



GREAT YARMOUTH
BOROUGH COUNCIL

Environment Committee

Date: Wednesday, 25 January 2017

Time: 18:30

Venue: Supper Room

Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

Open to Public and Press

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

3 MINUTES

3 - 8

To confirm the minutes of the meeting held on the 23 November 2016.

4 FORWARD PLAN

9 - 10

The Forward Plan for the Environment Committee is attached.

5 REVIEW OF THE DISPLAY OF ADVERTISING BOARDS AND DISPLAYS ON THE HIGHWAY

11 - 42

Report attached.

6 HIGHWAYS ENGLAND - MAINTENANCE OF ROUNDABOUTS

Update to follow.

7 ANY OTHER BUSINESS

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

8 EXCLUSION OF PUBLIC

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

Environment Committee

Minutes

Wednesday, 23 November 2016 at 18:30

PRESENT :-

Councillor Smith (in the Chair); Councillors Annison, Bensly, Fairhead, Grant, Hammond, Hanton, Walch, Weymouth and Wright

Councillor K Grey attended as substitute for Councillor Hacon

Councillor A Grey attended as substitute for Councillor Jones

Councillor Walker attended as substitute for Councillor Pratt#

Also in attendance :-

Mrs J Beck (Director of Customer Services, Mr G Buck (Group Manager, Environmental Services), Mr P Shucksmith (Senior Environmental Ranger), Mrs S Brown (Environmental Services Policy & Reporting Officer) Mr D Wiles (Press and Communications Officer) and Mrs S Wintle (Member Services Officer).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hacon, Jones and Pratt.

2 DECLARATIONS OF INTEREST

Councillors K Grey, A Grey, Waters-Bunn and Weymouth declared a Personal Interest in the item relating to Dog controls within the Borough, but in line with the Constitution were allowed to both speak and vote on this matter.

3 MINUTES

The minutes of the meeting held on the 12 October 2016 were confirmed.

4 FORWARD PLAN - ENVIRONMENT COMMITTEE

The Committee considered a request from Councillor Walch to include the Boardwalk of Yarmouth North onto the Forward Plan.

RESOLVED :

- i) The Committee note the contents within the Environment Committee's Forward Plan.
- ii) The Committee agree to include the Boardwalk at Yarmouth North on future Forward Plans.

5 QUARTER 2 PERFORMANCE REPORT 2016/17

The Committee received and considered the Group Manager, Customer Services report which provided Members with an update on current performance for the second quarter of 2016/17.

The Committee's attention was drawn to EN05 (% of contamination of recyclates as a % of all recyclates) within the report which showed an increase in percentage since the previous quarter. Councillor K Grey asked what measures had been put in place for contamination, and she was advised that both Norfolk Waste and the Borough Council were undertaking measures to address this issue.

The Chairman pointed out the significant increases recorded for EN06 (Garden Waste Service).

RESOLVED :

That all measures be monitored during the next quarter.

6 REVIEW OF DOG CONTROLS WITHIN THE BOROUGH

The Committee received and considered the Senior Environmental Rangers report which provided the Committee with details about a review carried out of dog control measures within the Borough.

The Senior Environmental Ranger drew the Committees attention to Appendix 1 within the report which provided Members with a summary of the Public Spaces Protection Order (PSPO). He advised that the Order would come into force on the 1 April 2017 and would be valid for a period of 3 years unless extended under Section 60 of the Act.

It was reported that the public consultation opened on the 13 September 2016 and closed on the 17 October 2016 and that in excess of 800 responses were received. Members attention was drawn to Appendix 2 where a breakdown of responses received were summarised. The Senior Environmental Ranger advised that Appendix 3 contained local press articles and letters.

The Senior Environmental Ranger reported that the Council's proposals had generated a wide range of responses, in the main most of the proposal's had received support particularly around the Borough wide proposals around dog fouling and request to leash dogs. It was pointed out that a number of responses had been received which had taken issue with the Council's proposals for a dogs on lead requirement in particular for areas covering the North Denes Special Protection Area, Burgh Castle Roman Fort and for the extension of the dog bans on Great Yarmouth Central and Gorleston Beaches from the 1 May (at present) to commence on April 1st or Easter whichever comes first.

The Chairman summarised each of the proposals detailed in Appendix 4 to the Committee, and he read a statement to Members which had been received from the Parish Councils in relation to the proposals.

The Chairman thanked Officers for the work undertaken in relation to the PSPO.

RESOLVED :

That the Committee agree to the Public Space Protection Order (PSPO) as set out in Appendix 4 subject to the following amendments :-

- i) The removal of the request for a dogs on lead requirement on the Special Protection Area covering the beach from Salisbury Road, North Denes, Great Yarmouth to Tan Lane, Caister-on-Sea.
- ii) That the current dates (1 May to 30 September) for dogs on lead requirement be continued at the following sites :-
 - Promenade adjacent to the beach between Wellington Pier and Britannia Pier, Great Yarmouth

- Promenade adjacent to the beach between the Breakwater and Ravine, Gorleston

iii) That the current dates (1 May to 30 September) for dogs being banned be continued at the following sites

- The beach between Wellington Pier and Britannia Pier, Great Yarmouth
- The beach between the breakwater and Ravine, Gorleston

iv) That any proposal for a dogs ban or dogs on lead requirement relating to any Parish or privately owned land remain as the Parish Council or landowners responsibility and not included in the PSPO (excluding any fenced playgrounds managed by the Borough Council)

v) The Committee agreed not to include within the PSPO the proposal that the following sites are covered by a dogs on lead requirement during sports :-

- Beaconsfield Recreation Ground, Beaconsfield Road, Great Yarmouth
- Cobholm Recreation Ground, Mill Road, Cobholm
- Gorleston Recreation Ground, Church Lane, Gorleston
- Magdalen Recreation Ground, Edinburgh Avenue, Gorleston
- Mill Lane Recreation Ground, Mill Lane, Bradwell
- Southtown Common, Suffolk Road, Gorleston

7 DATE AND TIME OF NEXT MEETING

RESOLVED :

That the next meeting of the Environment Committee be held on the 25 January 2017 at 6.30pm.

8 EXCLUSION OF PUBLIC

RESOLVED :

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

9 CONFIDENTIAL MINUTES

The confidential minutes of the meeting held on the 12 October 2016 were confirmed.

The meeting ended at: 19:25

Forward Plan for Environment Committee

	Matter for Decision	Report by	Pre Agenda Meeting (PAM)	Environment	Policy & Resources	Council
1	Advertising Boards & Display Stands	Group Manager (Environment)	19/01/17	25/01/17		
2	Highway England - Maintenance of Roundabouts	Director of Customer Services	19/01/17	25/01/17		
3	Performance Data - Q3	Director of Customer Services	21/02/17	01/03/17	21/03/17	
4	Bin Sponsorship	Group Manager (Environment)		TBC		
5	Board Walk - North Yarmouth	Director of Customer Services		TBC		
6	Footway lighting	Group Manager (Environment)		TBC		
7	Fully Accessible Toilet Changing Facilities	Director of Customer Services		TBC		
8	Policy on Seagulls	Group Manager (Environment)		TBC		

Subject: **REVIEW OF THE DISPLAY OF ADVERTISING BOARDS AND DISPLAYS ON THE HIGHWAY**

Report to: Executive Management Team 5 January 2017
Environment Committee 20 January 2017

Report by: Sarah Flatman, Commercial Manager

SUBJECT MATTER/RECOMMENDATIONS

The purpose of this report is to advise members of the current policy for dealing with advertising boards and the display of goods on the highway.

The Committee is recommended to note the Policy and agree that:

Officers from Environmental Services undertake a period of liaison with affected traders followed by a rigorous enforcement programme for the summer season 2017 followed by a review to assess the effectiveness of the policy.

