

**Subject:** Wall at Hightown, Whitewell  
Bottom

**Status:** For Publication

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**Report to:** Cabinet

**Date:** 4<sup>th</sup> July 2007

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**Report of:** Head of Planning, Legal and Democratic Services

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**Portfolio**

**Holder:** Cabinet Member for Well Managed Council

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**Key Decision:**

NO

Forward Plan

General Exception

Special Urgency

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**1. PURPOSE OF REPORT**

1.1 To formally conclude the Borough Council's role in relation to the repair of a wall at Hightown, Whitewell Bottom.

**2. CORPORATE PRIORITIES**

2.1 This report relates to a historic issue and is not directly linked to corporate priorities.

**3. RISK ASSESSMENT IMPLICATIONS**

3.1 There is a risk of adverse publicity due to the historic nature of the problem. Confirming the Borough Council's role will mitigate this risk.

**4. BACKGROUND**

4.1 There is a long history to this matter, starting on 21<sup>st</sup> February 2000 when the wall collapsed. At that time the Council spent £13,500 in dealing with the immediate danger in the interest of public safety.

4.2 A report was presented to the Corporate Policy Committee in 2001 on the lack of consensus from residents in relation to this matter. The Committee decided it could only proceed with the support of, and in partnership with, local residents.

4.3 29<sup>th</sup> August 2001 (approved by Full Council on 12<sup>th</sup> September 2001) – the Corporate Policy Committee resolved that subject to the residents providing 50% of the funding, the Council agreed to proceed with the repairs to the wall

and to make a 50% contribution to the costs. The costs and proposed works related only to the affected mid section of the wall.

This decision essentially meant that the Council would proceed with the least expensive option for dealing with the wall (which was estimated at that time to cost approximately £16,000) subject to the residents providing 50% of the funding. It was clear from previous consultations with local residents that not all residents were willing to make a contribution, and this therefore meant that those who were willing to contribute had to be able to find approximately £8,000 between them.

4.4 Local engagement commenced with residents in order to secure a 50% contribution but unfortunately agreement could not be reached and the situation remains unresolved.

4.5 The Borough Council is under no obligation to repair the wall and given the matter has been outstanding since 2000 it is recommended that the council formally withdraw its offer of contribution towards the repair.

**5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES**

5.1 The current provision of £8,000 in the capital programme will be reallocated.

**6. COMMENTS OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

6.1 The Council does not own the wall and it is considered that the Council is under no liability to repair it.

**7. COMMENTS OF THE HEAD OF HUMAN RESOURCES**

7.1 There are no human resource issues arising from this report.

**8. CONCLUSION**

8.1 Given the longstanding nature of this issue, it is appropriate for the Borough Council to bring the matter to a resolution.

**9. RECOMMENDATION(S)**

9.1 It is recommended that the Borough Council formally withdraw its offer of 50% contribution towards the repair of the wall and remove the funding from the capital programme.

**10. CONSULTATION CARRIED OUT**

10.1 Previous consultation with residents.

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