

Report to Cabinet
13 February 2019
Report of Head of city development services
Subject Norwich Highways Agency Agreement

Item

1

KEY DECISION

Purpose

To ask Norfolk County Council to reconsider its' decision not to renew the Norwich Highways Agency Agreement

Recommendation

- (1) To ask Norfolk County Council to reconsider its decision not to renew the Norwich Highways Agency Agreement based on the implications for Norwich and Norfolk set out in this report that were not made clear in the report to the Environment, Development and Transport committee; and
- (2) Either:
 - a) Renew the agreement for a further period; or
 - b) Develop with the city council alternative arrangements that continue to deliver the best transport outcomes for Norwich and Norfolk.

Corporate and service priorities

The report helps to meet the corporate priority a safe, clean and low carbon city.

Financial implications

This report focuses on the strategic and reputational issues. There are negative financial implications should the agency agreement not be renewed some of which are described in the officer report to the county council's Environment, Development and Transport Committee of 18 January 2019.

Ward/s: All Wards

Cabinet member: Councillor Stonard - Sustainable and inclusive growth

Contact officers

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Background documents

None

Report

Background

1. Since local government re-organisation in 1974 a series of consecutive highways agency agreements have been in place between Norfolk County Council and Norwich City Council which have delegated local highway authority functions to the city council to undertake on the county council's behalf. As part of the agreement the city council agrees not to exercise certain district powers relating to highways.
2. It is important to recognise that the delivery of these functions by the city council is made within the context and direction set by relevant county council policies. Also the programmes and schemes delivered, such as Transport for Norwich projects, arise out of county council programmes and plans. The county council's Transport for Norwich programme, which has resulted in such measures as improvements at the Dereham Road/Sweet Briar Road roundabout or the closure of Westlegate, should not be confused with the agency agreement.
3. At its meeting on 18 January 2019, the county council's Environment, Development and Transport (EDT) committee resolved not to renew the current agency agreement when the existing agreement ends on 31 March 2020. The exception to this is on-street Civil Parking Enforcement (CPE)¹ which remains delegated to the council.
4. The EDT report has a relatively narrow focus and in particular is concerned with the costs associated with the agency agreement and operational matters. It does not necessarily consider the impact on Norwich nor its position as regional capital and the interdependence between the city and its wider county catchment. It is for this reason that the city council believes the county council was premature in making the decision it did.
5. It is therefore respectfully asking that the following wider implications are considered before any final decision is made:

Norwich 2040 vision

6. The council has been working with a huge range of interests and stakeholders whose geographical remit includes the city but also very often Norfolk and East Anglia more widely to develop a vision for the city. This vision sees Norwich becoming "a shining example for medium-sized cities across the globe", leading rather than following and taking steps to make sure it prospers for all who live, work, and visit or otherwise rely on it.
7. One of the key themes that have emerged is the need for a connected city, both within but also with its wider catchment into Norfolk and the world more generally. Transport plays a key role in this and a wide range of organisations need to work together to ensure that it is effective, clean, affordable and integrated. The integration of planning, parking and regeneration activities with transport that arises from the agency agreement is a key tool in delivering

¹ On-street CPE is also delegated to other district councils in Norwich. The county propose to review CPE in the coming months with the district councils.

effective transport in the urban area that best meets the needs of all who live or use the city; balancing the need for good connectivity with managing the consequences that can arise.

Transforming cities fund

8. Norwich has been shortlisted as one of 12 cities where the highway authority, i.e. Norfolk County Council, is entitled to bid for a share of £1.28 billion for work to transform the way people move around the urban area; making it more efficient to improve productivity and facilitate sustainable economic growth.
9. The city council was instrumental in preparing the initial successful expression of interest bid (much more so than Broadland or South Norfolk District Councils) working with county colleagues. Use was made of the expertise that the city has in urban planning and land use issues and the knowledge that the council has about the needs of the city's residents and those that use the city.
10. The dismantling of the agency agreement has the potential to derail the potential success of the transforming cities programme and the preparation of the business cases to secure the funding for which urban Norwich is eligible. In turn this runs the risk that the rewards of improved productivity and connectivity that would be enjoyed by both those living in the urban area and those that rely on it travelling from further afield would be lost.
11. The urban area of Norwich is the preeminent employment location in Norfolk and one of the fastest growing cities in the country with very good prospects for this to continue. However the bidding for and delivery of transforming cities projects will be undoubtedly challenging. To best benefit Norwich and its hinterland it would seem to make most sense to build on the existing strengths that the two authorities have in place through the agency agreement rather than remove them. The skills and joint working that have been instrumental in the success of this bid – as well as in previous bidding such as the City Cycle Ambition Grant programmes – should not be jeopardised.