1. INTRODUCTION AND BACKGROUND

- 1.1 Advertising boards (better known as 'A' boards) and the display of goods on the highway pavements are traditional ways for businesses to promote and display their goods especially on Regent Road and the Seafront, often adding to the amenity and atmosphere of the street scene.
- 1.2 It should be noted that whilst the familiar term 'A' board has been used throughout this document, the proposed policy was intended to cover any unauthorised signs, model figures, structures or other objects that are placed on the public highway with the intention of advertising a business or event.
- 1.3 Great Yarmouth Borough Council recognises that some traders wish to use these means to promote their business activities. However, it is important that the number, size and positioning of items on the pavements are regulated to ensure that they enhance the street scene and do not cause difficulties for pedestrians, particularly those with impaired vision or mobility problems, older people or those with young children.
- 1.4 In 2014 Cabinet agreed the revision of a voluntary policy 'Advertising Boards and Display of Goods on the Highway in Great Yarmouth' (see Appendix A for a copy

of this guide). The aim of this was to ensure that through co-operation with traders, the size and positioning of items on the pavements and highway could be regulated by compliance with this guide. It also clarified what enforcement action could be taken against non-compliant premises.

- 1.4 Shortly after the revision was publicised, Officers started to work informally with businesses to educate and inform them about the policy and to seek their compliance. Businesses in the problem areas were written to making them aware of the policy. This action saw some immediate improvement. However, there remained a handful of business operators that were disregarding the policy and failing to comply with requests to move items that are not in accordance with the policy. Generally this was because they either had an excessive number of 'A' boards, displays etc., or they placed these items in locations that provided an obstruction or visual distraction. In addition some businesses used clusters of 'A' boards so positioned as to encourage flow of pedestrians to their premises.
- 1.5 However, shortly after this, the validity of the Policy was called into question which meant that it was temporarily suspended pending a number of checks around the delegation agreement with Norfolk County Council Highways. This issue was resolved and the Policy reinstated but too late for the 2016 season.
- 1.6 Proliferation of these 'A' boards, displays and other advertising structures is an area of concern for the Council as they can create obstructions to pedestrian flow, present a health and safety risk to those with visual impairment and a barrier to those with other mobility issues. In addition they can lead to a reduction in the visual amenity of the area.
- 1.7 A number of local authorities in the country have addressed this issue by removing all boards and displays; some have voluntary guidelines like ourselves while others have introduced a free or chargeable licensing scheme.
- 1.8 There are two main options to be considered;
 1. Education of the existing policy together with a rigorous enforcement regime, or
 2. Introduction of a licensing scheme

2. EDUCATION AND RIGOROUS ENFORCEMENT

- 2.1 The Council wishes to work with businesses and the community to achieve a sensible and practical solution for both the use of advertising boards and the display of goods on the footway of a public highway. However, it is necessary to take enforcement action when required to secure compliance with this guide.

2.2 Under Section 149 of the Highways Act 1980, a highway authority has the power to immediately remove from a highway pavement anything which it reasonably considers constitutes a danger to highway users. If an item does not create a danger but is an obstruction, a notice must be served and an appeal can be made to the Magistrates Court in the event of non-compliance with a notice.

Alternatively under Section 143 of the Act, after providing 4 weeks' notice to a business, the Council has the power to remove structures from the highway. The Council were provided with delegated power to use both these provisions of the Act from Norfolk County Council Highways in 2007 (See Appendix 2). To date these powers have not been used.

The delegated powers only cover the following areas:-

Regent Road, South Beach Parade, Marine Parade and the Market Place.

2.3 The removal of obstructions in practice has created difficulties as follows:-

On Regent Road there has been an informal agreement and co-operation with most businesses to locate 'A' Boards and displays behind the white line/stud markings that is currently marked on the ground to both sides of Regent Road. Historically this white line was placed there by Norfolk County Council to provide a level playing field for businesses. This is because some businesses on Regent Road own their own frontage while others the highway extends to the front of the property. In this case technically the latter were not permitted to display goods on the highway. These businesses must, however, still comply with the requirement to keep behind the line demarcation.

The result of this informal arrangement means that dealing with 'A' Boards consistently along the stretch of Regent Road becomes complex. This is because those businesses who own their own frontage can have an unrestricted number of displays and 'A' boards subject to planning restrictions as these items are not being placed on the highway. This results in the Council only being able to take action against those businesses who do not own land in front of their businesses or if businesses which have their own frontage place items beyond the curtilage they own.

Generally on Marine Parade and South Beach Parade the highway extends to the front of the majority of businesses and this does not create the difficulties of enforcement that are encountered on Regent Road.

The maps in Appendix 3 indicate those premises that own their frontages in all of the areas.

- 2.4 The difficulty with the legal powers available to the Council to remove obstructions that are not creating an immediate danger is under Section 143 of the Highways Act the Council must give the business four weeks' notice of our intention to remove the item. This creates problems in the short summer season as these boards will be creating this obstruction for a significant part of the season.
- 2.5 Under the present scheme a local authority can charge an establishment reasonable costs to recover their 'A Boards' and displays that have been removed so there is some recovering of our costs but it is unlikely that the full cost of the Officer's time in carrying out any enforcement action will be recovered.
- 2.8 Under this option, the proposal is for Officers to spend time at the start of the season talking to traders and educating them around the Policy's requirements. This will then be followed by a rigorous enforcement of that policy against the minority of traders that are not willing to work with the Council and comply with the Policy. Such enforcement will ensure a level playing field for all businesses and enable worked to be targeted at the areas of most concern. This will allow for a review after the season to assess the effectiveness of the current policy.

3. INTRODUCTION OF A LICENSING SCHEME

- 3.1 Before introducing any licensing scheme under Section 115 of the Highways Act the Council must obtain consent of the Highway Authority to implement such a scheme and must advertise its intention to do so.
- 3.2 A licensing scheme will require significant resource input. Businesses will need to be notified of the Council's intention to introduce a licensing scheme, and an application form together with details of the fees and a copy of our guide will need to be sent to the applicant. Business owners would be required to submit their application form, fee, details of the proposed 'A' board and its location and a copy of their Public Liability Insurance document to the Council. The application will then need processing, the licence issued and adherence to the scheme consistently enforced.
- 3.3 The introduction of a licensing scheme could ensure 'A' boards and displays are more safely located and clutter and obstructions are removed from some of our

busiest streets as well as ensuring our businesses are covered by adequate Public Liability Insurance.

However, the introduction of a scheme will require an appropriate level of enforcement and there will be a significant impact on staff resources in implementing and monitoring the scheme. In addition it will introduce another level of regulation and cost for businesses.

- 3.4 A point to note with a licensing scheme is that due to the ownership issues on Regent Road as detailed above, an 'A' board located on the forecourt of a premise or within its own curtilage would not require consent and would therefore be exempt from the licensing scheme. This could be seen as providing unfair economic advantage to those businesses that do own their own forecourt and will not have to pay for their 'A' board. Prior to the delegation agreement Norfolk County Council encountered the same problems hence the white line/stud markings were placed on Regent Road to provide a level playing field for businesses.
- 3.5 Applications may take a significant time to process as it includes a statutory consultation period of 28 days to take into account any representations made by anyone who may be affected by the proposal. Any licence would then be granted for 12 months.
- 3.6 Licensing schemes can include fees for 'A' boards and a separate fee for displays; however, as the problem in Great Yarmouth is due to the number and location of 'A' boards, a licensing scheme is proposed solely to apply to them.

The fees charged to businesses for 'A' boards by Local Authorities having a licensing scheme range from no cost up to approximately £120 per board.

The Council recognises the economic impact of the proposed licence fees to traders; however, there will need to be a charge that will cover administration and enforcement of the scheme if it is introduced. The administration cost has been estimated at £50 per board, enforcement costs will be in addition to this.

