

CABINET

18 MARCH 2009

TRAFFIC MANAGEMENT AND DEVELOPMENT CONTROL AGENCY  
AGREEMENTS

REPORT OF HEAD OF ACCESS AND INFRASTRUCTURE AND HEAD OF  
PLANNING MANAGEMENT

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report recommends that the City Council enters into a new agency agreement with Hampshire County Council to continue the existing traffic management and highways development control agency arrangements. The terms proposed by the County Council are similar to those which exist in the current agreement with some updating of thresholds and reporting arrangements. The operation of both agencies is considered advantageous to the City Council, bringing more control over local decision making and easier access to information and officer time for Members and parish councils.

In addition, authority is sought to enter into a variation of the existing parking control agency agreement, to take into account changes in legislation under the Traffic Management Act 2004.

RECOMMENDATIONS:

That the proposed agency agreements with Hampshire County Council in relation to traffic management, highways development control and parking control are agreed from 1 April 2009 and the Head of Legal Services be authorised to enter into the appropriate agreements.

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### TRAFFIC MANAGEMENT AND DEVELOPMENT CONTROL AGENCY AGREEMENTS

#### REPORT OF HEAD OF ACCESS AND INFRASTRUCTURE AND HEAD OF PLANNING MANAGEMENT

##### DETAIL:

##### 1 Introduction

- 1.1 The City Council currently has two agency agreements with the County Council for highways development control and traffic management. In addition, there is a separate agency agreement to allow the City Council to enforce on street parking controls, details of which are set out in 1.6 below. In effect these agreements empower the City Council to run these services on behalf of the County Council provided that we do so in accordance with policies of the County Council as highway authority. In respect of the highways development control and traffic management, an annual sum is allocated to the City Council from the County Council to provide these services which pays for staff time and operational costs. Both these Agreements are due to be renewed from 1 April 2009. After a review of the agency arrangements across Hampshire the County Council has decided to offer new agencies to those district councils which wish to have them on broadly similar terms to those that currently exist. The new agreements will not have a fixed period and will run until terminated by mutual agreement or by one party serving notice to end the agreement one year after notice is served.
- 1.2 These agency agreements have been in place in their current form since September 2003. The traffic management agreement provides excellent synergy with the decriminalised parking arrangements and helps greatly with the City Council's involvement in special events and in delivering services in the Town area in particular. The traffic management agreement funds the City Council to employ staff to undertake certain duties relating to traffic management, signing and traffic regulation across the District.
- 1.3 The Development Control agreement requires the City Council to employ staff to provide advice and guidance on behalf of the County Council on planning applications in respect of highways and transport issues within the planning management team. This agreement works very well alongside the City Council's local planning authority duties.
- 1.4 Both these agreements give the City Council greater ability and flexibility to deliver services to the community and hence to help deliver corporate objectives more effectively.

- 1.5 The new agreements remain largely unchanged from those that are currently in operation. The full agreements are too long to attach to this report but have been placed in the Members Room so that they are available for Members to read if they wish to do so. The only changes of note are set out below:
- In respect of the traffic management agreement the annual programme of Traffic Regulation Orders will need to be approved by the Hampshire Action Team and additional performance information will be required by the County Council.
  - In respect of the Highways Development Control Agreement the triggers and thresholds which define what proposals can be handled by the City Council are essentially similar to the existing arrangements. However, some of the thresholds which determine which type of applications can be dealt with by the City Council have been revised. For example, under the new agreement the City Council Engineers can deal with applications which will generate contributions of up to £100,000 as opposed to £50,000 at present. The thresholds relating to the scale of development handled under the agency agreement have been amended with some floor spaces being increased. For example warehousing floor space rising from 4500sq.m to 5000 sq.m whilst others have decreased (office floor space reduced from 3000sq.m to 2500sq.m/non-food retail from 2000sq.m to 1000sq.m). Applications requiring a travel plan in line with Hampshire's guidance note will also be referred to the County Council. The threshold for residential development will remain unchanged so that only applications involving more than 100 units will need to be sent to the County unless other triggers apply such as off-site highway works.
- 1.6 The parking control agency agreement has been in place since 1996 (when parking in the District was decriminalised). Under the original legislation, the County Council was responsible for enforcement of on-street parking controls, although this function was delegated to the City Council under the agency agreement. Since then, the Traffic Management Act 2004 and associated regulations and guidance has been introduced, which has replaced the previous legislation. The necessary changes (in terms of ticket format, setting of charges, etc) have been implemented in consultation with the County Council, and it is now proposed for formalise this by a deed of variation of the agency agreement to refer to the new legislation. Funding for the City Council's administration of this service is derived from parking charges levied.

#### OTHER CONSIDERATIONS:

#### 2 CORPORATE STRATEGY (RELEVANCE TO):

- 2.1 The Agency agreements help the City Council to deliver its corporate objectives in relation to Safe and Secure communities, a high quality environment and economic prosperity.

- 2.2 The Council has power to enter into agency arrangements under the Local Government Acts 1972 and 2000. S2 of the 2000 Act allows the Council to contribute towards the costs of the other authority in undertaking the functions. S2 is the general well-being power – to do anything which is likely to achieve the promotion or improvement of the economic, social or environmental well-being of the area. Before exercising the power the Council has to consider how it relates to the objectives of the Sustainable Community Strategy, set out above. There is nothing in other legislation or in the statutory guidance which would prevent the use of the power in connection with the proposed agency arrangements.

### 3 RESOURCE IMPLICATIONS:

- 3.1 The level of resource that the County Council will provide to the City Council to undertake these agency arrangements remains unchanged and is subject to annual inflationary increases.
- 3.2 The Council's Income and Expenditure for the Highways Agency agreement as reported in the annual accounts is as follows:

	Expenditure £000's	Income £000's	net expenditure £000's
2007-08	465	386	79
2006-07	469	382	87
2005-06	429	352	77

This also includes income for grass cutting and tree maintenance which was £150,000 in 2008/09.

- 3.3 Income receivable in relation to the agreements considered in this report in 2008/09 amounts to £241,047 made up as follows:

Traffic Management & new sign works	£17,500
Traffic management	£87,537
Development Control	£118,710
TRO Advertising	£7,500
Environmental Fees	£9,800
<b>Total</b>	<b>£241,047</b>

- 3.4 Officers have considered the option of withdrawing from current agency arrangements but have concluded that whilst this might lead to a small saving in overheads and accommodation through not providing space for four staff, these savings would be far outweighed by the negative impact of the loss of influence and accountability that both agencies provide.

BACKGROUND DOCUMENTS:

Traffic Management Agency/Partnership Agreement

Highway Development Control Agency Agreement.

APPENDICES:

None