



# Overview and Scrutiny Task Group - Adoption of Estates

Agenda and Reports

For consideration on

**Wednesday, 19th December  
2012**

In Committee Room 1, Town Hall, Chorley

At 6.00 pm

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10 December 2012

Dear Colleague

**OVERVIEW AND SCRUTINY TASK GROUP - ADOPTION OF ESTATES -  
WEDNESDAY, 19TH DECEMBER 2012**

You are invited to attend a meeting of the Overview and Scrutiny Task Group - Adoption of Estates to be held in Committee Room 1, Town Hall, Chorley on Wednesday, 19th December 2012 commencing at 6.00 pm.

**AGENDA**

1 **Apologies for absence**

2 **Minutes (Pages 1 - 4)**

To consider and confirm the enclosed minutes of the Overview and Scrutiny Task Group – Adoption of Estates meeting held on 28 November 2012.

3 **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

4 **Public Consultation**

Resident representatives have been invited to the meeting to talk about their experiences of adoption from the following estates:

- Buckshaw Village
- Fairview Farm
- Gillibrand

5 **Schedule of Actions and Suggested Recommendations (Pages 5 - 6)**

To consider the enclosed schedule of actions and suggested recommendations to date.

6 **Developer Consultation**

To finalise the arrangements for the consultation meeting with developers.  
A suggested letter of invitation and list of suitable questions will be circulated at the meeting.

7 **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



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Chief Executive

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**Distribution**

1. Agenda and reports to all Members of the Overview and Scrutiny Task Group - Adoption of Estates Councillors (Matthew Crow (Chair) and Roy Lees (Vice Chair), Jean Cronshaw, Julia Berry, June Molyneaux, Dave Rogerson, Kim Snape and County Councillor Mike Devaney (Lancashire County Council) for attendance.
2. Agenda and reports to Jamie Carson (Director of People and Places), Jennifer Moore (Head of Planning), Alex Jackson (Senior Lawyer), Paul Whittingham (Development Control Manager), Carol Russell (Democratic Services Manager) and Dianne Scambler (Democratic and Member Services Officer) for attendance.

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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822 01257 515823

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون کیجئے:

## Overview and Scrutiny Task Group - Adoption of Estates

**Wednesday, 28 November 2012**

**Present:** Councillor Matthew Crow (Chair) and Jean Cronshaw, Julia Berry, June Molyneaux, Dave Rogerson, Kim Snape and County Councillor Mike Devaney

### **Also in attendance**

**Councillors:** Councillor Steve Holgate

**Officers:** Jamie Carson (Director of People and Places), Alex Jackson (Senior Lawyer), Paul Whittingham (Development Control Manager), Carol Russell (Democratic Services Manager), Robert Rimmer (Business Support Team Leader) and Dianne Scambler (Democratic and Member Services Officer)

### **07.CCS.18 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **07.CCS.19 MINUTES**

**RESOLVED – That the minutes of the Overview and Scrutiny Committee meeting held on 8 November 2012 be confirmed as a correct record for signing by the Chair.**

### **07.CCS.20 DECLARATIONS OF ANY INTERESTS**

Councillor Julia Berry – Kittiwake Estate, Heapey

### **07.CCS.21 DISCUSSION ABOUT THE PRESENTATION BY CHRIS BOND - NORTHAMPTONSHIRE COUNTY COUNCIL**

The Group all agreed that the presentation by Chris Bond from Northamptonshire County Council was interesting and informative. Most of the issues that they faced were the same as the ones that were consistently being raised throughout this review and Members thought that some of the changes that they had implemented as a result could potentially be recommendations for this review.

Members considered that the key areas that needed to be addressed in this review were:

- Provision of suitable information to buyers of property on unadopted estates.
- The current situation of unadopted roads throughout the Borough
- Looking at ways of reducing the bonds developers take out pre-development.
- Building better relationships with developers.
- The more extreme use of planning conditions on applications to encourage developers to undertake a Section 38 on the development.

Information was sought as to what information a potential house purchaser would receive, that was the responsibility of the Council to provide, for example, information that was received in a landcharge search on a property.

Officers explained that although some solicitors still requested a landcharge search on a property, many now only opt for a personal search which was a lower cost option which did not go into as much detail.

The delegated power that had been given to Mr Bond at his Council to relax the amount of the Bonds on an individual case was thought to be key to the expediency of estates being adopted by the Councils. Officers explained that for Chorley, this responsibility lay with Lancashire County Council. County Councillor Michael Devaney reported that the County Council were currently looking at this option by undertaking negotiations at the different stages of the development, and that they had already relaxed the Bonds on a couple of occasions.

Members asked if a schedule of recommendations so far could be presented at future meetings of the group so that they could keep track of the information they had considered in the review. This would also be a good way of collating the Group's recommendations and would help to formulate the Final Report of the review.

**RESOLVED – That a schedule of potential recommendations so far be drafted and brought to subsequent meetings of the review that will be updated accordingly at the end of each meeting.**

## **07.CCS.22 ADDITIONAL INFORMATION RELATING TO THE IDENTIFIED CASE STUDIES**

### **(a) Open spaces information from People and Places Directorate**

The Group received information relating to the open spaces provision on the developments at Gillibrand, Chorley, Fairview Farm, Adlington and Kittiwake, Heapey.

The information outlined in each of the reports explained a long standing history of outstanding issues at each of the sites.

