



**REPORT TO OVERVIEW &
SCRUTINY COMMITTEE
(ENVIRONMENT)**

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**REPORT OF THE DIRECTOR OF SCRUTINY & PERFORMANCE MANAGEMENT AND
THE DIRECTOR OF TRANSPORTATION, DESIGN AND PLANNING, TO THE MEETING
OF THE OVERVIEW & SCRUTINY COMMITTEE (ENVIRONMENT) TO BE HELD ON
WEDNESDAY 15th NOVEMBER 2000.**

SUBJECT:

UNADOPTED ROADS IN BRADFORD

SUMMARY STATEMENT:

This report gives an update on the issue of unadopted roads in Bradford district and requests the Committees views on whether it wishes to carry out an investigation into the issue..

Jan Ormondroyd,
Director, Scrutiny and Performance Management

Alan Mainwaring
Director of Transportation, Design and Planning

Report Contact: Graham Pinfield
Phone: 01274 754515
Fax: 01274 738643
E-Mail: graham.pinfield@bradford.gov.uk

Report Contact: John Blackburn
Phone: 01274 757419
Fax: 01274
E-Mail: john.blackburn@bradford.gov.uk

SCRUTINY AREA: ENVIRONMENT

PORTFOLIO: ENVIRONMENT

1.0 MATTER FOR CONSIDERATION

- 1.1 The issue of unadopted back roads in Bradford; responsibility for this area of activity; recent developments in terms of Council funding and whether the Committee wishes to carry out an investigation into this issue.

2.0 BACKGROUND INFORMATION

UNADOPTED ROADS

- 2.1 A private street is any street (a street can comprise any highway, road, lane, footpath, square, court, alley or passage whether a thoroughfare or not) that is not a highway maintained at public expense (Highway Act 1980, Sections 203(2) and 329(1)). The majority of these streets will have some rights of public passage over them and the legal terminology "private street" can therefore be confusing to the public. The term "un-adopted street" is often used as being more descriptive of the status of the street. The liability for the upkeep of an un-adopted street lies with the property owners having a frontage to it but it is very rare for the owners to collectively carry out maintenance works and the condition of most un-adopted streets is consequently very poor. This leads to a number of complaints to the Council from residents who feel upset that they appear not to receive the highways service they pay for through their Council tax.
- 2.2 Most of the streets were not adopted because when the houses were first built the street was not constructed to the required standards for the Council to accept it for future maintenance. Some private streets have public sewers and public lighting in them but this does not mean that the Council is responsible for maintenance of the road surface. The liability for the upkeep of a private street is with the property owners themselves and they are free to carry out any improvement works they wish as long as they do not affect the rights of anyone to use the street. The Council is not able to carry out repairs to a private street except on an emergency basis as this could mean accepting future liability.
- 2.3 The Council does have the opportunity in law to recharge the cost of making up a private street to the owners but this can be very time consuming and may be unpopular with residents who may not wish to see the improvements or cannot afford to pay. It is generally accepted that making up and adopting a private street will raise the value of properties in the street often by more than the actual costs of the roadworks. Bradford has the largest concentration of private streets in the Country totalling approximately 1500. It is estimated by the Director of Planning and Transportation that it would cost between £30-40 million to bring them up to modern day adoptable standards.

FUNDING

- 2.4 For the past five years (1994/5 – 1998/9) the Council has allocated an annual budget of around £106,000 for this work and the work programme has been concentrated on streets in former General Improvement Areas and targeted environmental improvement areas such as Bradford South (the pocket regeneration area of West Bowling, Little Horton and Marshfields). The Director of Transportation, Planning and Design, however, has been considering how to target the limited resources available upon completion of work in the improvement areas. A shift of focus to streets that give main access to schools, elderly persons homes, community centres and other community premises has been considered. In addition, alternatives to full adoption

could be considered in order to spread available finance over a larger number of streets. Likewise, allocation of funds to residents under some form of grant system so that they could decide the level of improvement to be carried out could also be considered.

RESPONSIBILITY

- 2.5 Responsibility for Unadopted Roads falls under the Director of Transportation, Design and Planning and is managed by the Transportation and Traffic Unit. At member level the Committees portfolio reversibilities for Traffic and Road safety, Highway maintenance and Countryside and Rights of Way are linked to this issue. However, Estate Roads, which is the responsibility of Health and Housing Committee, is also linked.
- 2.6 Recent correspondence between Councillor Andrew Smith and the Chief Executive (Appendix 1) concerning a residents problem with an unadopted back street in the Back Blenheim Road/Marlborough Road area suggests that the Environment Scrutiny Committee might wish to consider the issue in detail.

BEST VALUE REVIEW

- 2.7 It should be noted that a Year 1 Best Value review of Estate Roads is currently being conducted, and will report to Health and Housing Committee in February/March 2001.

INVESTIGATIONS

- 2.8 If the Committee wished to take up the issue of unadopted roads in the District then there are a number of models it can use:
- ❖ Member-led review – an investigation primarily by members of the Committee supported by the Best Value and scrutiny Co-ordinator
 - ❖ Commission of Inquiry – where the Committee set time (2/3 days) aside to hear evidence from within the service responsible and other stakeholders about the issue and how to resolve it. A report would be produced by the Best value & scrutiny Co-ordinator and presented to a formal meeting of the Committee.
 - ❖ Commission Research – the Committee would commission research either internally or externally on the issue, receive the result and decide on a course of action.

3 RESOURCE IMPLICATIONS

- 3.1 At the Executive Committee meeting on 31 October the Committee resolved to abandon funding for the unadopted roads programme for the remainder of 2000-01 (total of £247,000) however, the Committee did not resolve to remove the £100,000 allocated for 2001-02. The decision of the Executive was put to the Council meeting for confirmation on 14th November.
- 3.2 Correspondence between Mrs Ann Cryer MP and Glenda Jackson CBE MP, the then Parliamentary Under Secretary of State at the DETR in August 1998 concerning resources from Government (Appendix 2) indicated that no additional resources would be made available to help local authorities to meet the costs involved. The letter also adds that the Government feels it would be inequitable for authorities to adopt private streets at public expense.

4 EQUAL RIGHTS IMPLICATIONS

Implications for equal rights would be assessed during the course of any investigation the Committee may wish to carry out. These are also assessed in the course of Best Value reviews.

5 SUSTAINABILITY IMPLICATIONS

Implications for sustainability would be assessed during the course of any investigation the Committee may wish to carry out. These are also assessed in the course of Best Value reviews.

6 COMMUNITY SAFETY IMPLICATIONS

Implications for community safety would be assessed during the course of any investigation the Committee may wish to carry out. These are also assessed in the course of Best Value reviews.

7 HUMAN RIGHTS ACT

Implications for Human Rights would be assessed during the course of any investigation the Committee may wish to carry out. These are also assessed in the course of Best Value reviews.

8 NOT FOR PUBLICATION

8.1 None

9 RECOMMENDATIONS

The Environment Overview & Scrutiny Committee is asked to consider the current position of Unadopted Roads in the District as set out in this report and decide:

- 1. Whether it wishes to carry out an investigation into the issue, and if so what the scope of it should be and how and when it should be carried out**
- 2. How to respond to the correspondence passed to the Committee by the Chief Executive.**

10 APPENDICES

10.1 Appendix One – Correspondence between Councillor Andrew Pitts and the Chief Executive, Ian Stewart dated 2 June and 27 June 2000

10.2 Appendix Two – Letter from Glenda Jackson to Mrs Ann Cryer MP dated 25 August 1998

11 DOCUMENTS CONSULTED

11.1 Letters in Appendix One and Two above.