



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

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

Date: Wednesday, 12 August 2009

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 - 20)
To approve and sign the minutes of the last meeting of the Economic & City Development Overview & Scrutiny Committee held on 14 July 2009.
- 3. Public Participation**
At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5.00 pm on Tuesday 11 August 2009**.

**4. Update on proposed Scrutiny topic: (Pages 21 - 58)
Implementation of Planning Conditions and
Adoption of New Estates**

The purpose of this report is to provide Members with an update on information relating to a previously registered scrutiny topic on the implementation of planning conditions and the adoption of new estates.

**5. Feasibility Report- Councillor Call for
Action in relation to traffic issues at the
junction of Water Lane and Clifton Green,
Westminster Road, The Avenue and Clifton
Green.**

This report asks Members to consider a Councillor Call for Action (CCfA) submitted by Councillors Scott, Douglas and King in relation to traffic issues at the junction of Water Lane and Clifton Green, Westminster Road, the Avenue and Clifton Green.

6. Work Plan 2009-10 (Pages 95 - 96)
To consider the Committee's work plan for 2009-2010.

7. 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

- Registering to speak
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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	14 JULY 2009
PRESENT	COUNCILLORS PIERCE (CHAIR), HUDSON (VICE-CHAIR), HYMAN, HOLVEY, KIRK, SCOTT AND D'AGORNE
APOLOGIES	COUNCILLOR POTTER

1. **DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting, any personal or prejudicial interests they may have in the business on the agenda.

Councillor Holvey declared a standing personal non prejudicial interest as an Economic Policy Advisor for Leeds City Council.

Councillor D'Agorne declared a standing personal non prejudicial interest noted, particularly in relation to training matters, as an employee of York College.

2. **PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

3. **NEW ARRANGEMENTS FOR OVERVIEW AND SCRUTINY IN YORK**

Members considered a report which highlighted the agreed changes to the Overview and Scrutiny function in York.

RESOLVED: That the report be noted

REASON: To inform Members of the new Scrutiny arrangements.

4. **2008/09 OUTTURN REPORT- FINANCE AND PERFORMANCE**

Members considered a report providing details of the 2008/09 outturn position for both finance and performance in City Strategy, Housing Services and Licensing and Regulation within Neighbourhood Services.

There were discussions between Members and Officers on the following issues:

- Housing Revenue
- Bus passenger numbers and how this has affected fares
- Newgate Market; particularly in relation to the income this was currently generating and the number of empty stalls
- Standards of Council properties
- Housing developers' plans in light of the recession

The Chair suggested in relation to the discussion on Newgate Market that the committee might wish to add this to their ongoing work plan, and that this would be decided on when the work plan item was discussed later in the meeting.

In relation to the required standards that Council properties needed to attain, an Officer circulated a paper with printed definitions on measuring the standards.

In response to a Member's question on whether the age of a property would make a difference in the standards it had to achieve, the Officer replied that more information would be made available to answer this after the meeting.

RESOLVED: That the report be noted.

REASON: To update the Scrutiny Committee of the outturn position.

5. CORPORATE STRATEGY-RELEVANT KEY PERFORMANCE INDICATORS AND ACTIONS

Members received a report that presented the Corporate Strategy key performance indicators and actions relevant to the remit of the Committee.

Officers circulated an amended version of the chart of possible performance indicator links to Scrutiny Committees which explained with the help of directional arrows the performance of certain indicators over the past year. This is attached as an annex to these minutes.

Members suggested that to provide a clearer overall picture future Monitoring and Key Performance Indicator reports should be amalgamated with a focus on under performance along with a comparison to national data.

In reference to Annex A to the report (Relevant Council Performance Indicators and Key Actions for 2009/10). Members asked for an extra explanatory sentence to be added under each indicator for clarity.

RESOLVED: I) That the report be noted.

- ii) That the Monitoring & Key Performance Indicator Reports be amalgamated for future meetings.¹
- iii) That an explanatory sentence be added under each indicator for clarity.²

REASON: To inform the work of this Committee.

Action Required

- 1. Merge Monitoring and Key Performance Reports for future meetings TW
- 2. Add explanatory sentences to indicators in merged Monitoring and Key Performance Indicator reports. TW

6. FEASIBILITY REPORT-PLANNING CONDITIONS

Members considered a feasibility report which related to a topic regarding the implementation of planning conditions along with the completion and difficulties related to the adoption of new estates. The topic had originally been registered by Councillor Simpson-Laing. Members also considered a written submission by Councillor Simpson-Laing in support of her topic. This is attached as an Annex to these minutes.

Discussions between Members and Officers related to several issues:

- Problems with some developers not fulfilling all the requirements of their planning conditions. This had a knock on effect when it came to implementing adoption processes.
- The need for a greater focus on adoption rather than enforcement.

Members of the Committee requested the Assistant Director(City Development & Transport) provide further information on adoption processes and this briefing should provide a focus to identify whether there would be any scope or merit in proceeding with a review on this matter.

RESOLVED: That the decision be deferred until a future meeting when Officers would present Members with further information.¹

REASON: To better inform the work of the Committee and to not duplicate work already being undertaken.

Action Required

- 1.Officers to provide further information on adoption processes TW

7. **ECONOMIC DEVELOPMENT PROGRAMME REPORT**

Members received a report which provided an overview of the Council's approach to economic development in order that the Committee could determine their work plan in relation to this.

Councillor D'Agorne submitted an open letter from the York Environment Forum on Implementing the Sustainable Community Strategy and it was decided that a representative from the York Environment Forum should be invited to address the committee at the next meeting on its contents. This letter is attached as an annex to these minutes.

Discussions between Members and Officers included:

- The Sustainable Community Strategy and issues relating to planned sustainable developments around the city area.
- The links between the work of the Economic Development Department and the Local Development Framework.
- Newgate Market

Annex B of the Assistant Director's(Economic Development and Partnerships) report was the result of an externally commissioned study by the Centre for Cities. The Assistant Director highlighted the following points:

- York's relationship with the Leeds City Region.
- York's low rates of new business formation and perceived lack of enterprising spirit amongst inhabitants, perhaps due to lack of ethnic diversity or loss of old industries.
- Green jobs.

The Committee invited the Assistant Director(Economic Development and Partnerships) to their September meeting to discuss the Economic Development Strategy and Action Programme 2008/09(Annex A of the report) further.

RESOLVED: That the report be noted.

REASON: To give more information to the Committee on these specific economic development issues.

8. **WORK PLAN 2009-2010**

Members considered the work plan for the Economic and City Development Overview & Scrutiny Committee for 2009-10.

Members agreed that the following work areas be added to the work plan:

- Further information on adoption processes to enable Members to make an informed decision on whether to proceed with the scrutiny

topic regarding planning conditions and adoption of new estates(minute 6 refers).

- Closer examination of the Economic Development Programme report with an invite to the Assistant Director(Economic Development and Partnerships) to present the results to the Committee's meeting in September.
- A focus on Newgate Market, in relation to the Economic Development Programme's remit.

RESOLVED: That the work areas detailed above be added to the work plan of this Committee.

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

Councillor R Pierce, Chair

[The meeting started at 5.35 pm and finished at 7.45 pm].

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Possible performance indicator links to Scrutiny Committees

Code	Lead for Collection	Indicator definition	LAA indicator (35? local? Education NPI?)	Direction of Travel (2008/09 compared with 2007/08)
NPI 6	City Strategy	Participation in regular volunteering	35	↑
NPI 7	City Strategy	Environment for a thriving third sector	35	New Indicator
NPI 12	HASS	Refused and deferred Houses in Multiple Occupation (HMO) license applications leading to immigration enforcement activity	No	New Indicator
NPI 46	LCCS	Young offenders access to suitable accommodation	No	↓
NPI 151	City Strategy	Local economy - Overall employment rate	No	↓
NPI 152	City Strategy	Working age people on out of work benefits	35	↓
NPI 154	City Strategy	Net additional homes provided	No	↓
NPI 155	HASS	Number of affordable homes delivered (gross)	35	↑
NPI 156	HASS	Number of households living in Temporary Accommodation	35	↑
NPI 157a	City Strategy	Processing of planning applications - major applications completed within 13 weeks	No	↑
NPI 157b	City Strategy	Processing of planning applications - minor applications completed within 8 weeks	No	↓
NPI 157c	City Strategy	Processing of planning applications - other applications completed within 8 weeks	No	Stable
NPI 158	HASS	% of decent council homes	No	↑
NPI 159	City Strategy	Supply of ready to develop housing sites	No	New Indicator
NPI 160	HASS	Local Authority tenants' satisfaction with landlord services	No	↓
NPI 166	City Strategy	Average earnings of employees in the area	35	↑
NPI 167	City Strategy	Congestion – average journey time per mile during the morning peak	35	Not comparable - New data set used
NPI 168	Neighbourhood	Principal roads where maintenance should be considered	No	↑
NPI 169	Neighbourhood	Non-principal roads where maintenance should be considered	No	↑

Possible performance indicator links to Scrutiny Committees

Code	Lead for Collection	Indicator definition	LAA indicator (35? local? Education NPI?)	Direction of Travel (2008/09 compared with 2007/08)
NPI 170	City Strategy	Previously developed land that has been vacant or derelict for more than 5 years	No	New Indicator
NPI 171	City Strategy	VAT registration rate	35	↓
NPI 172	City Strategy	VAT registered businesses in the area showing growth	No	↓
NPI 173	Corporate Services	People falling out of work and on to incapacity benefits (supplied by Job Centre Plus)	No	New Indicator
NPI 174	City Strategy	Skills gaps in the current workforce reported by employers	No	New Indicator
NPI 175	City Strategy	Access to services and facilities by public transport, walking and cycling	No	↑
NPI 176	City Strategy	Working age people with access to employment by public transport (and other specified modes)	No	New Indicator
NPI 177	City Strategy	Local bus passenger journeys originating in the authority area	No	↑
NPI 178	City Strategy	Bus services running on time	No	New Indicator
NPI 179	Corporate Services	Value for money – total net value of on-going cash-releasing value for money gains that have impacted since the start of the 2008-9 financial year	No	New Indicator
NPI 180	Corporate Services	Changes in Housing Benefit/ Council Tax Benefit entitlements within the year	No	New Indicator
NPI 182	Neighbourhood	Satisfaction of businesses with local authority regulation services	No	New Indicator
NPI 183	Neighbourhood	Impact of local authority regulatory services on the fair trading environment	No	New Indicator
NPI 184	Neighbourhood	Food establishments in the area which are broadly compliant with food hygiene law	No	New Indicator
NPI 185	City Strategy	CO2 reduction from Local Authority operations	No	Data available Autumn 2009
NPI 186	City Strategy	Per capita CO2 emissions in the LA area	35	Data available Autumn 2009
NPI 187	HASS	Tackling fuel poverty – people receiving income based benefits living in homes with a low energy efficiency rating	35	New Indicator
NPI 188	City Strategy	Adapting to climate change	Local	Stable
NPI 189	City Strategy	Flood and coastal erosion risk management	No	New Indicator

