

**SURREY COUNTY COUNCIL****CABINET****DATE: 16 JULY 2019****REPORT OF: MR MATT FURNISS, CABINET MEMBER FOR HIGHWAYS****LEAD OFFICER: JASON RUSSELL EXECUTIVE DIRECTOR COMMUNITY PROTECTION, TRANSPORT & ENVIRONMENT****SUBJECT: TOWN CENTRE HIGHWAY MANAGEMENT AGREEMENTS****SUMMARY OF ISSUE:**

The county council, as the Highway Authority has a statutory duty to maintain the public highway in Surrey to a safe condition.

District/borough councils invest in their town centres and have local priorities, which may include bespoke or expensive materials. Maintenance or replacement of expensive materials is above our duty to keep the highway safe.

If a district/borough council chooses to enter into a "Town Centre Highway Management Agreement" with the county council, it will give them the ability to control an agreed defined area to higher locally determined standards.

**RECOMMENDATIONS:**

It is recommended that:

1. The Head of Highways and Transport, in consultation with the Cabinet Member for Highways, be authorised to enter into "Town Centre Highway Management Agreements" with district/borough councils which request this arrangement.
2. The local / joint committees undertake operational oversight of any such agreements

**REASON FOR RECOMMENDATIONS:**

The introduction of Town Centre Highway Management Agreements enable willing district/borough councils to manage and maintain their prestige locations according to local priorities and needs. Standards of maintenance will need to be as high as, or greater than that provided by the county council for the rest of the highway network. The agreements may help to attract additional investment in the highway network. Income from licensing will facilitate such investment.

They will build on close cooperation between the county council and district/borough councils in delivering services for Surrey residents.

<b>DETAILS:</b>
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## Background

1. Over the years, district/borough councils often in partnership with the county council have invested in their town centres. The use of premium surface materials, public art or quality street furniture enhances the feel of the area but it can be costly to maintain. Along with normal wear and tear, areas can become damaged through accidents, vandalism or utility works. The county council, as Highway Authority ensures an area remains safe for users, but is not always able to fund repairs to an enhanced level. If it is a local priority, ad hoc funding may be available from the district/borough councils or local Members / committees to “top up”.
2. Some district/borough councils seek to have greater control over how their town centres are managed. This may include the ability to manage gated access or license and enforce activities on the highway, such as placement of table and chairs and A-boards. This may, in future, be covered together with maintenance of highway infrastructure in any Town Centre Management agreement.
3. In 2013, Cabinet agreed to enter into a “Town Centre Management Agreement” with Woking Borough Council. This is a wide-ranging agency agreement and devolves responsibility for a comprehensive range of functions in a defined area to the Borough Council. It has operated successfully, with the Joint Committee receiving regular updates. Unlike some areas of Surrey, Woking has introduced on-street car park charging to help manage supply and demand of on-street parking places. This operates at a financial surplus and the Joint Committee agreed that some of this surplus can be used to fund operation of the agreement. It is supplemented with a small contribution from Highways budgets and Woking Borough Council funding. The agreement is due to expire in 2023.
4. Epsom & Ewell Borough Council are keen to enter into a similar arrangement to manage the “Market Place” in Epsom. The “Market Place” is undergoing a substantial revitalisation via a joint county and borough capital improvement scheme and will be completed next year. Other authorities have informally expressed an interest in similar arrangements linked to their recent or planned improvements.

## Scope of delegation

5. Table 1 below details what could be considered for delegation to district/borough councils as part of any agreement.

Table 1

<b>Potentially included and in scope*</b>	
<i>Highway inspections</i>	<i>Patching, repairs</i>
<i>Gully cleaning and drainage repairs</i>	<i>Managing insurance risks / claims</i>
<i>Fences</i>	<i>Trees / Shrubs / vegetation</i>
<i>Road markings</i>	<i>Parking enforcement</i>
<i>Signs, posts, fingerposts</i>	<i>Refuges, guardrails</i>
<i>General street furniture including public art</i>	<i>Accident and emergencies</i>
<i>Specialist street cleansing</i>	<i>Winter maintenance (footways only)</i>
<i>Reconstruction or resurfacing of roads</i>	<i>Reconstructions or resurfacing footways</i>
<i>Licenses / policy for A boards, tables &amp; chairs, skips, scaffold, filming etc</i>	<i>Street works coordination – within SCC framework but local powers for area</i>
<i>Making temporary traffic regulation orders and promotion of permanent orders (through Joint / Local Committee)</i>	<i>Managing access to the highway</i>
<b>Excluded and out of scope</b>	
<i>Street lighting – SCC in existing PFI contract with Skanska</i>	<i>Illuminated street furniture / signs</i>
<i>Winter maintenance precautionary road salting</i>	<i>General highway structures</i>
<i>Traffic signal maintenance</i>	<i>Transportation Development Planning advice on behalf of SCC</i>

