
Economic & City Development Overview & Scrutiny Committee

29th September 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 regarding a newly registered scrutiny topic on the implementation of planning conditions and the adoption of new estates.
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 was subsequently presented to the Committee at a meeting held on 12th August 2009. After discussion, Members of the Committee agreed that the focus of any review that might be undertaken should be on the adoption of new estates only and it was agreed not to proceed with the planning conditions element of the proposed scrutiny topic.
4. It was noted at the above meeting that a report was to be submitted to the Executive Member for City Strategy for decision, on 1st September 2009 (Annex A to this report refers). The Committee therefore decided to again defer their decision on whether to proceed with this topic until they knew the Executive Member's decision.
5. At the meeting on 1st September 2009 the Executive Member made the following decision:

'That the Executive Member:
 - i) Approves Option A, as set out in paragraphs 34 to 36 of the Officer report (Annex A refers)

- ii) Requests the Executive Member for Neighbourhoods to review the arrangements for, and costs of adopting, those streets in the City, which historically have not been maintained by the Council.'

Consultation

- 6. To date, relevant Officers and the Assistant Director within the Traffic Network Management Department have been consulted.
- 7. The Chair has requested some information on the outcome of an Appeal recently decided by the Planning Inspector. The outcome of this Appeal may provide useful information to the Committee in terms of making a decision as to whether to progress this topic to review. It is hoped that an update on this can be given at this meeting.

Options

- 8. Members have the following options:
 - i. Progress this topic to review (not including the planning conditions element)
 - ii. Do not progress this topic to review

Analysis

- 9. Members have so far received a feasibility study, a briefing note and a copy of the report presented to the Executive Member for City Strategy in relation to this proposed scrutiny topic. Discussions arising from the previous two meetings indicate that Members quite clearly have concerns regarding the adoption of new estates.
- 10. Members will, therefore, need to consider whether any of their concerns can be appeased by the content of the report presented to the Executive Member for City Strategy (Annex A to this report refers) and the decision arising from this. It should be noted that the report to the Executive Member solely deals with the issue of highway adoption and not other aspects such as landscaped or play areas.
- 11. In light of the Executive Member's decision and the actions he intends to take, it may be that there is nothing further to be gained from undertaking a review based on the remaining relevant content of the topic registration form.
- 12. If Members choose to proceed with the review then they should consider a remit (at this meeting) that does not duplicate work being undertaken as part of the Executive Member's decision. A draft remit has not been prepared in advance because it was unclear as to what the focus of any review should be now that the Executive Member has made his decision.

13. It is recommended that any review be delegated to a small cross-party task group. Should this be approved they would need to spend their first meeting scoping and timetabling the review.
14. Should Committee choose to proceed with this review then they will also need to consider how best to fit this into their current work plan.

Corporate Strategy 2009/2012

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

Implications

16. **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.
17. **Human Resources** – In the feasibility report presented to Members on 14th July 2009 representatives from the City Development & Transport Group highlighted potential resource issues.
18. **Legal** – There are no direct legal implications associated with this particular report but implications could arise should the review be progressed.
19. There are no known equalities, property, crime & disorder or other implications associated with the recommendations in this report.

Risk Management

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

Recommendations

21. Based on the evidence to date Members are asked to decide whether to proceed with the topic or not and if so, set a very focussed remit with clear aims and objectives.

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

Contact Details

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Report Approved

Date 17.09.2009

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Reports & minutes from the two previous meetings of the Economic & City Development Overview & Scrutiny Committee (14.07.09 and 12.08.09)

Annexes

Annex A Report on the Adoption of Highways on New Estates (01.09.2009)
(Annexes to this document are available on the Council's website for the meeting that took place on 1st December)