Possible performance indicator links to Scrutiny Committees

Code	Lead for Collection	Indicator definition	LAA indicator (35? local? Education NPI?)	Direction of Travel (2008/09 compared with 2007/08)
NPI 194	City Strategy	Level of air quality – reduction in NOx and primary PM10 emissions through local authority's estate and operations.	No	Data available Autumn 2009
NPI 197	City Strategy	Improved local biodiversity – active management of local sites	35	↑
BVPI 219b	City Strategy	% of conservation areas in local authority area with an up-to-date character appraisal	Local	↑
BV 212	HASS	Average time taken to re-let local authority housing	No	↓
EDE1.4	City Strategy	Av. gross weekly earnings	Local	↓
H4	HASS	Urgent repairs completed within Government timescales	No	↑
H5	HASS	Average time taken to complete non-urgent repairs	No	↑
LTP9ai	City Strategy	Park and Ride usage - total passengers	No	↑
VJ15a	City Strategy	York's unemployment rate below the regional rate	No	↓
VJ15b	City Strategy	York's unemployment rate below the national rate	No	↓
VJ15c	City Strategy	Business confidence: the balance of firms expecting turnover to rise in the future rather than fall	No	↓
VJ15d	City Strategy	Balance of firms where turnover has grown rather than fallen	No	↓

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Written Submission from Cllr Tracey Simspon-Laing – 12th July 2009.**Economic & City Development Overview & Scrutiny Committee****Agenda Item 6: Feasibility Report – Planning Conditions: Their implementation, completion and difficulties relating to adoption of news estates.**

Due to a prior engagement with my daughter I am unable to attend the meeting. However I would like to make this written submission in support of the suggested Scrutiny Topic as I feel that Officers have not fully understood the topic and why it is needed.

The Scrutiny Topic has been registered due to the 4 year fight to get a development in the Acomb Ward built to plan, and which is still ongoing in relation to a number of issues. Councillors, Officers and residents have spent hundreds of hours trying to ensure that the developers undertake their duties as laid out in the planning permission both at 'Outline' and 'Reserved Matters' stages.

Para 9: I believe it is inappropriate for Officers to bring into consideration staffing when considering a Scrutiny Topic. Scrutiny is a 'requirement' of Councils and Councils should ensure that it is taken by Officers as a serious Council function.

Paras 10 & 11: There is no duplication. Also training of and for Councillors is not an issue as the whole point of this registration is related to Officers ability to discharge their duties in relation to planning permissions. **This topic is only about CYC's ability to carry out its job not Councillors understanding**

Para 12: It would have felt that it would have been sensible for the Scrutiny register to have been contacted over this issue. The 'Topic' concerns all aspects of 'new' developments, not individual planning permissions, but large-scale developments.

Para 15

- *Legal status of 'Conditions'* – this needs reviewing, as CYC seem unable to either monitor or manage, as it is often Councillors that bring issues to 'light'. The Scrutiny should look at the resources of the Planning Enforcement Team, their work plans (is the department staffed at levels to meet the work undertaken) and their ability to take immediate action.
- *Management of Conditions, including their signing off at each stage before work is allowed to continue* – Councillors, and in the long term residents, needs to investigate why this does not seem to happen on large scale developments.
- *Monitoring of developments and the ability to stop developments* – is this done to local practice or are each applications monitored on a weekly basis. Also are each stages signed off as work completed. How quick is action taken when

breaches are noticed. It would be interesting to see when CYC used 'Stop' conditions on large developments compared with individual units

- *Ability of Council Officers to change planning conditions without members knowledge* – It has come to members knowledge on a number of occasions that 'Conditions' they have requested have been removed or altered. This often leads to concern from both 'Members' and residents who believe that there is protection against certain circumstances, etc.
- *The legality of developers not undertaking 'Conditions'* – what penalties can be used and when did CYC last stop a development due to not developing to the plans.
- *The ability of CYC to ensure developers complete developments to enable adoption* – there is a very well known new estate in the City where the developers did not complete the development to the 'Conditions' of the planning application. Councillors need to understand why actions which should have been taken in previous bullet points leads to months and years of stand off's between Councillors, residents and CYC Officers and developers.

On the whole residents are dissatisfied when they buy a house and then find that they are not receiving the services they expect of the Council because their 'estate' have not been adopted due to not being built to standard such as landscaping, roads and 'Secure by Design'. They ask why the Council did not monitor the development and why it allowed them to move into their homes when 'Conditions' say that they should not.

When estates are not adopted it also means that Ward Committee money cannot be spent in the location, as it is private land. This can lead to problems when residents request bins, trees or improved play equipment.

It would also be of interest to speak to the House Builders Federation to understand why their members do not built to plan or undertake 'Conditions'. It would also be useful to see if any other Councils actually stop work on developments when they are not being built to plan.

It is currently an ideal time, with the 'slow down' and 'mothballing' of sites in the City, to look at the problems that have occurred in the 6 years of building boom in York. Councillors and the public need to feel that CYC has the ability to 'manage' developments and developers when the building trade picks up again, which it seem not to have had previously.

An open letter from members of the York Environment Forum

April 2009 *[draft for approval at the YEF meeting on 7 April]*

>> Councillors and Senior Officers of City of York Council

>> Chair and Members of the Without Walls Board and its constituent partnerships

Dear colleagues

Implementing the Sustainable Community Strategy

The York Environment Forum contributed to the preparation of the Sustainable Community Strategy [SCS] and wishes to play a constructive role in its implementation. Yet documents and policies repeatedly ignore our arguments and evidence and the commitments to which they led, without even reasoned rejection following proper debate. We are therefore once again forced into taking a critical stance – to our great frustration.

The latest example is the Report *Prioritising Prosperity* prepared for the Council by the Centre for Cities. Like the earlier Future York Report [FYR] we believe it to be fundamentally flawed and inconsistent with the SCS (and references to FYR are arguable since it has never been formally endorsed by the City Council). We hope that this time the serious and difficult issues regarding the future of the City will be addressed in true partnership. If this does not happen we shall have to conclude that the sustainability commitments in the SCS were empty gestures.

Prioritising Prosperity analyses features of the York economy. Its central thesis is that present economic troubles are merely temporary and that conventional growth will shortly resume on much the same path as before. Given that assumption it then details various measures that the consultants believe the City should pursue. We have many reservations about the analysis but stress here our profound reservations about the assumption – and about what is not discussed.

multiple global problems

In our critique of Future York we drew attention to the contrast between its business-as-usual scenarios and the fragility of an economic system built on excessive credit and financial manipulation. Our worst fears are now being realised. It is alarming that the new Report does not discuss the probability that the model of lightly-regulated capitalism, unquestioning reliance on market forces and over-stimulated demand is dead. The Council must explore the implications of very different models, including more emphasis on people and their welfare and less on globalisation, new collaborative types of business and a rediscovery of local economic relations.

We were surprised that FYR did not mention climate change or the low-carbon economy. Some eighteen months on it is extraordinary that *Prioritising Prosperity* does not mention them either. The scientific consensus is that if drastic actions to cut emissions are not taken immediately then catastrophic consequences are likely. If the City Council does not accept that warning it should say so and thus enable people to draw their own conclusions. To proceed as though the warning

had never been given is irresponsible and a dereliction of its duty to protect its citizens.

The same point applies to the likelihood of a scarcity of many of life's essentials and of rising prices for food, energy and minerals as the human population presses up against the absolute limits of the earth's physical capacity – and we have to avoid the fallacy that, because the rich West is so dependent on consumption, resources and technologies will somehow turn up to prolong it. The idea that 'prosperity' based on maximising throughput can be expanded indefinitely is absurd, yet this new Report, like FYR before it, promotes this concept. We note that the Report fails, like so many others of its kind, to define the word 'growth': we have therefore to assume that it means growth as traditionally measured by GDP or GVA and hence that it ignores the busy debate about less materially-oriented and now more appropriate metrics which emphasise well-being.

the unresolved inconsistency at the heart of the Sustainable Community Strategy

These points illustrate the unresolved inconsistency at the heart of the SCS. On the one hand its economic assumptions are conventional, on the other the Sustainable City chapter proposes to drastically reduce York's carbon emissions and ecological footprint. *Prioritising Prosperity* explicitly focuses exclusively on the Thriving City chapter and blithely ignores the others. The argument that their concerns will be attended to later is unacceptable. This confusion cannot go on.

We would start with clarification of the meaning of 'sustainable'. It is apparent, not for the first time, that what the *Prosperity* Report's authors mean is 'that which can be sustained'. This yields the oxymoron 'sustainable economic growth'. It may be intended only to imply continuity, but in practice it perpetuates the misconception that growth can go on as before. It cannot. A Sustainable Community Strategy must plan for life within the immutable constraints of one planet.

The age of cheap energy, easy consumption, short-life goods, disregard for natural limits and a sort of prosperity for the few while the many suffer is over. And the sooner York starts adjusting to the new reality the more resilient it will be to survive in the coming steady-state economy.

a different dream

The facts facing the human race are the stuff of nightmares. However, as Hilary Benn recently pointed out, Martin Luther King did not talk of a nightmare. He had a dream. That is what we have, a dream of transition to a different way of living. It may be imperative but it is also desirable.