- 3.7 It is difficult to quantify the income that will be generated from the scheme as it is not known how many licences will be granted or how many properties will be prepared to pay the associated fees. The introduction of a scheme may deter some businesses from using 'A' boards thereby limiting income generated.
- 3.8 In respect of any licensing scheme that applies to Regent Road, this will still only permit items behind the white line/stud markings.

4. FINANCIAL IMPLICATIONS

Any licensing or payment scheme introduced will potentially have a significant financial implication for staffing to set up, administer and enforce such a scheme. It is considered that such a scheme could not be absorbed by the existing staffing structure. Any charge must cover the cost of administering and enforcement of the scheme. It has been estimated the cost of administration would be around £50 per board with any enforcement costs on top of that.

It is not known how many traders would partake of the scheme.

5. LEGAL IMPLICATIONS

There is legislation and delegated powers in place to deal with the display of goods on the highway and powers to achieve compliance. The introduction of a licensing scheme will still, however, be dependent on approval being gained from Norfolk County Council Highways.

6. CONCLUSION

The placement of 'A' boards is a controversial subject; this can be seen when looking at the approaches taken by other local authorities. Whilst many have chosen to have little control over 'A' boards, others have had a total ban, a licensing scheme or a voluntary code as in Great Yarmouth.

Great Yarmouth Borough Council wishes to encourage traders to promote their business activities and the use of 'A' boards allows them to do this; however, we must be sensitive to the needs of the users of these areas and it is important there is some control over their use so they do not create a risk of injury to pedestrians, impede pedestrian access, especially to those with mobility issues, and to prevent them from adding to overall street clutter.

7. RECOMMENDATIONS

Members are recommended to note the current Policy and agree;

Officers from Environmental Services undertake a period of liaison with affected traders followed by a rigorous enforcement programme for the summer season 2017 followed by a review to assess the effectiveness of the policy.

Dept Reference: SAF/DS

Date: 20/12/2016

Background Papers:

Advertising Boards and Display of Goods on the Highway in Great Yarmouth'

This report has been considered by EMT
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Area for consideration	Comment
Monitoring Officer Consultation:	None
Section 151 Officer Consultation:	None
Existing Council Policies:	Yes
Financial Implications:	Yes
Legal Implications (including human rights):	Yes
Risk Implications:	Yes
Equality Issues/EQIA assessment:	Yes
Crime & Disorder:	None
Every Child Matters:	None

DATED July 2nd 2007

NORFOLK COUNTY COUNCIL

- and -

GREAT YARMOUTH BOROUGH COUNCIL

**HIGHWAYS
DELEGATION
AGREEMENT**

under the Local Government Act 1972
the Local Government Act 2000
and the Highways Act 1980

Head of Law
Norfolk County Council
County Hall
Martineau Lane
Norwich
NR1 2DH

CB/SMK/22916/Delegation Agt
12/3/07
engrossed 12/4/07

THIS AGREEMENT is made the 26th day of July 2007

BETWEEN NORFOLK COUNTY COUNCIL (the "County Council") of County Hall Martineau Lane Norwich NR1 2DH of the one part and THE GREAT YARMOUTH BOROUGH COUNCIL of Town hall Great Yarmouth NR30 2QF (the "Borough Council") of the other part.

WHEREAS:-

- (1) The County Council and the Borough Council are local authorities constituted by the Local Government Act 1972 (the "1972 Act").
- (2) By virtue of Section 1(2) of the Highways Act 1980 ("the 1980 Act") the County Council is the Local Highway Authority for highways situated in the County of Norfolk.
- (3) The County Council and the Borough Council have agreed new arrangements for the discharge of certain highway functions by the Borough Council on behalf of the County Council pursuant to Section 101 of the 1972 Act and in accordance with the Local Government Act 2000 (the "2000 Act")

IT IS NOW AGREED as follows:-

LEGAL STRUCTURE

Delegation of Certain County Functions to the Borough Council

1. The County Council hereby delegate to the Borough Council on the terms and conditions set out in this Agreement the functions set out in Appendix 1 (the "Functions") insofar as they relate to Regent Road Market Place Marine Parade (North and South) and South Beach Parade as shown coloured green on Plans 1 2 3 4 and 5 annexed hereto the "Amenity Area."

Discharge of Delegated Functions

2. The Borough Council agree with the County Council that they will discharge the Functions as agent of the County Council in accordance with the terms and conditions of this Agreement.

Delegation of Powers to Officers

Exercise of Delegated Functions by Borough Officers

3.1 The Borough Council may arrange for some or all of the Functions to be exercised by an officer of the Borough Council.

3.2 The terms and conditions of this Agreement apply to the exercise of any of the Functions by an officer of the Borough Council as they do to the exercise of the Functions by the Borough Council.

Employment of Staff

4. Subject to any relevant legislation the staff employed on the Functions are employees of the Borough Council.

Default Powers of the County Council

5. Nothing in this Agreement prevents the County Council itself from exercising or administering any of the Functions where the County Council have (except in the case of an emergency) given reasonable written notice to the Borough Council invoking this clause.

Indemnity to the County Council

6.1 The Borough Council hereby indemnifies the County Council against all liability claims and costs arising from the Functions and will be responsible for handling all claims arising therefrom from the commencement of this Agreement to its termination.

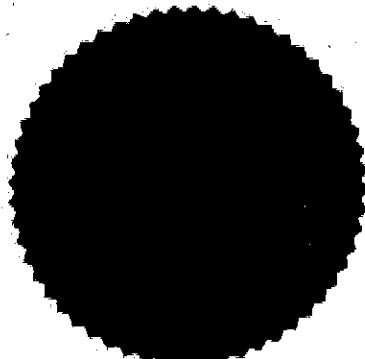
6.2. The County Council will provide such assistance as the Borough Council reasonably requires to defend any claims to which Clause 6.1 applies.

IN WITNESS whereof the County Council and the Borough Council have caused their respective Common Seals to be hereunto affixed the day and year first above written

THE COMMON SEAL of
THE NORFOLK COUNTY COUNCIL
was hereunto affixed in
the presence of:-

Victor D. M.

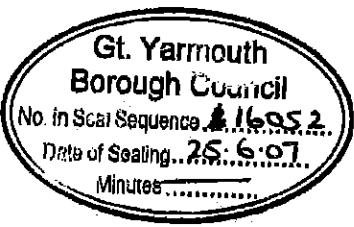
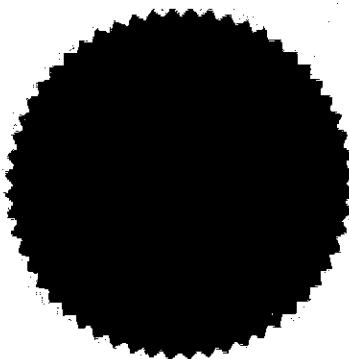
Head of Law



THE COMMON SEAL of
THE GREAT YARMOUTH BOROUGH COUNCIL
was hereunto affixed in
the presence of:-

Channer

Head of Legal Services
Central



APPENDIX 2

Governance – Schedule of meetings

Meeting	Frequency	Lead
County/Borough Liaison	Quarterly	County/Borough

APPENDIX 1

The Function to be delegated under the Highways Act 1980

PART 1

Section 115H - Duties to consult or obtain consent of other authorities

PART 2

Section 143 - Power to remove structures from highways
Section 149 - Removal of things so deposited on highways as to be a nuisance etc

the Local Government Act 2000 in respect of executive functions within the meaning of that Act.

28.2 No such document will be invalid by reason only that requirement in Clause 29.1 is not complied with and no person acting in pursuance of any such document will be concerned to see that such requirement is observed.

Dispute Resolution

29.1 The County Council and Borough Council shall attempt in good faith to resolve any dispute or claim arising out of or relating to this Agreement promptly through negotiations between their respective officers who have authority to settle the same.

