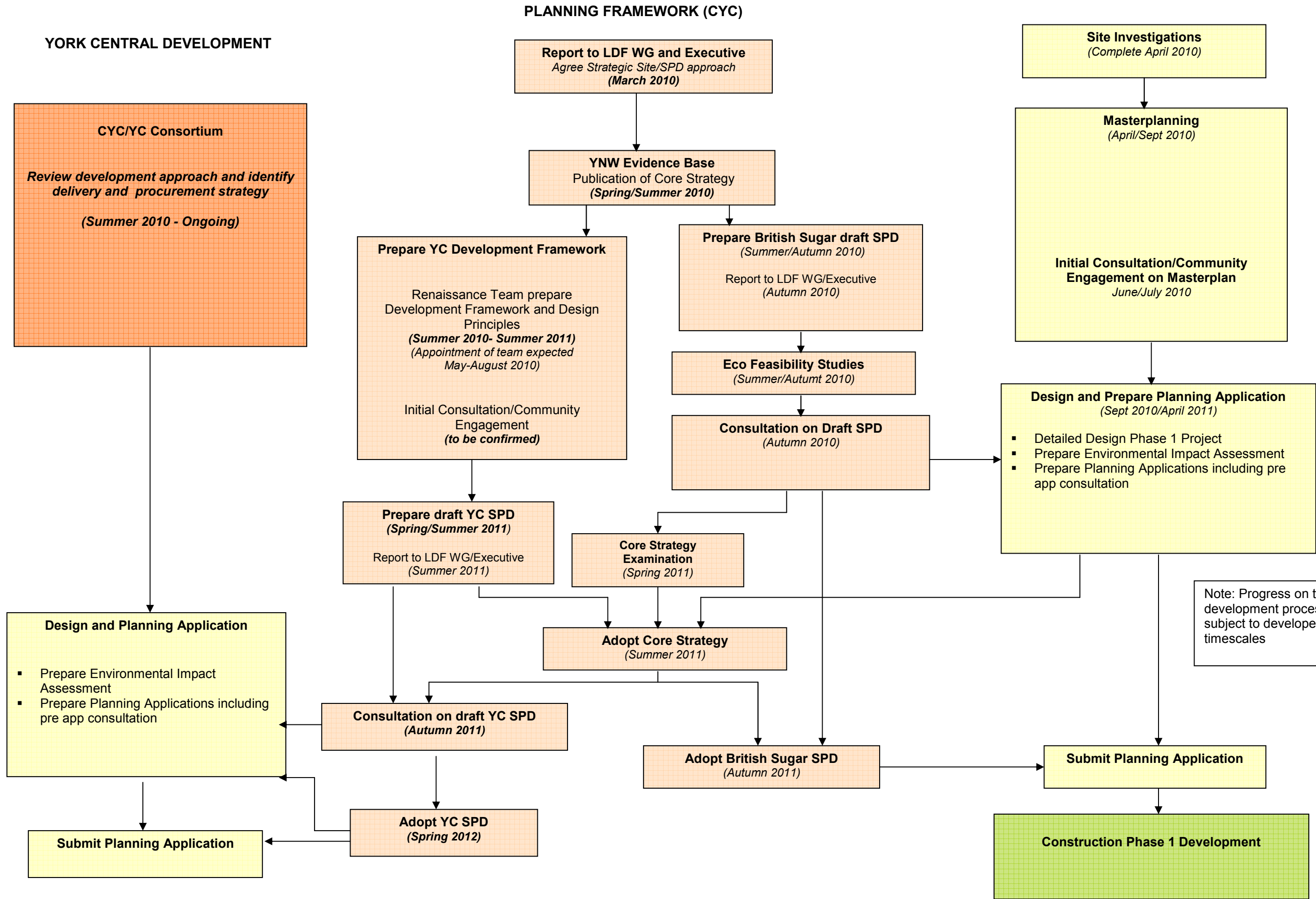
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York Northwest Programme (Indicative)

Milestone	Date
Report to Executive	March 2010
Submit revised Local Development Scheme to Government office	Spring 2010
YNW Evidence Base/Core Strategy Evidence	Spring/Summer 2010
Publication of Core Strategy	Summer 2010
Prepare York Central Development Framework	Summer 2010 – Summer 2011
Prepare draft Supplementary Planning Document for the former British Sugar site	Summer/Autumn 2010
Initial Consultation/Community Engagement on Masterplan for former British Sugar site	To be confirmed
Eco-Feasibility Studies	Summer/Autumn 2010
Consultation on draft Supplementary Planning Document for former British Sugar site	Autumn 2010
Prepare draft Supplementary Planning Document for the York Central site	Spring/Summer 2011
Examination on the Core Strategy	Spring 2011
Adopt Core Strategy	Summer 2011
Consultation on draft York Central SPD	Autumn 2011
Adopt British Sugar SPD	Autumn 2011
Adopt York Central SPD	Spring 2012

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Indicative SPD/Development Framework Process



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Minute – Executive – 30.03.2010 – York Northwest

Members considered a report which presented the results of collaborative work carried out by the Council and the York Central Consortium, following suspension of the developer procurement process for the York Central site, and sought approval for further work to explore other models of regeneration partnerships and funding opportunities. The report also provided an update on progress with the York Northwest Urban Eco Settlement (UES).

Headline findings from the collaborative work (the York Central review) were set out in paragraphs 14 to 19 of the report, and a suggested way forward to address these issues was outlined in paragraphs 21 to 33. Progress on the UES was reported in paragraphs 7 to 11.

The following options were presented for Members' consideration, as detailed in paragraphs 35 to 44 of the report:

To provide a planning framework for the York Northwest area:

Option 1 – continue to produce an Area Action Plan for York Northwest.

Option 2 – identify York Northwest as a 'zone of change' within the Core Strategy, with York Central and British Sugar allocated as 'strategic sites' and with an Supplementary Planning Document (SPD) for each site, with work to progress this as outlined in Annexes 1 and 2 to the report (preferred approach).

In relation to the York Northwest UES:

Option 3 – include specific reference to the UES and Eco Town standards in the publication draft of the Core Strategy (preferred approach).

Option 4 – not include specific reference to these in the publication draft of the Core Strategy.

In relation specifically to the York Central Project:

Option 5 – agree the site specific objectives for York Central set out in paragraph 31 of the report (preferred approach).

Option 6 – ask Officers to develop alternative objectives for York Central.

Option 7 – agree to undertake a proactive approach to public funding and further work to look at other development delivery models (preferred approach).

Option 8 – not investigate public funding streams or other development delivery mechanisms.

In approving the recommendations, Members stressed the need to explain the new approach clearly to all Council Members and the general public.

RESOLVED: (i) That the progress with York Northwest be noted and that the programme of work and indicative SPD process outlined in Annexes 1 and 2 to the report be approved (Option 2).

REASON: To ensure that the work being undertaken for York Northwest is progressed.

Appendix 4

(ii) That the planning framework for York Northwest be provided within the Core Strategy, with York Northwest identified as a zone of change and York Central and the former British Sugar sites identified as strategic sites (Option 2).

REASON: To ensure that the regeneration of both major development sites is delivered within an overarching framework and within anticipated time frames.

(iii) That the preparation of supporting Supplementary Planning Documents for York Central and the former British Sugar site, and the preparation of a development framework for York Central, be agreed (Option 2).

REASON: To ensure that the regeneration of both major development sites is delivered within an overarching framework and within anticipated time frames.

(iv) That policies be included within the Core Strategy seeking to achieve PPS1 standards for Eco Towns for the York Northwest area (Option 3).

REASON: To meet the requirements for Eco Towns and possible designation as part of the national programme of Eco Towns.

(v) That objectives for the York Central site, as outlined in paragraph 31, be agreed and that the Council's commitment to bringing forward the site for redevelopment be reaffirmed (Option 5).

REASON: To ensure continuing commitment to moving the project forward.

(vi) That the Council take a proactive approach to public funding for the York Central site and investigate alternative delivery mechanisms in collaboration with York Central partners (Option 7).

REASON: To enable delivery issues to be addressed.



Economic & City Development Overview & Scrutiny Committee

13 July 2010

Report of the Head of Civic, Legal & Democratic Services

Report – Proposed Scrutiny Topic in Relation to the Adoption of New Estates

Summary

1. This report asks Members to consider whether they would like to proceed with a scrutiny review in relation to the Adoption of New Estates.

Background

2. In the summer of 2009 Councillor Simpson Laing submitted a request for a scrutiny review on 'the implementation of planning conditions and the adoption of new estates'. A feasibility report was subsequently presented to the Committee at their meeting on 14th July 2009 and Appendix 1 & Annexes A, B & C of this report refer.
3. The Committee agreed to defer a decision on whether to progress this topic to review until they had received further information from officers on internal processes regarding the adoption of new estates/developments.
4. The topic was again considered by Members on 12th August 2009 alongside the further information requested and Appendix 2 and Annexes A1 & B1 to this report refer. At this meeting the Committee agreed that the focus of any review should be on the adoption of new estates rather than on the implementation of planning conditions. It was also noted that a report would be submitted to the Executive Member for City Strategy on 1st September 2009 that would set out potential improvements to the service. In light of this Members again deferred making a decision on whether to progress this topic to review
5. Members again considered the topic on 29th September 2009 and agreed that the report that had been submitted to the Executive Member for City Strategy had been a step forward. However, Committee still felt the need to defer making a decision on whether to progress this topic to review until the Executive Member had received a further update. This update was considered by the Executive Member on 6th April 2010 and is attached at Appendix 3 and Annex A2 to this report. The Executive Member noted the progress being made with many adoption schemes in the City and agreed that a raked

percentage fee linked to the commencement of road building be investigated as detailed under Option B of the report (Appendix 3 refers).

6. In June 2010 Councillor Watt also submitted a similar scrutiny topic, which proposed a review on the Council's policy of post development adoptions and its performance in achieving timely adoptions; his topic registration form is attached at Appendix 4 to this report. Councillor Simpson-Laing has also indicated that she still believes this topic should be progressed to review.

Consultation

7. At the time Councillor Simpson Laing submitted her topic registration form consultation took place and details of responses are set out in Appendix 1 and its associated annexes.
8. Further consultation took place on receipt of Councillor Watt's submission and the following response was received by the Scrutiny Officer:

Response from the Divisional Head – Traffic, Development & Transport

'It is my advice to yourself and the Councillors concerned that the significant majority of the issues regarding highway adoption, have been reviewed and reported in the last 10 months, to the Executive Member for City Strategy at Decision Session's dated 1/9/09 and 6/04/10. I feel it is important that the contents, recommendations and decisions of these are carefully reflected upon. I cannot comment on the other matters relating to planning control, or council tax.

The above reports have included full details on the legal framework that we have to operate within, the processes that have to be fulfilled, and reasons for the protracted timescales we experience. They also discuss the scale of the development portfolio in York and the resources we have available. Additionally we included information from how our experiences on adoption compare with other local authorities. The approval by the Executive Member requires bi annual update reports, the establishment of a developer forum, in which we engage with developers and partners to foster improved partnerships and also for us to look at our process to see if we can fine-tune and improve. These are ongoing, with a further report due in the autumn of 2010.

