

**APPENDIX 1**  
**PART 1 (THE FUNCTIONS TO BE DELEGATED BY**  
**THE COUNTY COUNCIL**  
**TO THE CITY COUNCIL UNDER CLAUSE 1)**

1. (a) Subject to Paragraph 1(b) all the following functions, powers and duties conferred or imposed on the County Council under the Highways Act 1980 (as amended).

**Part II**

- Section 14 - Side Roads Orders  
Section 23 - Compensation in respect of certain works executed in pursuance of orders under s. 14 or 18

**Part III**

- Section 24 - Construction of new highways and provision of road ferries  
  
Section 27 - Making up of new footpaths and bridleways  
Section 31 - Dedication of way as highway presumed after public use for 20 Years  
Section 32 - Evidence of dedication of way as highway  
Section 34 - Conversion of private streets into highway  
Section 35 - Creation of walkways by agreement

**Part IV**

- Section 36 (6) - List of highways maintainable at public expense  
Section 36 (7) - Inspection of List. But the City Council must notify the County Council of any changes to the map of publicly maintainable streets.  
Section 37 - Provision whereby highway created by dedication may become maintainable at public expense  
Section 38 - Power of highway authorities to adopt by agreement

- Section 40 - Adoption of private streets
- Section 41 (1), (2), (3), (4) and (5) - Duty to maintain highways maintainable at public expense
- Section 44 - Person liable to maintain highway may agree to maintain publicly maintainable highway
- Section 48 - Power of magistrate's courts to order a highway to be again maintainable at public expense
- Section 51 - No liability to maintain by reason of enclosure if highway fenced with consent of highway authority
- Section 53 - Power of magistrate's court to extinguish liability privately maintainable highway
- Section 54 - Extinguishment of liability to maintain privately maintainable highway diverted by order of magistrate's court
- Section 56 - Proceedings for an order to repair highway
- Section 59 - Recovery of expenses due to extraordinary traffic

#### Part V

- Section 62 - General power of improvement
  
- Section 64 - Dual carriageways and roundabouts
- Section 65 - Cycle Tracks
- Section 66 - Footways and guard-rails etc. for publicly maintainable highways
  
- Section 68 - Refuges
- Section 69 - Subways
- Section 70 - Footbridges over highways
- Section 71 - Margins for horses and livestock
- Section 72 - Widening of highway
- Section 73 - Improvement Line
- Section 74 - Building Line

- Section 75 - Variation of carriageways and footways
- Section 76 - Levelling of highways
- Section 77 - Alteration of levels
- Section 78 - Cutting off of corners
- Section 79 - Prevention of obstruction to view at corners
- Section 80 - Power to fence highways
- Section 81 - Provision of highway boundary posts
- Section 82 - Provision of cattle-grids and by-passes
- Section 83 - Removal of cattle-grids and discontinuance of by-passes
- Section 84 - Maintenance of cattle-grids and by-passes
- Section 85 - Exercise of powers by agreement between neighbouring authorities
  
- Section 86 - Suppression of gates by cattle-grids
- Section 87 - Agreements for use of land for cattle-grids or by-passes
- Section 88 - Contributions towards expenditure of highway authorities
- Section 89 - Delegation to certain authorities of functions of Minister
- Section 90 - Protection of bridges and railways
- Section 90A - Construction of road humps by highway authority
- Section 90B - Additional powers of the Secretary of State
- Section 90C - Consultation and local inquiries
  
- Section 90D - Regulations concerning construction and maintenance of road humps
- Section 90E - Status of road humps
- Section 90F - Meaning of "road hump" and interpretation of sections 90A and 90E
  
- Section 90G - Powers to carry out traffic calming works
- Section 90H - Prescribing of works
- Section 90I - Status of works authorised by section 90G
- Section 95A - Power to install equipment for detection of traffic offences,
  
- Section 96 - Powers of highway and local authorities to plant trees, lay out grass verges etc

- Section 97 - Lighting of highways
- Section 98 - Delegation of lighting functions of highway authority
- Section 99 - Metalling of highways
- Section 100 - Drainage of highways
- Section 101 - Power to fill in roadside ditches etc.
  
- Section 102 - Provision of works for protecting highways against hazards of nature
- Section 103 - Provision of posts to indicate depth of flood water
- Section 104 - Mitigating nuisance of dust
- Section 105 - Power to improve road ferries
- Section 105A - Environmental impact assessments
- Section 105B - Procedure
- Section 105C - Other member states

#### Part VI

- Section 108 - Power to divert navigable watercourses
- Section 109 - Provisions supplementary to section 108
- Section 110 - Power to divert non-navigable watercourses and to carry out other works on any watercourse

#### Part VIIA

- Section 115A - Scope of VIIA
- Section 115B - Provision, etc., of services and amenities by councils
- Section 115C - Provision of recreation and refreshment facilities by councils
- Section 115D - Limits of powers under ss.115B and 115C
- Section 115E - Execution of works and use of objects etc. by persons other than councils
- Section 115F - Power to impose conditions on permissions under section 115E
- Section 115G - Notices to be given before exercise of powers under Part VIIA

- Section 115H - Duties to consult or obtain consent of other authorities
- Section 115J - Consents not to be unreasonably withheld
- Section 115K - Failure to comply with terms of permission

### Part VIII

- Section 116 - Power of magistrates' court to authorise stopping up or diversion of highway
- Section 117 - Application for order under section 116 on behalf of another person
- Section 122 - Power to make temporary diversion where diversion where highway about to be repaired or widened

- Section 124 - Stopping up of private access to highways
- Section 125 - Further powers to stop up private access to premises
- Section 126 - Provisions supplementary to sections 124 and 125 etc.
- Section 127 - Stopping up private access to premises by agreement