29.2 If the matter is not resolved promptly through negotiation the County Council and Borough Council shall attempt in good faith to resolve the dispute or claim through an Alternative Dispute Resolution ("ADR") procedure as recommended to the parties by the Centre for Dispute Resolution.

29.3 If the matter has not been resolved by an ADR procedure within 56 days of the initiation of such procedure or if either party does not participate in an ADR procedure the dispute shall be referred to arbitration for decision by a person appointed by agreement between the parties or in default of agreement by the President for the time being of the Institute of Arbitrators who will act as an expert and not as an arbitrator and whose decision will be final and binding upon the parties.

Interpretation

30. A reference to any Act of Parliament includes a reference to any re-enactment of it and to any Order or Instrument made thereunder.

REVIEW AND DETERMINATION

Period of Agreement

23. This Agreement will operate with effect from 1 April 2007

Review of Agreement

24. The County Council and the Borough Council shall in each year of the Agreement jointly monitor its operation with a view to agreeing any necessary or desirable modifications to be made to it.

Variation of Agreement

25. This Agreement may be varied by agreement in writing between the County Council and the Borough Council any variations or determination taking effect at such time as may be agreed.

Determination of Agreement

26. This Agreement may be determined by agreement or by either party giving to the other not less than 3 months notice or by the County Council forthwith if the County Council shall reasonably certify that a breach of the Agreement has occurred.

OTHER MATTERS

Service of Notices

27. Any formal notice arising under this Agreement shall be addressed in the case of the County Council to the Head of Law and in the case of the Borough Council to the Head of Central Services (or in either case such other officer of the County Council or Borough Council (as the case may be) as they notify in writing to the other Council for the purpose of receiving such notices).

Formal Documents

28.1 Any formal document issued by the Borough Council in connection with the discharge of any of the Functions or to which the Borough Council is a party (including a conveyance, lease, tenancy or any other formal document relating to the acquisition of an interest in land) must state that the Function is exercised on behalf of the County Council pursuant to an arrangement entered into under Section 101 of the 1972 Act or equivalent provisions under

18.2 The Borough Council shall pay to the County Council the net proceeds of sale net of any reasonable disposal costs and debt charges from any land or buildings disposed of under Clause 18.

18.3 This Clause 19 is without prejudice to any specific agreement made between the County Council and the Borough Council in respect of particular areas of land or buildings.

PUBLICITY AND CUSTOMER CARE

Sign Boards

19. The Borough Council shall where appropriate provide sign-boards for the Amenity Area. The design and specification of the sign-boards shall be in accordance with standards and a standard format from time to time agreed between the County Council and the Borough Council.

Publicity

20.1 The County Council and the Borough Council will use their best endeavours to liaise with one another regarding day to day communications with the media in respect of the Functions.

20.2 "Publicity" in this Clause includes the preparation of leaflets and press releases and the holding of media events.

Customer Care

21. The Borough Council shall comply with its Corporate policy on customer care as adopted from time to time.

INFORMATION TECHNOLOGY

22. The County and Borough Councils shall use all reasonable endeavours to integrate their respective information technology systems so as to use a single system wherever practicable in the performance of the Functions.

invention, innovation or design for any purpose other than in connection with the Functions.

16.3 The Borough Council shall ensure that all Consultants or other organisations engaged in connection with the Functions are aware of this Clause and that they do not reproduce or publish any document of any description relating to the Functions without the prior written consent of the County Council and the Borough Council.

Land and Property

Acquisition and Disposal of Property

17.1 The Borough Council shall not without the prior written approval of the County Council:-

17.1.1 purchase any land for the purposes of the Enforcement Functions.

17.1.2 dispose of any interest or estate in land or buildings held or acquired for any of the Enforcement Functions; or

17.1.3 appropriate to a Committee of the Borough Council any interest or estate in land or buildings held or acquired for any of the Enforcement Functions.

17.2 Any interest or estate in any land or buildings held or acquired for the purpose of the Enforcement Functions shall as between the Borough Council and the County Council be the property of the County Council.

17.3 The Borough Council shall notify the County Council of any interest in land or buildings acquired or disposed of under Clause 18.1 and shall send certified copies of any associated Deeds or other Agreements to the County Council.

Management of Land and Buildings

18.1 Subject to Clause 19.2 the Borough Council will be responsible for the management of any land and buildings acquired for the Functions.

15.2 Upon the termination of this Agreement the Borough Council shall pass to the County Council such designs, drawings, technical information, photographs, computer software and other data relating to the Functions as are necessary to enable the County Council itself to carry out the Functions.

15.3.1 Unless otherwise agreed the Borough Council shall upon the termination of this Agreement transfer to the County Council all plant and equipment including computer software whether on lease licence or otherwise used by the Borough Council wholly or mainly for the purposes of the Functions specified in Part 2 of Appendix 1 (the "Enforcement Functions") PROVIDED THAT this clause shall not apply to plant and equipment purchased by the Borough Council at its expense.

15.3.2 The Borough Council shall also transfer any other contract or agreement or lease entered into by the Borough Council wholly or mainly for the purposes of the Enforcement Functions

PROVIDED THAT with regard to any contract agreement or lease entered into by the Borough Council which is likely to extend past the termination date under Clause 27 such transfer is subject to the County Council's consent.

Copyright and Patents

16.1 The ownership of and copyright in all designs, drawings, reports, specifications, bills of quantities, calculations and other documents provided in connection with the Functions shall vest jointly in the County Council and the Borough Council.

16.2 If the Borough Council, any consultant or other organisation incorporates in any such documents or material any idea, invention, innovation or design in respect of which prior to the date of this Agreement they have obtained or applied for any patent under the patent Acts or registered a design under the Registered Designs Act 1949 Clause 17.1 shall not operate to prevent the free use and exploitation by the Borough Council, any consultant or other organisation (as the case may be) of such idea,

Consultants

13. The Borough Council shall not engage the services of specialist consultants outside the County Council Strategic Partnership in respect of any work arising in connection with the Functions without the prior approval of the County Council.

PROPERTY PLANT AND EQUIPMENT

Equipment

14. The Borough Council shall retain and maintain (fair wear and tear excepted) such equipment software and data as the County Council may from time to time provide to the Borough Council or for which they reimburse the Borough Council for the purpose of administering the discharge of the Functions.

Equipment Termination

15.1.1 On the termination of this Agreement and the arrangement referred to in Clause 1 the Borough Council shall transfer to the County Council all plant and equipment including computer software whether on lease licence or otherwise provided by the County Council or reimbursed specifically by the County Council for the purpose of enabling the Borough Council to carry out the Functions insofar as the Borough Council may using its best endeavours lawfully do so.

15.1.2 The Borough Council shall also so transfer any other contract or agreement or lease entered into by the Borough Council the cost of which is reimbursed by the County Council for the purposes of the Functions

PROVIDED THAT with regard to any contract agreement or lease entered into by the Borough Council which is likely to extend past the termination date under Clause 27 such transfer is subject to the County Council's consent.

10.2 The County Council may annually by the 1 April in each year notify to the Borough Council targets for the delivery of the Functions taking into account the County Councils Annual Service Plan and Best Value Performance Plan and setting such targets so that if met by the Borough Council a top 25% performance rating could be achieved for the delivery of all the County Councils highway functions.

10.3 The Borough Council shall use its best endeavours to carry out the Functions so as to meet or improve upon any targets so notified.

10.4 The County Council may monitor the Functions in accordance with an annual business plan prepared by it.

10.5.1 The Borough Council shall provide the County Council with all accounts statistics and other information whatsoever in respect of the Functions as the County Council shall reasonably require in connection with its responsibilities under Part I of the Local Government Act 1999.

10.5.2 In particular that information shall include any performance indicators specified by the County Council

Inspection and Audit

11.1 The County Council may for audit purposes (including financial, quality and best value audits) have access to all relevant records relating to the Functions held by the Borough Council.

