REPORT TO:	CABINET MEMBER – TECHNICAL SERVICES
DATE:	20 MAY 2009
SUBJECT:	NEW ROADS AND STREET WORKS ACT 1991, SECTION 50 LICENCE.
WARDS AFFECTED:	LINACRE
REPORT OF:	R S WALDRON – ASSISTANT DIRECTOR TRANSPORTATION AND DEVELOPMENT
CONTACT OFFICER:	D. MARRIN – TRAFFIC SERVICES MANAGER – Ext. 4295 M. HUNTER – HIGHWAYS DEVELOPMENT CONTROL – Ext. 4240
EXEMPT/CONFIDENTIAL:	No

PURPOSE/SUMMARY:

To seek approval for the Legal Director in conjunction with the Planning and Economic Regeneration Director to issue a licence pursuant to S50 New Roads and Streetworks Act 1991 to the organisation listed within the report.

REASON WHY DECISION REQUIRED:

The decision is required in order to allow the licensee to install a private manhole cover within the adopted highway, at Washington Parade, Bootle.

RECOMMENDATION(S):

That : -

The Director of Legal Services be authorised in conjunction with the Planning and Economic Regeneration Director to issue a licence to Dreaming Spires 1st Floor, 49 Millersdale Road, Mossley Hill, Liverpool, L18 5HG pursuant to Section 50 New Roads and Streetworks Act 1991 to facilitate the installation of a private manhole cover and chamber, within the public highway at Washington Parade as detailed within the report and shown upon the attached plan numbered DC0388 and subject to the applicant : -

a) bearing all costs associated with the proposal and;
b) indemnifying Sefton Council against all claims, disbursements and actions arising from the proposed works.

KEY DECISION:	No
FORWARD PLAN:	No
IMPLEMENTATION DATE:	Following the expiry of the 'call in 'period for the minutes of the meeting.

ALTERNATIVE OPTIONS:

There are no alternative options.

IMPLICATIONS:

Budget/Policy Framework: None

Financial: The applicant will meet the legal and administrative cost of the licence.

CAPITAL EXPENDITURE	**2008/ 2009 £**	**2009/ 2010 £**	**2010/ 2011 £**	**2011/ 2012 £**
Gross Increase in Capital Expenditure	N/A			
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE EXPENDITURE				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources	No			
Funded from External Sources	Yes			
Does external funding have an expiry date? Y/N	No			
How will the service be funded post expiry				

Legal:

Risk Assessment: None

Asset Management: None

CONSULTATION UNDERTAKEN/VIEWS
None

CORPORATE OBJECTIVE MONITORING:

Corporate Objective		**Positive Impact**	**Neutral Impact**	**Negative Impact**
1	Creating a Learning Community	✓		
2	Creating Safe Communities	✓		
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities	✓		

7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People	✓		

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT
None

1.0 BACKGROUND

1.1 The Traffic Services Manager has received an application from Dreaming Spires, 1st Floor, 49 Millersdale Road, Mossley Hill, Liverpool, L18 5HG to install a private manhole cover and chamber in the adopted highway at Washington Parade, Bootle under s50 New Roads and Streetworks Act 1991, as shown upon the attached plan numbered DC0388.

1.2 The proposed works will be carefully monitored by officers within the Highways Development Control Team. The materials used in the construction will be assessed and approved by the engineer monitoring the works.

1.3 All costs including the Councils legal, technical and administration costs in processing these applications together with monitoring the works shall be funded solely by the developer/applicant.

1.4 The location of the work is shown upon the attached drawing DC0388**.**

1.5 The licence requires that the applicant indemnifies and holds harmless the Council against all claims, damages or disbursements which may become payable as a consequence of the works. This must be supported by single accident indemnity limits of not less than £5M.

1.6 The Statutory Undertakers have been consulted as part of the licence and any conditions identified from this consultation exercise will be incorporated within the licence.