- Section 129 - Further provisions with respect to new means of access
- Section 129A - Gating Orders
- Section 129B - Effect of Gating Orders
- Section 129C - Procedure for Gating Orders
- Section 129D - Validity of Gating Orders
- Section 129E - Publication and availability of gating orders
- Section 129F - Variation and revocation of gating orders

### Part IX

- Section 130 - Protection of public rights
- Section 130A - Notices to enforce duty regarding public paths
- Section 130B - Orders following notice under section 130A
- Section 130C - Section 130B: procedure
- Section 130D - Section 130B: costs

- Section 131A - Disturbance of surface of certain highways
- Section 132 - Unauthorised marks on highways
- Section 133 - Damage to footways of streets by excavations
- Section 134 - Ploughing etc. of footpath or bridleway
- Section 135 - Authorisation of other works disturbing footpath and bridleway
- Section 136 - Damage to highway consequent on exclusion of sun and wind
  
- Section 137ZA - Power to order offender to remove obstruction
- Section 137A - Interference by crops
  
- Section 139 - Control of builders' skips
- Section 140 - Removal of builders skips
- Section 140A - Builders' skips: charge for occupation of highway
- Section 141 - Restriction on planting of trees etc., in or near carriageway
- Section 142 - Licence to plant trees, shrubs, etc. in a highway
- Section 143 - Power to remove structures from highways
- Section 144 - Power to erect flagpoles etc. on highways
- Section 145 - Powers as to gates across highways
- Section 146 - Duty to maintain stiles etc. on footpaths and bridleways
- Section 147 - Power to authorise erection of stiles etc. on footpath or bridleway
  
- Section 1472A - Improvements for the benefit of persons with mobility problems
- Section 149 - Removal of things so deposited on highways as to be a nuisance etc
- Section 150 - Duty to remove soil etc. from highway, except and insofar as this section relates to the removal of accumulations of snow

- Section 151 - Prevention of soil etc. being washed on to street
- Section 152 - Powers as to removal of projections from buildings
- Section 153 - Doors etc. in streets not to open outwards
- Section 154 - Cutting or felling etc. trees etc. that overhang or are a danger to roads or footpaths
  
- Section 160A - Further powers of highway authorities and district councils in relation to highways
  
- Section 163 - Prevention of water falling on or flowing on to highway
- Section 164 - Power to require removal of barbed wire
- Section 165 - Dangerous land adjoining street
- Section 166 - Forecourt abutting on streets
- Section 167 - Powers relating to retaining walls near streets
  
- Section 169 - Control of scaffolding on highways
- Section 170 - Control of mixing of mortar etc. on highways
- Section 171 - Control of deposit of building materials and making of excavations in streets
- Section 171A - Works under s. 169 or s. 171: charge for occupation of the highway
- Section 172 - Hoardings to be set up during building etc.
- Section 173 - Hoardings to be securely erected
  
- Section 175 - Liability of certain persons in respect of materials left on the highway
- Section 175A - Duty to have regard to needs of disabled and blind in executing works, etc.
- Section 176 - Restriction on construction of bridges over highways
- Section 177 - Restriction on construction of buildings over highways

- Section 178 - Restriction on placing rails, beams etc. over highways
- Section 179 - Control of construction of cellars etc. under street
- Section 180 - Control of opening into cellars etc. under streets, and pavements lights and ventilators
- Section 184 - Vehicle crossings over footways and verges
- Section 185 - Power to install refuse or storage bins in streets

## Part XI

- Section 204 - Purposes and application of private street works code and advance payments code
- Section 205 - Street works in private streets
- Section 206 - Incidental works
- Section 207 - Provisional apportionment of expenses
- Section 208 - Objections to proposed works
- Section 209 - Hearing and determination of objections
- Section 210 - Power to amend specification, apportionment, etc
- Section 211 - Final apportionment and objections to it
- Section 212 - Recovery of expenses and charge thereof on premises
- Section 213 - Power for limited owners to borrow for expenses
- Section 214 - Financial provisions
- Section 215 - Exemption for place of public religious worship
- Section 216 - Certain railways and canals not to be chargeable with expenses
- Section 217 - Objections only to be made as provided by private street works code
- Section 219 - Payments to be made by owners of new buildings in respect of street works
- Section 220 - Determination of liability for, and amount of, payments
- Section 221 - Refunds etc. where work done otherwise than at expense of street works
- Section 222 - Sums paid or secured to be in discharge of further



- liability for street works authority
- Section 223 - Determination to cease to have effect when plans not proceeded with
- Section 224 - Certain matters to be local land charges
- Section 225 - Interests on sums paid under advance payments code
- Section 226 - Power to vary width of carriageway and footway on making up a private street
- Section 227 - Widening of highway comprised in private street
- Section 228 - Adoption of private street after execution of street works
- Section 229 - Power of majority of frontages to require adoption where advance payment made
- Section 230 - Urgent repairs to private streets
- Section 231 - Compensation for damage caused by execution of street works
- Section 232 - Power to treat as a private street land designated for purposes of this section by development plans
- Section 233 - Appeal to Minister under private street works code
- Section 234 - Provisions as to private street in area of more than one street works authority
- Section 235 - Evasion of private street works expenses by owners
- Section 236 - Contribution by street works authority expenses of street works
- Section 237 - Power of street works authority to grant charging order

## Part XII

- Section 239 - Acquisition of land for construction, improvement etc. of highway: general powers
- Section 240 - Acquisition of land in connection with construction, improvement etc. of highway: further general powers
- Section 241 - Acquisition of land between improvement line and boundary of street

- Section 242 - Acquisition of land for execution of land for works in connection with certain bridges
- Section 243 - Acquisition of land for cattle-grids etc
- Section 244 - Acquisition of land for road ferries
- Section 245 - Acquisition of land for buildings etc. needed for discharge of functions of highway authority
  