11.2 The Borough Council shall provide the County Council with such returns and in such form as (having regard in the case of exceptional matters to the cost to the Borough Council) as may be reasonably required in writing by the County Council.

PARTNERSHIP WORKING

County Council Partners

12. In carrying out the Functions the Borough Council may procure services through the County Council Strategic Partnership.

6.3 The Borough Council will (unless otherwise agreed) reimburse the County Council any additional expenditure it actually and reasonably incurs in providing such assistance as is referred to in Clause 6.2.

MANAGEMENT AND COUNTY SUPPORT

Officer Working Groups

7. The County Council and the Borough Council shall participate in the Officer Working Groups set out in Appendix 2 at the frequency specified therein or in such other Groups or at such other frequencies as may be agreed from time to time.

FINANCE

Cost of the Functions

8.1 The cost of carrying out the Functions shall be entirely that of the Borough Council.

Income

8.2 All income from the exercise of the functions shall belong to the Borough Council.

POLICY

County Council Policies to Apply

9. The Functions shall be carried out in accordance with the "Outdoor Seating Guide" annexed hereto including any amendment thereto agreed in writing between the County Council and the Borough Council and otherwise in accordance with the policies, codes of practice and standards determined from time to time by the County Council (whether or not approved by members of the County Council) and notified in writing to the Borough Council.

BEST VALUE PERFORMANCE MANAGEMENT AND AUDIT

Best Value

10.1 The County Council is the best value authority for the purposes of the Local Government Act 1999 in respect of the Functions.



Norfolk County Council

working with



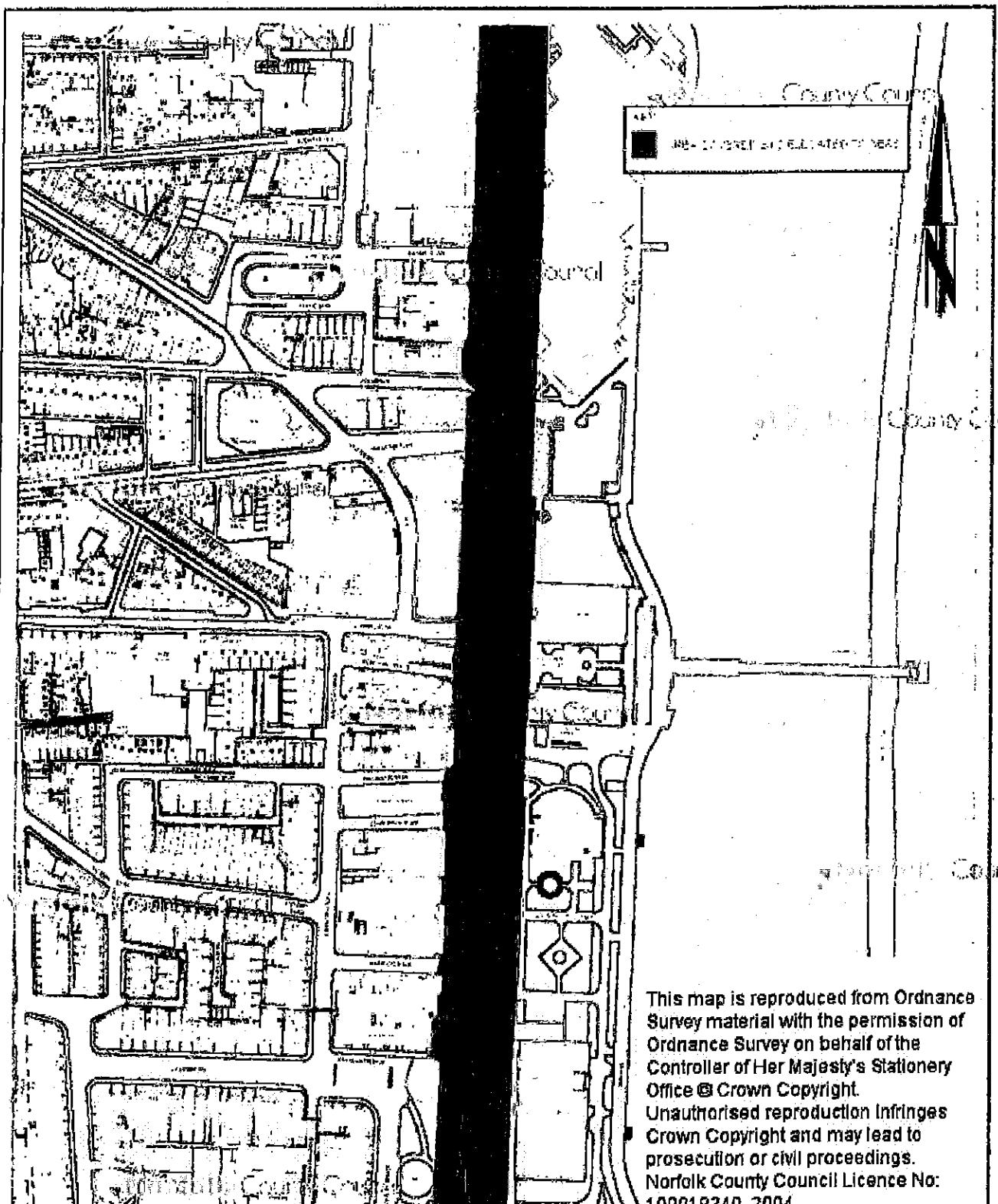
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SOUTH BEACH PARADE
Great Yarmouth

Mike Jefferies
Director of Planning and Transportation
Norfolk County Council
County Hall
Martins Lane
Norwich NR1 2BG

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DRAWN BY	MR	0001	PROJECT TITLE
CHECKED BY			AREA COVERED BY DELEGATED POWERS
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 **Berkshire County Council**

working with

STYLIC **MANUFACTURER**

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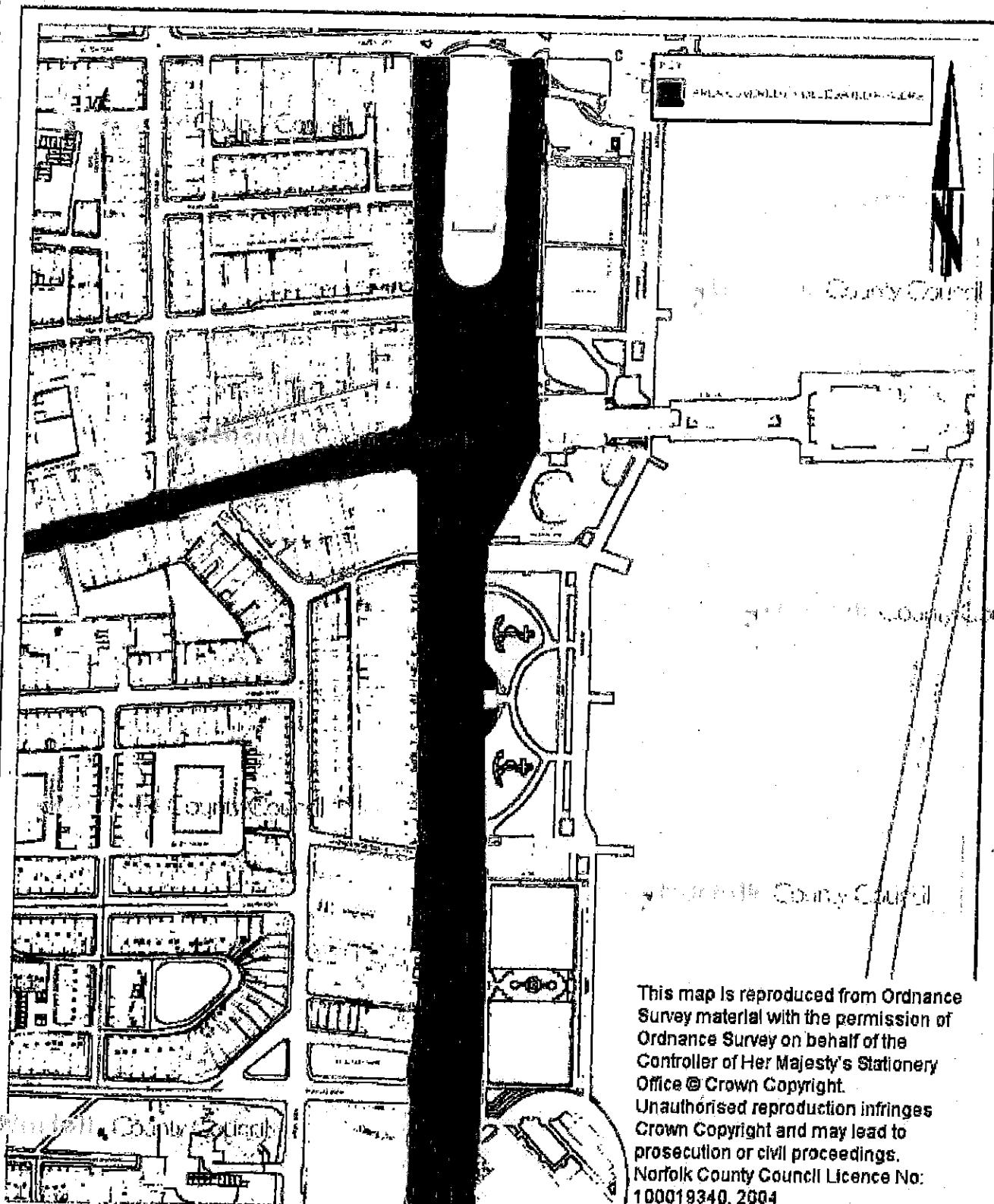
MARINE PARADE (S)
Great Yarmouth