The Forum's vision is a society that is fairer within and between nations and to future generations, that promotes collective values over the pursuit of individual interest, that honours good work, active leisure and a better balance between them, and that accepts fundamental responsibility for stewardship of the earth.

In economic terms a robust strategy for the City must therefore include policies such as these:

- maximising local food production;

- insulating buildings in mass programmes and installing small-scale renewable energy plant that yields direct financial rewards for communities;
- encouraging local companies to find alternatives to oil-derived plastics in all their products;
- helping organisations not to squander resources such as heat, food, water and paper;
- developing businesses which repair clothes and equipment or recycle goods for reuse so that the community rediscovers the virtues and resource-efficiency of long-life products;
- seeking out local replacements for products whose manufacture abroad and transport over long distances cannot be justified in energy or carbon terms;
- discouraging the use of cars, reducing the volume of travel by shortening and cutting out journeys as relocation decisions are taken, and building up communal systems (living streets, buses, trams, trains) of outstanding quality for the journeys that continue to be made;
- promoting light-impact tourism based only on land travel;
- protecting and enhancing biodiversity, landscape and green open space and shunning development that uses green field sites when brown field sites remain available;
- educating citizens about the energy and carbon implications of their behaviour in preparation for the inevitable introduction of some form of rationing;
- promulgating the idea of sharing equipment of all kinds to get away from the obsolete notion that every household must have everything; and
- examining what the Council could achieve under the well-being powers in the Local Government Act 2000 and under the Sustainable Communities Act 2007.

We do not expect that all of these can be implemented at once. It is the absence of any discussion of the need for them that alarms us (and other environmental groups), together with the presumption that economic growth self-justifies expanding the City. Unless we choose to emphasise human development over material objectives the Climate Change Strategy and the Sustainable City chapter of the SCS will be meaningless words whose disregard future generations will not forgive. It is time for some tough debate and hard decisions, and especially over the options for the design of York North West.

The same analysis should also be applied to the specific issues that *Prioritising Prosperity* addresses. We give two examples where wise discrimination is called for

First, the Report discusses the City's strength in its science and technology cluster and proposes ways in which to foster it. We have no difficulty with the principle, but we are unhappy with the implication that *any* science or *any* technology is equally valid. In our view the world situation is such that effort expended on corporation-dominated bioscience, military research, resource-wasteful products or the more frivolous media projects must be transferred to urgent endeavours to improve organic agriculture (including carbon-beneficial bio-fuels), restore damaged ecosystems, find sustainable substitutes for plastics, maximise the efficiency of renewable energy and our use of scarce resources, and redesign land-use and transport for an energy-scarce and less mobile world.

Second, we note the suggestion that business entrepreneurship should be introduced into schools. This should not be from the perspective that all business is

good business, for that is no longer tenable. It is essential that all new businesses should be truly sustainable, community-oriented and imbued with a sense of responsibility. They should focus on the science described in the previous paragraph and on the objectives in the list of points above. We believe that a generation of children that is acutely aware of the world they are inheriting would respond to that agenda.

Finally we make a crucial point about democracy. It is clear that many, particularly younger people are losing patience with a political system that appears incapable of responding to patent and huge threats. At the least that perception is driving an undemocratic battle between radical, 'nimby' and corporate interest groups. It may increasingly precipitate direct action. The Council must show that it can act on big challenges if it hopes to foster the responsible participation of its citizens in creating a fairer, more secure and happier community.

We look forward to open constructive debate about these issues. We would particularly welcome the opportunity to discuss them with the Economic Development Board. Because of their seriousness we decided that members of the Forum would individually signify that they endorse this letter.

A copy of the York Environment Forum's critique of the Future York Report is also attached.

"The clearest message from the financial crisis is that our current model of economic success is fundamentally flawed. For the advanced economies of the western world, prosperity without growth is no longer a utopian dream. It is a financial and ecological necessity." The Sustainable Development Commission, March 2009.

Steve Carney [Origin Energy]

John Cossham [...]

Philip Crowe {York Tomorrow}

Carole Green [Bishopthorpe Parish Council]

Richard Hampton [North Energy (?)]

Ron Healey [CTC – national cyclists' organisation]

Barry Otley ??

Mick Phythian [York Natural Environment Trust]

Barry Potter [...]

Sara Robin ??

June Tranmer [The Healing Clinic]

Jonathan Tyler [Passenger Transport Networks]

Karin de Vries

Isobel Waddington [Murton Parish Council]

Bryony Wilford [York in Transition]

Guy Woolley [Campaign to Protect Rural England]



Economic & City Development Overview & Scrutiny Committee

12th August 2009

Report of the Head of Civic, Legal & Democratic Services

Update on proposed scrutiny topic

Implementation of planning conditions and adoption of new estates

Summary

1. The purpose of this report is to provide Members with an update on information relating to a previously registered scrutiny topic on the implementation of planning conditions and the adoption of new estates.

Background

2. At a previous meeting of the Committee, held on 14th July 2009, Members were presented with a feasibility report a newly registered scrutiny topic on the implementation of planning conditions and the adoption of new estates. A copy of the feasibility report and its associated annexes is attached at Annexes 1, 1A, 1B and, 1C and 1D to this report.
3. After due consideration Members of the Committee deferred their decision on whether to progress this topic to review and asked for further information on the adoptions process. A briefing note has now been prepared and is attached at Annex 2 to this report. Its associated annexes are at Annexes 2A and 2B to this report.

Consultation

4. The briefing note was prepared by technical officers within the Traffic Network Management Department in conjunction with the Assistant Director (City Development & Transport).

Options

5. Members should consider whether they wish to proceed with the proposed scrutiny topic on the implementation of planning conditions and the adoption of new estates.

Analysis

6. Members should note that the briefing note highlights the fact that 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.
7. In light of the additional information received and that contained within the original feasibility study, Members will now need to consider whether they wish to progress this topic to review. If Members choose to undertake a review on this topic then a remit will need to be prepared. It is recommended that this be delegated to a small task group in conjunction with the scrutiny officer. Any remit prepared should take into consideration work already undertaken by the Planning Enforcement Ad Hoc Scrutiny Committee in order to avoid duplication as well as the questions outlined in the topic registration form.
8. Should the review be progressed then the Committee have the option of forming a task group to undertake this work. It is recommended that this be a cross party task group to enable more flexible and informal working. Any task group would report back to the whole Committee on a regular basis.
9. Should Committee choose to proceed with this review they will also need to consider how best to fit this into their current work plan.

Corporate Strategy 2009/2012

10. This is related to making York Council an effective organisation, which is the eight theme of the recently refreshed corporate strategy.

Implications

11. **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.
12. **Human Resources** – In the feasibility report presented to Members on 14th July 2009 representatives from both Development Control and the City Development & Transport Group highlighted potential resource issues.
13. **Legal** - There are no direct legal implications associated with this particular report but implications could arise should the review be progressed.
14. There are no known equalities, property, crime & disorder or other implications associated with the recommendations in this report.

Risk Management

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

Recommendations

16. It is recommended that:

Members consider whether they wish to progress this topic to review and if so, to delegate the preparation of a remit to a cross party task group in conjunction with the scrutiny officer

Reason: To determine whether they wish to progress this topic.

Contact Details

Author:

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Scrutiny Services
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Chief Officer Responsible for the report:

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

Report Approved



Date 31st July 2009

Specialist Implications Officer(s)

None

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None

Annexes

- Annex 1** Feasibility Report
- Annex 1A** Topic Registration Form
- Annex 1B** Comments from Development Control
- Annex 1C** Comments from Highways Section
- Annex 1D** Additional Written Submission from Councillor Simpson-Laing
- Annex 2** Briefing Note on Adoptions
- Annex 2A** Development Schedule
- Annex 2B** Responses from other Local Authorities

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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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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.

Written Submission from Cllr Tracey Simspon-Laing – 12th July 2009.

Economic & City Development Overview & Scrutiny Committee

Agenda Item 6: Feasibility Report – Planning Conditions: Their implementation, completion and difficulties relating to adoption of news estates.

Due to a prior engagement with my daughter I am unable to attend the meeting. However I would like to make this written submission in support of the suggested Scrutiny Topic as I feel that Officers have not fully understood the topic and why it is needed.

The Scrutiny Topic has been registered due to the 4 year fight to get a development in the Acomb Ward built to plan, and which is still ongoing in relation to a number of issues. Councillors, Officers and residents have spent hundreds of hours trying to ensure that the developers undertake their duties as laid out in the planning permission both at ‘Outline’ and ‘Reserved Matters’ stages.

Para 9: I believe it is inappropriate for Officers to bring into consideration staffing when considering a Scrutiny Topic. Scrutiny is a ‘requirement’ of Councils and Councils should ensure that it is taken by Officers as a serious Council function.

Paras 10 & 11: There is no duplication. Also training of and for Councillors is not an issue as the whole point of this registration is related to Officers ability to discharge their duties in relation to planning permissions. **This topic is only about CYC’s ability to carry out its job not Councillors understanding**

Para 12: It would have felt that it would have been sensible for the Scrutiny register to have been contacted over this issue. The ‘Topic’ concerns all aspects of ‘new’ developments, not individual planning permissions, but large-scale developments.

Para 15

- *Legal status of ‘Conditions’* – this needs reviewing, as CYC seem unable to either monitor or manage, as it is often Councillors that bring issues to ‘light’. The Scrutiny should look at the resources of the Planning Enforcement Team, their work plans (is the department staffed at levels to meet the work undertaken) and their ability to take immediate action.
- *Management of Conditions, including their signing off at each stage before work is allowed to continue* – Councillors, and in the long term residents, needs to investigate why this does not seem to happen on large scale developments.
- *Monitoring of developments and the ability to stop developments* – is this done to local practice or are each applications monitored on a weekly basis. Also are each stages signed off as work completed. How quick is action taken when breaches are noticed. It would be interesting to see when CYC used ‘Stop’ conditions on large developments compared with individual units

- *Ability of Council Officers to change planning conditions without members knowledge* – It has come to members knowledge on a number of occasions that ‘Conditions’ they have requested have been removed or altered. This often leads to concern from both ‘Members’ and residents who believe that there is protection against certain circumstances, etc.
- *The legality of developers not undertaking ‘Conditions’* – what penalties can be used and when did CYC last stop a development due to not developing to the plans.
- *The ability of CYC to ensure developers complete developments to enable adoption* – there is a very well known new estate in the City where the developers did not complete the development to the ‘Conditions’ of the planning application. Councillors need to understand why actions which should have been taken in previous bullet points leads to months and years of stand off’s between Councillors, residents and CYC Officers and developers.