- Section 246 - Acquisition of land for mitigating adverse effects of constructing or improving highway
- Section 247 - General provision as to acquisition procedure etc.
- Section 248 - Acquisition in advance of requirements
- Section 249 - Distance limits from highway applicable to compulsory acquisition
- Section 250 - Land acquisition powers to extend to creation as well as acquisition of rights
- Section 251 - Rights acquired to be binding on successive owners of the land
- Section 252 - Power of landowner affected by rights acquisition to compel acquisition of whole interest
- Section 253 - Agreements as to use of land near highways
- Section 254 - Compulsory acquisition for certain purposes
- Section 256 - Power to exchange land
- Section 260 - Clearance of title to land acquired for statutory purposes

Part XIII

- Section 278 - Contributions towards highway works by persons deriving special benefit from them except (unless the parties otherwise agree) where the powers relate to development which is likely to generate an estimated increase of 100 in the vehicle movements in/out of the site in the peak hour and/or is likely to result in an increase in the volume of traffic entering or leaving the principal road network so as adversely to affect its

operational efficiency.

Part XIV

- Section 282 - Power of the highway authority to execute works for mitigating adverse effect of constructing or improving etc. highway
- Section 286 - Power to require angles of new buildings at corners of streets to be rounded off
- Section 287 - Power to erect barriers in streets in cases of emergency etc
- Section 288 - Power to require gas and water pipes to be moved
- Section 289 - Powers of entry of highway authority for the purpose of survey
- Section 290 - Supplementary provisions as to powers of entry for the purpose of survey
- Section 291 - Powers of entry of highway authority for the purpose of maintaining, etc. certain structures and works
- Section 292 - Compensation for damage resulting from, and offences connected with exercise of powers of entry etc. under section 289 or 291
- Section 293 - Powers of entry for purposes connected with certain orders relating to footpaths and bridleways
- Section 294 - Entry, etc. of premises by highway authority or council for certain purposes
- Section 295 - Power of councils to dispose of certain materials
- Section 296 - Power of highway authority or council to execute certain works on behalf of other person
- Section 297 - Power of highway authority or council to require information as to ownership of land
- Section 299 - Right to discharge water

- Section 301 - Restriction on exercise of powers of lighting authorities
- Section 304 - Power to require occupier to permit works to be executed by owner
- Section 305 - Recovery of expenses by councils and highway authorities
- Section 306 - Time-limit for summary proceedings for recovery of expenses
- Section 307 - Disputes as to compensation which are to be determined by Lands Tribunal and related provisions
- Section 312 - Restriction on institution of proceedings
- Section 315 - Notice to be given of right of appeal
  
- Section 321 - Authentication of documents etc.
- Section 322 - Service of notices etc.
- Section 326 - Revocation and variation of schemes and orders  
Insofar as they relate to the exercise of functions otherwise delegated under this Agreement
- Section 333 - Saving for rights and liabilities as to interference with highways

(b) The Highways Act 1980 (as amended) functions do not include any schemes or any functions, powers or duties associated with such schemes the estimated gross cost of which exceeds £2+ million (at the date of the submission of the first L.T.P. or A.P.R. in which the scheme appears) unless the County Council agrees in writing to delegate the Functions in respect of that scheme to the City Council during the period of this Agreement.

2. The following functions of the County Council under the Road Traffic Regulation Act 1984 (as amended):-

- Section 1 - Traffic regulation orders outside Greater London
- Section 2 - What a traffic regulation order may provide
- Section 3 - Restrictions on traffic regulation orders
- Section 4 - Provisions supplementary to ss. 2 and 3
- Section 5 - Contravention of traffic regulation order
- Section 9 - Experimental traffic orders
- Section 10 - Supplementary provisions as to experimental traffic orders
- Section 14 - Temporary prohibition or restriction on roads
- Section 15 - Duration of orders and notices under s. 14
- Section 16 - Supplementary provisions as to orders and notices under s. 14
- Section 16A - Prohibition or restriction on roads in connection with certain events
- Section 16B - Restrictions on orders under s. 16A
- Section 16C - Supplementary provisions as to orders under s. 16A
- Section 19 - Regulation of use of highways by public service vehicles
- Section 21 - Permit for trailer to carry excess weight
- Section 22A - Traffic regulation on certain roads for the purpose of conserving natural beauty
- Section 23 - Powers of local authorities with respect to pedestrian crossings on roads other than trunk roads
- Section 29 - Power to prohibit traffic on roads to be used as playgrounds
- Section 31 - Byelaws with respect to roads used as playgrounds
- Section 45 - Designation of paying parking places on highways
- Section 46 - Charges at, and regulation of, designated parking places
- Section 46A - Variation of charges at designated parking places
- Section 47 - Offences relating to designated parking places
- Section 48 - Acceptance of payment as bar to proceedings under s.

Section 49	- Supplementary provisions as to designated orders and designated parking places
Section 51	- Parking devices for designated parking places
Section 53	- Designation orders outside Greater London
Section 55	- Financial provisions relating to designation orders
Section 61	- Loading areas
Section 63	- Stands and racks for bicycles
Section 63A	- Appointment of parking attendants
Section 64	- General provisions as to traffic signs
Section 65	- Powers and duties of highways authorities as to placing of traffic signs
Section 68	- Placing of traffic signs in connection with exercise of other powers
Section 69	- General provisions as to removal of signs
Section 71	- Power to enter land in connection with traffic signs
Section 82	- What roads are restricted roads
Section 83	- Provisions as to directions under s.82(2)
Section 84	- Speed limits on roads other than restricted roads
Section 85	- Traffic signs for indicating speed restrictions
Section 92	Bollards and other obstructions outside Greater London
Section 122A	- Prospective use of powers

The rescinding of Traffic Regulation Orders made by the County Council within the administrative area of the City Council.