Officers explained that although play provision was included in many of the Section 106 Agreements on the various developments. Residents often opposed the siting of these play areas and that developers were looking to install the play equipment before the houses were built in a bid to prevent them from being installed at all. On many occasions, residents complain to the Council that they were unaware that a play area was due to be installed so close to their property, however, the developers insist that this information was passed on and that designated area is always included on site plans, given out in their literature and displayed on site.

**RESOLVED – That the information in the report be noted.**

### **(b) Adlington Train Station - Commuted sum**

At a previous meeting of the Group it had been reported that in the Fairview Farm Section 106 Agreement dated 12 November 1999 there had been a commuted sum payment of £7,500 to the Council to be used for improvements to Adlington Railway Station.

Members were informed that this money had been spent on various improvement works at the station, mainly around the installation and maintenance of signage during 2007/08.

**RESOLVED – That the information be noted.**

### **(c) Lancashire County Council information**

The Group received information from Lancashire County Council that gave the updated position on the status of adoption for each of the developments identified in the review.

County Councillor Michael Devaney commented that although subsequent developers carried out the work requested in a Section 38 Agreement on an estate, it was the

original developer that held the Bond and overall responsibility for the Section 38 Agreement.

Members asked if officers of the authority had a list of designated spokespersons/contacts with developers that they could liaise with on particular issues contained within a Section 38 agreement.

Officers explained that often the contact with developers changed but that the main issue was maintaining an up to date list of the status of all the outstanding issues on developments across the Borough and Members agreed that this was something that needed to be addressed going forward.

#### **RESOLVED**

- 1. That the information in the report be noted.**
- 2. That clarification be sought as to whether or not the original developer retains the responsibility of the Bond and Section 38 Agreement.**
- 3. That relations with Lancashire County Council be improved upon around maintaining accurate records on the progress of actions contained with Section 38 Agreements across the Borough.**

#### **07.CCS.23 DEVELOPERS INTERVIEWS AND PUBLIC CONSULTATION ARRANGEMENTS**

It was agreed to invite nominated representatives from each of the identified developments to talk about their issues and experiences of adoption to the next meeting in December

The Group agreed to invite the following Developers to a future meeting:

- Arley Homes
- Persimmon Homes
- Wainhomes
- Redrow
- Taylor Wimpey

These developers all had significant experience of building on developments across the borough.

A list of suggested topic areas was circulated at the meeting from which Members could identify appropriate questions. It was intended that these would be sent out to the developers in advance of the meeting to allow them to adequately prepare and Members also thought it would be useful to send them to other developers for a written response.

#### **RESOLVED**

- 1. That residents nominated by Ward Councillors be invited to attend the meeting on 19 December 2012 to talk about their experiences of adoption.**
- 2. That the agreed list of developers be invited to meeting on 14 January 2013 to give their view and opinions, with other developers being contacted to provide a written response.**
- 3. That Members give consideration to suitable questions to be submitted in advance of the next meeting.**

#### **07.CCS.24 FUTURE MEETING DATES**

It was agreed that the dates and format for the next four meetings of the Task Group would be as follows:

Wednesday 19 December 2012 at 6.00pm – resident consultation

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Monday 14 January 2013 at 6.00pm – Interviewing developers  
Wednesday 22 January at 4.00pm – Interviewing Chorley Council/Lancashire County Council/United Utilities officers  
Wednesday 6 February at 6.00pm – pull recommendations together for inclusion in the Final Report.

Chair



Actions and suggested recommendations from the Overview and Scrutiny Task Group – Adoption of Estates

Meeting :	Issue/Item	Actions:	By:	Status:	Suggested recommendations:
19 September 2012	Scoping of Review	Finalise draft scoping document before submitting to O&S Cttee for approval	Chair/Vice Chair	Approved by Overview and Scrutiny Committee on 1 October 2012	
	Commuted sum for Adlington Train Station	Officers to report back on how this was spent	RR	Reported to meeting on 28 November 2012	
17 October 2012	Notification of a National Review on Adoption	Invite Chris Bond from Northamptonshire CC to the next meeting	DS/JM	Mr Bond attended the meeting on 8 November 2012	
	Public Consultation – Residents with experience of unadopted streets	Identify suitable resident representatives	Members of the group	Nominated residents have been invited to a meeting on 19 December 2012	
8 November 2012	An up to date list of all the unadopted streets across the Borough including any outstanding issues				<i>That the Executive Cabinet be requested to commission a study of the Section 38 'caseload' in the Borough, to provide a full picture of completed and partially completed Section 38 Agreements.</i>
	Draft set of planning conditions drafted by the National Scrutiny Review				<i>That the Panel recommends that the draft set of planning conditions be trialled by our planning services.</i>
	Relaxing of Bonds for developers				<i>That the Executive Cabinet request LCC to consider relaxing their procedures when setting Bonds on developments.</i>
28 November 2012	An accurate record of all outstanding				<i>That relations with LCC be improved upon around maintaining accurate</i>

	issues does not exist.				<i>records on the progress of actions contained within the S38 Agreements across the Borough</i>
	Who is the nominated person/directorate for the production of this list?	Question to LCC officers?	Members		
	Who has the responsibility for the original Bond/S38 Agreement	Officers to report back.	PW		
	Provision of information to first time buyers	Question to developers?	Members		<b><i>That work takes place with developers and conveyancing solicitors to ensure that accurate information is provided to potential buyers about adoption processes.</i></b>
	Ways of improving the information received by potential purchasers of a property on an unadopted estate	Way of improving the information given on a property search.			