It would be possible to bring this report to the Scrutiny Committee in advance for their comments. I believe that this ongoing commitment provides both officers and members with opportunity to review the service area, how it functions, what the realities are, and to highlight any areas for the future, where we could achieve an enhanced service.'

9. In addition to this the Assistant Director (Customer Service & Governance) was invited to comment on those issues relating to Council Tax that were set out in Councillor Watt's submission. The Assistant Director indicated that on 28th April 2009 a report was presented to the Executive addressing issues raised by a petition submitted by residents of Sovereign Park, these being that residents

had requested a rebate and reduction in council tax “based on the premise that the charge paid covers services that are not being received in the local neighbourhood of the Sovereign Park development, these being:

- Maintenance of the highway and footpaths
 - Maintenance of communal open spaces and the play area
 - Maintenance of the street furniture including street lighting
 - Electricity for the street lighting
 - Cleaning of the streets, footpaths and open spaces.”
10. The Executive considered the report and, as part of its debate on the issue, it was minuted that “...However, the valuation for each chargeable dwelling under the Local Government Finance Act 1992 was carried out by the Valuation Office and not by the Council. There was no basis on which the Council could vary the sum payable according to which particular services were received and / or used by particular residents. The Council would fail to comply with the law if it did not carry out its duty to levy taxes in line with Council Tax bandings based upon property valuations.”
11. In addition the Executive suggested that the Scrutiny Management be invited to consider whether a scrutiny review considering the reasons, and possible remedies, for the non-adoption of public services in new estates and roads in the City, might be a worthwhile use of resources. This could also be addressed as part of any review that Members might choose to undertake.

Options

12. Members can choose to:

Option A Progress this topic to review

Option B Not progress this topic to review

Analysis

13. Discussions at previous Economic & City Development Overview & Scrutiny Committees indicate that Members quite clearly have concerns regarding the length of time it takes for new developments/estates to be adopted. Councillor Simpson – Laing, who submitted her topic a year ago, still believes that problems exist. Councillor Watt, in his recent submission, has indicated the same.
14. Members will, therefore, need to consider whether any of their concerns can be appeased by the contents of the reports presented to the Executive Member for City Strategy in September 2009 and April 2010 and the fact that he will now be receiving 6 monthly updates on these issues from relevant officers.
15. The service operates within a legal framework, which, on the surface, does not appear to have a vast amount of flexibility (paragraph 8 refers); Members will therefore need to consider whether progressing this topic to review will ultimately improve and/or speed up the current service and still stay within the

bounds of the law. If they do decide to progress this topic (bearing in mind it has now been raised by two Councillors) they should carefully consider any remit they might set to ensure that any recommendations that arise will actually address the delays being experienced.

16. In terms of the issues around possible reductions in Council Tax, there is probably very little that can be done other than possibly lobbying appropriate Members of Parliament for a change in legislation. This would probably entail a senior officer writing to the appropriate government minister.
17. Therefore, if Members do decide to progress this topic to review, it is advised that they carefully consider both remit and scope to ensure that the value and improvements that they wish to see can actually be achieved. It is suggested that any review be undertaken by a Task Group and their first meeting be dedicated to agreeing the remit and scope of any review.

Corporate Strategy 2009/2012

18. This is related to the making York Council an effective organisation theme of the Corporate Strategy.

Implications

19. **Financial** – There is a small amount of funding available within the scrutiny budget to carry out reviews. There are no other financial implications associated with the recommendations within this report; however implications may arise should a review be progressed.
20. **Human Resources** – In the feasibility report presented to Members on 14th July 2009 representatives from the City Development & Transport Group highlighted potential resource issues in terms of supporting a scrutiny review.
21. **Legal** – There are no direct legal implications associated with the recommendations within this report; however, there are clearly some legislative issues associated with this topic and these would be addressed should the topic proceed to review and in any documentation associated with such a review.
22. There are no known equalities, property, crime & disorder or other implications associated with the recommendations in this report.

Risk Management

23. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations within this report.

Recommendations

24. Based on the evidence received to date Members are advised to progress this topic to review with the understanding that there may be some issues that will be difficult to address due to the legal framework this service operates within.

Reason: To address the concerns raised within the two submitted topic registration forms.

Contact Details

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Andrew Docherty
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Tel: 01904 551004

Report Approved

Date 02.07.2010

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Report to the Executive Member for City Strategy - 1st September 2009 – Adoption of Highways on New Estates

Report to the Executive – 28th April 2010 – Petition from Sovereign Park Residents

Annexes

Appendix 1	Feasibility Study
Annexes A	Original Topic Registration form from Cllr Simpson-Laing
Annexes B	Comments from Development Control
Annexes C	Comments from Highways Section
Appendix 2	Briefing Note on Adoptions
Annexes A1	Development Schedule
Annexes B1	Responses from other Local Authorities
Appendix 3	Report to the Executive Member for City Strategy 06.04.2010
Annex A2	Development Schedule
Appendix 4	Topic Registration form submitted by Cllr Watt

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Economic & City Development Overview & Scrutiny Committee

14 July 2009

Feasibility Report - Planning Conditions: Their implementation, completion and difficulties relating to adoption of new estates

Summary

1. This report asks Members to consider a scrutiny topic registered by Councillor Simpson-Laing to look at the implementation of planning conditions, completion and difficulties related to the adoption of new estates. A copy of the topic registration form is attached at Annex A to this report.

Criteria

2. Councillor Simpson-Laing believes that this topic fits with the following eligibility criteria as set out in the topic registration form:
 - Public Interest (i.e. in terms of both proposals being in the public interest and resident perceptions)
 - Under Performance/Service Dissatisfaction
 - In keeping with corporate priorities
3. Councillor Simpson-Laing has made the following additional comments on the topic registration form in support of the selected eligibility criteria:

Public Interest – Residents on new estates feel dissatisfied when their estates are neither built to plan, completed or adopted by the Council

Under Performance/Service Dissatisfaction – Residents feel that because of non-adoption of their estates they are not receiving services for which they pay, such as street cleaning. There are also safety concerns when conditions have not been completed before habitation of properties.

4. The Assistant Director (Planning & Sustainable Development), the Head of Development Control and a representative from the City Development & Transport Group within the Council are satisfied that the topic meets the eligibility criteria set out above.

Consultation

5. The Assistant Director (Planning & Sustainable Development) and the Head of Development Control were consulted on the topic registration form and their comments are attached at Annex B to this report.
6. Representatives from the City Development & Transport Group of the Council were also consulted on the topic registration form and their comments are attached at Annex C to this report.
7. The Executive Member for City Strategy has no objection to this and has already asked for a review of outstanding adoptions and that information, which is being gathered by officers, may provide some background for this topic.
8. Chairs of all three Planning Committees were consulted on the topic registration form and the following responses were received:

West & City Centre Planning Committee- I am happy with the proposed topic and believe that Councillor Simpson-Laing has captured all the salient features requiring scrutiny. There is indeed a great deal of merit in proceeding with this topic.

East Area Planning Committee - I feel that much of this was covered in the Planning Enforcement Scrutiny topic that is just finishing and therefore there would be a large amount of duplication. S106 agreements etc were discussed and new protocols recommended.

Planning Committee – The topic seems to be a bit of a mishmash. Highway adoption should be nothing more than roads being built to standard and then going through an administrative process. Then, they will be swept. If conditions are not being met, there is an enforcement process - and we have just completed a scrutiny review on this topic. In view of the above I cannot see the benefit of progressing this topic.

Analysis

9. The information above and that contained within the annexes raises several concerns regarding progressing this topic to review. Both the Development Control Section and the City Development & Transport Group highlight resource issues due to ongoing work within their departments. The recently completed Planning Enforcement Ad Hoc Scrutiny Review has impacted on the resources of Development Control and they are also undertaking an internal review of their Planning Enforcement Service.
10. Officers within the Development Control Department have raised concerns regarding duplication of work (ongoing work and work undertaken as part of the Planning Enforcement Ad Hoc Scrutiny Review) and feel that many of the issues within the topic registration form could be answered by way of briefing notes and/or training sessions. Representatives from the City Development &

Transport Group have also suggested training sessions and/or briefing notes as an option.

11. There are already three dates set aside in September for specific planning training and both the Head of Development Control and the representative from the City Development & Transport Group are willing to incorporate into these sessions, concerns raised within this topic should Members be minded to do so.
12. During informal telephone discussions between the Scrutiny Officer and the various Officers who have provided responses for this report, concerns were raised regarding whether the emphasis of this topic was on highways or planning conditions.
13. Should Members choose to go ahead with this review they may wish to consider a tighter remit with clarity of emphasis on either highways or planning conditions; alternatively the topic could be split into Part A and Part B. They may also wish to look at how this review would be prioritised within their work plan. Members may wish to decide their full work programme before slotting any review work in at an appropriate point.
14. The Committee has the option to form small task groups to undertake reviews and should Members choose to proceed with the review they may wish to form a smaller task group who would be able to work more informally. Any task group would periodically report back their findings to formal meetings of the Economic & City Development Overview and Scrutiny Committee and would be fully supported by the Scrutiny Officer.

Conduct of Review

15. Should Members choose to proceed with this review Councillor Simpson-Laing has suggested that the Committee look at:
 - The legal status of conditions
 - The management of conditions, including their signing off at each stage before further work is allowed to continue
 - The Council's monitoring of developments, including the monitoring undertaken by Building Control and the powers they have to stop development
 - The ability of the Council to change planning conditions without Members knowledge
 - The legality of developers not undertaking conditions
 - The ability of the Council to ensure developers complete developments to enable adoption
16. If the review were to go ahead then Members may wish to consider consulting the following:
 - Relevant Officers from City of York Council (Legal Services, Development Control, Building Control, City Development & Transport Group)
 - Representatives of developers
 - The House Builder's Federation

17. Councillor Simpson-Laing has also suggested that working practices at CYC would need to be investigated along with Best Practice at other Local Authorities.

18. It is envisaged that this work would take approximately 6 months.

Implications

19. **Financial** – There is a small amount of funding available within the scrutiny budget to carry out reviews. There are no other financial implications associated with this report however; implications may arise should the review be progressed.

20. **Human Resources** – Representatives from both Development Control and City Development & Transport Group have highlighted potential resource issues and these are set out in the body of this report.

21. **Legal** – There are no direct legal implications associated with this particular review but it is very likely that implications could arise should the topic be progressed.

22. There are no known equalities, property, crime & disorder or other implications associated with the recommendations in this report.

Risk Management

23. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations in this report.

Recommendations

24. Based on the evidence presented within this report Members are not advised to proceed with this topic. As an alternative, Members may wish to consider a training session (which could be amalgamated with those already set for September) and/or briefing notes to gather further insight into the information requested (paragraphs 11 and 12 of this report refer).

REASON: In order not to duplicate work already being undertaken

Contact Details

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Scrutiny Services
Tel: 01904 551714.