- (i) except that these powers:-  
will not be exercised in respect of primary or principal roads or where they could significantly affect traffic using primary or principal roads, without the consent of the County Council;
- (ii) (unless otherwise agreed) are not delegated where they are incidental to a scheme not delegated to the City Council under Paragraph 1(b)

3. The Functions of the County Council under (a) the Road Traffic Act 1988:-

- Section 27 - Control of dogs on roads
- Section 31 - Regulation of cycle racing on public ways
- Section 33 - Control of use of footpaths and bridleways for motor vehicle trials

(b) New Roads and Street Works Act 1991 (as amended);

**Part III**

- Section 48 - Streets, street works and undertakers
- Section 49 - The street authority and other relevant authorities
- Section 50 - Street works licences
- Section 51 - Prohibition of unauthorised street works
- Section 52 - Emergency works
- Section 53 - The street works register
- Section 53A - Duty to inspect records
- Section 54 - Advance notice of certain works
- Section 55 - Notice of starting date of works
- Section 56 - Power to give directions as to timing of street works
- Section 56A - Power to give directions as to placing of apparatus
- Section 57 - Notice of emergency works
- Section 58 - Restriction on works following substantial road works
- Section 58A - Restriction on works following substantial street works
- Section 59 - General duty of street authority to co-ordinate works
- Section 60 - General duty of undertakers to co-operate
- Section 61 - Protected streets
- Section 62 - Supplementary provisions as to designation of protected streets
- Section 63 - Streets with special engineering difficulties
- Section 64 - Traffic-sensitive streets
- Section 65 - Safety measures



- Section 66 - Avoidance of unnecessary delay or obstruction
- Section 67 - Qualifications of supervisors and operatives
- Section 68 - Facilities likely to affect other apparatus in the street
- Section 70 - Duty of undertaker to reinstate
- Section 71 - Materials, workmanship and standard of reinstatement
- Section 72 - Powers of street authority in relation to reinstatement
- Section 73 - Reinstatement affected by subsequent works
- Section 73A - Power to require undertaker to re-surface street
- Section 73B - Power to specify timing etc of re-surfacing
- Section 73C - Materials, workmanship and standard of re-surfacing
- Section 73D - Re-surfacing: regulations
- Section 73E - Re-surfacing: guidance
- Section 73F - Guidance about street authority inspections
- Section 74 - Charge for occupation of the highway where works unreasonably prolonged
- Section 74A - Charge determined by reference to duration of works
- Section 74B - Regulations under section 74 ad 74A
- Section 75 - Inspection fees
- Section 76 - Liability for cost of temporary traffic regulation
- Section 77 - Liability for cost of use of alternative route
- Section 78 - Contributions to costs of making good long-term damage
- Section 78A - Contributions to costs of re-surfacing by undertaker
- Section 79 - Records of location of apparatus
- Section 80 - Duty to inform undertakers of location of apparatus
- Section 81 - Duty to maintain apparatus
- Section 82 - Liability for damage or loss caused
- Section 83 - Works for road purposes likely to affect apparatus in the street
- Section 84 - Measures necessary where apparatus affected by major works
- Section 85 - Sharing of costs of necessary measures
- Section 86 - Highway authorities, highways and related matters
- Section 87 - Prospectively maintainable highways



- Section 88 - Bridges, bridge authorities and related matters
- Section 89 - Public sewers, sewer authorities and related matters
- Section 90 - Provisions as to reinstatement of sewers, drains or tunnels
- Section 91 - Transport authorities, transport undertakings and related matters
- Section 92 - Special precautions as to displaying of lights
- Section 93 - Works affecting level crossings or tramways
- Section 94 - Power of street authority or district council to undertake street works
- Section 95 - Offences
- Section 95A - Fixed penalties for certain offences under this Part
- Section 96 - Recovery of costs or expenses
- Section 97 - Service of notices and other documents
- Section 98 - Reckoning of periods
- Section 99 - Arbitration
- Section 100 - Agreements inconsistent with the provisions of this Part
- Section 101 - Effect of this Part on certain existing special enactments or instruments
- Section 102 - Effect of this Part on other existing enactments or instruments
- Section 103 - Former controlled land
- Section 104 - Meaning of "prescribed" and regulation generally
- Section 105 - Minor definitions
- Section 106 - Index of defined expressions

(c) Countryside Act 1968.

- Section 27 - Signposting of footpaths and bridleways

(d) Town and Country Planning Act 1990.

- Section 247 - Highways affected by development: orders by Secretary of State
- Section 248 - Highways crossing or entering route of proposed new

- highway etc
- Section 249 - Order extinguishing right to use vehicles on highway
- Section 250 - Compensation for orders under s 249
- Section 251 - Extinguishment of public rights of way over land held for planning purposes
- Section 252 - Procedure for making of orders
- Section 253 - Procedure in anticipation of planning permission
- Section 254 - Compulsory acquisition of land in connection with highways
- Section 255 - Concurrent proceedings in connection with highways
- Section 256 - Telecommunication apparatus: orders by Secretary of the State
- Section 257 - Footpaths and bridleways affected by development: orders by other authorities

(e) Local Government Miscellaneous Provisions) Act 1976.

- Section 7 - Control of road-side sales

(f) Cycle Tracks Act 1984.

- Section 3 - Conversion of footpaths into cycle tracks
- Section 4 - Provision of barriers in cycle tracks, etc.
- Section 5 - Compensation

(g) Water Industry Act 1991.

- Section 115 - Use of highway drains as sewers and vice versa

(h) Road Traffic Act 1991

- Schedule 3 - Permitted and special parking areas outside London

(i) Land Compensation Act 1973

- Section 15 - Information for ascertaining relevant date insofar as it relates to schemes falling within Paragraph 1

- (j) Transport Act 2000  
Section 268 - Quiet lanes and home zones
  
- (k) Traffic Management Act 2004 (as amended)  
PART 6 - Civil enforcement of traffic contraventions
  
- SCHEDULE 7 Road traffic contraventions subject to civil enforcement
- SCHEDULE 9 - Setting of level of charges
  - (k) Emergency Planning Strategic level where the highway authority is involved in the Norwich City area under the Civil Contingencies Bill Major Emergencies
  
- (l) Chronically Sick and Disabled Persons Act 1970 – Section 21 power to inspect badges

Together with such other powers as may be delegated from time to time by the County Council.

