

<b>SUBJECT:</b>	<b>SWTRA Agreement – Signature and seal</b>
<b>MEETING:</b>	<b>Individual Cabinet Member decision (Cabinet member for Infrastructure and Neighbourhood services)</b>
<b>DATE:</b>	<b>26<sup>th</sup> June 2019</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>ALL</b>

### **1. PURPOSE:**

MCC entered into a joint agreement with Neath Port Talbot CC and Camarthenshire CC to undertake maintenance works on the Trunk Road network in South Wales on behalf of Welsh Government. The agreement was approved in 2016 and an individual cabinet member decision taken to do so. However the report at that time omitted approval to sign and seal the agreement.

### **2. RECOMMENDATIONS:**

2.1 That the Head of Legal Services be authorised to sign and seal the SWTRA agreement (appendix 1) on behalf of Monmouthshire County Council.

### **3. KEY ISSUES:**

- 3.1** Neath Port Talbot CBC act as the South Wales Trunk Road Agency providing the management and maintenance of various aspects for the trunk roads and motorways in South Wales (there is a mirror agent in North Wales).
- 3.2 Routine maintenance services are provided by three regions (East, Central and West).
- 3.3 In each region there is a lead authority. In the East MCC acts as the lead authority (covering the Gwent authorities and Cardiff) with Cardiff CC providing some services on the trunk road but being managed through MCC.
- 3.4 The three authorities developed a joint agreement to confirm the arrangement with SWTRA and Welsh Government. The agreement was subject to various amendments but the final agreement between MCC and SWTRA was submitted to MCC for seal and signature.
- 3.5 Whilst our legal officers were party to preparing the agreement, on reference back to the report that approved the agreement it did not stipulate that the agreement may be formally signed and sealed.

- 3.6 All three authorities have been working to the agreement since its inception in 2016 so MCC is effectively operating within the agreement. The signature finalises the matter for SWTRA.

#### **4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):**

This report seeks approval to sign and seal an agreement. The actual detail of the level of service as described in the agreement is set by South Wales Trunk Road Agency in consultation with Welsh Government. Monmouthshire County Council does not decided upon any aspects of service described in the Agreement so it is not for Monmouthshire County Council to consider the impact upon Future Generations, Wellbeing or Protected Characteristics. Therefore the EFGE is not completed.

There are no safeguarding or social justice implications arising from the decisions proposed in this report

#### **5. OPTIONS APPRAISAL**

5.1 The recommendation is quite specific which realistically means the alternative option is not to sign. Given that MCC has been operating within the agreement since 2016 the authority is committed to the agreement. It is within the gift for the authority to withdraw from the agreement but to do so will require SWTRA to either negotiate an agreement with another authority to act as lead for the East Region or to put this aspect of the service out to contract (which is outside of the agreement as is and contrary to the arrangements made between SWTRA, the three 'lead' authorities and Welsh Government. Whilst this may be considered in the future at this time to withdraw would be financially detrimental to MCC (in particular loosing recovery of shared overheads) at this time officers would not recommend that this be pursued.

#### **6. EVALUATION CRITERIA**

The financial performance of the MCC aspect of the agreement is reported within the council's financial monitoring arrangements. The operational performance of MCC is monitored by SWTRA in line with the agreement.

#### **7. REASONS:**

Approval to sign and seal the agreement was omitted from the original report in 2016. This report seeks approval to do so thereby closing this outstanding aspect of the agreement.

**8. RESOURCE IMPLICATIONS:**

None arising directly from the report

**9. CONSULTEES:**

Enterprise DMT  
Head of Legal Services  
SLT

**10. BACKGROUND PAPERS:**

Report to individual Cabinet Member on 20<sup>th</sup> May 2016 titled:  
Future Provision of South Wales Trunk Road Agency (SWTRA)

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**12. CONTACT DETAILS:**

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