

CABINET

19 May 2004

REPORT ON PRIVATE DRAINAGE PROBLEM IN CROFTON WAY SWANMORE

REPORT OF DIRECTOR OF HEALTH AND HOUSING

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RECENT REFERENCES:

Departmental files

EXECUTIVE SUMMARY:

This report details the actions taken to date to resolve the private drainage issues in Crofton Way, Swanmore and the cost implications for Winchester City Council.

RECOMMENDATIONS:

- 1 That Cabinet notes the content of this report.
- 2 That a supplementary estimate of £60,000 be included in the Capital Programme, subject to the Principal Scrutiny Committee's procedure for "call-in".
- 3 That information on private drainage issues and the possible legal implications on being on such as system should be highlighted through all available sources.

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DETAIL:

1 Introduction

- 1.1 The houses in Crofton Way, Swanmore were built in the 1970s and are served by a private sewer. Following repeated blockages of the sewer over the years, Environmental Protection carried out an investigation to ascertain the cause of the problem. Several camera surveys were undertaken and these have indicated there are a number of defects along the length of the pipe arising from differential settlement of the pipes and accidental damage. The defects include a collapse, pipe cracking and some sections are bowed. The sewer serves 15 properties.
- 1.2 In order to remedy the situation and eliminate the potential for further blockages and overflows, a Notice under the Building Act 1985 was served on all the 15 properties connected and deriving benefit from the sewer, giving them 28 days to repair or replace it. As with most environmental legislation there is a right of appeal within 21 days, but none was made. At the end of the 28-day period, no repair or replacement had been undertaken, therefore the Notice had not been complied with.
- 1.3 As a result the Local Authority has the power to carry out the works in default and recharge the costs and/or prosecute the property owners for non-compliance. As the latter option would appear to be heavy handed, works were planned in default.
- 1.4 The contractors started work in early January 2004 but soon ran into problems. Their excavation was not adequately shuttered and as a result the sub soil being made up ground started to collapse. Officers visited the site, all work was stopped and a civil engineer employed to give expert advice. Emergency work was undertaken and the hole temporarily filled. The City Secretary & Solicitors department is currently seeking to recover the Council's costs from that contractor.

2. The Current Situation

- 2.1 The Council's civil engineer has drawn up a specification to repair the sewer, which has now gone out to tender. Two companies made bids and the lowest bidder was accepted. The total cost for the project will be in the region of £60,000, which was higher than expected. This figure includes the cost of the consultant structural engineer who has advised officers. Much will depend on the nature of the sub soil and the difficulty of the work when the sewer is exposed.
- 2.2 Local residents had been kept informed of developments but were beginning to become concerned about the length of time it was taking to resolve the issue, the disruption to their gardens, the potential cost and whether monies would be recoverable from their insurance companies.

- 2.3 Accordingly a public meeting was arranged and held on 20 April 2004 in the Paterson Centre, Swanmore. Environmental Health Officers, a representative from the City Secretary & Solicitor, the two Local Members and the Council's civil engineer were on hand to answer any questions. The residents were advised of the nature and cost of the remedial project and on how the cost would be apportioned between them according to benefit. In addition there were a number of questions regarding recovery of costs from individual properties and how long they would have to pay. Residents were told that the Council would recover the costs but would be prepared to negotiate timescale and method of repayment with property owners depending on their individual financial circumstances. Under the Building Act 1985, the debt becomes a charge on the property, once a demand has been sent out for payment. There is also provision in the Act for the Council to seek payment by instalments and to charge reasonable interest.
- 2.4 The cost of these works plus the Council's expenses will be recovered from the households using the sewer and will be re-charged on a pro rata basis depending on their location on the sewer system. The residents were given the option of doing the works themselves but after discussions between them, unanimously voted for Winchester City Council to proceed.
- 2.5 Officers undertook to prepare an information pack for all the residents affected containing details of the proposed works, application forms for grant aid if applicable and a summary of the issues involved, which could be submitted to insurance companies. This pack was sent out on 29 April.
- 2.6 The work will probably commence at the end of May, however this is still to be confirmed. Council Engineers will be on hand to oversee the project.
3. OTHER CONSIDERATIONS:
- 3.1 None
4. CORPORATE STRATEGY (RELEVANCE TO):
- 4.1 The works detailed in this report form part of the Council's statutory obligations relating to the environment and health.
5. RESOURCE IMPLICATIONS:
- 5.1 No provision has been made in the capital programme to fund these essential works. A supplementary estimate of £60,000 will therefore be required. This will be recharged in full, together with the Council's costs, to the homeowners on completion of the works as described in paragraph 2.4 of this report. Individual repayment terms will be agreed by the Director of Finance in cases of proven difficulty. These terms will include an interest charge of 2% above Base Rate, primarily to reflect the loss of interest on the Council's monies.

BACKGROUND DOCUMENTS:

None

APPENDICES:

1. Map showing Crofton Way drainage system
2. Crofton Way Capital Project Appraisal Form

Project Title : Essential sewer repairs at Crofton Way, Swanmore	Project Code :
Approval in Principal : Cabinet report scheduled for 19/5/04	Priority Code
File Ref :	Date 30/04/04

<u>A</u>	General Information	
1.	Project Description	Essential sewer repairs at Crofton Way, Swanmore (rechargeable to owners)
2.	Link with Corporate Strategy	Essential works to comply with statutory provisions of Building Act 1985
3.	Link with Business/Service Plan	Investigations into the state of repair of private sewers in Swanmore was an operational task included in the 2003/04 Health and Housing Business Plan
4.	Feasibility Study Ref.	N/A
5.	Design Completion Date	Unknown
6.	Works Commencement Date	May 2004
7.	Target Completion Date	
8.	Responsible officers	Robert Heathcock
9.	Estimated Life of Asset	Nil (not in ownership of WCC)
10.	Other Agencies Involved	None
11.	Planning Permission	No

Financial Information				
12.	<u>CAPITAL COSTS</u>	Original Estimate	2004/05	Full Project
	Costs of Works	£.	£. 60,000	£. 60,000
	Total Capital Cost £		60,000	60,000
13.	<u>CAPITAL FUNDING</u>	Original Estimate	2004/05	Full Project
	None – Supplementary estimate required	£.	£.	£.
	Total Capital Funding £	0	0	0

14.	<u>CASH FLOW PROFILE</u>	Q1	Q2	Q3	Q4
	2004/05	£0	£60,000	£0	£
15.	<u>REVENUE COSTS</u>	Current Year	2004/05	2005/06	2006/07
	None (other than administration for income recovery)	£. 0	£. 0	£. 0	£. 0
	Total Revenue Costs £	0	0	0	0
16.	<u>COMMENTS</u>				
	<u>INCOME RECOVERY</u>	Full recharges will be made once the works are complete.			
	<u>PRUDENTIAL CODE</u>	As the full amount, including interest for deferred payments, will be recovered from the individuals, there is no net effect on the Council Tax.			