- 4. All the functions of the County Council as Local Highway Authority under the Town and Country Planning (General Development Procedure) Order 1995 except (unless the parties otherwise agree) where they relate to development which is likely to:-
  - (a) generate an estimated increase of 100 in the vehicle movements in/out of the site in the peak hour and/or is likely to result in an increase in the volume of traffic entering or leaving the principal road network so as adversely to affect its operational efficiency; or
  - (b) prejudice the improvement or construction of a primary or principal road or proposed primary or principal road.

5. Replying to Local Land Charge Searches in respect of matters relating to the Functions.
  
6. (a) Subject to Paragraph 6(b) the powers to enter into agreements under Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 where such agreements are necessary to secure the improvement of public highways at the expense of developers or other third parties;
  
- (b) Unless otherwise agreed these powers are not delegated where they relate to development which is likely to generate an estimated increase of 100 in vehicle movements in/out of the site in the peak hour and/or is likely to result in an increase in the volume of traffic entering or leaving the principal road network so as adversely to affect its operational efficiency.
  
7. The provision of traffic signals (except to the extent referred to in Paragraph 6 of Part III to this Appendix) provided that the consent of the County Council will be required in respect of:-
  - (i) the installation of new traffic signals;
  - (ii) the configuration, electrical and mechanical design of the traffic signals and their installation; and
  - (iii) the linking of any traffic signal to the Urban Traffic Control Centre.

**PART II (THE FUNCTIONS DELEGATED BY THE COUNTY COUNCIL TO  
THE JOINT COMMITTEE UNDER CLAUSE 5**

1. Street lighting schemes (except the letting of maintenance contracts).

2. The making of Traffic Regulation Orders excepted from Paragraph 2 of Part I of this Appendix by virtue of Sub-Paragraph (ii).
3. Sections 32 to 41 inclusive of the Road Traffic Regulation Act 1984

### **PART III (THE CONSULTATIVE FUNCTIONS) CLAUSE 6**

1. The adoption of policies, codes of practice and standards relating to the Functions.
2. Draft budgets and programmes in respect of the Functions and draft Local Transport Plan submissions and Annual Progress Reports.
3. Strategic studies and evaluations (e.g. NATS and Park and Ride) which may have a significant impact on the exercise of the Functions.
4. Cross boundary schemes insofar as they are not delegated to the City Council under Part IV of this Appendix.
5. (Unless the parties otherwise agree) the following functions relating to public transport:-
  - (a) Partnership schemes with public transport operators.
  - (b) Passenger transport information systems, together with the provision of associated infrastructure such as bus shelters and personal access terminals.
  - (c) Selective vehicle detection schemes.
  - (d) Automatic vehicle location schemes.

6. Policies and programmes relating to the following functions relating to traffic signals:-
  - (a) Traffic signal maintenance (except the letting of maintenance contracts).
  - (b) UTC development and operations.
  - (c) Controller modifications.
  - (d) Other equipment modifications (e.g. tactile cones).
  - (e) Conversions (e.g. Pelicans to Puffins).
7. Policies and programmes relating to transportation telematics
8. All schemes (including cross boundary schemes) the estimated gross cost of which exceeds £2+ million except where specifically delegated to the City Council under Paragraph 1(b) of Part 1 of this Appendix.
9. All traffic management functions not delegated to the City Council in accordance with Paragraph 2 of Part 1 of this Appendix or delegated to the Joint Committee under Paragraph 2 of Part 2 of this Appendix.
10. Policies and programmes relating to accident investigation and road safety education, training and publicity.

#### **PART IV (CROSS BOUNDARY SCHEMES)**

Individual schemes involving the exercise of the Functions both within and outside the City Council's administrative area will be carried out as follows:-

- (1) In the case of all schemes, but particularly with regard to localised discrete schemes, the County Council and the City Council will seek to agree that the relevant functions be exercised by one or the other Council; but
  
- (2) In the event that the County Council and the City Council do not so agree, the scheme will be divided into two parts at a point at or close to the City boundary and the relevant functions will be exercised by each Council according to the division.

**APPENDIX 2**  
**JOINT COMMITTEE**

- (1) The membership of the Joint Committee will consist of 2 Councillors appointed by the County Council and 2 Councillors appointed by the City Council ("Members") and will be formally known as the Norwich Highways Agency Committee (NHAC).
- (2) The Joint committee will be advised and supported by six further councillors three appointed by the County Council and three by the City Council who will be entitled to participate in the discussion of all business of the Joint Committee but not to vote ("Advisory Councillors").
- (3) The Chairman of the Joint Committee shall be nominated by the County Council and the Vice Chairman shall be nominated by the City Council. In the event of the Chairman and Vice-Chairman being absent from a meeting the Joint Committee will elect a Chairman for the meeting from amongst its Members.
- (4) Subject to the provisions of this Schedule the Standing Orders of the City Council will apply to the conduct of business of the Joint Committee.
- (5) The Joint Committee will be clerked by the Head of Legal, Regulatory and Democratic Services of the City Council.
- (6)(a) The Joint Committee will meet at least 6 times per year (or such other minimum number as the Councils may from time to time agree) and at such dates and at such times as it may determine.



