



Highway Projects Policy

1. Scope of the Policy

This policy is created as a framework for Town Councillors to consider highway related projects and prioritise the need for projects and how such work would be commissioned via the Highway Authority.

2. Highways Authority – Lancashire County Council

Lancashire County Council is the highways authority and has a statutory duty under the Highways Act, 1980 to maintain the publicly maintainable highway network. To assist the authority to fulfil this statutory duty and to ensure a consistent countywide approach the Highway Safety Inspection (HSI) Policy has been established in respect of the vehicular network. The highway safety inspection policy also forms a key aspect of the authority's approach to managing liabilities and risks. The highway safety inspection regime will identify potential maintenance works for action or repair to mitigate risks.

3. Pendle Borough Council Responsibility

In its role as the Highway Authority, Pendle Borough Council is responsible for the management, maintenance and improvement of the non-trunk highway network in the Borough. The Borough Council develops annual programmes for capital structural maintenance programmes in accordance with the Council's 'Highways Maintenance Plan', the principles of which are:

- To deliver the statutory obligations of the Authority
- To be responsive to the needs of users and the community
- To contribute to effective highway asset management and maintain the asset value
- To support effective delivery of the statutory network management duty
- To support and add value to local transport objectives
- To support and add value to wider corporate policy objectives

4. Town Council Powers relating to Highway Projects

4.1 The Town Council has limited powers to maintain the highway, however it can support highway projects in partnership with Pendle Borough Council or Lancashire County Council.

4.2 Highway projects within the powers of the Town Council are listed in the table to assist members to identify the power the Council has and which legal statutory provision is applicable for the activity undertaken within the identified highway project or jointly in.

Highway Powers & Duties		Statutory Provisions
4.2.1	Power to enter into agreement as to dedication	Highways Act 1980, s.30
4.2.2	Power to repair and maintain public footpaths and bridle-ways	Highways Act 1980, ss.43,50
4.2.3	Power to light roads and public places	Parish Councils Act 1957, s.3;
4.2.4	Provision of litter bins	Litter Act 1983, ss.5,6
4.2.5	Power to provide parking places for vehicles, bicycles and motor-cycles	Road Traffic Regulation Act 1984, s.57
4.2.6	Power to enter into agreement as to dedication and widening	Road Traffic Regulation Act 1984, ss.57,63
4.2.7	Power to provide roadside seats and shelters, and omnibus shelters	Highways Act 1980, ss.30,72 Parish Councils Act 1957, s.1
4.2.8	Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway	Highways Act 1980, ss.47,116
4.2.9	Power to erect flagpoles etc on highways	Highways Act 1980, s.144
4.2.10	Power to contribute to traffic calming schemes	Highways Act 1980, s. 274A
4.2.11	Power to complain to highway authority regarding protection of rights of way and roadside wastes	Highways Act 1980, s.130 (6)
4.2.12	Power to provide traffic signs and other notices	Road Traffic Regulation Act 1984, s.72
4.2.13	Power to plant trees etc. and to maintain roadside verges	Highways Act 1980, s.96
4.2.14	Right to veto application to magistrates court to stop up, divert or cease to maintain a public highway	Highways Act 1980, subsections 47 and 116

4.3 Where the Town Council does not have a power to directly carry out an activity independently, then in accordance with the General Power of Competence under the Localism Act 2011, the Council can make contributions towards jointly funded projects in partnership with other local authorities.

4.4 Where consideration is being given to partnership working with the highway authorities, the funds allocated must not exceed the budget for the respective Town Council ward where the works are scheduled to be carried out.

5. Procedure for identified highway projects

5.1 Members who request to have a highway project considered must ensure that they submit a motion to the Town Clerk in accordance with the Standing Orders and in accordance with this Highway Project Policy.

5.2 When the Town Clerk has received the motion, the item will then be placed on the next Town Council agenda for consideration.

- 5.3 The Town Council will consider a business case for the identified project and may resolve to carry out an options appraisal or further information to assess the viability of the project.
- 5.4 The Council may approve the project in principle (subject to costs) and the Responsible Financial Officer will then refer the approved project to the relevant authority (if applicable) to obtain quotations/tender for works in accordance with the Financial Regulations.
- 5.5 The Responsible Financial Officer will then bring back quotes to the next Council meeting and the Council will then formally approve the identified project to enable it to go ahead.
- 5.6 The Council reserves the right to refuse a project if it is not sufficiently robust, viable or may not bring any benefit to the area or the residents of Nelson.