
REQUEST FOR ROAD WORKS TO BE INCLUDED IN THE COUNCIL'S CAPITAL FINANCIAL PLANS FOR 2015-16 and 2016-17

Report by Service Director Regulatory Services

EXECUTIVE COMMITTEE

19 January 2016

1 PURPOSE AND SUMMARY

- 1.1 This report seeks approval for the inclusion of the works associated with the completion of the roads within the housing development at Hislop Gardens, Hawick in the Council's Capital Financial Plans for 2015-16 and 2016-17.**
- 1.2 The Council have a duty under the Roads (Scotland) Act 1984 and associated regulations to complete the road works to an adoptable standard in a development where construction consent has been issued and the conditions have not been adhered to or the developer ceases trading.
- 1.3 In this instance, the Council hold security to a value of £25,000, in the form of a road bond, which was lodged as a requirement of the construction consent issued for the development at Guthrie Drive, Hawick, known as Hislop Gardens. Due to the company responsible for the development having been dissolved, the Council now have to progress the works required to complete the roads to an adoptable standard.
- 1.4 All steps will be taken to minimise the required expenditure and funding will be met by security currently lodged with the Council as part of the original approvals for this development.
- 1.5 The cost split per financial year will be £5,000 in 2015-16 and £20,000 in 2016-17.

2 RECOMMENDATIONS

- 2.1 I recommend that the Executive Committee agrees to the inclusion of the road works in the Council's Capital Financial Plans for 2015-16 and 2016-17 with a total budget of £25,000.00, funded using security currently held by the Council under the relevant regulations.**

3 BACKGROUND

- 3.1 It is a legal requirement via the Roads (Scotland) Act 1984 and the Security for Private Road Works (Scotland) Regulations 1985 and subsequent 1998 amendment, that the relevant security is lodged with the Council prior to any house building associated with a construction consent commencing on site.
- 3.2 Where a developer has not completed road works in accordance with construction consent within the specified time limit, or the developer ceasing trading, Regulation 13 of the Security for Private Road Works (Scotland) Regulations 1985 and subsequent 1998 amendment, clearly states that it is the duty of the local Roads Authority to complete the works in accordance with the construction consent.
- 3.3 Construction Consent reference CC/20/04 for the development at Guthrie Drive, Hawick was issued on 11 February 2005 to Galabrae Homes Limited. Since then, the roads within the development have been completed although there are still outstanding street lighting works required prior to adoption being carried out.
- 3.4 Through the requirements of the Roads (Scotland) Act 1984 and the Security of Private Road Works (Scotland) Regulations 1985 and subsequent 1998 amendment, security for the development to the value of £50,000 (fifty thousand pounds) was lodged on 4 April 2006 in the form of a road bond from the Royal Bank of Scotland.
- 3.5 Further to the substantial completion of the roads within the development, the value of this bond was subsequently reduced to £25,000 (twenty five thousand pounds) in January 2012.
- 3.6 Following complaints regarding street lighting within the development not being operational, the Council became aware that Galabrae Homes Limited had been dissolved as of 20 October 2015.
- 3.7 It is now the Council's intention to utilise the security to complete the roadworks associated with the road construction consent to an adoptable standard. Given the nature of these works, it is the intention to award the works to SBcContracts rather than go to tender.

4 IMPLICATIONS

4.1 Financial

- (a) A pre-tender estimate is currently being drawn up and the value of the works should not exceed the £25,000 security currently held.
- (b) Should the final costs require additional funding, this will be met from the Council's Roads (including RAMP and winter damage) Budget 2016-17.
- (c) The revenue consequences of maintaining this additional section of public road would be met by the Place department.

4.2 **Risk and Mitigations**

There are no direct risks to the Council as a result of this request.

4.3 **Equalities**

Following the completion of an Equality Scoping, it was determined that no Equality Impact Assessment was required.

4.4 **Acting Sustainably**

There will be no economic, social or environmental effects of carrying out this proposal.

4.5 **Carbon Management**

There are no effects on carbon emissions as a result of this proposal.

4.6 **Rural Proofing**

There are no rural proofing implications arising from this proposal.

4.7 **Changes to Scheme of Administration or Scheme of Delegation**

There will be no changes to the Scheme of Administration or the Scheme of Delegation as a result of this proposal.

5 **CONSULTATION**

5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and their comments incorporated into this report.

5.2 The Service Director Neighbourhood Services, Service Director Commercial Services and the Council's Asset Manager have been consulted and their comments incorporated into this report.

Approved by

Service Director Regulatory Services

Signature

Author

Name	Designation and Contact Number
Alan Scott	Senior Roads Planning Officer – 01835 826640

Background Papers:

Previous Minute Reference:

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