Mike Jacobson
Director of Planning and Transportation
Norfolk County Council
County Hall
Markhouse Lane
Norfolk NR9 1AB

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DRAWN BY	MR.	1/8	PROJECT TITLE
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Plan 3



Norfolk County Council

Working with

Highways

DRAWING TITLE

MARINE PARADE (N)
Great Yarmouth

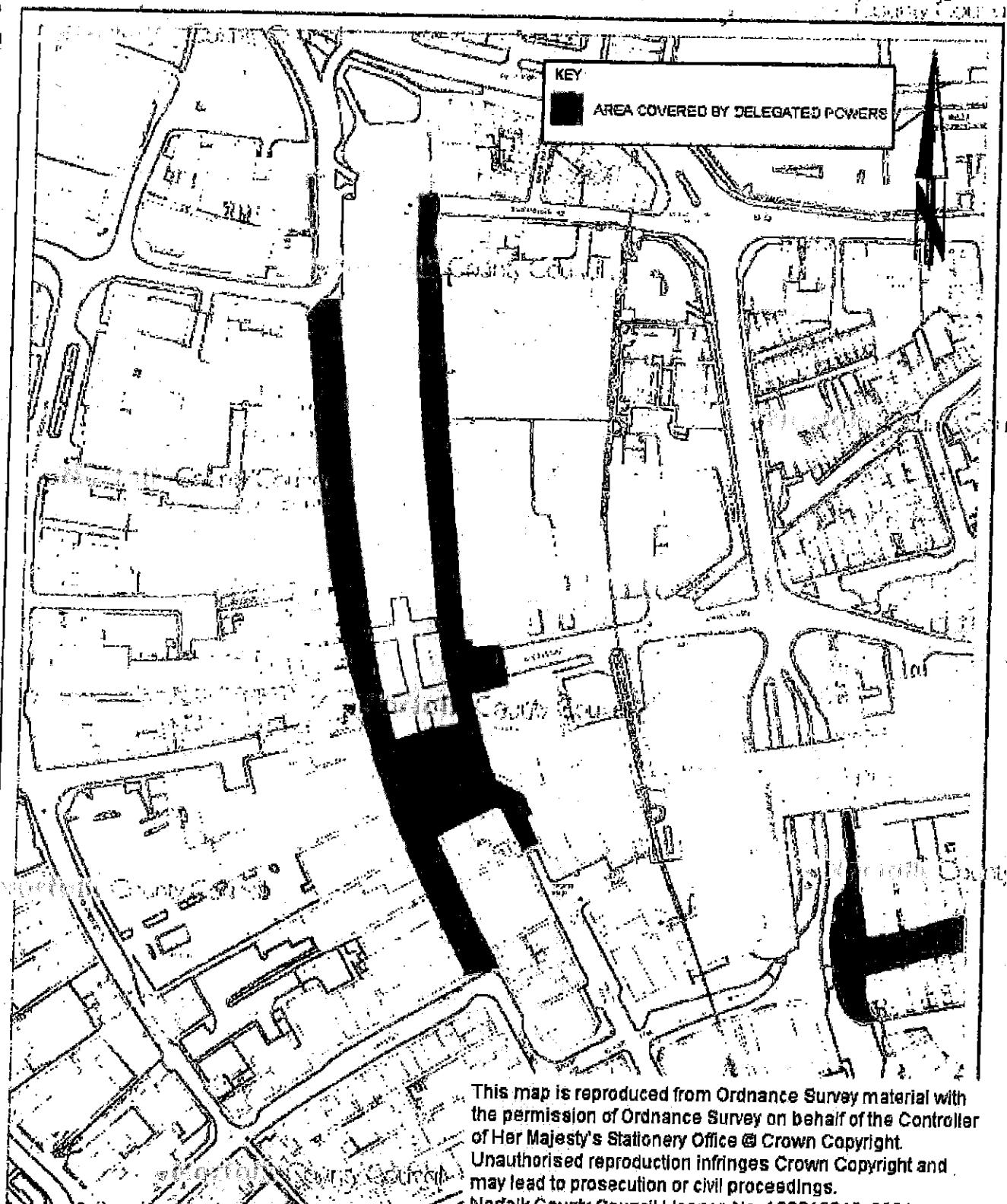
Mike Jackson
Director of Planning and Transportation
Norfolk County Council
County Hall
Martineau Lane
Norwich NR1 2EE

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Plan 2

County Council



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Norfolk County Council

working with

TTMIS

DRAWING TITLE

MARKET PLACE
Great Yarmouth

Mike Jackson
Director of Planning and Transportation
Norfolk County Council
County Hall
Norfolk Lane
Norwich NR1 3EE

REV.	DESCRIPTION	CHECKED	DATE

REVD.	INT.	DATE	DRAWING NO.
SURVEYED BY	✓	✓	2004/02/21
DESIGNED BY			PROJECT TITLE
DRAWN BY	✓	✓	2004/02/21
CHECKED BY			SCALE FILE NO.

Discharge of Delegated Functions

2. The Borough Council agree with the County Council that they will discharge the Functions as agent of the County Council in accordance with the terms and conditions of this Agreement.

Delegation of Powers to Officers

Exercise of Delegated Functions by Borough Officers

3.1 The Borough Council may arrange for some or all of the Functions to be exercised by an officer of the Borough Council.

3.2 The terms and conditions of this Agreement apply to the exercise of any of the Functions by an officer of the Borough Council as they do to the exercise of the Functions by the Borough Council.

