

## Report to the Cabinet

Meeting to be held on Thursday, 12 April 2018

### Report of the Head of Service Asset Management

#### Part I

Electoral Divisions affected:  
Cleveleys South & Carleton  
Fleetwood West & Cleveley  
West; Fylde West; Poulton I  
Fylde; St Annes North; S  
Annes South;

### Highway Cross Boundary Agreement between Lancashire County Council and Blackpool Council

(Appendix 'A' refers)

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#### Executive Summary

As requested in October 2017, progress has been made with the cross boundary agreement between Blackpool Council and Lancashire County Council with regard to inspections and ordinary maintenance of highways, with a view to establishing further efficiencies.

Negotiations have concluded and authorisation is now being sought to formally complete the agreement,

This is deemed to be a Key Decision and the provisions of Standing Order No. 25 have been complied with.

#### Recommendation

The Cabinet is asked to:

- (i) note the satisfactory conclusion of negotiations, as set out in the report.
- (ii) authorise the Director of Corporate Services to complete the agreement and arrange for it to be sealed on behalf of the county council.

## **Background and Advice**

As advised in October 2017 the County Surveyor for Lancashire County Council entered into an informal agreement with the Director of Technical Services for Blackpool Council in 1998 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. It was proposed to revisit this agreement and draft a new agreement (the appropriate statutory agreement is under S8 Highways Act 1980) taking account of the increased number of roads which have been built across the administrative border.

The Cabinet considered a report and a draft S8 agreement on 12 October 2017 and resolved that:

- (i) The Head of Service for Asset Management be authorised to conduct further negotiations on the terms of agreement.
- (ii) That a further report be made to Cabinet to give final approval to the Agreement.

Negotiations have now concluded.

The body of the S8 Agreement remains as previously drafted although there has been a number of changes:

- the addition of part of The Nook in Schedule 1 as being a Highway length for the county council to maintain;
- a reduction to the length of Faraday Way for Blackpool to maintain; and
- and addition of lengths of Blackpool Old road, Elkfield Dive, Leyfield Close and Westfield Avenue into Schedule 2 to be maintained by Blackpool.

Blackpool Council has approved entering into this agreement.

The Cabinet is asked to note the satisfactory conclusion of negotiations, and authorise the Director of Corporate Services to complete the agreement and arrange for it to be sealed on behalf of the county council.

## **Consultations**

N/A

## **Implications:**

This item has the following implications, as indicated:

## **Legal**

A s8 Agreement under the Highways Act 1980 is the appropriate way of dealing with highways which cross administrative borders and Legal Services have been involved in the drafting of the agreement which is the subject of this report.

The agreement provides that each council shall have the powers and duties of a highway authority in the named streets set out in the schedules notwithstanding that in the absence of the agreement, the other council would be responsible for the highways function. The agreement includes a covenant on behalf of each council that it shall meet the costs of carrying out its highway authority responsibilities in relation to the streets named and that it will keep proper records and provide these on demand to the other council. Each council indemnifies the other in relation to any claims arising as a result of the exercise of the functions under the terms of the agreement (but not if the cause of action arose as a result of negligence or anything done or omitted to be done by the other council).

Either council can give twelve months' notice to terminate the agreement.

The agreement sets out an escalating dispute resolution procedure in the event that a dispute between the councils cannot be resolved through informal discussion. If the dispute cannot then be resolved between the parties under the terms of the formal dispute resolution process, the matter will be referred to mediation.

## **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.

Having a legal Agreement clarifies the responsibilities and reduces the risk of unauthorised maintenance being carried out by the county council on highways in the Blackpool administrative area and by Blackpool in the county council area.

Some residents in the Lancashire administrative area will have their highway maintained by Blackpool and the county council will need to refer to Blackpool should there be concerns.

## **Financial**

There are no additional costs arising from this report. This agreement will allow inspections and maintenance to be carried out more efficiently and as such there is some potential to achieve a small reduction in costs within the budget provision. The works the county council chooses to do on the agreed highways where the county council is highway authority will be for the county council to decide.

## List of Background Papers

Paper

Date

Contact/Tel

N/A

Reason for inclusion in Part II, if appropriate

N/A