

**16<sup>th</sup> September 2014**

**Environment Committee**

**Tower Hill & Vaughan Williams Way**

*Report of:* Roy Ormsby – Head of Street Scene

*Wards Affected:* Brentwood West

*This report is:* Public

**1. Executive Summary**

- 1.1 There have been requests for the Council to provide improvements to land in Vaughan Williams Way, and to take on the maintenance of land in an alley way in Tower Hill.
- 1.2 Officers have inspected both sites, and whilst both would deliver an improvement to those in the immediate vicinity, this would become a liability in terms of ongoing maintenance cost.
- 1.3 It has been identified that the alley way in Tower Hill is private land, and the request is for the Council to become responsible for this land, and therefore take full responsibility for the on-going maintenance, and public liability through any insurance claims. Taking responsibility of the annual maintenance of the alley way in Tower Hill would incur additional revenue costs to the Council of £1,500 per annum, However, this does not include the Officer and legal work that would be required in order to adopt the land.
- 1.4 The capital cost of the work on Vaughan Williams Way would be £6,500, and would incur an annual revenue cost for the additional maintenance of £1,000.

**2. Recommendation(s)**

- 2.1 Invite Members to consider taking on the maintenance at Vaughan Williams Way and the alley way at Tower Hill, with both being the subject of budget bids for 2015/16 onwards.**
- 2.2 Agree that all future requests to adopt, or purchase, private land are referred to the Assets and Enterprise Committee for discussion**

### **3. Introduction and Background**

- 3.1 The Council occasionally receive requests to maintain private land around the Borough. One of the key issues with taking on this responsibility is the on-going cost, and the liability that this can bring in terms of claims from the public.
- 3.2 The land in Tower Hill has been identified as private land, and is currently not the responsibility of the Council to provide maintenance. By taking responsibility for the maintenance, the Council then becomes liable for any claims that may be brought by the public, and the adverse publicity that goes with these.
- 3.3 The request in Vaughan Williams Way is to provide a rail around Council land, and widen a private road that benefits approximately six private houses. Officers have inspected the site and it is evident that this will only benefit a small number of homes, and would not benefit the wider community within the area.
- 3.4 One of the considerations for Members is the wider implications of approving these requests, as this could set a precedent for others. It should be noted that the Borough has a large number of private roads, all with land that requires maintaining. Therefore, approving these requests could provide an opportunity for others to request the same service from the Council.
- 3.5 The total cost of these requests is £6,500 capital and £2,500 revenue (annual maintenance). Any cost of public claims, and future capital costs also need to be considered.

### **4. Issue, Options and Analysis of Options**

- 4.1 Consideration should be given to the precedent this sets, and the risk of future claims by adopting private land.

### **5. Reasons for Recommendation**

For Members to consider the request to undertake maintenance for Vaughan Williams Way and the adoption of land at Tower Hill.

## 5.1 Consultation

5.2 These are requests, therefore no consultation has taken place.

## 6. References to Corporate Plan

6.1 There is no reference in the Corporate Plan for the adoption and on-going maintenance and liability of private land.

## 7. Implications

### Financial Implications

**Name & Title:** Jo-Anne Ireland, Acting Chief Executive

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7.1 As outlined in the report, there are both capital and revenue considerations required for these proposals. Any approval in principle from Members will simply allow this to proceed to the budget bid stage, which will not form part of any final approval until March 2015.

### Legal Implications

**Name & Title:** Chris Potter, Monitoring Officer and Head of Support Services

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7.2 None except to note that the Council has no power to maintain privately owned land (in the absence of statutory default powers being exercised).

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

7.3 None

8. **Background Papers** (include their location and identify whether any are exempt or protected by copyright)

8.1 None

## 9. Appendices to this report

None

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