Employment of Staff

4. Subject to any relevant legislation the staff employed on the Functions are employees of the Borough Council.

Default Powers of the County Council

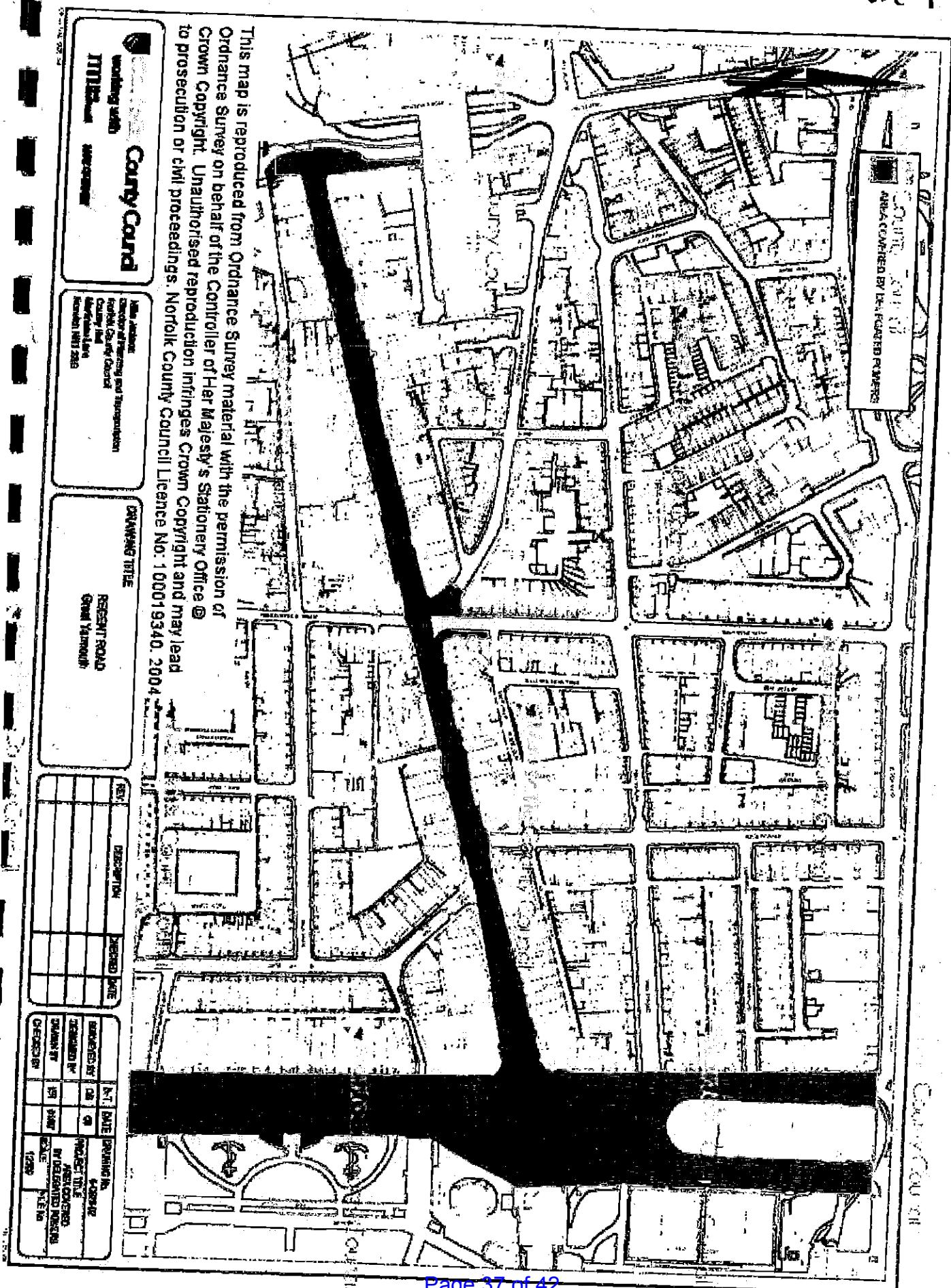
5. Nothing in this Agreement prevents the County Council itself from exercising or administering any of the Functions where the County Council have (except in the case of an emergency) given reasonable written notice to the Borough Council invoking this clause.

Indemnity to the County Council

6.1 The Borough Council hereby indemnifies the County Council against all liability claims and costs arising from the Functions and will be responsible for handling all claims arising therefrom from the commencement of this Agreement to its termination.

6.2. The County Council will provide such assistance as the Borough Council reasonably requires to defend any claims to which Clause 6.1 applies.

Plan 1



THIS AGREEMENT is made the 26 day of July 2007

BETWEEN NORFOLK COUNTY COUNCIL (the "County Council") of County Hall Martineau Lane Norwich NR1 2DH of the one part and THE GREAT YARMOUTH BOROUGH COUNCIL of Town hall Great Yarmouth NR30 2QF (the "Borough Council") of the other part.

WHEREAS:-

- (1) The County Council and the Borough Council are local authorities constituted by the Local Government Act 1972 (the "1972 Act").
- (2) By virtue of Section 1(2) of the Highways Act 1980 ("the 1980 Act") the County Council is the Local Highway Authority for highways situated in the County of Norfolk.
- (3) The County Council and the Borough Council have agreed new arrangements for the discharge of certain highway functions by the Borough Council on behalf of the County Council pursuant to Section 101 of the 1972 Act and in accordance with the Local Government Act 2000 (the "2000 Act")

IT IS NOW AGREED as follows:-

LEGAL STRUCTURE

Delegation of Certain County Functions to the Borough Council

1. The County Council hereby delegate to the Borough Council on the terms and conditions set out in this Agreement the functions set out in Appendix 1 (the "Functions") insofar as they relate to Regent Road Market Place Marine Parade (North and South) and South Beach Parade as shown coloured green on Plans 1 2 3 4 and 5 annexed hereto the "Amenity Area."