Chief Officer Responsible for the report:

Quentin Baker
Head of Civic, Legal & Democratic Services
Tel: 01904 551004

**Feasibility Study
Approved**



Date 30.06.2009

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None

Annexes

- Annex A** Topic Registration Form
- Annex B** Comments from Development Control
- Annex C** Comments from Highways Section

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SCRUTINY TOPIC REGISTRATION FORM

PROPOSED TOPIC:

Planning Conditions, there implementation, completion and difficulties related to adoption of new Estates

COUNCILLOR(S) REGISTERING THE TOPIC: Cllr Tracey Simpson-Laing

SECTION 1: ABOUT THE TOPIC

Please complete this section as thoroughly as you can. The information provided will help Scrutiny Officers and Scrutiny Members to assess the following key elements to the success of any scrutiny review:

How a review should best be undertaken given the subject

Who needs to be involved

What should be looked at

By when it should be achieved; and

Why we are doing it ?

Please describe how the proposed topic fits with 3 of the eligibility criteria attached.

As a general rule, topics will only proceed to review if they meet 3 of the criteria below. However, where it is adequately demonstrated that a topic is of significant public interest and fits with the first criteria but does not meet 3, Scrutiny Management Committee may still decide to allocate the topic for review. Please indicate which 3 criteria the review would meet and the relevant scrutiny roles:

	✓	Policy Development & Review	Service Improvement & Delivery	Accountability of Executive Decisions
Public Interest (ie. in terms of both proposals being in the public interest and resident perceptions)	X	X	X	
Under Performance / Service Dissatisfaction	X	X	X	
In keeping with corporate priorities	X	X	X	X
Level of Risk				
Service Efficiency				
National/local/regional significance e.g. A central government priority area, concerns joint working arrangements at a local 'York' or wider regional context				

Further Information on how topic fits with Eligibility Criteria

Public Interest – YES – residents on new estates feel dissatisfied when their estates are neither built to plan, completed or adopted by the Council

Under Performance / Service Dissatisfaction – YES – residents feel that because of non-adoption of their estates that they are not receiving services for which they pay, such as street cleaning. There are also safety concerns when Conditions have not been completed before habitation of properties

In keeping with Corporate Priorities – YES

Level of Risk – NONE

Set out briefly the purpose of any scrutiny review of your proposed topic. What do you think it should achieve?

If you have not already done so above, please indicate in response to this, how any review would be in the public or Council's interest e.g. reviewing recycling options in the city would reduce the cost to the Council for landfill

Across the City there are a number of recently built estates that have not been adopted by the Council, mainly due to the developer not completing 'Conditions' in the Planning Permission that must be satisfied before the Council will take ownership/management.

The proposed Scrutiny would need to understand the monitoring and 'policing' of 'Conditions'. Often 'Conditions' are placed upon a developer by the Council, such as:

'no dwelling shall be inhabited until security gates have been fitted to alleyways a joining the properties'

Yet this is typical of the 'Conditions' abused by developers. Later down the line, when these issues are raised by residents and Councillors it is too late to act as the developer is off site, or they will say that this is not a 'requirement', even though CYC use the 'Safety by Design Code'.

Such non compliance with 'Conditions', including planting and highways mean that residents can live on a new estate for up to 4 years – Sovereign Park, or 10 years – St Peters Quarter without having their roads swept, or having money allocated from Ward Committee budgets to improve facilities.

I would like to investigate the 'Signing Off' process of development stages, what powers CYC have at each stage to stop development of, of the moving in of residents until certain 'Conditions' have been satisfied and what legal powers the Council has to manage this process and push for adoption of new estates.

Please explain briefly what you think any scrutiny review of your proposed topic should cover.

This information will be used to help prepare a remit for the review should Scrutiny Management Committee decide the topic meets the criteria e.g. How much recycling is presently being done and ways of increasing it

The legal Status of Conditions

The managing of Conditions including there 'signing off' at each stage before further work is allowed to continue.

CYC's monitoring of developments – including the monitoring by Building Control and the powers they have to stop development

The ability of CYC to change any 'Conditions' without members knowledge

The legality of developers not to undertake 'Conditions'

The ability of CYC to ensure developers complete developments to enable adoption

Please indicate which other Councils, partners or external services could, in your opinion, participate in the review, saying why.

Involving the right people throughout the process is crucial to any successful review e.g. CYC Commercial Services / other local councils who have reviewed best practice for recycling / other organisations who use recycled goods

It may be useful to discuss with representatives of the developers to understand why developments are not built to plan, such as The House Builders Federation

Explain briefly how, in your opinion, such a review might be most efficiently undertaken?

This is not about who might be involved (addressed above) but how the review might be conducted e.g. sending a questionnaire to each household to gather information on current recycling practices and gathering information on how recycling is carried out in Cities similar to York

Councillors would need to investigate CYC working practise in relation to the monitoring of new developments and investigate whether any other Local Authority has Best Practice in this area that could be adopted and built upon.

Estimate the timescale for completion.

Please circle below the nearest timescale group, in your estimation, based on the information you have given in this form.

(a) 1-3 months;

(b) 3-6 months; or

(c) 6-9 months

Due to the work required I would envisage around 6 months

PLEASE ENCLOSE ANY SUPPORTING DOCUMENTS OR OTHER INFORMATION YOU FEEL MIGHT BE USEFUL BACKGROUND TO THE SUBMISSION OF THIS TOPIC FOR CONSIDERATION.

What will happen next?

- a Scrutiny Officer will prepare a feasibility study based on the information you have provided above and on further information gathered. This process should take no more than six weeks;
- on completion, the feasibility study will be presented to Scrutiny Management Committee together with a recommendation whether or not to proceed with the review. If the recommendation is to proceed, the feasibility study will include a remit on how the review should be carried out

In support of this topic, you may be required to:

- meet with the Scrutiny Officer to clarify information given in this submission and/or assist with developing a clear and focussed remit for a potential review;
- attend the meeting of Scrutiny Management Committee at which the topic is being considered for scrutiny review in support of your registration

What will happen if the topic is recommended for review?

- The Scrutiny Management Committee will agree a timescale for completion of the review.
- An Ad-hoc Scrutiny Committee will be formed and a series of formal meeting dates will be agreed. These should allow for at least the following:

1st Meeting Scoping Report

2nd Meeting interim progress meeting

Depending on the timescale of the review, a further interim progress meeting may be required

3rd Meeting Agree final draft report for SMC

- The final draft report will be considered by SMC and a final report with recommendations will be produced for consideration by the Executive
- Any decisions taken at Executive as a result will be reviewed after six months to ensure implementation has taken place.

A Member will be nominated to be responsible for monitoring the implementation of the recommendations - you may be asked to take on this role.

Please return your completed registration form to Scrutiny Services or, if you want any more information about Scrutiny or submitting a new topic for consideration then please contact the Scrutiny Team.

Email: Scrutiny.services@york.gov.uk

Tel No. 01904 552038

For Scrutiny Administration Only

Topic Identity Number

Date Received

Feasibility Study to be completed by:

Date of SMC when study will be considered:

SC1- date sent

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Comments from the Assistant Director (Planning & Sustainable Development) & the Head of Development Control

PROPOSED TOPIC:

Planning Conditions, their implementation, completion and difficulties related to adoption of new Estates

Purpose of topic

The topic registration form says:

Across the City there are a number of recently built estates that have not been adopted by the Council, mainly due to the developer not completing 'Conditions' in the Planning Permission that must be satisfied before the Council will take ownership/management.

The proposed Scrutiny would need to understand the monitoring and 'policing' of 'Conditions'. Often 'Conditions' are placed upon a developer by the Council, such as:

'no dwelling shall be inhabited until security gates have been fitted to alleyways a joining the properties'

Yet this is typical of the 'Conditions' abused by developers. Later down the line, when these issues are raised by residents and Councillors it is too late to act as the developer is off site, or they will say that this is not a 'requirement', even though CYC use the 'Safety by Design Code'.

Such non compliance with 'Conditions', including planting and highways mean that residents can live on a new estate for up to 4 years – Sovereign Park, or 10 years – St Peters Quarter without having their roads swept, or having money allocated from Ward Committee budgets to improve facilities.

I would like to investigate the 'Signing Off' process of development stages, what powers CYC have at each stage to stop development of, of the moving in of residents until certain 'Conditions' have been satisfied and what legal powers the Council has to manage this process and push for adoption of new estates.

Development Control Comments

There are two elements to the issue; one relates to the highway adoption process, which has a separate set of criteria to the second, which relates to the discharge of planning conditions. The adoption process does not rely on compliance with the conditions of planning approval.

An officer update and information to members may be sufficient to explain the processes for each.

What should be covered

The topic registration form says:

The legal Status of Conditions

The managing of Conditions including their 'signing off' at each stage before further work is allowed to continue.

CYC's monitoring of developments – including the monitoring by Building Control and the powers they have to stop development

The ability of CYC to change any 'Conditions' without Members' knowledge

The legality of developers not to undertake 'Conditions'

The ability of CYC to ensure developers complete developments to enable adoption

Development Control Comments

Again conditions and the framework for discharging them is set within a legal framework which can be explained. Circular 11/95 sets out the basis upon which conditions should be used, and along with case law.

Since the two estates mentioned were approved (11 and 7 years ago), a system for the discharging of planning conditions has been set up on UNIFORM. Each request is logged and acknowledged and a timescale for dealing with it given.

Monitoring and enforcement of conditions are within the enforcement function although historically there has been insufficient resource to proactively monitor compliance. Under the change to a Development Management approach the introduction of monitoring and the purchasing of an additional Condition Monitoring module on UNIFORM will be proposed, which will be subject to appropriate resources being made available.

The approved delegation scheme allows for applications for the removal or variation of conditions to be dealt with by officers unless called in by a member. However there is no power to change planning conditions without member knowledge, as any change must be subject to a further application, which would appear on the published weekly list of applications.

The legality of conditions and the implications of breaching conditions can be covered in a training session for members if this would be considered useful.

The ability of CYC to ensure completion of development prior to adoption can be covered by Highway Network Management.

How Review most efficiently undertaken?

The topic registration form says:

Councillors would need to investigate CYC working practise in relation to the monitoring of new developments and investigate whether any other Local Authority has Best Practice in this area that could be adopted and built upon.

Development Control Comments

The Section is moving towards adoption of the Development Management approach to the successful delivery of schemes. This involves drawing upon best practice and recent improvement work carried out in a number of LPAs under the National Performance Improvement Project. In addition the Killian Pretty review of planning made a number of recommendations which the government is to pursue with changes to the Development control system and new guidance that will affect the way the conditions are processed and monitored.

Further Comments

- For various reasons, we would struggle to support this given the need to implement the actions arising from the internal Enforcement & Support Services Review and the Planning Enforcement Ad Hoc Scrutiny Review. The department also has an impending improvement programme as part of the Development Management Initiative and they are inputting to the Kendric Ash programme on both the service itself and customer services.
- Changes introduced to the logging and processing of details submitted to comply with conditions have addressed some of the issues raised within the topic registration form. The imminent reviews above and forthcoming central government guidance will steer how we deal with condition compliance monitoring. A scrutiny review at this stage would duplicate/pre-empt this work but training may help to inform Members of the processes involved in the interim.