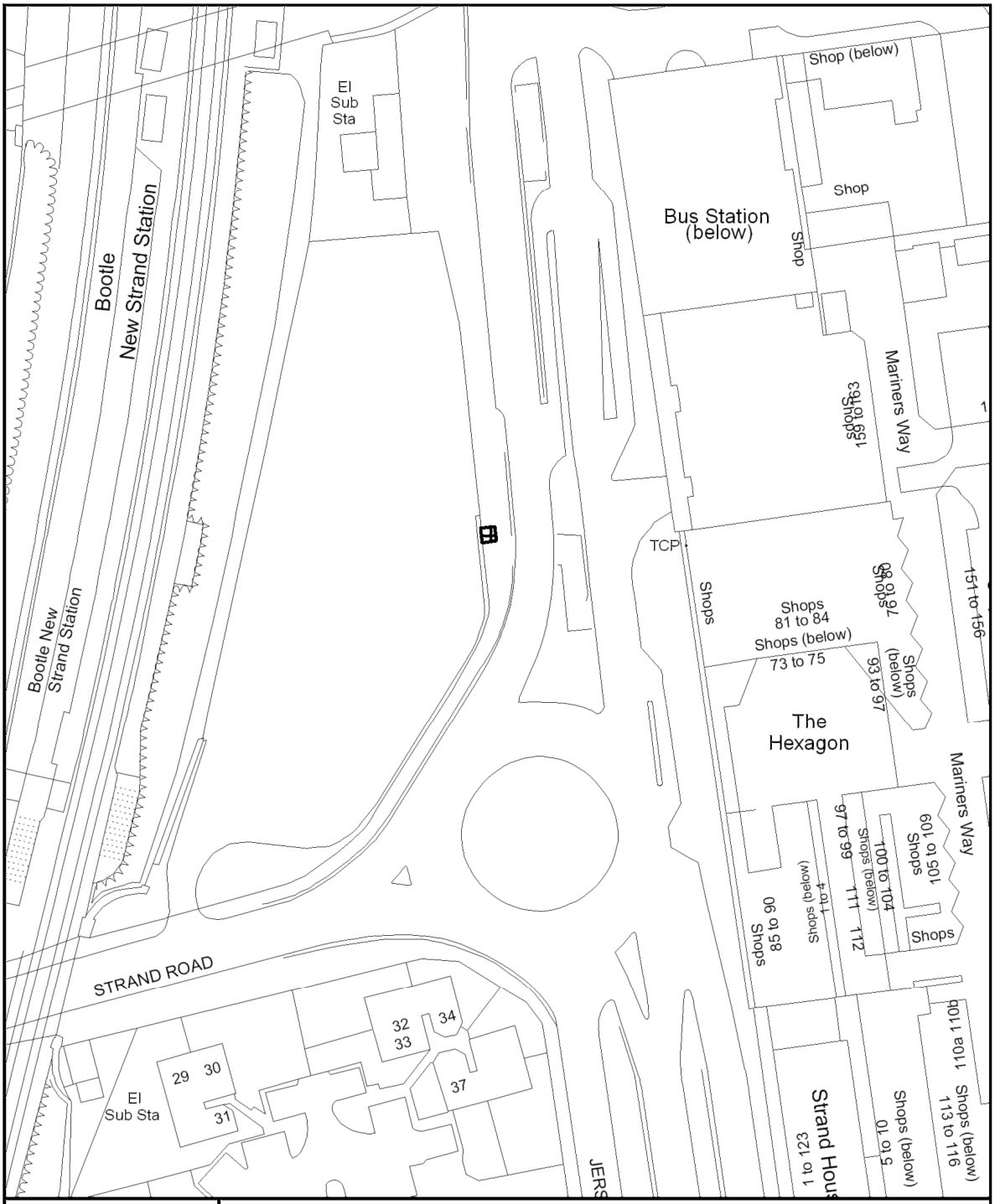
1.7 The Ward Councillors have been informed of the application and have raised no concerns or objections to-date.

2.0 SUMMARY

2.1 A Section 50 New Roads and Streetworks Act 1991 licence is essentially approval to install private apparatus within the public highway. The licence ensures that the works are undertaken in a satisfactory manner and are consistent with the materials and form of construction in the immediate vicinity. A condition of the licence requires that the applicant indemnifies and holds harmless the Authority against all claims, damages or disbursements which may become payable as a consequence of the works.

2.2 The application detailed within the report, relates to the installation of a private manhole cover and chamber within the adopted highway of Washington Parade, Bootle. Cabinet Member approval is required for the Legal Services Director to prepare and issue the respective licence.

2.3 Such other terms as contained in the Council's standard form of licence as may be required by the Director of Legal Services or the Traffic Services Manager will be incorporated into the respective licence.



SEFTON M.B.C.

TECHNICAL SERVICES
Alan Moore, F.R.I.C.S.
Strategic Director of Regeneration
& Deputy Chief Executive
Magdalen House
30 Trinity Road
Bootle, L20 3NJ

Section 50 New Roads & Streetworks Act 1991
Licence to lay private apparatus in the highway

Washington Parade, Bootle

Area of licence shown hatched

Drawn By: MH	**Scale:** NTS	**Date:** 28/04/09	**Checked:** MAH
Ward: Linacre	**OS:** SJ3495SW		**Plan:** DC0388

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