On the whole residents are dissatisfied when they buy a house and then find that they are not receiving the services they expect of the Council because their ‘estate’ have not been adopted due to not being built to standard such as landscaping, roads and ‘Secure by Design. They ask why the Council did not monitor the development and why it allowed them to move into their homes when ‘Conditions’ say that they should not.

When estates are not adopted it also means that Ward Committee money cannot be spent in the location, as it is private land. This can lead to problems when residents request bins, trees or improved play equipment.

It would also be of interest to speak to the House Builders Federation to understand why their members do not built to plan or undertake ‘Conditions’. It would also be useful to see if any other Councils actually stop work on developments when they are not being built to plan.

It is currently an ideal time, with the ‘slow down’ and ‘mothballing’ of sites in the City, to look at the problems that have occurred in the 6 years of building boom in York. Councillors and the public need to feel that CYC has the ability to ‘manage’ developments and developers when the building trade picks up again, which it seem not to have had previously.



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.

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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	Calf 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	Osbalwick 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	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

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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Economic & City Development Committee 12th August 2009
Feasibility Report – Councillor Call for Action (CCfA) in relation to traffic issues at the junction of Water Lane and Clifton Green, Westminster Road, The Avenue and Clifton Green.

Summary

1. This report asks Members to consider a Councillor Call for Action (CCfA) submitted by Councillors Scott, Douglas and King in relation to traffic issues at the junction of Water Lane and Clifton Green, Westminster Road, the Avenue and Clifton Green. A copy of the topic registration form is attached at Annex A to this report.

Background information on CCfA process

2. Ward Councillors play a central role in the life of a local authority, as a conduit for discussion between the Council and its residents and as a champion for local concerns. To strengthen Councillors' ability to carry out the second role the Government has enacted in the Local Government and Public Health Act 2007, provisions for a 'Councillor Call for Action' (CCfA). This provides Councillors with the opportunity to ask for discussions at Scrutiny Committees on issues where local problems have arisen and where other methods of resolution have been exhausted.
3. CCfA is a tool that can be used by Councillors to tackle problems on a neighbourhood or ward specific basis that it has not been possible to resolve through the normal channels. CCfA is a means of last resort when all other avenues have been exhausted and the Council has been unable to resolve the issue. A copy of the guidance to both Officers and Members regarding CCfA, along with a CCfA flowchart, are attached at Annexes B & B1 to this report.

Background Information on Steps Taken to Resolve the Traffic Issues at the Junction of Water Lane

4. The topic registration form states that the following have taken place to try and resolve the traffic issues in the Water Lane area:
 - Ward Committee meeting 21st April 2009 – City of York Council Officers attended this meeting and noted residents concerns. The minutes of this meeting are attached at Annex C to this report.

- Special Ward Committee meeting on 10th June 2009 – results of recent traffic surveys were reported to this meeting. However, whilst these figures were considered to be flawed, they indicated an increase of traffic along Westminster Road and The Avenue of over 50%. The minutes of this meeting are attached at Annex D to this report.
5. A further informal Ward Committee meeting was held on 6th July, which involved holding a mobile surgery at three locations in the ward; one of which was Clifton Green. Among the issues raised by residents were the ongoing traffic problems on Water Lane and Clifton Green. Residents pointed out that the increased traffic on Westminster Road and The Avenue is a safety issue, and suggested that it be addressed by road closure or preventing motorists from turning right/left into the area. Residents also suggested that there be greater cooperation between various council departments, e.g. between Transport Planning and the Cycling City project.
 6. In addition to the above, two separate petitions have been submitted to the Council by residents from the Westminster Road, The Avenue and Greencliffe Drive areas. The first of these received on 10th June contained 95 signatures from 62 properties mainly from Westminster Road and called for the Council to instigate the closure of Westminster Road. The second petition received on 11th June 2009 came from residents of The Avenue; it contained 20 signatures covering 12 properties and also requested the closure of Westminster Road. There are approximately 158 properties along the three roads in this area. Both these petitions were also submitted to Full Council on 9th July 2009. A report regarding these petitions will be presented to the Executive Member for City Strategy at a Decision Session in either September or October this year.
 7. The topic registration form indicates, that despite the meetings and petitions detailed in paragraphs 4,5 & 6 there is still significant resident dissatisfaction and points relating to this are detailed within the topic registration form itself (Annex A to this report).

Criteria

8. The three Ward Councillors believe 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
 - Level of Risk
9. The Ward Councillors also made the following additional comments on the topic registration form in support of the eligibility criteria:
 - Public Interest – The traffic issues in question are related to a major arterial road. It has links to the provision of better cycling provisions as part of Cycling City.

- Under Performance/Service Dissatisfaction – There have been significant concerns expressed from residents regarding the structure, consultation and implementation of the revision to the Water Lane/Clifton Green junction.
 - In Keeping with Corporate Priorities – It has links to the Healthier City and the Thriving City Corporate Priorities
 - Level of Risk – The level of risk was incorrectly assessed initially when this project was assessed.
10. The Assistant Director (City Development and Transport) made the following comment on the eligibility criteria:
- ‘I think it is in the public interest that the issues raised are scrutinised because of the concerns being expressed.’
11. Councillor D’Agorne, the current Cycling Champion made the following observation in relation to the criteria:
- ‘Note there is no element of working with other partners.’

Consultation

12. The following persons were consulted as part of the feasibility process and comments received are set out at Annex E to this report:
- Councillor Stephen Galloway - Executive Member for City Strategy
 - David Carter - Head of Network Management - CYC
 - Richard Bogg - Divisional Head - Traffic, Development & Transport - CYC
 - Damon Copperthwaite - Assistant Director - City Development & Transport - CYC
 - Ruth Egan - Transport Planning Unit - CYC
 - Jonathan Pickles - Senior Engineer - City Strategy - CYC
 - Graham Titchner - Programme Manager - Cycling City, York
 - Paul Hepworth - CTC, National Cyclists' Organisation
 - Richard Smyth - Head Teacher - St Peter's School
 - Cllr Watt - Ex Cycling Champion - CYC
 - Cllr D’Agorne - Current Cycling Champion - CYC
 - Clifton Ward Councillors
13. Apart from the Executive Member for City Strategy and the Assistant Director (City Development & Transport) these consultees were chosen as they had all been involved at some time or other with the meetings detailed in paragraphs 4, 5 & 6 of this report.
14. In terms of responses received, representatives of CYC have in places, amalgamated their responses or expressed their views through the Assistant Director. Comments were not received back from St. Peter’s School but this may be due to it being the school holiday period.

Options

15. Members have the following options open to them:

- Option A** Proceed with the CCfA and progress this topic to review
- Option B** Suggest alternative avenues that could be explored by the Ward Councillors to assist with resolving the current issues
- Option C** Alternatively Members may wish to consider giving Officers time to respond to the petitions submitted and defer the decision until after the Executive Member for City Strategy has received a report in relation to them
- Option D** Do not proceed with the CCfA

Analysis

16. Comments from the Executive Member suggest that he has not received representation from the Ward Councillors regarding this matter (Annex E to this report refers).
17. Comments from various consultees indicate that traffic monitoring is ongoing but 'a settling in period' is required before proper 'after scheme' monitoring can take place. The speed cushions removed to enable the works on St Peter's School would also need to be replaced to assess the 'before' and 'after' effect on traffic movement (Annex E refers).
18. Two petitions have been presented to Council on the traffic issues and Officers are currently preparing a response to these. This will be presented to the Executive Member for City Strategy at a Decision Making Session in either September or October of this year (paragraph 6 of this report refers along with Option C in paragraph 15)
19. Taking all the evidence into consideration, especially that contained within Annex E to this report, Members need to consider whether the three Ward Councillors have explored all possible avenues open to them.
20. Members should also take into consideration whether it is timely to proceed with this topic at present, especially in light of the officers comments (Annex E refers) on the need to continue traffic monitoring, the need to reinstate the speed cushions in Westminster Road and the pending report to the Executive Member regarding the petitions.
21. If the Committee decides that there are further ways in which the Ward Councillors could try to resolve the issues rather than undertaking a scrutiny review then these should be suggested to them at this meeting.

22. If Committee decide that all avenues for resolution have already been explored and exhausted then they can chose to proceed with a scrutiny review of this topic.
23. Members have the option of forming a small task group to undertake any review that they choose to progress. This may have the advantage of giving Members further scope to work more immediately and flexibly on a review topic. They will also need to take into consideration commitments already in their work plan and decide where any review would be best placed.

Conduct of Review

24. Should Members chose to proceed with this review it is suggested that the Committee look at the following:
 - History of the traffic issues and residents concerns in the Water Lane area
 - The possible solutions to the issues affecting the area along with timescales and costs for implementation
25. If the review were to go ahead Members may wish to consider consulting the following:
 - The Executive Member for City Strategy
 - Relevant Officers from the City of York Council
 - Residents of the affected area
 - Car and Cycling Groups
 - Police
26. Should this be progressed to review the topic registration form indicates that this ought to take between 1 & 3 months to complete.

Implications

27. **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.
28. **Human Resources** – There are no Human Resources implications associated with the recommendations within this report.
29. **Legal** – There are no direct legal implications associated with the recommendations within this report; however implications may arise should the topic be progressed. The Land Compensation Act 1973 has been raised as a potential issue in this matter and would clearly need further investigation should this topic proceed to review.
30. There are no known equalities, property, crime & disorder or other implications associated with the recommendations in this report.