DATED July 2nd 2007

NORFOLK COUNTY COUNCIL

- and -

GREAT YARMOUTH BOROUGH COUNCIL

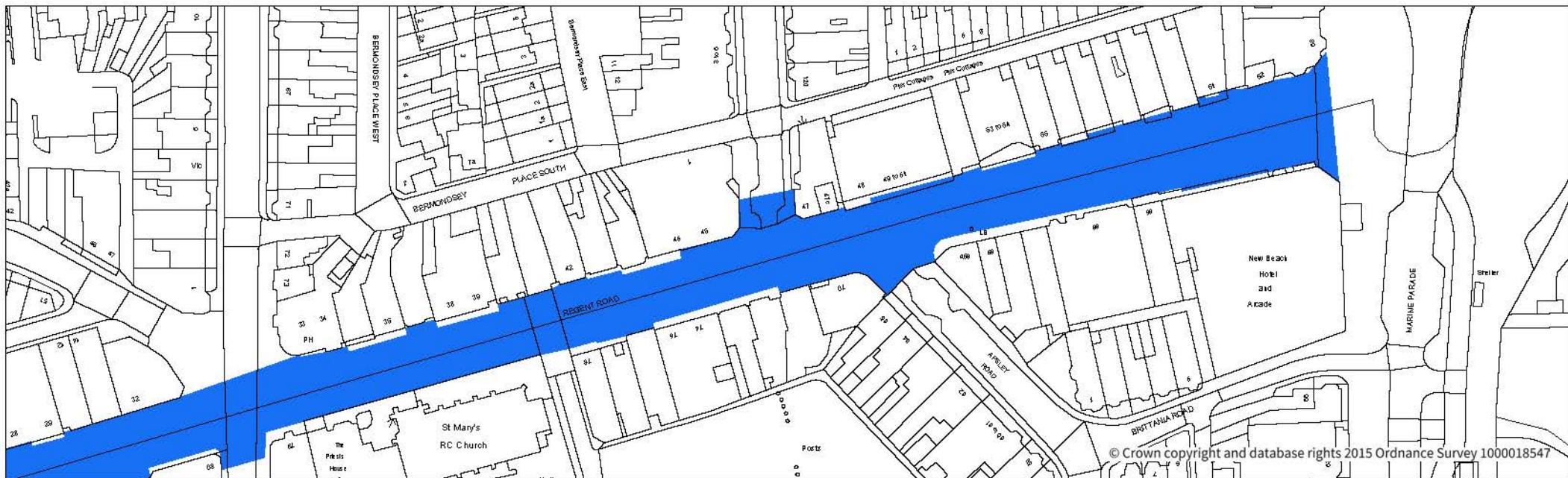
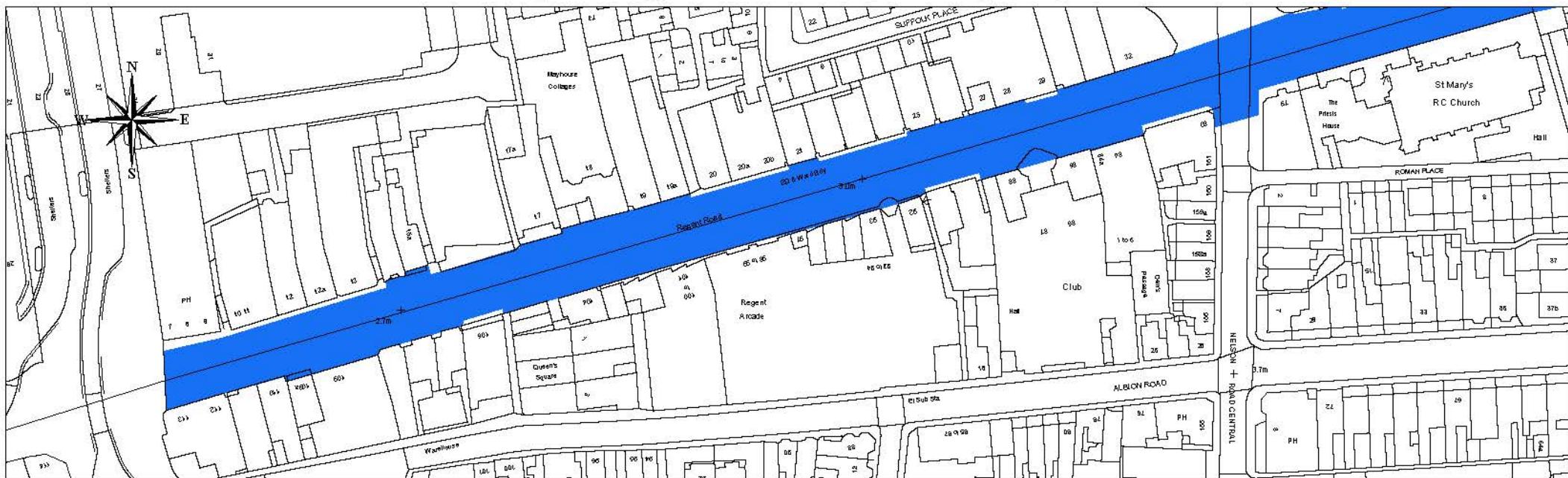
**HIGHWAYS
DELEGATION
AGREEMENT**

under the Local Government Act 1972
the Local Government Act 2000
and the Highways Act 1980

Head of Law
Norfolk County Council
County Hall
Martineau Lane
Norwich
NR1 2DH

CB/SMK/22916/Delegation Agt
12/3/07
engrossed 12/4/07

Map 1: Regent Road Adopted Highway



GREAT YARMOUTH
BOROUGH COUNCIL

Strategic Planning, Housing and
Regeneration Development

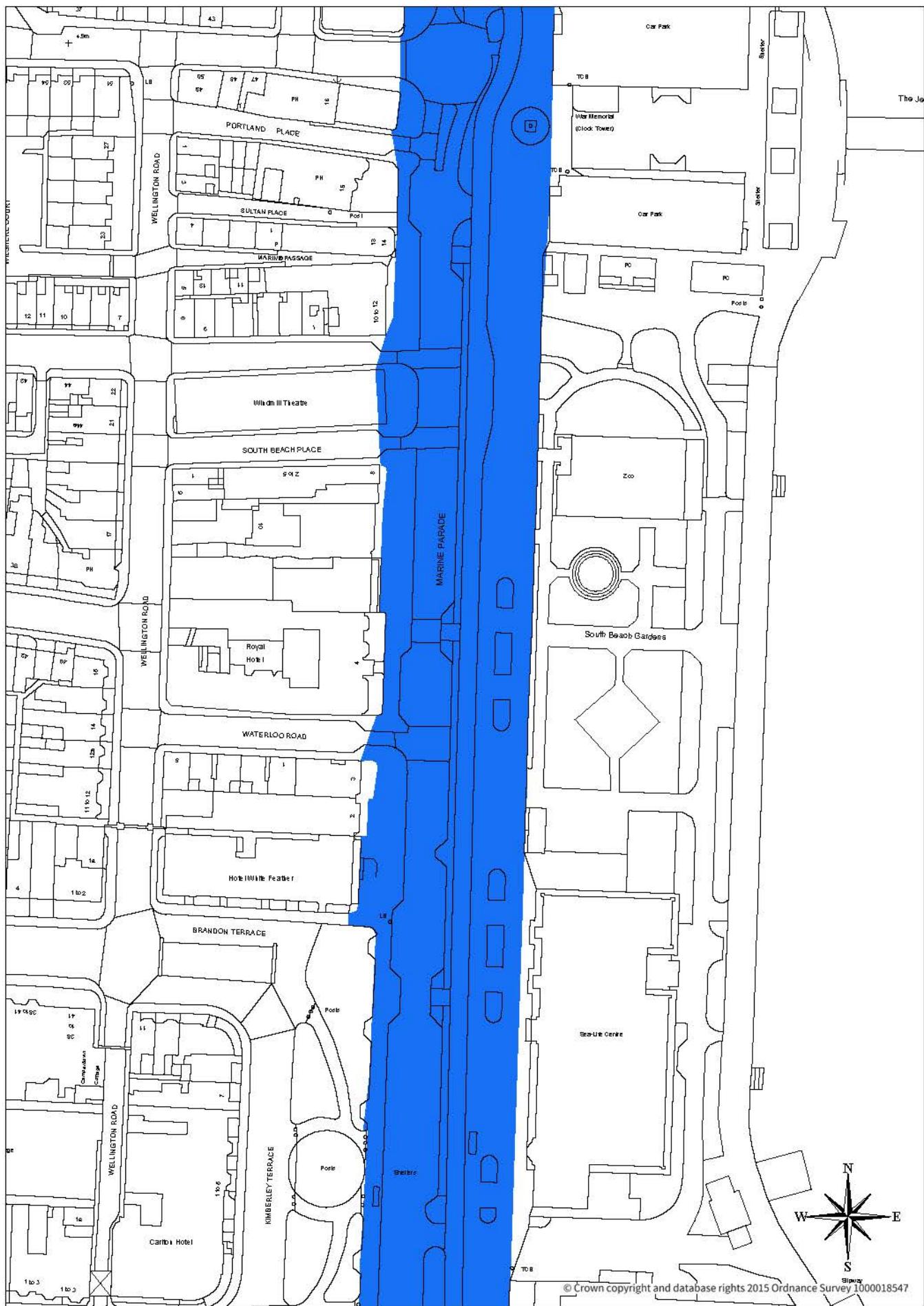
Town Hall, Hill Plain
Great Yarmouth, Norfolk, NR30 2QF
Customer Contact Centre Tel: (01493) 856100
Email: plan@great-yarmouth.gov.uk
Web: www.great-yarmouth.gov.uk

Page 40 of 42

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Map 2: Marine Parade Adopted Highway



GREAT YARMOUTH
BOROUGH COUNCIL

Strategic Planning, Housing and
Regeneration Dept

Town Hall, Hall Main
Great Yarmouth, Norfolk, NR30 2QF
Customer Contact Centre Tel: (01493) 856100
Email: plan@great-yarmouth.gov.uk
Web: www.great-yarmouth.gov.uk

Page 41 of 42

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