

CABINET

Street Services Agreement with Lancashire County Council June 2nd 2009

Report of Corporate Director (Regeneration)

PURPOSE OF REPORT

The current Residual Highways Agreement between Lancaster City Council and Lancashire County Council terminates at the end of June 2009.

This report proposes the adoption of a revised agreement now called the Street Services Agreement which has been offered in its place by the County Council. This will continue to allow the City Council to maintain its assets on the highway and permit other activities within the highway which are of benefit to the City Council.

Key Decision

X

Non-Key Decision

Referral from Cabinet Member

Date Included in Forward Plan 11.5.2009

The report is public.

RECOMMENDATIONS

- (1) That Lancaster City Council enters into a legal agreement with Lancashire County Council named the Street Services Agreement until March 2014 with an option for a review after two years and options for further extension.

1.0 Introduction

- 1.1 The Residual Highways Agreement drawn up with Lancashire County Council in 2006 allowed the City Council to carry out many operations on the highway which remained its responsibility after the removal of the Highways Partnership with Lancashire County Council. This agreement ends on the 31st June 2009 and the proposed replacement is titled the Street Services Agreement

2.0 Proposal Details

- 2.1 Following discussions with the County Council involving officers from the Engineering Team, Planning Services and officers of City Council (Direct) Services the new agreement has been drawn up. This agreement has no significant changes from the previous agreement.

The agreement is split into two parts, the Relevant Tasks and the Permitted Tasks.

Relevant Tasks

Grass cutting in highway verges and roundabouts, in the Relevant Area, to a minimum standard set out in the County Council's Code of Practice, and the areas shall be agreed between the parties in writing.

Weed control in the highway, in the Relevant Area, to a minimum standard set out in the County Council's Code of Practice and the areas shall be agreed between the parties in writing.

Management and maintenance of highway trees, in the Relevant Area, to a minimum standard set out in the County Council's Code of Practice and the areas shall be agreed between the parties in writing.

Removal and disposal of leaves in the highway, in the administrative area of the City Council, to a minimum standard set out in the County Council's Code of Practice and the areas shall be agreed between the parties in writing.

For these tasks the County Council will pay the City Council an annual fee payable at the beginning of the year. The figure for 2008/9 was £113,100.

Permitted Tasks

Authority to manage, administer and enforce Residents' Parking Schemes within the administrative area of the City Council.

Authority to manage and administer on-street pay and display parking schemes within the administrative area of the City Council

Authority for the City Council to undertake work in the highway within the administrative area of the City Council. This work to include highway, traffic, cycling, (including work associated with Lancaster's Cycling Demonstration Town Status) and pedestrianisation schemes and is subject to the need to obtain the County Council's prior approval of both technical and maintenance details and to the requirements of the Traffic Management Act 2004. Whilst the County Council does not wish to level charges automatically against the City Council for giving its technical and maintenance approval, it reserves the right to recover its reasonable costs depending upon the complexity of the scheme. In doing so the County Council shall use its reasonable endeavours to agree the level of such charges with the City Council.

Authority for the City Council to work in the highway on its own equipment and apparatus within the administrative area of the City Council and is subject to the requirements of the Traffic Management Act 2004 and any subsequent local agreement on notices, permits etc.

Authority to place in the highway floral and other decorations, within the administrative area of the City Council, subject to compliance with the County Council's Code of Practice.

Authority for the City Council to maintain and manage two sections of designated highway on Morecambe Promenade. The areas shall be agreed between the parties in writing

Authority to issue permits for the control of vehicular access to local pedestrianised areas.

The agreement will be for a period of 45 months to tie in to a financial year ends with a review after 21 months and options for further extensions. There are clauses within the agreement which enable both parties to terminate the agreement with 12 months notice.

Summary

- The agreement gives Lancaster City Council financial support to its grounds maintenance team whilst maintaining local control of this function on the highway.
- The agreement gives a mechanism for the City Council to undertake a wide variety of functions within the highway which would otherwise involve very time consuming administrative procedures which would be expensive to organise on an individual basis.

3.0 Details of Consultation

3.1 Not applicable

4.0 Options and Options Analysis (including risk assessment)

4.1

Option	Advantages	Disadvantages
Option 1 Enter into the Street Services Agreement	Financial support and local control of the maintenance of highway verges and associated work. Streamline mechanism for carrying out work within the highway.	Can be held to account for performance by the County Council
Option2 Do not enter into the Street Services Agreement	Do not have any responsibility for maintenance of highways	No local control of verge maintenance. No mechanism for carrying out maintenance work within the highway. Every entry onto the highway would require formal permissions City Council highway improvement schemes would involve much lengthier processes

5.0 Officer Preferred Option (and comments)

Option 1 Enter into the Street Services agreement with Lancashire County Council

6.0 Conclusion

Whilst we no longer have a Highways Agency it is important for Lancaster City Council to maintain the ability to carry out work in the highway to the benefit of the local population. This agreement will provide the means for the continuation of this work.

RELATIONSHIP TO POLICY FRAMEWORK

Policy nos.

5. Cleaner streets and public open spaces
12. Improve economic prosperity throughout the Lancaster district.
18. An improved quality of life for those who live, work in and visit the Lancaster District

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Not applicable

FINANCIAL IMPLICATIONS

As part of the agreement the City Council receives a contribution from the County Council in respect of the maintenance of highway trees and verges and associated works. The agreement stipulates that the annual fee shall be determined by the County Council and the amount included within the 2009/2010 revenue budget is £115,400 in line with previous year contributions. Should the annual budget figure not be realised it would leave the City Council with a shortfall in income and should that position arise an immediate review of the services provided would be required in line with the requirements of the agreement.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

Legal Services have been consulted upon these arrangements and have no observations to make on these proposals.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

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