Norwich highways agency committee

12. Since 1996 all decisions relating to changes to the highway in the city have been considered by the Norwich Highways Agency Committee (NHAC). NHAC is a joint committee of both councils, which the county has control of by way of the chair's casting vote.
13. The combination of county and city members is its strength as it elegantly ensures that both county and city interests are properly represented, that these interests also take account of all perspectives and not just those associated with the city administrative area and that ultimately the county council's strategy prevails. It is perhaps for good reason that the recent audit of the highways agency commissioned by the county council commented on the strength of the workings of the joint committee.
14. Without NHAC the proposal is for decisions about transforming cities to be made by the relevant county cabinet member in consultation with member representatives from the city council, Broadland and South Norfolk District Councils. This appears to be a retrograde step which diminishes the transparency, inclusiveness and accountability provided via NHAC.

Development management

15. The quality of development in the city is significantly enhanced by the integration of the planning and transportation teams. There are many constraints that arise from trying to develop in an urban area, particularly an historic city such as Norwich. The integration of planning and transportation through the agency agreement ensures that there is the best possible balance between the provision of new uses, their design and the provision of high quality access, which does not adversely affect existing road users.

16. For example

- Through the agency agreement, the development management service is able to give clear and quick – and hence less costly – advice to developers, that incorporates transport and highways considerations.
- Recognition can be given to future highway schemes which may not yet be in the public domain to ensure that development does not conflict with them.
- Having transport professionals working alongside planners ensures key traffic and highway details are always picked up.
- Highway streetworks professionals are able to advise on the programming and construction management of development.
- Officers working at the city council under the agency agreement have developed a high level of expertise in dealing with the specific transport and design requirements of an urban environment
- The close working ensures both transport professionals and planners have a more rounded perspective allowing more creative solutions and better decisions.

17. There is no doubt that the rounded advice this helps ensure is seen as beneficial by planning applicants. Termination of the agreement would remove the close integration in place and consequently introduce an additional impediment to development, putting new commercial and residential investment at risk.

On street parking

18. On-street parking issues including the creation of controlled parking zones or yellow lines to improve access make up a substantial proportion the work delivered via the agency agreement. Norwich is a successful city economy but relies on an historic road layout, which means parking is a major issue for residents and businesses.

19. Operationally there is considerably increased potential for confusion if one council is dealing with the day to day administration of parking permits and penalty charge notices, while another council is responsible for making changes to parking restrictions or introducing new permit areas.

20. On-street parking is one component of the parking offer the city provides; the others being park and ride (provided by the county council) and off-street parking (provided by the city council and other third parties). The agency

agreement has helped ensure that the constituent elements operate in harmony and are consistent with jointly agreed policies to best meet demand and help control congestion. Without an agency agreement the risk arises that such integration breaks down and commercial drivers to maximise income prevail at the expense of effective network management.

Air quality

21. The need to manage and improve air quality is a district council responsibility, however vehicle traffic is the main contributor to excessive levels of nitrogen dioxide in parts of the city centre where statutory limit values are exceeded. Air quality therefore necessarily has to involve the transport authority, i.e. Norfolk County Council.
22. Until now the city and county councils have worked collaboratively to resolve air quality issues with the agency agreement providing a means for environmental health and transport disciplines to work effectively together resulting in reduced emissions in many streets. There is undoubtedly more work to do and the separation that would arise if the agency agreement ended would lead to less efficient working and potential for conflict and hence reduced effectiveness in addressing the issue. In turn this creates the risk of continuing health impacts affecting not only residents but also those who work and visit the city more generally.

Events

23. Norwich is noted for the range and quality of events held in the city centre and elsewhere. These include the Lord Mayor's procession, Battle of Britain and Remembrance events and various other sporting and cultural occasions which are enjoyed by city residents along with those living in the rest of Norfolk. These very popular events are important to the economy helping to sustain the city centre economy.
24. With the events team and street works teams co-located in City Hall there is a very strong working relationship between the two which ensures the events themselves are a success and that the impact of such events is minimised on road users. The work done between these teams has resulted in the success of national level events such as Radio 1 Big Weekend and the upcoming British Cycling Championships.

Operational implications not fully addressed in the EDT report

25. Street trees – As the EDT report mentions, currently the city council makes a significant financial contribution to the inspection and maintenance of trees that are within the highway. Street trees provide multiple environmental services to the city - cleaner air, wildlife habitat, flood mitigation, sense of well-being, mitigating urban heat island effects and aesthetic pleasure.
26. The city council currently spends in the region of £300k above that which Norfolk County Council provides and if it reduces its expenditure because it no longer has responsibility for the highway then the county council will need to spend more. The alternative is to remove trees, just when the Government is consulting on measures to ensure that local authorities are more sensitive to

tree provision and views of communities following on from the controversial tree felling in Sheffield.

