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## NORTH AYRSHIRE COUNCIL

14 September 2021

### Audit and Scrutiny Committee

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<b>Title:</b>	<b>Petition relating to the lane between Winton Street and Hill Place, Ardrossan</b>
<b>Purpose:</b>	To advise the Committee of the terms of a petition requesting the Council to take action in resurfacing and lighting the lane which runs between Winton Street and Hill Street, Ardrossan.
<b>Recommendation:</b>	That the Committee considers the terms of the petition and agrees, or otherwise, to make a recommendation to Cabinet.

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#### 1. Executive Summary

1.1 In terms of the Scheme of Administration, the Audit and Scrutiny Committee has a remit:

“To receive all petitions and deputations submitted to the Council except those relating to the Council’s planning functions, which shall be considered by the Planning Committee. The arrangements for receiving petitions are as set out in Appendix B to the Standing Orders relating to Meetings and Proceedings of the Council and Committees”.

1.2 This report sets out the background to a petition supported by 308 signatories, which urges the Council to take action in resurfacing and lighting the lane which runs between Winton Street and Hill Street, Ardrossan.

#### 2. Background

2.1 The petition is detailed below: -

“That the council adopt the lane which runs between Winton Street and Hill Place in Ardrossan to allow the undertaking of resurfacing and lighting installation works to take place, given that at present and for the previous few decades the surface has been and continues to be in such a state of disrepair and has inadequate lighting that it is a hazard to residents and all others that use it, in particular the local school children and their families”.

2.2 The Head of Service (Commercial) has provided a briefing note on the background to this matter, which is set out as an appendix to the report.

- 2.3 In terms of the procedure for petitions and deputations set out in Standing Orders, representatives of the petitioners have been invited to attend the virtual meeting to address the Committee. Spokespersons should be restricted to addressing the specific points raised in their petition.
- 2.4 The spokespersons have, collectively, 10 minutes to address the Committee. This may be extended at the discretion of the Chair.
- 2.5 Once the Committee has heard from the spokespersons for the petitioners, the Chair will invite Members of the Committee to ask questions of the spokespersons.
- 2.6 While it is for the Chair to decide the stage at which officers should speak to their briefing, previous Committee practice has been for the Cabinet Member or Officer to speak to this after the Committee has heard from the petitioners. The Cabinet Member or Officer will then respond to any questions that Members of the Committee may have.

### **3. Proposals**

- 3.1 It is proposed that the Committee considers the terms of the petition and agrees, or otherwise, to make a recommendation to Cabinet.

### **4. Implications/Socio-economic Duty**

#### **Financial**

- 4.1 None arising from this report.

#### **Human Resources**

- 4.2 None arising from this report.

#### **Legal**

- 4.3 None arising from this report.

#### **Equality/Socio-economic**

- 4.4 None arising from this report.

#### **Environmental and Sustainability**

- 4.5 None arising from this report.

#### **Key Priorities**

- 4.6 None arising from this report.

#### **Community Wealth Building**

- 4.7 None arising from this report.

## **5. Consultation**

- 5.1 The Head of Service (Commercial) was made aware of the terms of the petition and provide a briefing note which is attached as an appendix.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on telephone number 01294 324136.

## **Background Papers**

## **Briefing note from Head of Commercial Services**

### **1. Background**

- 1.1 The adopted road network within North Ayrshire has a total length of 1,043km. The Council has an approved asset management approach to road maintenance to allocate available road maintenance funds to locations that will offer the most beneficial return on the investment.
- 1.2 Road Condition is measured nationally through the Scottish Road Maintenance Condition Survey (SRMCS). The measure in place, the Road Condition Index (RCI), records the percentage of the Council's roads which should be considered for maintenance. North Ayrshire's current RCI is 37.1 and the estimated carriageway maintenance backlog figure for North Ayrshire is currently £34.8 million. This is a position common across most local authorities in Scotland. The 'steady state' figure for maintaining our roads at present condition is £4.3 million per year. The allocated capital budget supported by revenue funding is £4.3 million for 2021/22 which should maintain our roads at a steady state.
- 1.3 A petition to resurface and light the private lane connecting Winton Street and Hill Place was submitted to the Council on 14 February 2021.
- 1.4 The lane in question is a private road and does not form part of the adopted public road network and is consequently not maintained by the Council as roads authority. Photographs showing the general condition of the lane are attached below.

### **2. Current Position**

- 2.1 Legal Services undertook a title search to establish ownership of the lane between Winton Street and Hill Place and have advised that the lane was part of the Eglinton Estate which was transferred to Fairhold Limited in 1997.
- 2.2 The Roads Service have undertaken an assessment of the condition of the lane and have estimated that the cost of bringing the lane up to a standard suitable for adopting as a public road would cost £28,200 plus VAT. The street lighting element of these works is £6,200.
- 2.3 The Roads Service wrote to Fairhold on 18 May 2021 advising of the petition and the works required to bring the road up to an adoptable standard. Fairhold were advised that the Council would accept an application for the lane to be adopted if the works were undertaken by them. An initial enquiry was received from Fairhold in response to our letter on 25 May 2021 seeking to clarify the location and this was responded to. Following issue of further reminders by Council officers, Fairhold responded to the Council on 3 August 2021 requesting a copy of the Title that shows Fairhold Limited's interest in the land and photographs of the location. The Roads Service replied to this request enclosing a copy of title information retrieved by Legal Services and photographs of the area on 16 August 2021 and await a further response.

### **3. Proposals**

- 3.1 The private road network across North Ayrshire is considerable, and the Council's Roads Service receives regular requests to undertake repairs and/or maintenance to these private assets.

The consistent position which is followed is that an asset will only be considered for adoption if it is brought up to an adoptable standard. The Service does not have budget available to repair or upgrade private assets not within Council ownership, and to do so would compromise resources available for maintenance of the public road network as well as set a precedent for maintenance of other private roads not within the Council's ownership.

It is therefore recommended that the Audit & Scrutiny Committee:

- Notes the efforts undertaken by the Roads Service on behalf of the private residents to date in urging the landowner to meet their responsibilities in respect of the private road
- Instructs the Roads Service to continue to pursue Fairhold on behalf of local residents to undertake improvements and offer up the lane for future adoption as part of the public road network

**David Hammond**

**Head of Commercial Services**

**Photographs of lane between Hill Place and Winton Street:**