Risk Management

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

Recommendations

32. Based on the evidence set out within this report and its annexes Members should firstly decide whether all avenues of resolution have been explored and exhausted. If they consider that the Ward Councillors have exhausted all possible avenues, then they should proceed with the CCfA and progress this topic to review as per Option A of this report (paragraph 15 of this report refers). If Members consider there are still other avenues to be explored then they should proceed with Option B, C or D (paragraph 15 of this report refers).

Reason: In order to address the issues of the recently raised CCfA.

Contact Details

Author:

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Chief Officer Responsible for the report:

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

Feasibility Study
Approved



Date 31.07.2009

Specialist Implications Officer(s)

None

Wards Affected: Clifton Ward

All

For further information please contact the author of the report

Background Papers:

None

Annexes

- Annex A** Topic Registration Form
Annex B Guidance on CCfA for Officers and Members
Annex C Minutes of Ward Committee Meeting held on 21st April 2009
Annex D Minutes of Ward Committee Meeting held on 10th June 2009
Annex E Comments from Consultees



SCRUTINY TOPIC REGISTRATION FORM

PROPOSED TOPIC: Councillor call for Action in relation to traffic issues at the junction of Water Lane and Clifton Green, Westminster Road, The Avenue and Clifton Green

COUNCILLOR(S) REGISTERING THE TOPIC: David Scott, Helen Douglas, Ken King

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

This is a Councillor Call for Action and should be conducted in accordance with the agreed "protocol" and legislation

Who needs to be involved

Officers, Ward Councillors, Executive Member for City Strategy, Local Residents

What should be looked at

Traffic issues at the junction of Water Lane and Clifton Green, Westminster Road, The Avenue and Clifton Green

By when it should be achieved;

This should be treated as an urgent matter. It has been the subject of a 2 ward committee meetings – including a special Ward Committee and a petition is due to be presented to Full Council on 9th July 2009

Why we are doing it ?

All usual avenues have been exhausted. There is significant resident dissatisfaction

Annex A

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	X
Under Performance / Service Dissatisfaction	X		X	X
In keeping with corporate priorities	X		X	X
Level of Risk	X	X	X	X
Service Efficiency	X	X	X	X
National/local/regional significance e.g. A central government priority area, concerns joint working arrangements at a local 'York' or wider regional context	X			

Further Information on how topic fits with Eligibility Criteria

Public Interest –

The traffic issues in question are related to a major arterial road. It has links to the provision of better cycling provisions as part of Cycling City

Under Performance / Service Dissatisfaction –

There have been significant concerns expressed from resident regarding the structure, consultation and implementation of the revision to the Water Lane/Clifton Green junction

In keeping with Corporate Priorities –

It has links to the Healthier City and the Thriving City Corporate Priorities

Level of Risk –

The level of risk was incorrectly assessed initially when this project was assessed.

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

This is a Councillor Call for Action raised because of significant resident dissatisfaction following amendments to the traffic flow at the junction of Water Lane and Clifton Green. This was implemented following the decision of the Executive Member for City Strategy at the City Strategy EMAP in October 2008.

Changes to the junction have resulting in additional congestion in the area and "rat running" along Westminster Road, The Avenue and Clifton Green.

The previous Cycling Champion, Cllr Watt, resigned because of the changes to this junction.

Officers from City Strategy attended the normal Clifton Ward Committee and noted residents concerns. Traffic surveys were conducted and reported to a special meeting of the Ward Committee on 10th June. However whilst the figures were considered to be flawed they indicate an increase of traffic along Westminster Road and The Avenue of over 50%.

Officers have indicated any changes cannot be agreed until December 2009 at the earliest with work to commence after that time. This is too long for residents to have to suffer, taking into account the proximity of a school.

The situation has been exacerbated by the removal of speed humps on Westminster Road to facilitate building works at he school

The Executive Member gave an assurance at the City Strategy EMAP in October to review the matter if there were significant difficulties. Those have been clear identified by residents.

Residents require have made various suggestion to solve/reduce the problems. They include:-

- Closing Westminster Road to through Traffic*
- Re-instating the left turn at Water lane/Clifton Green junction*
- NO right turn in Westminster Road*
- 20 mph zone*

Officers have failed to provide any interim or long term solutions or options

Urgent action is therefore needed to break the log-jam.

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

See above

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

Residents of the affected area
Car and Cycling Groups
Police

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

It should follow the procedure for the Councillor Call for Action

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;

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

See minutes of Ward Committees meeting for the Clifton ward Committee

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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Councillor Call for Action

A Guide for Councillors and Officers

Published May 2009

Guidance for Councillors and Officers

Introduction

Ward Councillors play a central role in the life of a local authority, as a conduit for discussion between the Council and its residents and as a champion for local concerns. To strengthen Councillor's ability to carry out this second role the Government has enacted in the Local Government and Public Involvement in Health Act 2007, provisions for a "Councillor Call for Action" (CCfA). This provides Councillors with the opportunity to ask for discussions at Scrutiny Committees on issues where local problems have arisen and where other methods of resolution have been exhausted.

Background & Context

For some time the Government has been pursuing the aim of giving more power to local people and local ward councillors. This aim has run through both 2006's 'Strong and Prosperous Communities' and 2008's 'Communities in Control' White Papers.

Recent legislation has given more powers for overview and scrutiny functions to work more closely with partners and across organisational boundaries. These include powers to scrutinise a wide range of national, regional and local bodies, some of which were not previously subject to local authority challenge. This means that scrutiny is in a stronger position to resolve a wide range of policy issues. CCfA needs to be viewed in this context.

Principles

The successful operation of CCfA relies on several broad principles being recognised and supported in local authorities. These principles are:

- Transparency in decision making and the contribution of scrutiny to the decision making process at some level;
- A willingness to identify mistakes and shortcomings and the recognition of the need to resolve problems through discussion;
- An understanding (among senior officers and executive members) of the role that scrutiny can play to help the Council improve its services;
- An understanding and a wish to bolster and support the role that ward councillors play as champions and leaders of their communities.

How can CCfA be used?

CCfA is a tool that can be used by Councillors to tackle problems on a neighbourhood or ward specific basis that it has not been possible to resolve through the normal channels.

CCfAs should represent genuine local community concerns and should focus on neighbourhood and ward issues, specifically the quality of public service provision, both by the Council and its partners.

Annex B

CCfA is a means of last resort when all other avenues have been exhausted and the Council has been unable to resolve the issue.

It is important to recognise that CCfA is not guaranteed to solve a problem. What CCfA can provide is:

- Recognition that an issue is significant enough for time, attention and resources to be spent in trying to resolve it;
- A public forum for discussion of the issues;
- An opportunity to discuss the issues in a neutral environment;
- An opportunity to discuss a problem with the explicit and sole aim of solving it;
- A high profile process owned by the ward councillor.

What CCfA is not

CCfA should not be regarded as merely a scrutiny process. It is a whole Council approach which can help Councillors to resolve issues and problems on behalf of their residents.

CCfA is not:

- About a councillor's everyday casework;
- Appropriate for dealing with individual complaints;
- To be used for dealing with issues that relate to individual quasi-judicial decisions (e.g. planning or licensing) or to council tax and non-domestic rates as these are subject to their own statutory appeals process.

Any member can bring a CCfA on any issue they choose, however there are certain exceptions for example if a CCfA is:

- Vexatious, not reasonable and/or persistent – whether the request is likely to cause distress, disruption or irritation without any proper or justified cause;
- Discriminatory – implying a group of people or an area receives better or worse services on account of that group's predominant religion, race, sex or other characteristic.

It does not replace the corporate complaints procedure or the public's right to petition the Council.

What kind of issues can be tackled?

Issues should be genuine local community concerns which focus on the quality of public service provision at a local level. It can include any function of the authority which affects the councillor's ward and constituents. It can also include issues relating to crime and anti social behaviour.

Issues that can be tackled by CCfA are usually persistent and have remained unresolved for a long period of time. They may be issues that the councillor is aware of from their work within their ward or they may decide to champion a request on behalf of the public.

Annex B

What does championing a request mean?

Championing a request will mean taking the issue up on behalf of the resident(s) concerned and trying to resolve the problem by liaising with council services, the Executive and/or outside agencies.

What if a councillor doesn't want to champion a request from a member of the public?

If a councillor decides not to champion a request, no further action will be taken under a CCfA. There is not a right of appeal by a member of the public.

Who can raise a CCfA

Implications for Members

The power to initiate a CCfA lies solely with a councillor and it is up to them to determine which issues they want to take forward as a potential CCfA.

Implications for officers

If a member of the public contacts an officer to say that they want to raise a CCfA, the officer should signpost them to their local ward councillor.

Initiating a CCfA

The first thing a councillor should do is log a potential CCfA with the Overview and Scrutiny Team (O&S Team) who will help them to decide if any issue is suitable for the CCfA process (see contact details below).

If it is a CCfA, what next?

The councillor will need to continue trying to resolve the concern themselves. They should keep the O&S Team informed about the progress they have made, keeping them up to date with key developments. The scrutiny team will try to assist in resolving the concern by, for example:

As part of councillors' attempts to resolve issues officers may be asked to assist, for example by:

- Providing advice to councillors in approaching partner agencies such as the PCT, Police or relevant partnerships;
- Helping to formally raise an issue with services/partner agencies.

- Supporting councillors through the usual complaint or enquiry processes;
- Attend meetings specifically set up to try and help councillors resolve the issue.

Annex B

If the issue remains unresolved**Implications for Members**

The councillor should contact the O&S Team to discuss the issue and their actions to date in more detail. A scrutiny officer will then prepare a feasibility report to the relevant Overview and Scrutiny Committee which details the background and history of the issue.

The Overview and Scrutiny Committee will then consider the request to carry out a CCfA review. The councillor will be invited to attend the meeting to support their review request and a decision will be made to either:

- Carry out the review; or
- Identify possible courses of action that the councillor has not thus far pursued; or
- Request further information in order to make a decision; or
- Determine that the issue is not suitable for the CCfA process and that no further action will be taken by scrutiny.

The Scrutiny Committee has agreed to carry out a CCfA review – what happens now?

The CCfA review will be added to the Scrutiny Committee's work plan. The O&S Team will produce a scoping report and if appropriate the councillor will be invited to participate in the review.