27. Avoidable contact – While the county council report suggests there is confusion among the public as to which authority to approach on a highway issue, in reality the numbers experiencing this are low and the vast majority of correspondence comes to the city council in the first instance. The city council takes responsibility and ownership of issues providing one point of contact for customers.
28. Ending the agency will therefore mean that all those that are used to contacting the city council will now be directed to the county council resulting in significant levels of avoidable contact, which is both inefficient and will be costly to both authorities. Furthermore contact often relates to a variety of issues. The efficiency of being able to address such contact on a 'one-stop' basis would be lost in the absence of the agency agreement. The reality is that avoidable contact is likely to increase to the detriment of both authorities.
29. Joint working – present arrangements allow for district and highway/transportation functions to be integrated. The link between planning and transportation has already been highlighted. Other examples include:
- a) The integrated approach to gully and street cleaning in streets so that activities are coordinated improving customer satisfaction and reducing flooding risk. This integration is possibly unique within two tier authority areas.
 - b) Collaboration between all staff involved in street scene management so that highway defects or overhanging vegetation issues are more quickly addressed.
 - c) Coordinating highway authority and district powers (e.g. development control) to more effectively address streetscene problems such as advertising trailers or encroachments.
 - d) Coordinated maintenance of open spaces which are part adopted highway and party land owned by the council, for example Hay Hill and areas in Bowthorpe.
 - e) Enhanced planting on roundabouts through city council and Norwich in Bloom initiatives which also deliver planting more cheaply and offer horticultural training for students.

Conclusion

30. It is very regrettable that when transport in Norwich is on the cusp of the beneficial opportunities offered by the transforming cities fund, that the county council are seeking to dismantle a successful delivery mechanism that has operated in the city over many years. An independent audit report commissioned by the county council to inform the decision about whether the agency agreement should continue which was not shared with members of EDT or NHAC concluded "Areas of strength around the Agreement include the strong working relationship which has been built between the two authorities, and the benefits that this has brought both in terms of the Agreement and other related linkages including external funding success."

31. The agency agreement has been an important element in the set of collaborative working arrangements that have enabled ever closer joint working and improved governance between the two councils as well as our neighbours. These have involved the creation of the Greater Norwich Development Partnership, preparation of the Norwich Area Transport Strategy and Joint Core Strategy, entering into the City Deal, forming the Greater Norwich Growth Board, pooling community infrastructure levy, obtaining central government and Local Enterprise Partnership infrastructure funding and more recently the exceptionally close working on the transforming cities fund.
32. It would be deeply regrettable if the cessation of the agency agreement led to a reversion to the poor relations between the two councils that existed in the past when the city council challenged various major transport projects through planning and legal processes. It is appreciated that circumstances and context change. However the council concludes that an agency agreement remains a relevant and very important component in the delivery of good transport for Norwich and those who rely on Norwich. If the county council are determined to terminate the present agreement then robust alternative provisions should be put forward to ensure the risks of negative implications set-out in this report are avoided.

Integrated impact assessment



NORWICH
City Council

Report author to complete

Committee:	Cabinet
Committee date:	13 February 2019
Director / Head of service	Andy Watt
Report subject:	Norwich highways agency agreement
Date assessed:	4 February 2019

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are positive (savings on tree and grounds maintenance expenditure) and negative (overhead recovery) implications of the termination of the agreement. However on balance the impact on overall public purse is judged to be positive if the agreement is retained or successor arrangements agreed.
Other departments and services e.g. office facilities, customer contact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The effectiveness of the council's planning, streetscene and parking functions is greater with the agency agreement than without.
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Economic development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The agency agreement allows for transportation aspects of local economic development and regeneration to be more effectively addressed.
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The recommendation has no impact on financial inclusion.
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The recommendation has no social impact.
<u>S17 crime and disorder act 1998</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The recommendation has no social impact.
Human Rights Act 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The recommendation has no social impact.
Health and well being	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Retention of the agreement or satisfactory successor arrangements will help ensure effective means are in place to tackle traffic related air pollution and hence improve health and wellbeing.

Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The recommendation has no impact on equality and diversity.
Eliminating discrimination & harassment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The recommendation has no impact on equality and diversity.
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The recommendation has no impact on equality and diversity.
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The agency agreement ensures a balanced transport system for the city that helps it meet its economic potential whilst reconciling the needs and perspectives of people living in and outside the urban area.
Natural and built environment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The agency improves links between the natural & built environment and transportation through the integration that exists with the planning process for example.
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Retention of the agreement or satisfactory successor arrangements will help ensure effective means are in place to tackle traffic related air pollution.
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Energy and climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Risk management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Retention of the agreement or satisfactory successor arrangements will help ensure the risks associated with terminating the current effective and successful arrangements.

Recommendations from impact assessment	
Positive	
Retaining the agency agreement or satisfactory successor arrangements ensure transport in Norwich is effectively managed and improved for the benefit of the city and Norfolk as a whole.	
Negative	
Terminating the agreement presents a variety or significant risks which are rehearsed in the report and are opposite to the reasons for retaining it.	
Neutral	
Issues	
The council will need to consider its position should the agency agreement not be renewed satisfactory successor arrangements come forward.	