

Bath & North East Somerset Council

DECISION MAKER:	Cllr Symonds, Cabinet Member for Transport		
DECISION DATE:	On or after 1 st January 2012	EXECUTIVE FORWARD PLAN REFERENCE:	
		E	2505
TITLE:	Authority to sign legal agreements, enter into licences and memorandums of understanding for the delivery of Variable Message Signs, Real Time Information and Improved Bus Waiting Areas as part of the Bath Transportation Package.		
WARD:			
AN OPEN PUBLIC ITEM			
List of attachments to this report: Appendix 1 Plan showing location of Variable Message Signs on Highways Agency Land.			

1 THE ISSUE

- 1.1 Installing Variable Message Signs and Real Time Information equipment which are part of the approved Bath Transportation Package require either a legal agreement or a memorandum of understanding to be entered into. In addition licences under Section 50 of the New Roads and Street Works Act are required to enable work to be carried out on adjacent Highway Authority land. Legal advice given is that all of these forms of agreements require the Network Manager or Director to be given authority to enter into such agreements or to issue notices in respect of the Bath Transportation Package.
- 1.2 In some cases improvements to the bus waiting area may involve land which is not in Council control. It may be possible to deal with this situation by the issue of a licence (not under New Roads and Street Works Act) which would require signature. Authority to sign these sorts of licences is also sought.

2 RECOMMENDATION

The Cabinet member is asked to agree that:

- 2.1 The Network Manager, and or the Director of Planning and Transport/Director of Environmental Services are hereby authorised to enter into a legal agreement with the Secretary of State under S6 of the Highways Act 1980, to allow the construction of Variable Message Signs numbered 4, 5 and 7 on the plan attached as Appendix 1 on the trunk roads A4.A36 and A46.

- 2.2 The Network Manager and or Director of Planning and Transport/Director of Environmental Services are hereby authorised to enter into a street works licence with South Gloucestershire Council under Section 50 of the New Roads and Street Works Act to allow for the construction of Variable Message sign number 6 shown on the plan attached as Appendix 1 on the A420 situated in South Gloucestershire.
- 2.3 The Network Manager and or the Director of Planning and Transport/Director of Environmental Services are hereby authorised to enter into memorandum/s of understanding or other such appropriate agreement with partner organisations to allow for the installation of Real Time Information or for the connections required to allow for Variable Message Signing equipment at the Podium Car Park to be linked with the Council's UTMC system.
- 2.4 The Network Manager and or the Director of Planning and Transport/Director of Environmental Services are hereby authorised to enter into other licences to allow the construction of improved bus waiting areas on land not land in Council control.

3 FINANCIAL IMPLICATIONS

- 3.1 The budget for the Bath Transportation Package was approved by the Cabinet in July 2012 subject to full approval by the Department for Transport (DfT) ; this was also granted in July 2012. The approved budget included both Real Time Information and Variable Message Signage.
- 3.2 All revenue and capital costs will be contained within existing budgets.

4 CORPORATE OBJECTIVES

The Bath Transportation Package contributes to building a stronger economy where people are able to travel easily with reduced traffic congestion and pollution.

5 THE REPORT

- 5.1 Bath Transportation Package was the subject of a full council decision on the 14th July 2011 and the project subsequently received full approval from the DfT and budgetary approval from cabinet in July 2012. Variable Message Signing and Real Time Information and upgrades to Bus Stop Infrastructure were three of the elements included in the final bid to Department for Transport and which we are now in the process of delivering.
- 5.2 In order to erect the Variable Message Signs to be situated on the three Trunk Roads, to deliver the Real Time Information and upgrades to bus stop infrastructure where the Council is not in control of the land, various legal agreements require to be entered into. To enable this authority is requested to allow the Network Manager and or the Director of Planning and Transport/Director of Environmental Services to sign such agreements in respect of the Bath Transportation Package. These agreements will take different forms depending on the nature of the works and who controls the land and are referred to in section 2 above.

6 RISK MANAGEMENT

6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

An EqIA has been completed for the Bath Transportation Package as a whole. No adverse or other significant issues were found.

8 RATIONALE

8.1 In order to authorise, enable, and to agree and clarify the responsibilities of the various partner organisations or Highway Authorities in respect of VMS or RTI, or for those bus stop upgrades on land not in council control, agreements are necessary in order to protect all parties interests, both now and into the future.

9 OTHER OPTIONS CONSIDERED

9.1 No other options were considered as works on Trunk Roads require legal approval as do works on land in the control of another Council or organisation. This will put into place a mechanism enabling us to work with our partner organisations.

10 CONSULTATION

10.1 *Cabinet members, Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer.*

10.2 Consultation with cabinet members was carried out via e mail, briefings and face to face meetings.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Social Inclusion; Customer Focus; Sustainability*

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Joy Jefferys 01225 39446</i>
Background papers	<i>Appendix one, location plan of Variable Message Signs on Trunk Roads.</i>
Please contact the report author if you need to access this report in an alternative format	