What will happen after a CCfA review has been concluded?

A report will be produced together with a set of recommendations which will be presented to the Executive for consideration. Any recommendations approved by the Executive will be implemented and that implementation will be tracked by the O&S Team and reported back to the Scrutiny Committee on a regular basis until completion.

Implications for officers

Officers may be asked to provide advice to the O&S Team on action taken in relation to the issue. If the councillor flags an issue as a potential CCfA, officers might wish to consider more detailed recording of actions taken in case they are required to produce it for scrutiny purposes.

Officers may also be asked to attend the relevant Overview and Scrutiny Committee meeting.

Officers may be required to provide technical support throughout the scrutiny review and/or to participate at relevant scrutiny meetings

Officers will be responsible for implementing any agreed recommendations relevant to their service areas and providing update information as necessary to the O&S Team.

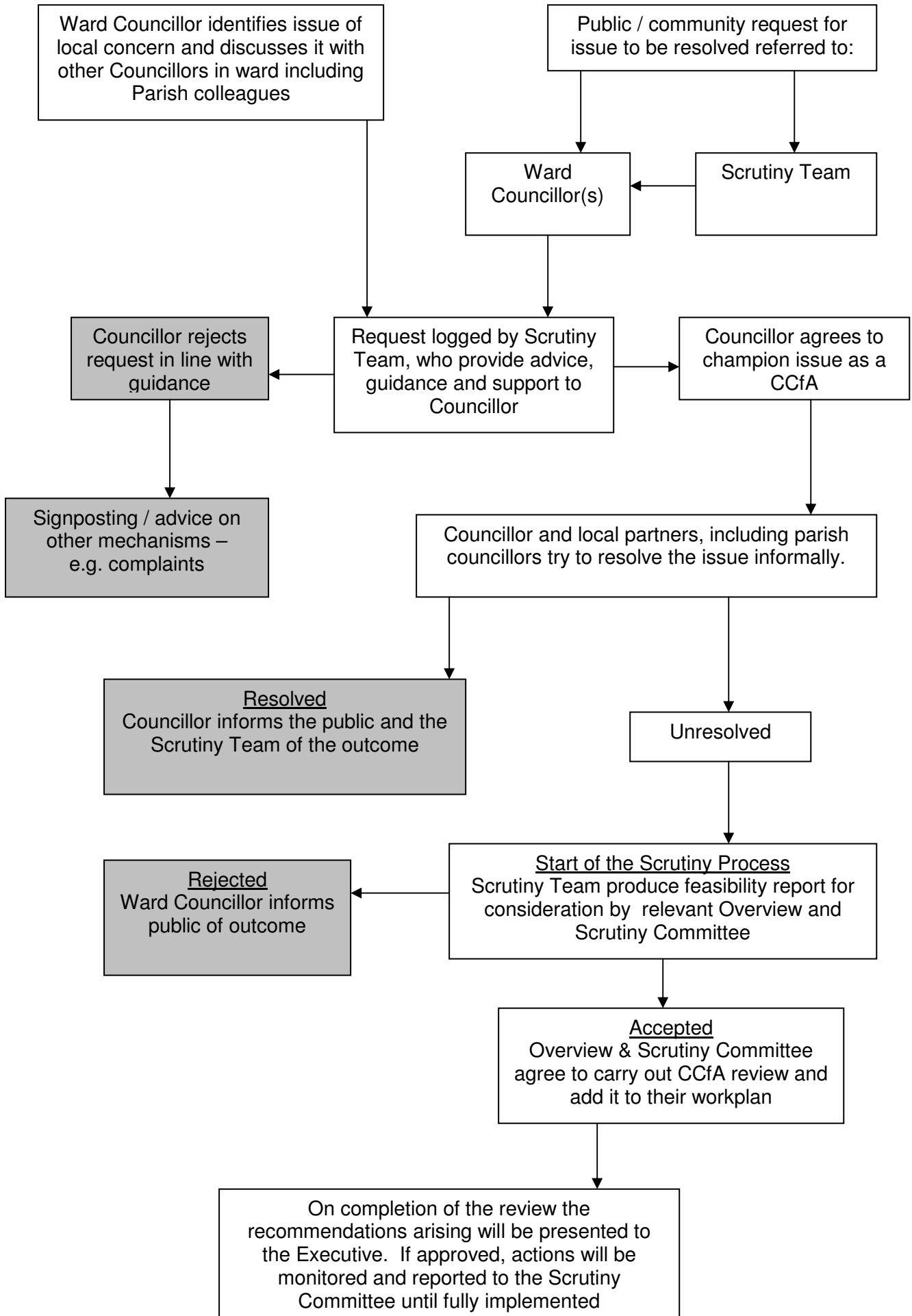
Contact details

For further information and advice contact the Overview & Scrutiny Team on 01904 552063/1714.

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Annex B1

Councillor Call for Action Flow Chart



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Meeting	Clifton Ward Committee
Date	21 April 2009
Present	Councillors H. Douglas, King and Scott 89 Residents Insp. Mark Khan, Safer Neighbourhoods Team Iain Dunn, Street Environment Officer Sharron Hutchinson, Young People's Service Zoe Burns, Head of Service, Neighbourhood Management Unit Michael Hawtin, Neighbourhood Management Officer Michelle Kelly, Neighbourhood Support Worker Ruth Egan, Transport Planning Unit, CYC John Pickles, City Strategy, CYC

1. WARD COMMITTEE SURGERY

- 1.1 During the surgery residents had the opportunity to talk to local councillors, members of the Safer Neighbourhoods Team, Iain Dunn, Street Environment Officer, representatives of the Neighbourhood Management Unit, and Ruth Egan and John Pickles, City Strategy, CYC.
- 1.2 A number of residents voiced their concerns about changes to the road layout in the Clifton Green area and the negative impact on traffic on Westminster Road and The Avenue.

2. WELCOME AND MINUTES

- 2.1 Cllr Ken King, chair of the meeting, welcomed everyone and invited those attending to inspect the minutes.
- 2.2 One resident objected to an item in the minutes, but agreed that they were an accurate reflection of what was said at the meeting.
- 2.3 The minutes were agreed and signed.

3. POLICING PLEDGE

- Insp. Mark Khan, Safer Neighbourhoods Team, circulated information about the Policing Pledge, encouraged residents to become familiar with it and outlined some of the following points about the pledge:
- 3.1 The Policing Pledge emerged from a government Green Paper that sets out certain targets for the police to meet. Some of the main areas covered by the pledge relate to keeping people informed about policing issues, by providing feedback to people and by explaining policing decisions.
 - 3.2 As part of the Policing Pledge, all forces will be inspected by Her Majesty's Inspectorate of Constabulary and a league table of police forces will be compiled. The North Yorkshire Police is currently undergoing an inspection.

3.3 The Policing Pledge helps the ; on delivering a good service and address any shortcomings. It is hoped that residents will be able to see an improvement in the next 12-18 months.

Among the issues raised by residents were: cycling offences; policing in the Rawcliffe Lane and Almerly Terrace areas of the ward; reporting and logging of incidents; and the use of police sirens after 11pm.

The response was given that because so many people cycle in York, there are cycling offences. The law doesn't distinguish between adults and children cycling on pavements, but officers can distinguish in how they enforce the law. Concerns about policing certain areas of the ward will be passed on to the PCSO in that area and concerns about use of sirens will be passed to Driver Training. Every incident reported is logged and one way to ensure this is to ask for an incident number. To report a crime you should contact 0845 6060247; for other matters the Safer Neighbourhoods Team can be contacted directly by email. It was pointed out that escalating a crime to get a quicker response could be viewed as wasting police time.

4. CYCLE ROUTES

Ruth Egan and John Pickles, City Strategy, CYC, spoke about the Cycling City Project and answered questions about problems arising from changes to the road layout at Clifton Green.

4.1 CYC transport policy is to reduce unnecessary journeys by car and encourage people to make essential journeys by more sustainable means. The 2nd Local Transport Plan (2005) projected an increase in car travel of 14% over 5 years, a level which is not sustainable in York.

4.2 York has secured £3.68m in funding from Cycling England with match-funding from the council and other partners. The project has ambitious targets, including a 25% increase in cycling and 100% increase in children cycling to school.

4.3 The delivery strategy for the project includes: overcoming barriers to cycling identified by residents in the recent cycling survey; completing the orbital route; filling in missing links in the cycle network; and improved cycle parking.

4.5 In the second year of the project they will be taking forward ideas from the residents' survey in which areas like Blossom Street and Wigginton Road were identified as key locations.

Among the issues raised by residents regarding cycle facilities in York were funding for the Cycling City project, cyclists cutting through the Homestead, the cycle path between Clifton Bridge and Lendall Bridge, and the impact of the cycle scheme on newly planted trees on Crichton Avenue.

There was a discussion about the new cycle scheme at Clifton Green and the resulting traffic problems. Residents described the delays and increased traffic resulting from the new road layout and some residents spoke in favour of the scheme. Among the issues that arose were: the width of the cycle lanes, signage, the consultation and decision-making process behind the scheme, the options and funding available to improve the situation and suggestions from residents about how to address the issues.

Responding to the questions and issues, officers pointed out that guidelines on the width of cycle lanes come from the Department of Transport, Cycling England and Sustrans and agreed that improved signage was necessary. It was pointed out that the scheme came before an Executive Member Advisory Panel; members made a

decision taking into account the recommendations of council officers, whose reports included concerns raised during public consultation and warned of increased congestion which would improve as motorists found alternative routes. Officers have considered the possibility of reinstating the filter lane. The scheme is due to undergo a safety audit and funds have been set aside to address problems identified by the audit.

Residents noted the dramatic increase in traffic on Westminster Road and The Avenue, and pointed out that the situation would get worse when the speed humps are removed to allow heavy vehicles access to St Peter's School. Among the suggestions from residents were: traffic restrictions on Westminster Road and The Avenue; exploring alternatives to removing the speed humps; having a Keep Clear sign at the entrance to Westminster Road; using the successful closure of other ratruns as a model; and asking St Peter's to pay for alternative traffic-calming measures.

