

Officer Non Key Executive Decision

Decision of:	Director of Community and Environmental Services
Relevant Officer:	Neil McArdle, Highways Network Planning Officer
Relevant Cabinet Member	Councillor Fred Jackson, Cabinet Member for Environmental Services and Highways
Date of Decision	7 December 2017

REVISED HIGHWAY CROSS BOUNDARY AGREEMENT BETWEEN BLACKPOOL COUNCIL AND LANCASHIRE COUNTY COUNCIL

1.0 Purpose of the report:

- 1.1 To formally agree the revisions to a cross-boundary agreement between Blackpool Council and Lancashire County Council ('the Parties').

2.0 Recommendation(s):

- 2.1 To enter into an updated cross boundary agreement between Blackpool Council and Lancashire County Council pursuant to powers created under section 8 of the Highways Act 1980 in relation to a number of highways which cross the administrative boundary between the Parties and previous arrangements and agreements will terminate.
- 2.2 To note that the agreement is subject to an inspection of the new sections of network meeting Blackpool Council's highways code of practice. Anything defect above intervention level will be passed to Lancashire County to rectify prior to transfer.

3.0 Reasons for recommendation(s):

- 3.1 The previous cross-boundary agreement is now insufficient and has been updated to meet the current situation on both sides of the administrative boundary. It also demonstrates good practice as advised by Department for Transport and will be seen positively as part of the annual self-assessment.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not to proceed with the revised agreement. This would result in keeping the 1998 cross-boundary agreement which is out-of-date and leads to considerable inefficiencies for the Highways Inspectors of both Blackpool Council and Lancashire County Council.

4.0 Council Priority:

4.1 The relevant Council Priority is:

"The economy: Maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 In February 1998 the County Surveyor for Lancashire County Council entered into an informal agreement with the Director of Technical Services for Blackpool Borough 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 and 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.

5.2 Discussions have recently taken place between the Parties Officers to revisit the informal agreement with a view to establishing further efficiencies; including the transfer of New Hall Lane 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."
- 5.3 The draft agreement attached in Appendix A is made under this provision and it is proposed that it replaces any earlier agreements.
- 5.4 It is advised that the agreement being formally under S8 clarifies which highway authority exercises highway functions on highways which sit across the administrative boundary. The maintenance of the New Hall Lane pumping station will transfer under this agreement, however a separate agreement will be entered into to transfer the asset.
- 5.5 Does the information submitted include any exempt information? No
- 5.6 **List of Appendices:**
- None.
- 6.0 **Legal considerations:**
- 6.1 Section 8 of the Highways Act 1980 in relation to a number of highways which cross the administrative boundary between the Parties.
- 7.0 **Human Resources considerations:**
- 7.1 None.
- 8.0 **Equalities considerations:**
- 8.1 None.
- 9.0 **Financial considerations:**
- 9.1 None at present. There will be additional future maintenance costs, approx. £12k per annum, for New Hall Avenue pumping station which is wholly within the Blackpool Council boundary.
- 10.0 **Risk management considerations:**
- 10.1 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.

Highways Claims liabilities would be based on the date of the new agreement. The highways department will inspect the new areas prior to the transition, as a delay survey and request any safety defects to be repaired within Code of Practice guidelines.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None.

13.0 Decision of Chief Officer

13.1 To enter into an updated cross boundary agreement between Blackpool Council and Lancashire County Council pursuant to powers created under section 8 of the Highways Act 1980 in relation to a number of highways which cross the administrative boundary between the Parties and previous arrangements and agreements will terminate.

To note that the agreement is subject to an inspection of the new sections of network meeting Blackpool Council's highways code of practice. Anything defect above intervention level will be passed to Lancashire County to rectify prior to transfer.

14.0 Reasons for the Decision of the Chief Officer

14.1 The previous cross-boundary agreement is now insufficient and has been updated to meet the current situation on both sides of the administrative boundary. It also demonstrates good practice as advised by Department for Transport and will be seen positively as part of the annual self-assessment.