
Economic & City Development Overview & Scrutiny Committee

13 July 2010

Report of the Head of Civic, Legal & Democratic Services

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

Summary

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

Background

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

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

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

Consultation

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

Response from the Divisional Head – Traffic, Development & Transport

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

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

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

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

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

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

Options

12. Members can choose to:

Option A Progress this topic to review

Option B Not progress this topic to review

Analysis

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

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

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

Corporate Strategy 2009/2012

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

Implications

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

Risk Management

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

Recommendations

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

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

Contact Details

Author:

Tracy Wallis
Scrutiny Officer
Scrutiny Services
Tel: 01904 551714

Chief Officer Responsible for the report:

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

Report Approved

Date 02.07.2010

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

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

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

Annexes

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