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Comments from the City Development & Transport Group

Taken from the Topic Registration Form

Set out briefly the purpose of any scrutiny review of your proposed topic. What do you think it should achieve?

Across the City there are a number of recently built estates that have not been adopted by the Council, mainly due to the developer not completing 'Conditions' in the Planning Permission that must be satisfied before the Council will take ownership/management.

Comments from the City Development & Transport Group

Highway Adoption

Strictly speaking the timescales for adoption of streets, footways etc within new developments are not solely controlled or governed by planning conditions or indeed the planning process. Whilst it is common practise for planning authorities to impose 'standard' conditions, relating for example to the provision of a new road (to a certain level) prior to the occupation of a dwelling served from it, the reality is that satisfactory completion of a new and prospective piece of publicly maintainable highway, is governed by highway legislation, primarily the Highways Act 1980.

The majority of developers opt to enter into a Section 38 Agreement (this being voluntary) with the council, as Highway Authority. Such an agreement establishes the specifications and standards, which the new streets will need to meet before they could become the responsibility of the council to maintain. Agreements allow of course for a phased development to take account of the actual building timescales and permit that roads and footways are at least finished to base course (tarmacadam surface), together with street lighting, in tandem with occupation of newly constructed properties. Such arrangements are standard practise across England and Wales.

Within many S38 agreements in York, a standard clause is included which seeks to secure the full completion of the prospective highway in parallel with the completion of the final dwellings. This procedure relies significantly upon the developer coordinating both the build works (on houses) and associated infrastructure (roads etc). When the later are completed in full including the top (wearing) course, they would, subject to satisfactory approval by the highway authority, be placed on what is termed a maintenance period. This period lasts for 12 months and during such time; the developer is responsible for the maintenance of the works. At the end of this period, the streets will become public highway, providing they continue to meet the required criteria (for example surface condition) and additionally that the foul and surface water sewerage systems, have been approved and adopted by Yorkshire Water, all adoptable street lighting has been approved and the developer has provided a layout drawing 'as constructed' to take account of any alterations deemed necessary during construction.

The legal procedures followed with highway adoption are specifically set out to protect the local authority, such that it does not take on the responsibility of maintaining roads, which have been inadequately constructed and completed.

Presently, within the City of York Council area, there are 86 housing developments and 12 commercial/office developments, which are governed by a Section 38 agreement and a further 10 known developments, such as Derwenthorpe, which have not yet started.

Further Comments

- Resourcing of this project will make it difficult to deliver on the extensive work load programme of the City Development & Transport Group
- In principle the topic seems worthwhile, as it would look to how other Local Authorities approach the matter. However, it is difficult to indicate whether the findings would help us deliver our service in an improved manner, due to the fact that many aspects of highways adoption do not fall within the direct control of the local authority.
- The option of providing a specific briefing/training session on highway adoption is something we can see benefit in.



Economic & City Development Overview & Scrutiny Committee

12 August 2009

Report of the Assistant Director for City Development and Transport

Briefing Report - Adoption of Highways on New Estates

Summary

1. This report provides further information on the issue of the adoption of highways on new estates as requested by the Scrutiny Committee. A feasibility report covering this matter together with the implementation of planning conditions was considered as a scrutiny topic at the meeting of 14 July 2009.
2. It should be highlighted that the report relates solely to the issue of highway adoption and not other aspects such as landscaped or play areas.
3. The service is provided by 3 FTEs covering all aspects of pre-planning consultation, review and approval of designs, agreement preparation and site supervision. Opportunities for redirecting staff resources to support the service are limited, as this would only create new pressures in the highways development control team.

Background

4. The Executive considered a report concerning a petition submitted by residents of Sovereign Park in April 2009 at which the Executive Member requested a further report to be submitted within 6 months to the Executive Member Decision Session covering the wider issues of highway adoption.
5. Whilst not strictly covered by this report Members should be aware that in February 2006 the Executive Member and Advisory Panel considered a report on the adoption of private streets. There are over 100 streets in York that are privately owned and maintained. 11 of those streets were subsequently consulted to establish what interest there was for making the streets up to adoptable standard and for the council to adopt them for future maintenance. From the responses it was clear that there was very little interest in the proposal as most frontagers were unwilling to contribute to the cost of bringing the streets up to adoptable standard and as a result the initiative was not pursued.
6. It is important to reiterate some key points which were appended to the previous report to the Scrutiny Committee,

- Satisfactory completion of a new section of publicly maintainable highway, is governed by highway legislation, chiefly Section 38 of the Highways Act 1980.
- Developers enter (in almost all situations) into a Section 38 Agreement with the Council as Highway Authority, which establishes the specifications and standards, which the new streets will need to meet before responsibility for maintenance can transfer to the council.
- A sub clause seeks to secure completion of the street in parallel with the completion of final dwellings. A 12 month maintenance period follows completion.
- Foul and surface water sewerage systems must be approved and adopted by Yorkshire Water, prior to formal highway adoption taking place.
- The legal framework (as applied across councils in England and Wales) is specifically laid out to protect the local authority.
- Within the authority area, there are currently 86 housing developments, which are governed by a Section 38 agreement.

Introduction

7. To provide some context to the service area, a developments list, is attached at Annex A, including details of key stages in the whole process (this also includes commercial schemes, which are being developed with prospectively adoptable highway layouts, together with associated highway improvement schemes). Also attached are responses received from ten other Local Authorities, to three questions based on experiences in York and the current recession (Annex B).
8. As a consequence of the Local Authority reorganisation on 1 April 1996, York City Council increased its existing portfolio of developments with those from North Yorkshire County Council. Since that time, the York Unitary area has been constantly popular with developers resulting in the high number of developments that are now being processed.
9. The staffing resource for this service is equivalent to 3 permanent FTE's. A growth bid was submitted and approved for this financial year, which has allowed an additional FTE to be recruited for approximately 6 months. However this is a very small staff resource to address what is a very heavy workload. Switching of staff to address this workload would be difficult to achieve without resulting in other development control areas of the Network Management team suffering.
10. Of the developments taken in from surrounding districts, it may be surprising to find that some are still not fully adopted, some thirteen years later. The Brecks at Strensall being an example. Although three phases were already built in 1996, the other nine phases have since been completed, but the whole is still subject to formal adoption.

The Process

11. The trigger for developers to start building on site occurs once Planning Consent has been issued. However, there is evidence from other local authorities that some don't even wait for this approval. At this point, the Highway Authority's only requirement is to issue a notice under the Advanced Payments Code once it has been notified that drawings have been deposited with the Council's Building Control section. Generally, developers will pursue completion of a S38 Highways Agreement as they have the comfort that the Highway Authority will ultimately adopt the roads and purchasing solicitors have the comfort that there will be no charge on their clients' property.
12. Unfortunately, developers rarely find the need to engage in detailed discussions with the Highway Authority before gaining planning approval as it involves additional cost for consultants. The drawings required for planning consent are not as detailed as engineering drawings required for a Highway Agreement. As a consequence, it can be some time before a S38 Agreement is completed, during which time the developer has already started on site. They are prepared to take the risk and site agents are probably under pressure from managers to start building.
13. Once dwellings are completed and sold, the developer will be looking to move staff to another new development. Their profit is with selling houses, not adopting roads. The ongoing wrangling with Highway Authorities is generally left with the company engineer to sort out while the developers' focus turns to new developments. Once staff and site cabins have left the development, the company engineer is reliant on being able to use any pot of money reserved for the purpose of bringing the road up to an adoptable standard. Any problems with the drainage system can easily swallow up spare cash, which ultimately prolongs the whole adoption process.
14. Traditionally, highways have not been adopted until the following has happened.
 - All adoptable street lighting has been approved.
 - Drawing 'as constructed' have been provided. We now ask for an electronic version as well as hard copies to build up a library for easy reference. This is not always possible with older developments.
 - The foul water and surface water sewers have been adopted and vested with Yorkshire Water. This ensures that there is no extensive private drainage system under a public highway. In respect of surface water, the gullies connect to a proper outfall.

Some reasons for delay

15. In respect to large developments, such as The Brecks, jointly developed by Hogg the Builder and Persimmon Homes, it has been very difficult to reach a stage where all streetlights are working together.
16. Where old developments are being offered for adoption, consideration has to be made for normal wear and tear when preparing any remedial lists.
17. Yorkshire Water has insisted that any pumping stations be brought up to current standards, irrespective to what may have been shown in the original Drainage Agreement. For developers to agree to such upgrades, which can cost £20,000, has been very protracted.
18. Yorkshire Water do not had the same imperative to adopt sewers as the highway authority has for adopting the roads and footways and rely upon the highway authority to pressure the developer to seek adoption. As stated previously highway authorities will not adopt the roads until the sewers are adopted.
19. Organising for drawings 'as constructed' has similarly proved difficult, as details that have been missed or badly interpreted have necessitated several attempts before they can be accepted.
20. It may appear inconceivable that any development should take so long to adopt, but it is hoped that some of the reasons can be found above.

The Agreement (calling in bonds)

21. The S38 Agreement is a standard document and, subject to some updating over the last decade, the same is used for each development. It does include an item that enables the Highway Authority to call in the bond in the event of any default. While this may appear to be an easy solution to overcome delays by the developer, it is generally intended for those companies who may become bankrupt and could not bring roads to an adoptable standard. An estimated cost for outstanding remedial works has to be prepared and the surety given the opportunity to allow the developer to complete or offer the work over to the Highway Authority. To reach this stage is time consuming and a heavy use of resources. The most recent occasion that the Council resorted to this remedy was at Tedder/ Slessor Road under pressure from members and residents where the developer, Barratt York, ultimately completed the work anyway.

Completion Programme for 2009

22. It is anticipated that by the end of the year, the whole of The Brecks should be adopted, Clifton Hospital and all developments along Water Lane. As described above, ongoing issues with street lighting and Yorkshire Water have been the main reason for delay, although the developers have not been too proactive. Providing successful, this will mean that **23 development phases** will become public highway and thus can be deleted from the attached list.

Effect of Recession

23. Visual evidence that the recession is taking its toll can be seen in the developments that have stopped, such as the Barratt development at Dennison/Gladstone Street and the Harron Homes development at Osbaldwick Lane. Those that have stalled include The Croft, Heworth Green and Northfield School, Beckfield Lane. Apart from Wright Group who built at the back of The Ainsty PH off Carr lane and Urbani (Birch Park), we are not aware of any more developers who are close to going bankrupt.
24. However the following developments are examples of active schemes, which continue to engage officers, whether that involves, the consideration/approval of proposed street layout, inspection of ongoing construction, or review of completed works:

Hungate, Derwenthorpe, Heslington Campus East, York College, Discus bungalows, and Chapelfields.

