



## 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:

1<sup>st</sup> Meeting Scoping Report

2<sup>nd</sup> Meeting interim progress meeting

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

3<sup>rd</sup> 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](mailto:Scrutiny.services@york.gov.uk)

**Tel No.** 01904 552038

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**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**