Responding to residents' concerns, officers pointed out that monitoring must take place to establish the nature of the problem. They will be conducting an initial traffic survey in the area beginning on Sunday 26 April, and again when the road layout has settled down. Councillors informed the meeting that alternative traffic-calming measures are being explored.

In response to a suggestion by a resident, it was agreed that there would be a special meeting to address the problems arising from the new road layout when results of the initial traffic survey are available. It was agreed that this would be paid for by the ward committee contingency fund.

5. YOUNG PEOPLE'S SERVICE

This item was deferred until the next ward committee meeting.

6. CLIFTON FAMILY FUN RUN

Cllr Douglas spoke about the Clifton Family Fun Run.

5.1 The Clifton Family Fun Run is organised by PCSO Gill Kitson and Cllr Douglas in aid of SNAPPY. It will take place on Sunday, July 5 at Burton Stone Community Centre, there will be prizes and an opportunity to see the newly formed majorettes group. Entry forms and sponsorship forms are available.

7. SUSTAINABLE COMMUNITIES

Zoe Burns, Head of Service, Neighbourhoods Management Unit, introduced the Sustainable Communities Act.

6.1 The Sustainable Communities Act is a lobbying Act that seeks the ideas of residents to potentially generate new powers for local authorities. It is informed by the idea that local people are best informed to know what is required in their local communities.

6.2 Proposals should relate to powers that are currently held by central government and that, if changed, would bring environmental, economic or social benefit. Some issues that might be addressed by the Act include: business rates on car parks, reregulation of bus services, post office closures, protecting establishments that are seen as a community hub, and power generation.

6.3 In order to develop ideas to pass onto the LGA (Local Government Association), the deadline for initial suggestions is May 8, 2009. Suggestions can be made by

filling in a form that is available at the neighbourhood Management Unit, completing the online survey at the council website, or by emailing shapingneighbourhoods@york.gov.uk.

Among the suggestions raised by residents were how the Act might work in relation to planning regulations and if it could be used to give local authorities more control over their finances.

8. CARS FUN DAY (COMMUNITY ASSOCIATION FOR RECREATION AND SPORTS)

This item was deferred until the next ward committee meeting.

9. HAVE YOUR SAY

Q. A resident from Almerly Terrace voiced concern about ward committee-funded benches that had been placed near houses and were encouraging anti-social behaviour. Residents would like the benches to be moved to an area away from houses.

A. The response was given that councillors are aware of the problems and that Iain Dunn is investigating possible solutions. The councillors are committed to moving the benches.

Q. A resident highlighted the problem of speeding vehicles on Haxby Road and suggested that a Vehicle Activated Sign might be placed there.

A. The response was given that the resident should report the speeding problem using a Speed Concern Report. It was also suggested that the area might be considered as a 20mph zone.

Q. A resident voiced concerns about the effect of heavy traffic on a tree on Westminster Road which is protected by a preservation order.

A. The response was given that the school has suggested diverting traffic around the tree.

Q. A resident pointed out that there have been some incidents of CYC overpaying people. Can anything be done about this mistake?

A. The response was given that some officers have also been underpaid. The shadow executive member is trying to get some answers.

Q. Can CARS Fun Day be on the agenda for the next meeting.

A. The response was given that it will be on the agenda for the next meeting.

A resident submitted apologies from 25 residents of Westminster Road who wished to register complaints about the traffic situation there.

MEETING	Clifton Ward Committee
DATE	10 June 2009
PRESENT	<p>Councillors H. Douglas, K. King and D. Scott 111 Residents Dave Carter, Head of Network Management, CYC Ruth Egan, Head of Transport Planning, CYC Jonathan Pickles, Senior Engineer, CYC Graham Titchener, Programme Manager, Cycling City York Paul Hepworth, CTC, National Cyclists' Organisation Richard Smyth, Head Teacher, St Peter's School Michael Hawtin, Neighbourhood Management Officer Mora Scaife, Neighbourhood Manager Michelle Kelly, Neighbourhood Support Worker</p>

1. CLIFTON SPECIAL WARD COMMITTEE MEETING: TRAFFIC AND CYCLING AROUND CLIFTON GREEN AND WESTMINSTER ROAD

2. WELCOME

Chair, Cllr David Scott, welcomed everyone to the meeting and introduced CYC representatives. He pointed out that the meeting was convened in response to requests by residents and provided an opportunity to ask questions about traffic in Clifton.

3. DAVE CARTER, HEAD OF NETWORK MANAGEMENT

Dave Carter, Head of Network Management, CYC, outlined the main issues under discussion. He pointed out that there have been ongoing problems with traffic on Westminster Road and that this has been exacerbated by recent events.

Among the factors contributing to the increased traffic are:

- The implementation of the cycling scheme and the resulting changes to the junction at Water End. He noted that as a result of traffic surveys changes have been made to the signal timings at the junction. Officials now feel the timings have been maximised.
- A detour put in place as a result of a burst water main during the works at Water End made motorists aware of Westminster Road as an alternative route.
- The burst water main also caused some damage to the traffic signal infrastructure. CYC accelerated a programme of works to address this and the signals are now operating at maximum reliability.
- Construction work at St Peter's has necessitated the removal of speed humps which would otherwise act as a deterrent to traffic. A true picture of the traffic increase on Westminster Road will only emerge after the humps have been reinstalled.

- In exploring solutions to the traffic increase on Westminster Road it will be necessary to identify the different kinds of traffic on the road: access traffic – for residents and St Peter's School – and through traffic.

4. JONATHAN PICKLES, SENIOR TRANSPORT AND SAFETY ENGINEER

Jonathan Pickles, Senior Transport and Safety Engineer, CYC, provided data from recent traffic surveys. He pointed out that although traffic surveys were conducted in May there is reason to doubt the accuracy of the data, so the most reliable surveys are limited manual surveys conducted in early June. These were conducted at peak traffic, from 7.45 - 9.15am and 4.30 - 6pm, and show an increase in traffic of about 50% when compared with the data obtained before the changes to the road layout. But a further survey will have to be conducted to establish the exact increase and the destinations of the traffic.

5. RICHARD SMYTH, HEAD TEACHER, ST PETER'S SCHOOL

Richard Smyth, Head Teacher at St Peter's School, informed the meeting that the contractors cannot give a precise date for reinstating the speed humps as the progress of the work will depend on the weather.

6. PAUL HEPWORTH, CTC, NATIONAL CYCLISTS' ORGANISATION

Paul Hepworth, CTC, National Cyclists' Organisation, spoke about the benefits of promoting sustainable transport. The cycle lane at Water End is not a stand alone feature but part of an orbital cycle route that seeks to promote sustainable transport and decrease unnecessary car journeys. He pointed out that there will never be sufficient road and parking capacity to satisfy demands of motorists. If more commuters can be convinced to travel by sustainable means – the target is 60% of peak time traffic – it will create more capacity for necessary car journeys.

7. GRAHAM TITCHENER, PROGRAMME MANAGER CYCLING CITY YORK

Graham Titchener, Programme Manager, Cycling City York, spoke about the aims of the Cycling City project and the place of the cycle lane at Water End in the overall project. The aim of the project is to create a better balance of infrastructure for sustainable forms of transport. The Cycling City project aims to complete an orbital cycle route to make it easier for people living within the ring road to access other parts of the city by bicycle. Improvements to York's cycling routes have come from public consultation about barriers to cycling.

8. RESIDENTS' PETITION

A petition requesting that Westminster Road be closed to through traffic was submitted to councillors. The petition was signed by 88% of residents.

9. HAVE YOUR SAY

Among the issues raised by residents were: the reasons for the build up of traffic on Water End; the steps to be taken before changes can be made to the road layout; possible solutions to the increased traffic on Westminster Road; alternative routes for the cycle lane; whether the views of residents will be taken into account in finding a solution; the pollution resulting from the traffic build up; the possibility of installing bollards on Westminster Road; traffic speed; long-term solutions to school traffic across the city.

Responses and comments came from councillors, CYC officers and residents.

- In response to questions about the consultation and decisions in relation to Water End, it was pointed out that council officers present analysis and recommendations to members who make decisions about transport policy and infrastructure. Officers have a responsibility to provide full and robust data and in order to do this further traffic surveys will be required.
- Among measures under consideration are reinstating of the filter lane at Water End and a point closure (installation of bollards) at Westminster Road. Closure would have implications at other points of the network. An origin and destination survey will have to be conducted to distinguish between residents' traffic, school traffic and through traffic. The possibility of removing the cycle lane and reinstating the filter lane will also be considered. The residents' views and the petition for point closure on Westminster Road will be taken into account.
- Some residents spoke in favour of point closure, noting the danger, discomfort and pollution of the increased volume of traffic; one resident of the road pointed out that not all residents are in favour of point closure as Westminster Road is a public road. Another resident pointed out that closing Westminster Road to through traffic would not provide a solution to the underlying problem, which is the traffic build up at Water End.
- It was pointed out that new traffic surveys will not take place until September, as they can only be carried out after the speed humps have been reinstated on Westminster Road and cannot take place during the school holidays as this wouldn't give an accurate reflection of the volume of traffic using the road.
- Cllr David Scott instigated a Call for Action, in an attempt to speed up the process.
- In response to questions about finding long term solutions to school transport, it was pointed out that all CYC schools have a travel plan in place to promote sustainable forms of transport. Efforts have been made to work with St Peter's School to address traffic resulting from school travel.

Cllr. David Scott, Chair

[The meeting started at 7.00 pm and finished at 9.15 pm].

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CCfA – Water Lane Consultation Comments

CLlr Stephen Galloway – Executive Member for City Strategy

1. The decision to implement the Clifton Green scheme won cross-party support last year.
2. My view is that the scheme should - like other similar schemes - be given time to settle down. Changes to the traffic light phasing have been made and this seems to have eased some of the congestion issues. Refinements to the cycle path markings have also been made recently.
3. I understand that the road humps will be reinstated near the St Peter's School building works shortly and again we need to assess the "before" and "after" reinstatement situation particularly as far as vehicle volumes and speeds are concerned.
4. The situation on Westminster Road could be considered as part of the ongoing programme of traffic reviews. However there are other similar situations in the City and I would not wish officer time to be taken away from work which is already programmed and which residents now have an expectation will be progressed quickly.
5. I have not received any representations from any of the Clifton Councillors on this issue.
6. None of the Clifton Councillors registered to raise this issue at the last Executive Member decision meeting.

