

REPORT TO: CABINET MEMBER – TECHNICAL SERVICES

DATE: 23 FEBRUARY 2011

SUBJECT: HIGHWAYS ACT 1980, SECTION 184 LICENCE – 25a LANCASTER ROAD, SOUTHPORT

WARDS AFFECTED: DUKES

REPORT OF: ANDY WALLIS PLANNING & ECONOMIC DEVELOPMENT DIRECTOR

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 Director of Planning and Economic Development to issue a highway licence pursuant to s184 of the Highways Act 1980 to the organisation listed within the report.

REASON WHY DECISION REQUIRED:

The decision is required in order to allow the licensee to construct a vehicle crossing to access a development as work progresses.

RECOMMENDATION(S):

That : -

The Director of Legal Services be authorised in conjunction with the Director of Planning and Economic Development to issue a highway licence to the following organisation pursuant to Section 184 of the Highways Act, 1980 to facilitate the construction of a vehicle crossing within the public highway at the location detailed within the report and shown upon the attached plan numbered DC0717 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.

Lancaster Road, Southport– Ken Deary, 5 Westbourne Gardens, Birkdale, PR8 2EZ– Plan No DC0717

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 applicants will meet the legal and administrative cost of the licence.

<u>CAPITAL EXPENDITURE</u>	2010 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure	N/A			
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources	No			
Funded from External Resources	Yes			
Does the External Funding have an expiry date? No	When?			
How will the service be funded post expiry?				

Legal:

Risk Assessment: None

Asset Management: None

CONSULTATION UNDERTAKEN/VIEWS

The Interim Head of Corporate Finance & Information Services has been consulted and has no comments on this report. **FD654 /2011**

Ward Councillors, Statutory Undertakers

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
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

Background

- 1.1 The Traffic Services Manager has received an application from the organisation listed below to construct a vehicle crossing to their respective development under s184 of the Highways Act 1980, as shown upon the attached plan.

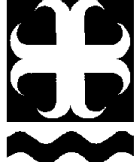

Lancaster Road, Southport– Ken Deary, 5 Westbourne Gardens, Birkdale, PR8 2EZ – Plan No DC0717

- 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 DC0717.
- 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 In each case, the Ward Councillors have been informed of the applications and have raised no concerns or objections to-date.

2.0 SUMMARY

- 2.1 A Section 184 Highways Act 1980 licence is essentially approval to construct a vehicle crossing upon 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 construction of a vehicle crossing at **Lancaster Road, Southport**. 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.



<p>SEFTON M.B.C.</p>  <p>HIGHWAYS DEVELOPMENT CONTROL</p>	<p>Section 184 Highways Act 1980</p> <p>25a Lancaster Road, Southport</p> <p>Area of highway shown hatched</p>			
<p>Andy Wallis Director of Planning and Econ Dev Magadalen House Trinity Road Boottle L20 3NJ</p>	<p>Drawn By: MH</p>	<p>Scale: Not to scale</p>	<p>Date: 28/01/11</p>	<p>Checked:</p>
	<p>Ward: Dukes</p>	<p>Os Sheet Name:</p>		<p>Plan: DC0717</p>
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