- (b) The Chairman and the Vice Chairman of the Joint Committee may jointly call a meeting of the Joint Committee at any time.
- (c) Any two Members of the Joint Committee may call a meeting of the Joint Committee by sending a written request to the Head of Legal, Regulatory and Democratic Services.
- (d) At least 7 days notice of the calling of any meeting under Paragraphs (b) and (c) must be sent to each Member of the Committee each Advisory Councillor and to the County Council and City Council.
- (e) In the case of an equality of votes the Chairman shall have a second or casting vote.
- (7) No business shall be transacted at a meeting of the Joint Committee unless at least 2 Members of the Joint Committee being one from the County Council and one from the City Council and two Advisory Councillors are present.
- (8) The costs of administering the Joint Committee will be met by the City Council. The attendance allowances of the Members of the Joint Committee and Advisory Councillors will be paid by the Council appointing them.
- (9) Minutes of the proceedings of the Joint Committee must be drawn up and retained in safe custody by the City Council.
- (10) Councillors of both the County Council and City Council will have the right to attend any meeting of the Joint Committee and with the agreement of the Chairman speak (but not vote) on any matter directly relating to his or her electoral division or ward.

- (11)(a) Officers of the City Council will be responsible for preparing and presenting reports to the Joint Committee in respect of the Functions.
- (b) Officers of the County Council will be responsible for preparing and presenting reports to the Joint Committee in respect of the County Functions and Consultative Functions.
- (c) In each case, the relevant officer of each Council will have the opportunity to address the Joint Committee.
- (12) Agenda papers and reports will be dispatched to all members of the County Council who represent electoral divisions within the City of Norwich at the same time as they are dispatched to members of the Joint Committee.

**APPENDIX 3**  
**AGENCY FEES**

1. **Valuation Fees**

50% of the RICS Scale 5a in respect of each transaction.

2. **Legal Fees**

(a) **Conveyancing Fees**

Proper and reasonable fees to be agreed.

(b) **Routine Work**

Routine work in connection with the Functions are covered by the relevant Fee referred to in paragraphs 3 to 6.

(c) **Non-routine Work**

Extraordinary matters such as litigation to be reimbursed at an hourly rate to be agreed in advance. No such work is to be undertaken without the approval of the County Council.

3. **Annual Maintenance, Network Management and Traffic Planning Fee**

An annual fee will be payable to cover those activities described in paragraph 9. and 10. For 2011/2012 it will be £579,831 increased with effect from the 1<sup>st</sup> April 2011 in accordance with Paragraph 8. On the 1<sup>st</sup> April 2012 and in successive years, it will be varied in accordance with Paragraph 8.

5. **Maintenance Works Fee**

- (1) Fees shall be paid on the actual time spent in developing, designing and supervising the implementation of works and schemes on the basis of schedules of staff rates to be approved by the County Council on each anniversary of this Agreement such approval not to be unreasonably withheld.
  
- (2) Prior to any work being carried out on a structural maintenance scheme the City Council shall prepare a detailed estimate of fees likely to be incurred under the headings of:-
  - Scheme design
  - Consultation (except where covered by paragraphs 3 and 4)
  - Surveys (including traffic modelling)
  - Supervision
  - Other (as specified by the County Council)

The County Council shall approve or amend the estimates taking into account the approved schedules of rates before work begins and the estimates as so approved shall be the Target Cost.

- (3) The City Council shall monitor its expenditure against the Target Cost and shall not exceed the Target Cost without the written agreement of the County Council such agreement not to be unreasonably withheld

6. **Improvement Works Fee (Consultancy)**

- (1) Fees shall be paid on the actual time spent in developing, designing and supervising the implementation of works and schemes on the basis of schedules of staff rates to be approved by the County Council on each anniversary of this Agreement such approval not to be unreasonably withheld.

(2) Prior to any work being carried out on a scheme the City Council shall prepare a detailed estimate of fees likely to be incurred under the headings of:-

- Scheme design
- Consultation (except where covered by paragraphs 3 and 4)
- Surveys (including traffic modelling)
- Supervision
- Other (as specified by the County Council)

The County Council shall approve or amend the estimates taking into account the approved schedules of rates before work begins and the estimates as so approved shall be the Target Cost.

(3) The City Council shall monitor its expenditure against the Target Cost and shall not exceed the Target Cost without the written agreement of the County Council such agreement not to be unreasonably withheld

## 7. **Feasibility Studies**

I.e. those studies to be carried to determine whether a scheme should be included in the draft annual programmes.

### Maintenance

The cost of feasibility studies will be covered in the annual fees payable under paragraphs 3 and 4.

### Improvements

The City Council shall prepare a Project Funding Prioritisation Report (PFPR) as a bid to the County Council to fund a feasibility study. The estimate of fees likely to be incurred shall be prepared under the headings of scheme design,

consultation, surveys and such other heads as shall be specified by the County Council

The County Council shall approve or amend the estimate and the estimate so approved shall be the fees payable.

8. **Index Linking**

The fees payable under Paragraphs 3 and 4 will be varied in the second and successive years of the Agreement. The factor to be used to calculate the variation will be the annual percentage change in the national APT and C staff salaries as calculated by the Head of Finance of the County Council and will be applied from the effective date of the salaries change.

9. **Definition of Annual Maintenance, Network Management and Traffic Planning Activities**

In this Appendix "Maintenance, Network Management and Traffic Planning" refers to all such matters the responsibility of the City Council under this Agreement including the following:

- Routine highway inspections in accordance with the County Councils Traffic Asset Management Plan .
- Management of Highway Network and liaison with Utilities including Transportation Liaison Working Party and Utilities Co-ordination Meetings (monthly meetings).
- Implementation and compliance of the NRSWA requirements or as varied by the County Council as highway authority.
- Feasibility, survey work and preparation of estimates.

- Preparation of reports and programmes of works.
- Budget preparation and financial management.
- Public liaison, complaints and enquiries (including those relating to winter maintenance).
- Initial processing of insurance claims and assistance in defending claims.
- Development Control and pre-Section 38 advice.
- Routine legal advice.