Damon Copperthwaite – Assistant Director – City Development & Transport (CYC)

1. The topic will be supported and resourced from the City Development and Transport Group in City Strategy. Whilst this is an unexpected piece of work we will manage the group's programme of work to provide the resources needed.
2. The changes to the capacity of the Water End / Clifton junction to accommodate new cycle lanes and the issue of traffic management in the Westminster Road / The Avenue area of Clifton is of concern to local residents supported by a recent special ward committee and two petitions from residents. Given their concerns this is an issue, which should be investigated, and proposals developed and solutions implemented. Decisions will need to be made about which proposals should be adopted and how they may be implemented.
3. At the October meeting of the Executive Member and Advisory Panel a decision was made to implement a cycling scheme on Water End that reduced the number of traffic lanes entering the Water End / Clifton junction. Subsequently adjustments were made to the traffic signal timings to restore the capacity on this leg of the junction. Following this officers have been approached to resolve the consequent problems on Westminster Road and The Avenue as a result of increased traffic flows.

Petitions have also been received from residents in the streets and a special ward committee held to discuss the issue. Officers do not have delegated authority to either remove the new cycle lane or introduce new traffic regulation orders on Westminster Road or The Avenue without Executive Member approval. Officer recommendation is to take a report to the Executive Member Decision Session in either September or October to review the options and to adopt solutions to address all the issues raised by the CCfA and by the petitions. I am not aware of any other opportunities that exist to resolve the concerns that have not already been explored.

4. Two petitions have been received from residents in Westminster Road and The Avenue seeking closure of Westminster Road to through traffic. These will be dealt with, in accordance with the constitution, in a report to the Executive Member Decision Session at either the September or October meetings.

Ruth Egan – Transport Planning Unit (CYC)

1. The changes to the Water Lane/Clifton Green area are part of a wider remit to improve facilities for sustainable travel and encourage people out of cars. To do this will inevitably have an impact (at least short term) on traffic flow and distribution until we are able to change attitudes to car use. The objective - to increase use of sustainable travel modes will take much longer to achieve. The impacts on traffic flow, queuing etc of this particular scheme were reported to a meeting of the Executive Member for City Strategy and Advisory Panel.
2. Officers advised at recent Ward Committee meetings that a 'settling-in' period would be required before proper 'after scheme' monitoring could take place but no exact timescales were given as to how long after implementation would be required. My estimation would be at least 6-9 months but this is not my area of expertise. Traffic monitoring has been taking place, hence we know that there has been increased traffic flows on Westminster Road/The Avenue, however what we do not yet know (a survey has just taken place but not analysed) is the origin/destination of these journeys to understand how much is through traffic and how much is resident or school traffic. A comparison of other residential areas will also be required to understand how this residential area compares to others in terms of traffic flow. A closure of either Westminster Road/The Avenue would have to be based on full residents' consultation - by Network Management colleagues. I believe the school already has a travel plan but we could undertake to work with them to improve it. This could potentially mean that a member of staff stops working with another school in order to develop a more substantial plan with St Peter's depending upon the level of support required.
3. A report is being prepared to consider the options available to dealing with the increased traffic flow and it is hoped that this will be presented to the Executive Member for City Strategy Decision Making Session in

September. This report will, hopefully, also respond to the petitions recently received via the Full Council meeting.

Cllr D'Agorne – Current Cycling Champion

1. This has caused widespread local concern, inflated by sensational media coverage. I feel that efforts from officers to address the issue are being undermined or ignored in the political interests of securing a scrutiny of the topic
2. I am seriously concerned that detailed work by officers on this one detailed location would reduce available staff time needed to ensure future stages of the cycle route are appropriately designed and fully promoted to potential users. In terms of topics that fall within the remit of the scrutiny committee, I feel that scrutinising the city's response to the economic downturn is a higher priority and one that has implications for a wider cross section of residents in the city.
3. As the cycle champion, I feel that the main benefit of a scrutiny would be to demonstrate the strategic importance of the orbital cycle route, for safe sustainable travel. However in order to do this it would be necessary to wait for the Crichton Ave section to be completed and time for further marketing and promotion of cycling in the area. This would not satisfy the demands of the proposers.
4. Members should work with officers to properly assess the scale of the problem and identify a way forward, as any ward Councillor would do!
5. I would point out Joe Watt's correction to the assertion made in the topic registration form: "A point of detail - I intended to resign anyway after a year as Cycling Champion - a point that I made in the Press articles at the time. However, this was one of several measures I could not support - even had I continued as Champion." Joe Watt
6. The media hype was thus more about the political perspective of the post holder than the particular change made.
7. As cycling champion I do not support this as the focus of a scrutiny, as I feel it is a local ward issue where a particular combination of circumstances apply, far less significant than many other important issues within the remit of the Economic Development and City Strategy Committee. It is a sad to see Labour Councillors seeking to undermine the potential contribution of a government initiative that could make a step change in cycling in this city.

Councillor Watt – Ex Cycling Champion

1. This is an excellent topic for scrutiny - addressing a major issue which has wide reaching implications with respect to the Council's approach to the

hierarchy of road use and the use of congestion as a tool for controlling traffic.

2. A point of detail - I intended to resign anyway after a year as Cycling Champion - a point that I made in the Press articles at the time. However, this was one of several measures I could not support - even had I continued as Champion.

Paul Hepworth – CTC – National Cyclists' Organisation

1. The road networks in York and other UK cities have finite capacity, and cannot be stretched to accommodate the instinctive demands of many private car users. That's why successive Governments are encouraging Local Authorities to promote alternative travel modes e.g. car sharing, short-term car hire, cycling, walking and taking the bus. This is particularly encouraged through the Local Transport Plan (LTP) process, and national planning guidance such as PPG13, which seeks to reduce car dependant developments. Specific support by competitive bid, has additionally been given for some UK "Demonstration" towns and cities, including York, by the Department for Transport (DfT) offshoot Cycling England.
2. Over 60% of peak hour car trips in York are less than five miles long, and most are single occupancy. We know that more residents will switch to cycling or use the bus if travel by these means is made safe and reliable. In some cases, this can only be achieved by reallocating road space. This was done some years ago, on the inbound side of The Mount. Despite dire predictions at the time, it is now working well and more reliable bus, taxi and cycle travel has been achieved.
3. This has suppressed the rate of growth in private car trips, which benefit the above user groups, plus deliveries, servicing and emergency vehicles, and essential private car journeys. Car sharing schemes, and short-term car hire (Whizzgo) can also contribute significantly to peak traffic reduction.
4. The Water End route post-commissioning tweaks need time to settle down and Westminster Road speed humps reinstated after the school works, before a true "before and after" comparison can be made. The scheme's benefits will broadly mirror those achieved on The Mount.
5. A cornerstone of York's planned expenditure of its Cycling England grant, is a suburban orbital ring route. The Water End scheme will be incorporated into this, and cyclist user levels will rise predictably, thereafter.
6. One principal difficulty with the Water End scheme has been the "availability" of an alternative rat run via Westminster Road and The Avenue. In the aftermath of commissioning, this has been widely publicised in the local media. The concurrent removal of Westminster Road's speed humps, for work at St Peter's School complex, has

exacerbated the situation for local residents. This had led to calls for reinstatement of the left turn filter lane at Clifton Green, to the A19 outbound.

7. The usefulness of this short filter lane has been much overrated, by objectors to the cycle scheme. Compensatory longer green time has been introduced. It will be helpful if data can be downloaded from the UTC (Coordinated Universal time) records, to publicly demonstrate the minimal impact which the filter lane's removal has had, on the highway network's capacity.
8. A principal disappointment is the apparent unwillingness of the Governors of St. Peter's school complex, to co-operate with sustainable travel initiatives viz Safe Routes to Schools and Travel Plans. There seems to be a preponderance of parents bringing their offspring by private car, which includes a significant proportion of SUV type 4 x 4 vehicles. Scrutiny of the school website does not reveal any commitment to green travel. This significant impact upon Westminster Road and The Avenue, plus the wider local highway network, seems not to have been assessed.
9. CTC suggests that if Officer time is available, CYC's Transport Planners could model the impact of green travel implementation by the school, on the local highway network. This may then usefully form the basis of formal debate with the school's Governing Body. The advantages can be demonstrated, of car sharing, school bussing, walking and cycling, so far as is achievable in the school's citywide catchment area.

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Economic & City Development Overview & Scrutiny Committee Work Plan 2009-10

Meeting Date	Work Programme
14 July 2009	<ol style="list-style-type: none"> 1. Report on Overview & Scrutiny Committees - Terms of Reference 2. 2008/09 Year End Outturn Report 3. Corporate Strategy – Key Performance Indicators & Actions for 2009/10 – Understanding the corporate priorities relevant to the Committee’s ‘terms of reference’ in order to establish a baseline for making proposals for changes to the Corporate Priorities in 2010/11 4. Feasibility Report – Planning Conditions/Highways Adoption 5. Report regarding the Economic Development Programme (Assistant Director, Economic Development)
12 August 2009	<ol style="list-style-type: none"> 1. Feasibility on CCfA – Water End 2. Briefing Note – Highways Adoption & decision whether to proceed with proposed scrutiny topic on Planning Conditions/Highways Adoption
29 September 2009	<ol style="list-style-type: none"> 1. First Quarter Monitoring Report 2. Further briefing on Economic Development Programme (Sections 1-4) 3. Briefing on Newgate Market
8 December 2009	<ol style="list-style-type: none"> 1. Second Quarter Monitoring Report
26 January 2010	<ol style="list-style-type: none"> 1. Budget Consultation 2. Audit Commission Report on Use of Resources
9 March 2010	<ol style="list-style-type: none"> 1. Third Quarter Monitoring Report 2. Annual Report from relevant Local Strategic Partners

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