Summary

25. The information detailed above hopefully sets the context for the service area and confirms the requirement to adhere to the well established procedures and legal framework.
26. Clearly the portfolio of schemes is significant and resources have to be carefully assigned to cover the full service, from office based review/checking/approval through to site based inspection. Both aspects involve extensive contact, meetings, negotiation, correspondence and administration, with a range of stakeholders. This includes, consultant engineering companies, multiple internal officers, resident engineers, site contractors, Yorkshire Water, Utility Company representatives, solicitors and Property/Land Conveyance Agents.
27. As has been stated earlier staffing resources in this area of service are limited for addressing such a large workload and redirecting further staff resources from development control would create new pressures on planning application side of the service, which is already under pressure with the major developments already under consideration.
28. Officers are actively engaged in pursuing the satisfactory completion and adoption of all outstanding schemes (some listed above), and with the

temporary additional resource, there is confidence that those on the priority list for 2009 will be achieved.

29. The responses from other local authorities, can be quickly summarised. The process and experience is very similar to what we see here in York, essentially:
- It is common for developers to start on construction of highways, prior to agreements being finalised,
 - Majority of developers lose interest in completion of highways once they have completed dwellings and moved off site, and
 - An almost unanimous experience of change of attitude by developers (since the recession started) to reduce bonds and get older developments adopted.

Analysis

30. The criteria for registering the review topic related to:

Public Interest – Residents on new estates feel dissatisfied when their estates are neither built to plan, completed or adopted by the Council, and

Under Performance/Service Dissatisfaction – Residents feel that because of non-adoption of their estates they are not receiving services for which they pay, such as street cleaning. There are also safety concerns when conditions have not been completed before habitation of properties.

31. Whilst these matters are understood, the above commentary sets out the process and context for new developments in York. It is not uncommon for minor changes to be made to the design of the adoptable street. These changes usually result during detailed design, construction limitations on site or from a safety audit. They are however of a minor nature and would not be materially different from the original planning consent. As mentioned earlier, the plans submitted as part of a planning application are not the detailed engineering drawings required for highway design/ construction.
32. The timeline to reach formal adoption can be protracted, however in the vast majority of cases, developers in York, do construct carriageways to a driveable state (termed binder course) and footways to a completed finish (surface course), prior to occupation of residential units and arrange for the provision of street lighting. This construction/finish provides adequate surfaces allowing safe accessibility for occupants and other users. As many developments are constructed over different phases (with separate agreements in place, and sometimes different developers), completion (including top surface/course) of the prospectively adoptable highway to a state capable of starting a maintenance period (including surface course and landscaping) will be subsequent to full occupation and in many situations a considerable time after.
33. During the time prior to adoption, the developer is fully responsible for ensuring that adequate access is maintained at all times for residents, and responding

to matters relating to lighting, drainage or cleaning (including sweeping, spillage and litter picking). If such matters are raised directly with officers (or via Member's), officers ensure that these are brought to the developer's attention and (as appropriate) seek assurance that the matter/concern is satisfactorily resolved.

Comments

34. A report will be submitted to the Executive Member Decision Session in September, which will describe the adoption issues and make recommendations about improvements to the service.
35. The Scrutiny Committee may wish to consider what areas there are for further investigation so that developments come forward for adoption as soon as is reasonably possible. Areas for investigation could be a better understanding of the issues faced by developers and by Yorkshire Water who have a major influence upon when developments are adopted.

Contact Details

Author:

Richard Bogg
Divisional Head - Traffic
Network Management
City Strategy

Chief Officer Responsible for the report:

Damon Copperthwaite
Assistant Director, City Development and
Transport,
City Strategy

Report Approved



Date 30.07.2009

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A Development schedule
Annex B Responses from other local authorities

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Section 38 Developments

Developer	Development Site 04/06/09	Updated	File Reference	S38/278 Sent to Legal	Agreement Completed	Highway completed	Comments
Advent Isle Of Man Partnership	Shipton Street		CLIF/HD66/236				Development on hold pending Planning Approval
Antler Homes	Calif Close, Haxby		HAX/HD66/211	23/05/06			Some remedial work to complete before starting maintenance
Arncliffe Homes	New Lane, Huntington		66/7/18		18/10/07	03/12/07	Completed. Waiting to complete paperwork
Barratt	Tenneco Automotive, Manor Lane		RAW/HD66/161	16/06/04	22/08/05	28/10/08	Some remedial work to complete before starting maintenance
Barratt Homes Ltd	Northfield School 54 x new build		ACOM/HD66/217	15/04/08			Development to be completed before maintenance starts
Barratt Homes Ltd	St james Vicarage< 275A Thanet Rd		DR-WOD/HD66/218		24/04/08		Development to be completed before maintenance starts
Barratt York	Manor Lane, Rawcliffe (S278)		RAW/HM66/65		13/08/98	08/05/01	Waiting for adoption of sewers before completing formal adoption
Barratt York	Moor Farm, (Woodland Chase) Wt Ln		CLIF-WO/HR66/67	29/11/99	02/03/00	10/05/02	Adoption of sewers delaying highway adoption.
Barratt York	Water Lane		CLIF-WO/HM66/52A	12/04/01	13/07/01	21/03/03	Adoption of sewers delaying highway adoption.
Barratt York	Dennison St/ Gladstone St		GUIL/HD66/229	17/01/08			Development on hold due to recession
Barratt York	Sovereign Park, Boroughbridge Road		BECK/HD66/248		16/10/08	23/09/07	Formal adoption completed 15 June 2009
Barratts York	Grainstores, Water lane		S-R-CW/HD66/192				Development not started yet
Barrett Homes	Victoria Mews		RAW/HD66/127	27/09/01	12/12/02	04/10/05	Adoption of sewers delaying highway adoption.
Bellway Homes	Huntington Road		HUNTNE/HD66/179	23/06/04	19/10/05	08/05/06	Waiting for the 'as constructed' drawings
Bellway Homes	The Croft' Heworth Green		HEW-WO/HD66/208	16/03/06			Development to be completed before maintenance starts
Caplin Developments Ltd	Fourth Ave		HEW/HD66/219			25/02/08	Maintenance waiting for developer to complete Agreement
Crest Homes	Brecks Lane, Strensall		STR/HM66/64		11/09/98	04/08/98	Waiting for sewers to be adopted before completing formal adoption
Crosby Lend Lease	Hungate		GUIL/HD66/153				Development to be completed before maintenance starts
CYC/Harrison Construction	Water Lane		CLIF-WO/HM66/52		25/11/99	10/04/00	Adoption of sewers delaying highway adoption.
DKNP Developments	Hebdon Rise, Acomb		HOLG/HD66/241				Development to be completed before maintenance starts
Fox Oak Properties	Common Lane, Dunnington		Dun/HD66/134	31/12/01	15/09/03		Developer did no pursue Agreement
Grantside	Terry's		MICK/HD66/243				Development on hold pending Planning Approval
Harron Homes	Osballdwick Lane		HULL/HD66/242	10/11/08			Development on hold due to recession
Helmsley Group NU	Monks Cross Plot 6		Hunt/HD66/150	08/11/02	06/08/04	15/10/04	Waiting for sewers to be adopted before completing formal adoption
Henry Lax	Clifton Hospital Phase 2, Commercial		RAW/HM66/60A		07/09/99	08/03/02	Waiting for sewers to be adopted before completing formal adoption
Hogg the Builder	601/603 Strensall Road		STR/HD66/137	27/09/02	24/07/03	22/04/04	Site in spection required before maintenance starts
Hogg the Builder	Brecks Lane, Str. - The Green		STR/HM66/66A	20/06/00	27/07/00	14/06/03	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Hogg the Builder	Lakeside, Strensall		43/4/648C	28/09/99	17/12/99	18/04/03	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Hogg the Builder	Park Gate		43/4/426C			01/04/96	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Hogg the Builder	Roxy & Chequers farm, Mn St, Elvington		ELV/HD66/212	12/12/06	20/11/07		Development to be completed before maintenance starts
Hogg the Builder	The Sidings, Strensall		STR/HD66/200		17/12/07	15/06/09	Development shortly to start maintenance
Hogg the Builder	Runswick Avenue		ACOM/HD66/230				Development not started yet
Ingenta (Aspire) Ltd	Bootham Row		GUIL/HD66/245				Highway works not started yet
Irwins Ltd	Monks Cross Plot 4		Hunt/HD66/120A	13/11/02		23/02/04	Developer reluctant to complete Agreement. Legal is chasing
Isoproco Ltd	Springwell Grove		ACOM/HD66/213	26/05/06	06/09/06		Development to be completed before maintenance starts
J.R.H.T.	Limetree Avenue		NEW-E/HD66/89			06/01/01	JRHT still pursuing adoption of sewers and 'as constructed' drawings
J.S Bramley	Morrilt Close		HEW/HD66/247				Development not started yet
Joseph Rowntree	Osballdwick-Derwenthorpe		OSB/HD66/182				Development not started yet
JRHT	Bismark St/Sheltered Housing		EM66/20	06/01/00	04/09/00	20/08/02	JRHT still pursuing adoption of sewers and 'as constructed' drawings
JRHT	Holgate Park JRHT		HOLG/HR66/85A	28/01/00	10/12/02	21/08/00	JRHT still pursuing adoption of sewers and 'as constructed' drawings
Keyland Gregory	Foss Islands Retail Scheme S.38		GUIL/HD66/196A			19/01/09	Development should be ready for formal adoption