(a) Transportation Policy

- Assist in policy development in terms of progressing the NATS Strategy and within the context of the NATS Strategy on specific issues (Cycling, Parking Policy, etc.).
- Maintain and develop information systems to assist with policy development and traffic management (parking surveys, kerbside areas etc.).
- Prepare Committee Reports, statutory documentation and other forms of policy information advice and disseminate as necessary.

(b) Development Control

- Provide highway and transportation comments on planning applications, as appropriate, engage in pre-application discussions and appear at inquiries/hearings to support decisions as necessary.

(c) Traffic Regulation Orders and Speed Restriction Orders

- Undertake evaluation and assessment of all requests for new and amended Traffic Regulation Orders and Speed Restriction Orders.
- Prepare draft Traffic Regulation Orders and Notices for temporary traffic management arrangements.

(c) Improvement Programmes

- Preparation of bids for funding of feasibility studies.
- Preparation of bids for improvement scheme programmes.

(f) Traffic Planning and Management

- Evaluate and assess all requests for new and amended traffic management and traffic engineering proposals, including those relating to pedestrians, cyclists, public transport, motorists, area wide issues, air quality and parking.
- Devise programmes of work or other intervention to address requests for new and amended traffic management and traffic engineering.
- Devise solutions and undertake public consultation on priorities and options/outline solutions to inform bids for capital expenditure
- Monitor existing/new schemes and evaluate effectiveness of measures for use on future schemes and also for inclusion in the Local Transport Plan
- Respond to traffic related correspondence/requests from the public, elected Members, MPs, other organisations etc.



**APPENDIX 4**  
**PAYMENTS TO THE CITY COUNCIL**

1. The County Council will pay the fees referred to in Paragraphs 3 and 4 of Appendix 3 by BACS in twelve equal monthly instalments within the months to which they relate. At the start of each financial year the County Council will prepare a statement of the fees due in each month of that year and copied to the City Council. Payment of these monthly instalments will be made at the same time as the monthly payments made under paragraphs 2 and 3 of this Appendix.
  
2. The County Council will pay the City Council for the routine maintenance works described in Part I of Appendix 7 in accordance with the following procedures:-
  - (a) The City Council will send to the County Council within 10 days of the end of each month (except for the month of March, see 2(c) below) a statement (in a form required by the County Council) showing the expenditure properly incurred in that financial year to the end of that month.
  
  - (b) The County Council will pay the City Council the sum shown in that statement less any payments already made in respect of that financial year.
  
  - (c) By a date to be notified by the County Council (not later than mid 31 March), the City Council will send to the County Council a final statement of estimated expenditure properly incurred in the that financial year ending 31 March. The County Council will pay the City Council the sum shown in the final statement for the month of March in accordance with paragraph (b) and then any overspend or underspend in respect of the previous financial year which emerges in that final statement or

subsequently will be set against the new year's maintenance budget and shown in the next available monthly statement in the new financial year, unless the County Council decide otherwise.

3. The County Council will pay the City Council for works carried out in accordance with the Approved Programme in accordance with the following procedure:-
  - (a) The City Council will send to the County Council within 10 days of the end of each month (except for the month of March, see 3(c) below) a statement showing the expenditure properly incurred in the financial year to the end of that month. Each statement will show for each scheme the expenditure properly incurred by the City Council in respect of (i) fees, (ii) works, (iii) payments of statutory undertakers, (iv) land and (v) other payments. A forecast of expenditure to be incurred in the current year will also be indicated on each statement.
  - (b) The County Council will pay the City Council the sum shown in that statement less any payments already made in respect of that scheme.
  - (c) In March of each year, (by a date to be notified by the County Council) the City Council will send to the County Council a statement showing the estimated expenditure for that month and the County Council will pay the City Council the sum shown in that statement. Any difference between the estimated expenditure and the expenditure shown on the statement subsequently submitted for that month under Sub-Paragraph (a) will be paid to or repaid by the City Council (as the case may be) as part of the settlement of the next available month's statement.
4. The County Council will make all payments due under Paragraphs 2 and 3 by BACS within 28 days of receipt of the statement to which the payment relates. In the event of late payment the County Council will

pay interest at the relevant 7-day money market rate as quoted in the Local Government Chronicle.

## APPENDIX 5

### Governance – Schedule of meetings

<b>Meeting</b>	<b>Frequency</b>	<b>Lead</b>
County/City Liaison	Monthly	County/City
City Agency Management	Monthly	County
City Transportation Liaison Working Party	Monthly	City

**APPENDIX 6**  
**SCHEDULE OF DATES FOR SUBMISSION OF**  
**INFORMATION UNDER CLAUSE 20**  
**PART I**

Structural Maintenance

Draft annual and five year programmes for carriageways and footways forming part of the unclassified road network and drainage works by the end of July of the year preceding the start of the financial year to which the submission relates.

Improvements

Draft two-year programme by the end of November of the year preceding the start of the financial year for the first year of the programme to which the submission relates.

**PART II**

Information to be provided  
To the County Council

Improvement schemes – Information requirements

The City Council will in respect of Improvement Schemes submit the following information for approval by the County Council:-

- (i) Justification for the scheme in the form of a Project Funding Prioritisation Report to initiate the scheme, and updated as the scheme develops.
- (ii) Estimates to be subdivided into Works, Land and Fees.
- (iii) Proposed programme including key dates and expenditure profile.

- (iv) Actual key dates and expenditure and where appropriate together with reasons for variations to be provided/updated monthly.

**APPENDIX 7**  
**BASIS OF ESTIMATES**

1. Maintenance

(i) Routine

The City Council may submit estimates of routine maintenance costs for the following year which must be needs based requirements set out in the County Council's Transport Asset Management Plan.

(ii) Structural

The City Council must submit lists of all required structural maintenance works relating to carriageways and footways forming part of the unclassified road network and drainage works each year. The lists must be needs based in order of priority and appropriately justified.

