

Report to the Cabinet

Meeting to be held on Thursday, 12 October 2017

Report of the Head of Service for Asset Management

Part I

Electoral Divisions affected:
Cleveleys South & Carleton;
Fleetwood West & Cleveleys
West; Fylde West; Poulton le
Fylde; St Annes North; and St
Annes South

Highway Cross Boundary Agreement between Lancashire County Council and Blackpool Council

(Appendix 'A' refers)

Contact for further information:

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Executive Summary

In February 1998 the County Surveyor for Lancashire County Council entered into an informal agreement with the Director of Technical Services for Blackpool Council covering routine and special maintenance of highways that cross the boundary between the two authorities.

Discussions have recently taken place between Officers to revisit the informal agreement with a view to establishing further efficiencies. The draft agreement attached at Appendix 'A' is drafted under Section 8 of the Highways Act (1980) and would replace any earlier agreements.

Recommendation

The Cabinet is recommended to:

- (i) Approve that a S8 of the Highways Act (1980) agreement be entered into with Blackpool Council in terms substantially similar to the draft agreement attached at Appendix 'A'.
- (ii) Approve that the Head of Service for Asset Management be authorised to finalise the terms and enter into the agreement.

Background and Advice

In February 1998 the County Surveyor for Lancashire County Council entered into an informal agreement with the Director of Technical Services for Blackpool Council covering routine and special maintenance of highways that cross the boundary between the two authorities. The rationale for this was to optimise inspection and maintenance routes to reduce the need for each Authority to inspect and maintain short stretches of highway which happen to sit within their administrative area when the substantive lengths are inspected and maintained by the other Authority. There is also an agreement at present for Lancashire County Council to be the owner of the highway pumping station that is within Blackpool Council's area but serves the highway drainage for sections of Progress Way in both Lancashire and Blackpool.

Discussions have recently taken place between Officers to revisit the informal agreement with a view to establishing further efficiencies; including the transfer of the pumping station to Blackpool Council.

Section 8 of the Highways Act (1980) makes provision for:

"(1)... local highway authorities ... may enter into agreements with other such authorities and companies for or in relation to the construction, reconstruction, alteration, improvement or maintenance of a highway for which any party to the agreement are the highway authority.

(2)An agreement under this section may provide, in relation to a highway specified in the agreement, being a highway for which one of the parties to the agreement are the highway authority, that any functions specified in the agreement, being functions exercisable as respects that highway by the highway authority therefor, shall be exercisable by some other party to the agreement on such terms and subject to such conditions (if any) as may be so specified."

The draft agreement attached at Appendix 'A' is made under this provision and it is proposed that it replaces any earlier agreements.

It is advised that the agreement being proposed under S8 of the Highways Act clarifies which highway authority exercises highway functions on highways which sit across the administrative boundary. The maintenance of the pumping station by the County Council in the Blackpool administrative area will cease on completion of this agreement, and a separate agreement will be entered into to transfer this asset to Blackpool Council.

Cabinet is requested to consider the draft agreement attached and approve that the County Council enters into this agreement, or one on substantially the same terms, should a minor change be sought.

Consultations

Officers at Blackpool Council are aware of the proposed agreement and have agreed to the detail in the schedules in principle.

Implications:

This item has the following implications, as indicated:

Risk management

Progressing with the proposed agreement would mean that inspection and ordinary and special maintenance and functions, including making Traffic Regulation Orders and carrying out Winter Maintenance, would be consistent for sections of highway that cross the Lancashire – Blackpool boundary, reducing complaints or claims against the Authority.

Financial

The proposed agreement proposes the transfer of the pumping station serving Progress Way to Blackpool Council saving approximately £23,000 annual maintenance costs.

Legal

The agreement clarifies functions to be exercised by each Authority and assists with consistency. It is proposed that the agreement be made under S8 Highways Act (1980). Claims in respect of the highways concerned will be dealt with by the authority in line with the powers and duties of a highway authority.

List of Background Papers

Paper	Date	Contact/Tel
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None		
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Reason for inclusion in Part II, if appropriate		
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