Section 38 Developments

Developer	Development Site 04/06/09)	Updated	File Reference	S38/278 Sent to Legal	Agreement Completed	Highway completed	Comments
Leeper Hare Developments	Melander Close		ACOM/HD66/235	16/04/08			Development shortly to start maintenance
Mack & Lawler	Agar Street		GUIL/HD66/240				Development shortly to start maintenance
Nixon Homes	Wilberforce Trust Development		DRI-WOO/HD66/191	29/07/05			Dispute over road construction. Agreement not completed yet
NorthMinster Properties Ltd.	The Tannery		STR/D66/206				Development not started yet
Persimmon	Brecks lane, Strensall Ph. 1,2,3		STR/43/4/426B			05/06/06	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	235-239 Strensall Road S38		STR/HD66/169	16/12/05	26/05/06	26/05/06	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Avenue Terrace		Clif/HD66/149	30/06/04	26/05/06	26/02/06	Waiting confirmation that speed table will not be built
Persimmon Homes	Bootham Eng, Lawrence Street		WALM/HD66/163	04/11/03		29/11/07	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Brecks Lane, Str. - Heath Ride		STR/HM66/66	29/05/98	02/10/98	05/06/06	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	Brecks Lane, Str., Chaucer Lane		STR/HR66/75A		03/12/99	05/06/06	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	Brecks Lane, Str., Terrington Ct.		STR/HR66/75B	24/12/99	06/04/00	05/06/06	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	Brecks Lane, Str., Chat Ave.		STR/HR66/75		25/02/99	05/06/06	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	Clifton Hospital Ph 4, Residential		RAW/HM66/59B		08/04/99	08/03/02	Waiting for sewers to be adopted and street lighting approved before completing formal adoption
Persimmon Homes	Clifton Hospital Phase 1, Residential		RAW/HM66/59		11/11/97	08/03/02	Waiting for sewers to be adopted and street lighting approved before completing formal adoption
Persimmon Homes	Clifton Hospital Phase 3, Residential		RAW/HM66/59A		13/09/98	08/03/02	Waiting for sewers to be adopted and street lighting approved before completing formal adoption
Persimmon Homes	Clifton Hospital Phase 5, Commercial		RAW/HM66/60B	20/08/99	23/11/99	08/03/02	Waiting for sewers to be adopted and street lighting approved before completing formal adoption
Persimmon Homes	Heworth Green		HEW-WO/HD66/209			16/02/06	Development to be completed before maintenance starts
Persimmon Homes	Jockey Lane, Huntington		HUNT/HR66/72		17/01/01	17/01/01	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Manor Lane, Rawcliffe (S38)		RAW/HM66/65			10/04/01	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Ploughman's Close, Copmanthorpe		COP/HD66/115	04/08/00	02/10/00	02/10/02	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Stockton Lane (Rear of 73-109)		EM66/25		18/07/95	05/07/99	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Thompson Drive, Strensall		43/4/426			01/04/96	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	Water Lane, Clifton, Phase 1		EM66/42		14/08/97	05/07/99	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Water Lane, Clifton, Phase 2		EM66/42B		14/08/97	07/07/99	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Water Lane, Clifton, Phase 3		EM66/42D	28/05/98	02/09/98	05/06/05	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Water Lane, Clifton, Phase 4		EM66/42E		27/05/99	05/06/05	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	York Football Ground		BOO/HD66/159				Development not started yet
Pilcher Developments	88-90 The Village		STR/D66/203				Development to be completed before maintenance starts
Redworth Const	Haxby Road		CLIF/HD66/168	29/08/03	24/08/05	12/05/04	Adoption should be completed very soon
RJF Homes Ltd	Burton Green, Burton Stone Lane		CLIF/HD66/246				Highway works not started yet
Rogers Homes	Laurens Manor		Hull/HD66/198	14/01/05		12/03/08	Waiting for sewers to be adopted before completing formal adoption
Rok Building Ltd	Birch Park - Residential		Hunt-NE/HD66/177	30/06/08			Development on hold due to recession
S&B Construction	Arthur Street		GUIL/Walm/HR66/70				Developer not interested in completion
Shepherd Construction	Vanguard 2 x Office Blocks		HUNT-NE/HD66/194				Development not started yet
Shepherd Homes	Blue Bridge Lane S38		GUIL/HD66/156	24/03/05		13/06/06	Conflict between two land owners which should now be sorted to permit adoption proceeding
Southdale Homes Ltd	Danebury Drive		ACOM/HD66/202		01/09/06	16/11/07	Waiting for sewers to be adopted before completing formal adoption
Southdale Homes Ltd	St Ann's Court		Fish/HD66/248				Development to be completed before maintenance starts
Southdale Homes Ltd	Regent Street		Hew/HD66/249				Development not started yet
Southdale Homes Ltd	Richmond/Faber Street		Fish/HD66/250				Development not started yet
Taylor Woodrow	St Peters Quarter		BECK/HD66/114	12/04/01	19/07/02	09/05/06	Waiting for sewers to be adopted before completing formal adoption
Tees Valley Housing Group	Chapelfields Road		WEST/HD66/244				Development to be completed before maintenance starts

Section 38 Developments

Developer	Development Site 04/06/09)	Updated	File Reference	S38/278 Sent to Legal	Agreement Completed	Highway completed	Comments
The University of York	University Way - Science Park		HES/HM66/62		19/06/92	03/08/01	Waiting for lighting connection and 'as constructed' drawings to be completed
University of York	Field Lane (S38)		HESL/HD66/233A				Development to be completed before maintenance starts
University of York	Windmill Lane (S38)		HESL/HD66/233B				Development to be completed before maintenance starts
Wimpey	Murton Way		OSB/HD66/166	06/12/04	25/08/06	26/11/07	Waiting for sewers to be adopted before completing formal adoption
Wimpey/Shepherd	York College, Tadcaster Rd, Resdintial		DRI-WOD/HD66/226	15/06/09			Development to be completed before maintenance starts
Wimpey/Shepherd	York College, Tad. Rd, Res.-Phase 2		DRI-WOD/HD66/226A	30/06/09			Development to be completed before maintenance starts
Wimpey/Shepherd	York College, Tad. Rd, Res.-Phase 3		DRI-WOD/HD66/226B				Development not started yet
Wm Birch & Sons	Elvington Business Park		ELV/HD66/162	27/01/04		07/03/05	Waiting for street lighting approval and 'as' constructed' drawings to be prepared
Wm Birch & sons ltd	Elvington Business Park		ELV/HD66/184	27/01/04		23/07/07	Waiting for street lighting approval and 'as' constructed' drawings to be prepared
Wm Birch & sons ltd	Plot E Airfield Business Park		ELV/HD66/220				Development not started yet
Wright Group	Ainsty Bowling Green, Carr Lane		HOLG/HD 66/223		12/12/07	15/07/08	Formal adoption on hold due to recession. Developer looking for a buyer
York Housing Ass	St Nicholas Court		WALM/HD66/163A	26/05/04	11/11/04	09/08/04	Waiting for sewers to be adopted before completing formal adoption
York Housing Association	Victoria Way		HEW/HD66/234	14/11/08		20/10/08	Waiting for street lighting approval and 'as' constructed' drawings to be prepared
	Ouse Acres		ACOM/HD66/232				Development not started yet
	Germany Beck		FUL/HD66/237				Development not started yet

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Response from other Local Authorities

Question 1	Do developers generally start to construct adoptable roads shortly after gaining planning permission but also prior to the S38 Agreement being completed?
Question 2	Do developers generally seem disinterested in completing the highway adoption once they have left site and moved on to a new development?
Question 3	Has the recession created a change of attitude with developers keen to reduce bonds and get old developments finished and out of the way?

Question 1 Do developers generally start to construct adoptable roads shortly after gaining planning permission but also prior to the S38 Agreement being completed?

Middlesbrough	Generally after Planning permission, rarely before S38 completed
Hampshire	Soon after Planning permission, rarely before S38 completed
Peterborough	Yes
Fleet (Hants)	Advanced payments code against each property has worked well in getting developers to sign up to S38 Agreement
North Somerset	Start before Agreement is signed. Found no answer to overcome this. An offence to construct houses unless cost of roads have been secured
South Gloucestershire	Developer's behaviour erratic. Road construction strating before planning permissions received and well before S38 Agreement in place Thank goodness for Advanced Payment Code notices
Darlington	Yes exactly as stated
Hartlepool	Allow larger developers to start before Agreement in place. Make sure Agreement is in place for smaller developments
Norfolk	Yes. Developers signing an Agreement before work starts only pay 8% supervision fee. Otherwise it is 10%. (York is currently 7%)
Portsmouth	Approximately 20% start before signing

Question 2 Do developers generally seem disinterested in completing the highway adoption once they have left site and moved on to a new development?

Middlesbrough	Bigger developers attempt to complete adoption. Smaller developers seem disinterested
Hampshire	No problems getting developers to complete once they have moved on. Threat of calling in the bond has desired affect
Peterborough	Most seem to lose interest after they have sold majority of houses
Fleet (Hants)	Overall, yes
North Somerset	Progress after some pushing. Frustratingly long period to finish roads. Chased by councillors and residents. Sit agents focus on completing units to achieve occupation dates. Work with completions engineer after houses fully occupied to complete roadworks
South Gloucestershire	Some instances, but try to keep bond levels high for as long as possible to keep developer's interest
Darlington	Yes exactly as stated
Hartlepool	Large developers lose interest once left site. Smaller developers want bond monies back at earliest opportunity. Problem getting work to an adoptable standard. External source chase up outstanding problems
Norfolk	Yes
Portsmouth	Yes

Question 3 Has the recession created a change of attitude with developers keen to reduce bonds and get old developments finished and out of the way?

Middlesbrough	Yes, agree totally
Hampshire	Developers keen to get bonds reduced. Getting remedials done before adoption proved difficult in some cases
Peterborough	Keen to see bonds reduced, but some want reduction irrespective of completion or adoption
Fleet (Hants)	Adoption moved back to County three years ago, so unable to comment
North Somerset	Some developers are keen to reduce bonds and some are very keen to complete works
South Gloucestershire	Yes!
Darlington	Yes exactly as stated
Hartlepool	No appreciable change of attitude to finish developments and cancel bonds. Other than social housing, most developments have shut down with little or no attention to getting roads adopted
Norfolk	Yes
Portsmouth	Yes

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Decision Session – Executive Member for City Strategy

6 April 2010

Report of the Assistant Director of City Development and Transport

Adoption of Highways on New Estates – Update Report

Summary

1. This report provides an interim progress report on highway adoptions completed, together with the current work programme and general development activity. It focuses upon the period following the comprehensive report on the highway adoption service, considered by the Executive Member on 1 September 2009.
2. Also included are brief updates relating to potential improvements to current procedures/systems and the establishment of a local developer forum.

Recommendations

3. Based on the commentary presented within this report the Executive Member is advised to note and review the highway adoption work portfolio as detailed under Option A, and that a raked percentage fee linked to the commencement of road building be investigated as detailed under Option B.

Reason: It will provide the most informative analysis, including an ongoing review of work programme and service performance, together with engagement with developers to provide improved understanding of their commercial processes, and identify opportunities for improvement, for the overall benefit of residents.

Background

4. Whilst not wishing to duplicate the previous report content, it is hoped that the following list can act as a useful reminder, of the key points and actions that are required through the adoption process:
 - a. Satisfactory completion of a new section of publicly maintainable highway, is governed by highway legislation, chiefly Section 38 of the Highways Act 1980.
 - b. Developers enter (in almost all situations) into a Section 38 Agreement with the Council as Highway Authority, which establishes the

specifications and standards, which the new streets will need to meet before responsibility for maintenance can transfer to the council.

- c. A sub clause seeks to secure completion of the street in parallel with the completion of final dwellings. A 12 month maintenance period follows completion.
- d. Foul and surface water sewerage systems must be approved and adopted by Yorkshire Water, prior to formal highway adoption taking place.
- e. The legal framework (as applied across council's in England and Wales) is specifically laid out to protect the local authority.
- f. Within the authority area, there are currently 86 housing developments, which are governed by a Section 38 agreement.

Development Progress

5. The developments list, attached at Annex A, has been updated, according to progress achieved in the last 6 months. It includes details of key stages in the whole process (this also includes commercial schemes, which are being developed with prospectively adoptable highway layouts, together with associated highway improvement schemes).
6. The following streets have been adopted as highway maintainable at public expense, since September:
 - Littlethorpe Close, Strensall (within the Brecks)
 - Rosetta Way, Acomb (commercial part of Sovereign Park)
 - Monks Cross Drive, Huntington (access to shopping park)
 - Monks Cross Park and Ride cycle path connecting to New Lane
 - Greenfields, Clifton
 - Murton Way, Osbaldwick
7. In addition, progress has been made at several other developments, whereby they have been placed upon the maintenance period, which should allow adoption within the next 12 months. These include:
 - The Sidings, Strensall
 - Foss Islands Link Road
 - Melander Close, off Beckfield Lane
 - Laurens Manor, Lawrence Street
8. When reported at 1 September 2009, there were 86 housing developments governed by Section 38 Agreements. Whilst the above adoptions have not had a noticeable impact on reducing the headline figure, (because as many new developments have been added, as have been adopted) it is nonetheless a good indication that progress is being made in this challenging service area.

