

Subject: Renewal of Residual Highways Agreement/Street Services Agreement

Status: For Publication

Report to: The Cabinet

Date: 17th June 2009

Report of: Chief Executive.

Portfolio

Holder: Portfolio Holder for Environment

Key Decision: Yes

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

- 1.1 In 2006, following the termination of the Lancashire Highways Partnership (LHP) Lancashire County Council entered into a "Residual Highways Agreement" for a 3 year period with Districts in Lancashire including Rossendale Borough Council.
- 1.2 The Residual Highways Agreement is now due for renewal on 1st July 2009.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.
- Delivering Quality Services to Customers (Customers, Improvement):
 - Delivering Regeneration across the Borough (Economy, Housing)
 - Promoting Rossendale as a cracking place to live and visit (Economy)
 - Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- If agreement is not approved Rossendale Borough Council will have no legal authority to work on the highway to the requirements of the Traffic Management Act 2004.

4. BACKGROUND AND OPTIONS

4.1 Option 1: Approve the draft Street Services Agreement 2009.

4.1.1 The agreement will allow Rossendale Council to carry out the following functions on the highway:

4.1.1.1 Removal and disposal of leaves in the highway within Rossendale Borough.

4.1.1.2 Authority to work in the highway on Rossendale Borough Council's equipment and apparatus subject to the requirements of the Traffic Management Act 2004.

4.1.1.3 Authority to place in the highway floral and other decorations subject to compliance with the County Council's Codes of Practice.

4.1.1.4 Authority to utilise Highway Authority powers contained within the 1984 Special Events Act in respect of special events within the administrative area of the Borough.

4.1.2 Rossendale Council's authority to manage, administer and enforce Residents Parking Schemes within the borough has been removed from the agreement due to the fact that LCC can only give authority to implement amenity schemes at a cost to Rossendale Council and currently Rossendale Council does not have the resources to implement such schemes. Traffic Management schemes can still be implemented by Lancashire County Council. A review of these schemes is currently being undertaken through Lancashire Locals.

4.1.3 The current agreement provided funding for Rossendale Borough Council to transmit any highways and traffic enquiries and complaints to the County Council. Lancashire County Council has now removed this clause from all district agreements and have made it clear that funding is no longer available. The possibility of further funding would have to be taken forward at a more corporate level. Members should be aware that officers have spent a considerable period of time on such queries and that the decision to remove funding is of concern

4.1.4 At a meeting on 22nd January 2009 held with LCC Area Manager, Assistant Area Manager, Portfolio Holder, Director of Business, Highway Maintenance Manger and LCC Consultant, Rossendale Council suggested a list of areas which should be covered in the agreement:

4.1.4.1 Additional delegation of highway authority powers in particular to assist Rossendale in regeneration with particular reference to the tourism potential of the area linked to Pride in Rossendale.

4.1.4.2 Additional funding for amenity grass cutting of highway verges

4.1.4.3 Input of funding from sponsorship into local needs including verge and shrub maintenance.

4.1.4.4 Countryside Services to assist tourism initiatives.

4.1.4.5 More formal agreement with regard to winter maintenance.

4.1.4.6 The agreement should reflect the time spent by Rossendale BC on dealing with LCC enquires, currently LCC are happy to jointly review website and publications content etc.... to make responsibilities clearer. However with the implementation of Ni14 it is extremely likely that customers will always seek, in the first instance, to contact the borough leaving customers exposed to unnecessary contact if asked to telephone LCC direct.

4.2 Option 2. Re-negotiate terms with Lancashire County Council.

4.2.1 Some district councils have previously received funding from LCC to contribute towards weed control, grass cutting in highway verges/roundabouts and management and maintenance of highway trees. In some cases, districts will continue to receive this funding within their new agreements. However, as Rossendale Council's original agreement did not contain these elements, LCC are reluctant to provide any funding for these aspects. The following table is a summary of the benefits other authorities receive.

	Grass Cutting	Weed Clearance	Leaf Cleaning	Tree maintenance	Communications
Preston	y	y	y	y	N
Hyndburn	y	y	y	y	N
Rossendale BC	y	N	Y	N	N
Pendle	Y	?	?	?	Y

4.2.2 No details are available with regards to the amount of funding provided and to what standard, it must also be noted that although Rossendale BC do not receive any income direct from Tree Maintenance, Rossendale BC only direct requests for tree maintenance to LCC direct

4.2.3 Additional suggested areas of work listed in 4.1.4 above have not been included in the draft agreement.

4.2.4 Any further negotiations would have to be agreed before the current agreement ends July 2009. Rossendale Council is legally covered up and until that date under the current agreement to carry out the works listed in 4.1.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

5.1 There would seem to be an undue cost burden on the Council in current and LCC future proposals, though this is not quantified.

6. MONITORING OFFICER

6.1 If there is no agreement in place the council will have no legal authority to carry out any of the works listed in 4.1

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 No Human Resources implications arising from this report. An Equality Impact Assessment is not required

8. CONCLUSION

- 8.1. Approval of the agreement will ensure Rossendale Borough Council has legal authority to work on the highway to the requirements of the Traffic Management Act 2004 for a four year period, with a review of the agreement not later than two years from commencement.
- 8.2. Non approval of the agreement will mean that Rossendale Borough Council will have no legal authority to work on the highway to the requirements of the Traffic Management Act 2004. This could affect services such as street Cleansing, However these functions may have to be undertaken by LCC on Rossendale's behalf
- 8.3. That the matter is discussed at the next Lancashire Local.

9. RECOMMENDATION(S)

- 9.1 That the Portfolio Holder for the Environment hold an urgent meeting with the Director of Highways at Lancashire County Council to discuss the agreement, and authority to be delegated to the Chief Executive in consultation with the Portfolio Holder for the Environment to sign off the agreement.

10. CONSULTATION CARRIED OUT

- 10.1 Meetings held with Lancashire County Council, Rossendale Council's Executive Director for Business, Operations Manager and Portfolio Holder of Regeneration.

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required	No
Is an Equality Impact Assessment attached	No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required	No
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Background Papers	
Document	Place of Inspection
Draft Street Services Agreement	Operation Team