

Huntly Gardens

Road and Pavement Adoption and Repair

The following attempts to set out the facts of the position as the Residents Association understands them and to answer some of the questions raised at the residents meeting of February 5th. For those of you at the meeting Councillor Mason did arrive just as we were leaving. He sends his apologies and was delayed at an earlier meeting in Jordanhill.

- (i) Adoption involves full repairs to road and pavement at the residents' expense, the road becomes a full public road, speed bumps (sleeping policemen) cannot be installed (this could change in future) and we lose any control over parking and traffic flow. Strathclyde will supervise the contractor and enforce payment by all residents. If there is a time consuming wrangle over adoption we may lose the Historic Buildings Council Grant (see below). There would be no future maintenance charges.
- (ii) Non adoption means we can choose what level of repairs we want, have to enforce payment and retain an engineer to supervise the works ourselves, retain control over traffic flow and parking (although to enforce this we would have to apply for a closure order to give full private status, so far as we know this would be successful) and install sleeping policemen (given planning permission) if we wish. There would be future maintenance charges, although once both road and pavement are repaired there should be no need for any major expenditure for many years. Adoption at any future date would remain an option.
- (iii) The burdens section of the title deeds is clear that maintenance is a communal responsibility and it is up to the residents to vote for whatever level of maintenance is needed and then appoint a committee or individual (whom they can pay) to implement the decision.
- (iv) Voting for the above purposes is on a one per house basis (i.e. if you own two floors or half a house you will normally get half a vote). However, the recent residents meeting agreed to submit the result to Strathclyde for their view if a majority of proprietors voted for adoption even if a majority of the houses had not.
- (v) Even if a majority of houses and proprietors do vote for adoption it will not necessarily proceed. Strathclyde are reluctant to adopt unless there is a very clear majority in favour and the burdens section of the deeds states that the road 'shall be a private road for the use of the proprietors for all time coming', so even one objector may be able to frustrate adoption.
- (vi) Legal action against non payers would, at least initially, be a low cost affair. A claim can be made in a small claims court and there is no need to use a solicitor. Ultimately steps can be taken to 'irritate the feu' i.e. owners would lose ownership of their properties.
- (vii) The Historic Buildings Council has kindly come up with an offer of £2,200 towards pavement repairs, so the lengthy delay in bringing the road issue to a head has achieved something. Their offer lapses by 24th April and work must start before 24th July.

(viii) A straw poll at the February 5th meeting showed 10 for remaining private and 6 for adoption. The vote on the level of repairs showed 11 wanting pavement and road, 4 pavement only, nil road only and 1 do nothing.

(ix) Costs so far as they are known are given below. If repairs are undertaken privately it is proposed to collect 25% more than the amount quoted to cover non payers and the costs of a supervising engineer. This will be refunded as non payers pay up.

(a)	If Adopted		£
	Cost of Pavement		8,311*
	Cost of Road		8,311+
	Grant		(2,200)*
			<u>14,422</u>
	Cost per house		£721
(b)	If not Adopted		£
(i)	Pavement only	Pavement	8,311*
		25% extra	2,078*
		Grant	(2,200)*
	Initial Sum collected		<u>£8,189</u>
	Cost per House		£409
	Refund on full collection		<u>(1,778)+</u>
	Final Total Cost		<u>6,411</u>
	Final Cost per House		£321 ===
(ii)	Road only	Cost	8,311+
		25% extra	<u>2,078+</u>
	Initial Sum collected		<u>£10,389</u>
	Cost per House		£519
	Refund on full collection		<u>(1,778)+</u>
	Final Total Cost		<u>8,611</u>
	Final Cost per House		£431 ===
(iii)	Pavement & Road	Initial cost per house	£928
		Final cost per house	£752

i.e. The cost of full repair under private status is greater than under adoption by £600 or £30 per house, the estimated cost of supervision.

* Good estimates + Poor estimates which may alter materially.