9. In addition to the above there are several other streets, which it is anticipated will become adopted within the next few months, including the remainder of the Brecks at Strensall. This development comprises, 9 phases, 25 streets, 3050 metres of highway, being inherited from North Yorkshire. It's adoption will represent a very positive outcome for the authority and local residents.
10. In addition to achieving the ultimate adoption approval on the above developments, significant progress has been made in recent months on many other schemes, in securing fees from developers, relating to both the supervision of works on the ground and auditing of submissions (drawings of design, construction, drainage), seeking technical approval. The following developments are included:
 - Elvington Airfield (2 phases)
 - The Croft, Heworth Green
 - Agar Street, Monkgate
 - Northfield School, Beckfield Lane
 - York College (2 phases)
 - Chapelfields Road
 - Heslington East (2 phases)
 - Burton Garage, Shipton Street
 - Calf Close, Haxby
 - Burton Green, Burton Stone Lane

General Development activity

11. In September it was reported that the recession had resulted in development ceasing on several schemes. Over the last 6 months, the picture has remained surprisingly buoyant in York, with several key developments advancing at differing stages, together with progress on some medium to small scale schemes, including, Heslington East (Field Lane roundabout/Bus interchange), Dane Avenue and Morrill Close.
12. The following sites are active and officer's are engaged with the developer and their representatives: Dennison/Gladstone Street, Deans Acre/Windmill Lane, The Croft/Heworth Green, York College, Roxby/Chequers Farm Elvington, Burton Green Burton Stone Lane, Birch Park, St Anns Court, Richmond/Faber Street and York District Hospital, which includes S38 works.

Review of current systems and procedures

13. It was previously highlighted that whilst the adoption of highways is governed by established legislation in the form of the Highways Act 1980 (not forgetting the requirement for foul and surface water sewerage being approved and adopted by Yorkshire Water), which requires a well rehearsed set of procedures to be followed, officer's had had some discussion with other local authorities, to gauge their procedures on highway adoption and the approach of the developer, to say the commencement of works and completion of agreements. The feedback indicated that the adoptions experience here in York is very comparable to the national perspective.

14. Having said that, there was an indication that reviewing our procedures relating to the percentage fee we charge for the above mentioned services (auditing/supervision), was worthy of consideration. The commencement of the construction of new roads prior to the Section 38 Agreement being in place, is unfortunately common in York and nationally. This gives rise to issues such as the authority not being able to inspect works until such a time as the agreement is in place and thus the developer is undertaking works at potentially considerable risk. In Norfolk, developer's signing the agreement before works commence pay an 8% supervision fee, if they start work prior, the rate is 10%. In York, we currently have a flat rate of 7%.
15. Further comment is provided in Options/Analysis.
16. As mentioned in paragraph 10, efforts have been concentrated to secure the earlier payment of fees for supervision and auditing services. Officer's are presently working with colleagues in legal services in order to make revisions to the template highway adoptions agreement, such that fees are achieved consistent with the services being undertaken. Details of this can be included in the annual adoptions report.

Developer Forum

17. With the temporary additional staffing resource (1 FTE) in place (funded through a growth bid), effort has been concentrated upon the technical review and approval process, together with the site based inspection work and significantly in recent months, applying pressure on developer's, consultant engineering companies and Yorkshire Water.
18. The establishment of a local developer forum, that would aim to meet twice a year, with officer's and the Executive Member, with the objective of discussing current development progress and future schemes, was approved at the September meeting.
19. Officer's intend to arrange for the first of these to take place in April, with invitations to be sent very shortly, together with an initial agenda. It is considered that the initial forum should provide a good opportunity for local developer's to relay their current position of development in York, and their indicative plans for the next year. At the same time, council representatives can cover the local authority perspective, with the objective of seeking to encourage a proactive and healthy working relationship. In addition it is considered that the first meeting should establish the more detailed agenda and objectives setting for the future.

Resources

20. As discussed in the previous report, the service is provided by 3 FTE equivalents. This has been supplemented in the last 6 months, by an additional FTE, that was funded through a successful growth bid. This funding will be fully utilised by the end of March this year.

21. As the service has been operating temporarily with two experienced Adoption Engineers, who lead on all areas of the service, the output has in simple terms doubled. As a result, much greater progress has been possible across the whole remit, from initial auditing, finalising of agreements, supervision and checking of site work, and applying pressure on the other stakeholders to reduce timescales, which essentially gives rise to a much improved service.
22. It is presently anticipated that the service will revert back to a single engineer from the 1st April, unless other funding can be secured and the necessary approvals given.

Options

Option A

23. Note the content of the update report and request that officer's prepare the subsequent Annual report in the Autumn.

Option B

24. With reference to Paragraph 14, there is an opportunity to consider revising the Fee rate percentage, in the range of 1% – 3%, for the auditing of technical submissions and supervision of works.

Analysis

25. **Option A** – sets out to review and update upon the highway adoption work portfolio, providing details of adoptions, advancement of developments through the process and the general development picture in York. It is considered that the outcomes represent very positive progress, with several additional developments/streets, now being transferred to the local authority. At the same time more recent developments continue to make further steps in the process, being placed upon maintenance. We also see the advancement of several newer schemes, indicating continued interest in development in York, which must be regarded as good news in the current economic climate.
26. **Option B** – Introducing a raked percentage fee, linked to commencement of road building, is a measure which it is considered could have merit. In that it would seek to encourage developer's to put increased efforts into making the necessary submissions to the council for technical approval of their development. This would mean a greater focus upon early planning, requiring more time/resource investment, aiming to secure 'technical approval', which then forms part of the Section 38 Agreement. Increased performance from the developer's representatives, including legal teams, would also be anticipated.
27. It is recommended that this potential change is detailed up and made the subject of consultation exercise with local developer's. This will allow officer's to explain the rationale behind it and hopefully for developers to recognise the overall benefits. The outcome of the consultation would be brought back to the Executive Member.

Implications

Financial/Programme Implications

28. At this stage there are no implications.

Human Resources

29. As per Financial.

Legal

30. There are no direct legal implications.

Other

31. There are no known equalities, property, crime & disorder or other implications associated with the recommendations in this report.

Risk Management

32. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations in this report.

Contact Details:

Author

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Chief Officer Responsible for the report

Richard Wood, Assistant Director, City
Development and Transport, City Strategy.

Report Approved Date 15 March 2010

Specialist Implications Officer(s)

Wards Affected: None

All

For further information please contact the author of the report.

Background Papers:

None

Annexes:

Annex A Development schedule

Section 38 Developments

Developer	Development Site	File Reference	S38/278 Sent to Legal	Agreement Completed	Highway completed	Comments
Advent Isle Of Man Partnership	Shipton Street	CLIF/HD66/236				Development due to progress and highway alterations are approved
Antler Homes	Calif Close, Haxby	HAX/HD66/211	23/05/06			Remedial works progressing before starting maintenance
Barratt	Tenneco Automotive, Manor Lane	RAW/HD66/161	16/06/04	22/08/05	28/10/08	Remedial works progressing before starting maintenance
Barratt Homes Ltd	Northfield School 54 x new build	ACOM/HD66/217	15/04/08			Remedial works progressing before starting maintenance
Barratt Homes Ltd	St James Vicarage < 275A Thanet Rd	DR-WOD/HD66/218		24/04/08		Remedial works progressing before starting maintenance
Barratt York	Manor Lane, Rawcliffe (S278)	RAW/HM66/65		13/08/98	08/05/01	Waiting for adoption of sewers before completing formal adoption
Barratt York	Moor Farm, (Woodland Chase) Wt Ln	CLIF-WO/HR66/67	29/11/99	02/03/00	10/05/02	Adoption of sewers delaying highway adoption.
Barratt York	Water Lane	CLIF-WO/HM66/52A	12/04/01	13/07/01	21/03/03	Adoption of sewers delaying highway adoption.
Barratt York	Dennison St/ Gladstone St	GUIL/HD66/229	17/01/08			Development resumed and progressing
Barratts York	Grainstores, Water lane	S-R-CW/HD66/192				Development not started yet
Barrett Homes	Victoria Mews	RAW/HD66/127	27/09/01	12/12/02	04/10/05	Adoption of sewers delaying highway adoption.
Bellway Homes	Huntington Road	HUNTNE/HD66/179	23/06/04	19/10/05	08/05/06	Waiting for the 'as constructed' drawings and drainage adoption Certificates
Bellway Homes	The Croft' Heworth Green	HEW-WO/HD66/208	16/03/06			Development to be completed before maintenance starts
Caplin Developments Ltd	Fourth Ave	HEW/HD66/219			25/02/08	Maintenance waiting for developer to complete Agreement
Crest Homes	Brecks Lane, Strensall	STR/HM66/64		11/09/98	04/08/98	Waiting for 'as constructed' drawings and final remedial works before completing formal adoption
Crosby Lend Lease	Hungate	GUIL/HD66/153				Development to be completed before maintenance starts
CYC/Harrison Construction	Water Lane	CLIF-WO/HM66/52		25/11/99	10/04/00	Adoption of sewers delaying highway adoption.
DKNP Developments	Hebdon Rise, Acomb	HOLG/HD66/241				Development to be completed before maintenance starts
Fox Oak Properties	Common Lane, Dunnington	Dun/HD66/134	31/12/01	15/09/03		Developer did no pursue Agreement
Grantside	Terry's	MICK/HD66/243				Development approved but waiting detail drawings for consideration
Harron Homes	Osbalwick Lane	HULL/HD66/242	10/11/08			Development on hold due to recession. Waiting chase up response from developer
Helmsley Group NU	Monks Cross Plot 6	Hunt/HD66/150	08/11/02	06/08/04	15/10/04	Waiting for sewers to be adopted before completing formal adoption
Henry Lax	Clifton Hospital Phase 2, Commercial	RAW/HM66/60A		07/09/99	08/03/02	Waiting for sewers to be adopted before completing formal adoption
Hogg the Builder	601/603 Strensall Road	STR/HD66/137	27/09/02	24/07/03	22/04/04	Site inspection required before agreeing adoption
Hogg the Builder	Brecks Lane, Str. - The Green	STR/HM66/66A	20/06/00	27/07/00	14/06/03	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Hogg the Builder	Lakeside, Strensall	43/4/648C	28/09/99	17/12/99	18/04/03	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Hogg the Builder	Park Gate	43/4/426C			01/04/96	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Hogg the Builder	Roxy & Chequers farm, Mn St, Elvington	ELV/HD66/212	12/12/06	20/11/07		Development to be completed before maintenance starts
Hogg the Builder	The Sidings, Strensall	STR/HD66/200		17/12/07	15/06/09	Development shortly to start maintenance
Hogg the Builder	Runswick Avenue	ACOM/HD66/230				Development not started yet
Ingenta (Aspire) Ltd	Bootham Row	GUIL/HD66/245				Highway works not started yet
Irwins Ltd	Monks Cross Plot 4	Hunt/HD66/120A	13/11/02		23/02/04	Developer reluctant to complete Agreement. Legal is chasing
Isoproco Ltd	Springwell Grove	ACOM/HD66/213	26/05/06	06/09/06		Development to be completed before maintenance starts
J.R.H.T.	Limetree Avenue	NEW-E/HD66/89			06/01/01	JRHT still pursuing adoption of sewers and 'as constructed' drawings
J.S Bramley	Morrilt Close	HEW/HD66/247				Drawings approved and highway work due to start soon
Joseph Rowntree	Osbalwick-Derwenthorpe	OSB/HD66/182				Development not started yet
JRHT	Bismark St/Sheltered Housing	EM66/20	06/01/00	04/09/00	20/08/02	JRHT still pursuing adoption of sewers and 'as constructed' drawings
JRHT	Holgate Park JRHT	HOLG/HR66/85A	28/01/00	10/12/02	21/08/00	JRHT still pursuing adoption of sewers and 'as constructed' drawings
Keyland Gregory	Foss Islands Retail Scheme S.38	GUIL/HD66/196A			19/01/09	Development should be ready for formal adoption
Leeper Hare Developments	Melander Close	ACOM/HD66/235	16/04/08			Development is on maintenance
Mack & Lawler	Agar Street	GUIL/HD66/240				Development shortly to start maintenance