*\*Plus any other reasonable works agreed by both parties*

6. Each Town Centre Management Agreement will be tailored to meet the local needs and resources of the district/borough councils. For example, the existing agreement with Woking Borough Council is very comprehensive and includes everything detailed as being in scope in the above table. Initial discussions with Epsom & Ewell have confirmed that they are looking for a different arrangement, giving them the ability to manage some functions they deem beneficial to running their town centre, but leaving most responsibility with the county council.
7. Under any agreement, the level of maintenance the district/borough councils provide must not be less than the level that the county council provides, although the intention of these agreements is to enable an enhanced level of service. Similar agreements with parish/town councils may be entered into if there is agreement from both the county council and the relevant district/borough council.
8. The county council currently receives an income from the licensing of highway activities. Most relevant for town centre locations are tables and chairs licences. Countywide, the county council received £28,000 (excluding parts of Woking Town Centre) from this activity in 2018/19. If district/borough councils take on the policy and management of this function, they will receive any income directly attributable to the defined area in the agreement. The level of income will depend on the work done to enforce licensing of activities on the public highway. It will be a condition of the agreement that any such income received by the district/borough councils must be reinvested in the operation of the agreement with details included in any operational update to the local / joint Committee.

9. The intention is that the county council will not provide direct funding to any district/borough councils to operate any new agreement.

#### **CONSULTATION:**

10. Agreements will only be introduced where there is majority support from the district/borough councils and the local / joint committee.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

11. If the recommendations are not approved, there is no immediate safety risk as the county council would continue to maintain the highway.
12. There will be the risk that funding opportunities may be missed and town centre locations will not be maintained to any locally agreed enhanced level if it is not approved.

#### **FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

13. There is no overall cost to the county council and potentially more funding could be spent on the highway asset. However there will be a loss of licensing income. Any licensing income passed to district/borough councils will be reinvested in the local area.

#### **SECTION 151 OFFICER COMMENTARY**

14. Each "Town Centre Highway Management Agreement" has the potential to be unique, allowing boroughs and districts to invest in local priorities while also meeting the county council's highway standards and statutory requirements. The cost of drawing up and entering into Agreements will be met from existing budget envelopes. Such Agreements should not result in any additional costs for the county council, for example in terms of highway maintenance functions, however where an Agreement does result in additional costs they will be met within existing service budget envelopes.

#### **LEGAL IMPLICATIONS – MONITORING OFFICER**

15. The County council as highway authority has a statutory duty pursuant to s41 of the Highways Act 1980 to maintain highway maintainable at the public expense in Surrey to ensure that the public right to pass and repass safely is protected. Under s19 of the Local Government Act 2000 the Cabinet may authorise the discharge of certain functions including highway maintenance by another local authority. The county council may then delegate by agreement to that local authority those functions. An agreement governing the arrangements for that delegation before the delegation becomes effective will be required between the county council and the relevant district/borough councils.

**EQUALITIES AND DIVERSITY**

16. There are no equality implications.

**WHAT HAPPENS NEXT:**

17. Officers will work with colleagues from Epsom & Ewell Borough Council to put in place a "Town Centre Maintenance Agreement" for the Market Place in Epsom.
18. Where there is district/borough council support, the county council will negotiate and enter into suitable agreements. Discussions will be held about the advantages of such arrangements at the early stage of any future district/borough councils promoted improvement works

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**Contact Officer:**

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**Consulted:**

Cabinet Member for Highways

Deputy Leader

Officers from the following SCC services: Highways & Transport, Legal, Finance

**Annexes:**

None

**Sources/background papers:**

A new approach for highways maintenance, Cabinet paper March 2013

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