(iii) Maintenance Standards

Estimates must be based on and work carried out to standards as laid down in the County Council's Transport Asset Management Plan.

2. Improvement Works

(i) The City Council must submit each year lists of all required schemes in category. The lists must be needs based in order of priority and appropriately justified including Project Funding Prioritisation Reports.

(ii) Estimates must be based on and work carried out to standards laid down by the County Council.

3. Other Expenditure

(i) No expenditure will be incurred unless the need and estimates have been approved and the required standards agreed by the County Council.



## APPENDIX 8

### **1. De-criminalised Parking**

Income over and above costs shall be paid to the County Council as follows:

A quarterly statement shall be submitted by the City Council one month in arrears, showing costs, income and the surplus/deficit in accordance with best accounting practice. The reports shall be submitted by the end of July, October and January for the previous quarter and by the end of the second full week in March estimating the surplus for the closing financial year to 31 March. Payment of the surplus is to be as soon as possible and not later than second full working week in July each year.

The quarterly instalments shall also include forecasts of the surplus for the remainder of the current financial year and for the whole of the next financial year.

### **2. Charges received directly by the County Council**

The parties agree that the County Council receives directly the charges and fees paid under Sections 74 and 75 of the New Roads and Street Works Act 1991

### **3. Income received in connection with statutory licenses and similar authorisations relating to the public highway**

Income is received for a number of activities where permits or licenses are granted to third parties e.g. skips, scaffolds, Section 50 licences, road opening permits etc. The surplus of income over the cost of these functions shall be paid to the County Council as follows:

The City Council shall submit to the County Council a quarterly statement detailing the income from each activity, and the legal fees and other costs incurred not covered by the annual fee and the net surplus. The statement shall be submitted by the second Wednesday in July, October and January for the previous quarter and by the end of the second full week in March estimating the income for the closing financial year to 31 March. Payment of surplus is to be as soon as possible and not later than the end of the second full working week in July following the close of the relevant financial year.

## APPENDIX 9

### Departmental Emergency Planning Liaison Officer (DEPLO)

- a) Provide a day to day communication link between his/her department and the Emergency Planning Unit;
- b) Increase awareness and understanding of the department when the NCC is dealing with major or significant emergencies.
- c) Attend training sessions, workshops, Study Days and other training considered appropriate to develop knowledge and experience within the field of Emergency Planning and Business Continuity.
- d) Work with departmental staff to assist in the writing and review of Departmental Emergency Plans.
- e) Co-ordinate departmental staff emergency training programme and ensure an effective co-ordinated response by:
  - Ensuring an appropriate number of emergency support staff are trained to undertake emergency roles in the Department, County Emergency Centre and any other locations as required
  - Ensuring that a Deputy is nominated.
  - Brief Department Chief Officer/other officers of developments in emergency planning
- f) Liaise with colleagues deployed in response to any emergency so as to ensure a structured, effective and efficient response is provided.
- g) Attend formal liaison meetings with emergency planning unit held on at least two occasions each year and any other meetings as required.
- h) Lead on any departmentally specific emergency planning procedures.
- i) Act as departmental 'Tactical' Manager as required by Chief Officer (see role of NCC Tactical (Silver) Manager - Section 2.18, page 20)



## APPENDIX 10

### **Support functions of the County Council (clause 16.2)**

#### **Responsibilities and Duties of the County Council**

This appendix lists the responsibilities and duties required of the County Council under the Agency Agreement. The City Council are required to take part in the various meetings and input into the work areas listed. The main County Council contact officer is listed responsible for ensuring the duties are carried out.

#### **Decriminalised Parking**

- **Highway Network Manager and Regulatory Officer** to address performance
- Quarterly review
- Policy development

#### **NRSWA 1991**

- **Highway Network Manager**
- Quarterly Regional and local HAUC's and Regional and Local Highways Group
- Quarterly co-ordination meeting
- Streetworks team meeting
- P.I. gathering and monitoring
- Procedure development
- Section 74 settlements
- Policy development

#### **Highway Inspections**

- **Highway Network Manager**
- Inspection framework
- P.I. gathering and monitoring

- Policy development
- Framework for scheme identification
- Quarterly review

#### **Highways Enforcement**

- **Highway Network Manager**
- Quarterly Network management meeting
- Procedure development
- Policy development

#### **Scheme Identification and Programme Development (on annual basis)**

- **Programme and Funding Manager**
- Key officers group
- Future programmes group

#### **Feasibility Studies**

- **Programme and Funding Manager**
- Monthly Programme manager meeting

#### **Reporting and Performance Management**

- **Highway Network Manager**
- Programme manager meeting
- NHAJC meetings

#### **Highway Land Searches**

- **Highways Development Control Manager**
- Annually Maintenance boundaries

#### **Contribute to Policy Development**

- **Various County Council officers**

#### **Programme Delivery**

- **Programme and Funding Manager**

- Monthly Programme manager meeting

#### **Development Control Advice**

- **Highways Development Control Manager**
- Quarterly Liaison meeting

#### **Winter Services**

- **Highway Network Manager**
- Annual pre-winter briefing meeting
- Annual post-winter de-briefing

#### **Out of Hours/Emergencies**

- **Highway Network Manager**
- Network management meeting

#### **Highway Trees**

- **Highway Network Manager**
- Arboricultural meeting

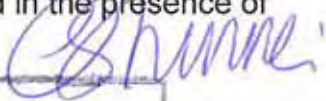
THE CORPORATE SEAL  
of the CITY COUNCIL OF NORWICH  
was hereunto affixed in  
the presence of:-



HEAD OF LEGAL SERVICES



THE COMMON SEAL of  
THE NORFOLK COUNTY COUNCIL  
Was hereunto affixed in the presence of



authorized to sign  
on behalf of:

HEAD OF LAW



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