

DELEGATED POWERS REPORT NO.

1610

SUBJECT: Highway Crane Oversailing Licence

Control sheet

All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to Governance Services for publishing

All reports		
1. Governance Service receive draft report	Name of GSO Date	Andrew Charwood 08/02/2012
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Maria Lugangira 20/03/2012
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	Jayne Fitzgerald 09/02/2012
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	Not applicable
5. Strategic Procurement clearance obtained (<i>report author to complete</i>)	Name of SPO Date	Colin Bradley 07/03/2012
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Tobenna Erojikwe 27/02/2012
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 08/02/2012
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Andrew Nathan 08/02/2012
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Tim Wallis 25/04/2012
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	Chidilim Agada 25/04/2012
11. Report published by Governance Service to website	Name of GSO Date	Chidilim Agada 25/04/2012
12. Head of Service informed report is published	Name of GSO Date	Chidilim Agada 25/04/2012
13. Expiry of call-in period	Date	Not applicable
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet Members & Head of Service	Name of GSO Date	Not applicable

**ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER
(EXECUTIVE FUNCTION)**

Subject Highway Crane Oversailing Licence

Officer taking decision Interim Director of Environment, Planning and Regeneration

Date of decision 20 April 2012

Summary	The report seeks authorisation to grant a Highway Crane Oversailing Licence.
Officer Contributors	Paul Bragg, Highway Manager - Network Management
Status (public or exempt)	Public
Wards affected	West Hendon
Enclosures	Appendix A
Reason for exemption from call-in (if appropriate)	N/A

Contact for further information: Paul Bragg, Highway Manager - Network Management
020 8359 7305

Serial No. 1610

1. RELEVANT PREVIOUS DECISIONS

1.1 None.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

2.1 In accordance with the Highways Act 1980 the Council may provide a highway licence for any equipment it authorises to be placed on or over the public highway.

2.2 Planning permission has previously been granted for the development.

3. RISK MANAGEMENT ISSUES

3.1 The conditions of the licence would ensure that the licensee, Barratt Metropolitan Limited Liability Partnership, complies with relevant legislation in operating and maintaining the Crane.

3.2 The licence also requires the licensee to have in place suitable insurance to cover against all claims and liabilities.

3.4 As the Licence agreement will be drafted by Legal officers with clauses inserted to ensure risks are mitigated, I do not consider that the granting of the Crane Oversailing licence will significantly raise levels of public concern or give rise to policy considerations.

4. EQUALITIES AND DIVERSITY ISSUES

4.1 The Crane will operate at height and as such there will be no impact on free movement around the site. Furthermore the licence will ensure that the licensee does not enjoy exclusive physical possession of the airspace.

5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

5.1 The cost of drafting and agreeing the licence and the costs associated with the ongoing administration of the licence will be paid for by Barratt Metropolitan Limited Liability Partnership. The legal fee associated with the production of the licence is £563. The annual cost to approve and administer the licence will be £5,000 (index linked). These costs have been agreed with the licensee and are incorporated as a condition of the licence.

5.2 There are no staffing, ICT or property issues.

6. LEGAL ISSUES

6.1 The Council has power to grant the licence under the provisions of the Highways Act 1980 and the New Roads and Street Works Act 1991 (as amended by the Traffic Management Act 2004).

- 6.2 The Licensee will be required to comply with all appropriate legislation, regulations and codes of practice including; Construction (Design and Management) Regulations 2007, The Lifting Operations and Lifting Equipment Regulations 1998, The Work equipment Regulations 1998 and BS7121 British Standard Code of Practice for the safe Use of Cranes Part 1 1989 and other relevant parts as appropriate.

7. CONSTITUTIONAL POWERS

- 7.1 Part 3, paragraph 6.1 gives Chief Officers the power to take decisions, to discharge functions allocated to them or dealt with by them or their staff, except for matters specifically reserved to Executive Members, Cabinet Meeting, Cabinet Committees, Committees or Council.

8. BACKGROUND INFORMATION

- 8.1 The Planning and Environment Sub Committee approved the planning application for the site as detailed in the drawing in Appendix A. The applicant has identified that they intend operating a Crane on the site which will oversail a small section of the public highway as indicated on the plan in Appendix A.
- 8.2 The Highway Act requires the applicant to request the local Highway Authority to issue a licence to allow the Crane to oversail the land owned/maintained by the Highway Authority.
- 8.3 In addition to the planning approval the Council require the applicant to sign a licence following approval of this report in respect of the placing, operating and maintaining of the Crane in accordance with appropriate Regulations and Codes of Practice. This licence will remain in force for an initial period of 18 months prior to consideration for renewal if this proves to be required.
- 8.4 The Council is exercising its powers as the street and highway authority for the highways in relation to the New Roads and Street Works Act 1991 (as amended by the Traffic Management Act 2004) and the Highways Act 1980 in granting this licence.
- 8.5 The licence which has been drafted by the Council's legal section stipulates what is required of the licensee over the term of the licence period, including identifying the methods of operation, the maintenance responsibilities, costs and indemnities.

9. LIST OF BACKGROUND PAPERS

- 9.1 Appendix A, giving details of the site and area impacted by the oversailing.
- 9.2 Planning Application and Approval
- 9.3 Any person wishing to inspect the background papers listed above should telephone Paul Bragg on 020 8359 7305

10. OFFICER'S DECISION

I authorise the following action:

- 10.1 That, subject to the licensee Barratt Metropolitan Limited Liability Partnership meeting:**
- (i) the costs of preparing the licence;**
 - (ii) the annual administration costs of the licence;**
 - (iii) providing evidence of arrangements being put in place in accordance with the requirements of the licence, including necessary insurance provision,**

a licence be granted to Barratt Metropolitan Limited Liability Partnership for an initial period of 18 months prior to consideration for renewal if required.

Signed Pam Wharfe
Interim Director of Environment, Planning
and Regeneration

Date 20 April 2012