Section 38 Developments

Developer	Development Site	File Reference	S38/278 Sent to Legal	Agreement Completed	Highway completed	Comments
Nixon Homes	Wilberforce Trust Development	DRI-WOO/HD66/191	29/07/05			Dispute over road construction. Agreement not completed yet
NorthMinster Properties Ltd.	The Tannery	STR/D66/206				Development not started yet
Persimmon	Brecks lane, Strensall Ph. 1,2,3	STR/43/4/426B			05/06/06	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	235-239 Strensall Road S38	STR/HD66/169	16/12/05	26/05/06	26/05/06	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Avenue Terrace	Clif/HD66/149	30/06/04	26/05/06	26/02/06	Waiting confirmation that speed table will not be built
Persimmon Homes	Bootham Eng, Lawrence Street	WALM/HD66/163	04/11/03		29/11/07	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Brecks Lane, Str. - Heath Ride	STR/HM66/66	29/05/98	02/10/98	05/06/06	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	Brecks Lane, Str., Chaucer Lane	STR/HR66/75A		03/12/99	05/06/06	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	Brecks Lane, Str., Terrington Ct.	STR/HR66/75B	24/12/99	06/04/00	05/06/06	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	Brecks Lane, Str., Chat Ave.	STR/HR66/75		25/02/99	05/06/06	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	Clifton Hospital Ph 4, Residential	RAW/HM66/59B		08/04/99	08/03/02	Waiting for sewers to be adopted and street lighting approved before completing formal adoption
Persimmon Homes	Clifton Hospital Phase 1, Residential	RAW/HM66/59		11/11/97	08/03/02	Waiting for sewers to be adopted and street lighting approved before completing formal adoption
Persimmon Homes	Clifton Hospital Phase 3, Residential	RAW/HM66/59A		13/09/98	08/03/02	Waiting for sewers to be adopted and street lighting approved before completing formal adoption
Persimmon Homes	Clifton Hospital Phase 5, Commercial	RAW/HM66/60B	20/08/99	23/11/99	08/03/02	Waiting for sewers to be adopted and street lighting approved before completing formal adoption
Persimmon Homes	Heworth Green	HEW-WO/HD66/209			16/02/06	Development to be completed before maintenance starts
Persimmon Homes	Jockey Lane, Huntington	HUNT/HR66/72		17/01/01	17/01/01	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Manor Lane, Rawcliffe (S38)	RAW/HM66/65			10/04/01	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Ploughman's Close, Copmanthorpe	COP/HD66/115	04/08/00	02/10/00	02/10/02	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Stockton Lane (Rear of 73-109)	EM66/25		18/07/95	05/07/99	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Thompson Drive, Strensall	43/4/426			01/04/96	Part of The Brecks. Street lighting now accepted. As constructed drawings required
Persimmon Homes	Water Lane, Clifton, Phase 1	EM66/42		14/08/97	05/07/99	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Water Lane, Clifton, Phase 2	EM66/42B		14/08/97	07/07/99	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Water Lane, Clifton, Phase 3	EM66/42D	28/05/98	02/09/98	05/06/05	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	Water Lane, Clifton, Phase 4	EM66/42E		27/05/99	05/06/05	Waiting for sewers to be adopted before completing formal adoption
Persimmon Homes	York Football Ground	BOO/HD66/159				Development not started yet
Pilcher Developments	88-90 The Village	STR/D66/203				Development to be completed before maintenance starts
Redworth Const	Haxby Road	CLIF/HD66/168	29/08/03	24/08/05	12/05/04	Adoption should be completed very soon
RJF Homes Ltd	Burton Green, Burton Stone Lane	CLIF/HD66/246				Highway works progressing
Rogers Homes	Laurens Manor	Hull/HD66/198	14/01/05		12/03/08	Waiting for sewers to be adopted before completing formal adoption
Rok Building Ltd	Birch Park - Residential	Hunt-NE/HD66/177	30/06/08			Development now progressing
S&B Construction	Arthur Street	Guil/Walm/HR66/70				Developer not interested in completion
Shepherd Construction	Vangarde 2 x Office Blocks	HUNT-NE/HD66/194				Development not started yet
Shepherd Homes	Blue Bridge Lane S38	GUIL/HD66/156	24/03/05		13/06/06	Agreement has now been completed and adoption progressing
Southdale Homes Ltd	Danebury Drive	ACOM/HD66/202		01/09/06	16/11/07	Waiting for sewers to be adopted before completing formal adoption
Southdale Homes Ltd	St Ann's Court	Fish/HD66/248				Development to be completed before maintenance starts
Southdale Homes Ltd	Regent Street	Hew/HD66/249				Development not started yet
Southdale Homes Ltd	Richmond/Faber Street	Fish/HD66/250				Development to be completed before maintenance starts
Taylor Woodrow	St Peters Quarter	BECK/HD66/114	12/04/01	19/07/02	09/05/06	Waiting for sewers to be adopted before completing formal adoption
Tees Valley Housing Group	Chapelfields Road	WEST/HD66/244				Development completed and waiting to go on maintenance
The University of York	University Way - Science Park	HES/HM66/62		19/06/92	03/08/01	Waiting for lighting connection and 'as constructed' drawings to be completed
University of York	Field Lane (S38)	HESL/HD66/233A				Remedial works to be completed before maintenance starts

Section 38 Developments

Developer	Development Site	File Reference	S38/278 Sent to Legal	Agreement Completed	Highway completed	Comments
University of York	Windmill Lane (S38)	HESL/HD66/233B				Development to be completed before maintenance starts
Wimpey/Shepherd	York College, Tadcaster Rd, Resdintial	DRI-WOD/HD66/226	15/06/09			Development to be completed before maintenance starts
Wimpey/Shepherd	York College, Tad. Rd, Res.-Phase 2	DRI-WOD/HD66/226A	30/06/09			Development to be completed before maintenance starts
Wimpey/Shepherd	York College, Tad. Rd, Res.-Phase 3	DRI-WOD/HD66/226B				Development not started yet
Wm Birch & Sons	Elvington Business Park	ELV/HD66/162	27/01/04		07/03/05	Waiting for street lighting approval and 'as' constructed' drawings to be prepared
Wm Birch & sons ltd	Elvington Business Park	ELV/HD66/184	27/01/04		23/07/07	Waiting for street lighting approval and 'as' constructed' drawings to be prepared
Wm Birch & sons ltd	Plot E Airfield Business Park	ELV/HD66/220				Development not started yet
Wright Group	Ainsty Bowling Green, Carr Lane	HOLG/HD 66/223		12/12/07	15/07/08	Formal adoption on hold due to recession. Developer looking for a buyer
York Housing Ass	St Nicholas Court	WALM/HD66/163A	26/05/04	11/11/04	09/08/04	Waiting for sewers to be adopted before completing formal adoption
York Housing Association	Victoria Way	HEW/HD66/234	14/11/08		20/10/08	Waiting for street lighting approval and 'as' constructed' drawings to be prepared
	Ouse Acres	ACOM/HD66/232				Development not started yet
	Germany Beck	FUL/HD66/237				Development not started yet

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Scrutiny topic registration form

* Proposed topic: Development Adoptions
 * Councillor registering the topic: Watt - Councillor Joe Watt

Submitted due to an unresolved 'Cllr Call for Action' enquiry

Please complete this section as thoroughly as you can. The information provided will help Scrutiny Officers and Scrutiny Members to assess the following key elements to the success of any scrutiny review:

How a review should best be undertaken given the subject
Who needs to be involved
What should be looked at
By when it should be achieved; and
Why we are doing it ?

Please describe how the proposed topic fits with 3 of the eligibility criteria attached.

	Yes?	Policy Development & Review	Service Improvement & Delivery	Accountability of Executive Decisions
Public Interest (ie. in terms of both proposals being in the public interest and resident perceptions)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Under Performance / Service Dissatisfaction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In keeping with corporate priorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Level of Risk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Service Efficiency	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National/local/regional significance e.g. A central government priority area, concerns joint working arrangements at a local 'York' or wider regional context	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Set out briefly the purpose of any scrutiny review of your proposed topic. What do you

think it should achieve?

I propose a review of the Council's policy on post development adoptions and its performance in achieving timely adoptions. My reasons for a review are that too many adoptions are taking too long to achieve - 10years is apparently not unusual. The consequences are that: a. Residents do not get the quality of services to which they are entitled. b. Facilities are not maintained to required standards for prolonged periods. c. The Council is not able to maintain services in a timely manner. d. Residents do not get their entitled return on their Council Tax payment. e. Housing costs are increased because of additional costs to developers.

* Please explain briefly what you think any scrutiny review of your proposed topic should cover.

The review should cover: a. The adoption process. b. The timescales for achieving adoptions. c. Reasons for the long timescales to adoptions. d. Effects on service support for residents affected by unadopted facilities and services. e. The Review should determine if the Council has a formal or informal policy of delaying adoptions in order to keep maintenance costs with developers. f. It should be determined if the Council is failing Council Tax Payers by delaying the adoption process.

* Please indicate which other Councils, partners or external services could, in your opinion, participate in the review, saying why.

Representatives from housing and other such developers active in the City of York should be consulted.

* Explain briefly how, in your opinion, such a review might be most efficiently undertaken?

A review should be part of the 'Workplan' of the 'Effective Organisation' Overview and Scrutiny Committee and be undertaken by a sub working group of that committee.

Estimate the timescale for completion.

- 1-3 months
- 3-6 months
- 6-9 months

Support documents or other useful information

Warning: This item is published and cannot be updated

Date submitted: Wednesday, 16th June, 2010, 8.20 pm

Submitted by: Councillor Joe Watt