

MEMORANDUM OF AGREEMENT made the day of 2023

BETWEEN

WESTMORLAND AND FURNESS COUNCIL (“Westmorland and Furness Council”) by the hand of **PETER HOSKING** their Highway Network Manager of the first part; and

KIRKBY LONSDALE TOWN COUNCIL by the hands of

1st Council Member name here

2nd Council Member name here

two members for the time being of the said Town Council and duly authorised by a Minute passed at a Meeting of the said Town Council held on the day of 2023 (“the Town Council”) of the second and final part

WHEREAS the Town Council under their statutory powers desire to place one steel Ram sculpture at the centre of A65, Dodgson Croft Roundabout (“the Roundabout”) with corresponding foundations/plinth (hereinafter called “The Ram”) as set out in the Schedule hereto and have asked Westmorland and Furness Council as Highway Authority to consent thereto.

AND WHEREAS Westmorland and Furness Council as Highway Authority for the Roundabout described in the Schedule hereto have agreed to grant such consent upon and subject to the terms and conditions following.

NOW IT IS HEREBY AGREED AS FOLLOWS

- 1 **THE** Town Council shall at their own expense source and place The Ram as described in the Schedule hereto in such position as may be settled by the Highway Network Manager for the time being to Westmorland and Furness Council upon the terms and conditions following.

- 2 **THE** Town Council shall keep the said The Ram in proper condition and state of repair and shall: -

- 2.1 arrange for annual structural safety inspections carried out of The Ram and the plinth upon which it sits to ensure that The Ram remains structurally sound and secure;
 - 2.2 ensure that the annual structural safety inspection report is provided to Westmorland and Furness Council each year;
 - 2.3 ensure that the annual structural safety inspection report includes a timescale for repair for any issues/defects identified during the structural safety inspection.
- 3 Should the Town Council fail to carry out repairs in the timescale identified by the structural engineer, the Town Council shall remove The Ram until such time as such repairs can be undertaken and The Ram re-installed to the satisfaction of the Highway Network Manager.
 - 4 Notwithstanding the provisions of clause 3 above if the Town Council fail to remove the Ram until repairs can be undertaken Westmorland and Furness Council shall be at liberty to remove The Ram and to recover the cost thereof from the Town Council.
 - 5 **THE** Town Council shall ensure that The Ram is not illuminated or decorated at any time or in any way whatsoever.
 - 6 **THE** Town Council shall indemnify Westmorland and Furness Council against all or any claims which may be directly or indirectly in consequence of the presence of The Ram as described in the Schedule hereto.
 - 7 The Town Council shall hold public liability insurance with a reputable insurance company approved by Westmorland and Furness Council in a sum not less than £10m in respect of any one claim and shall provide a copy of such insurance, which must state clearly that The Ram is specifically covered by the said insurance and thereafter the Town Council shall provide evidence of renewal of such insurance upon its expiry each year.

- 8 **THE** Town Council shall if at any time called upon in writing so to do forthwith remove The Ram placed by them under this agreement.

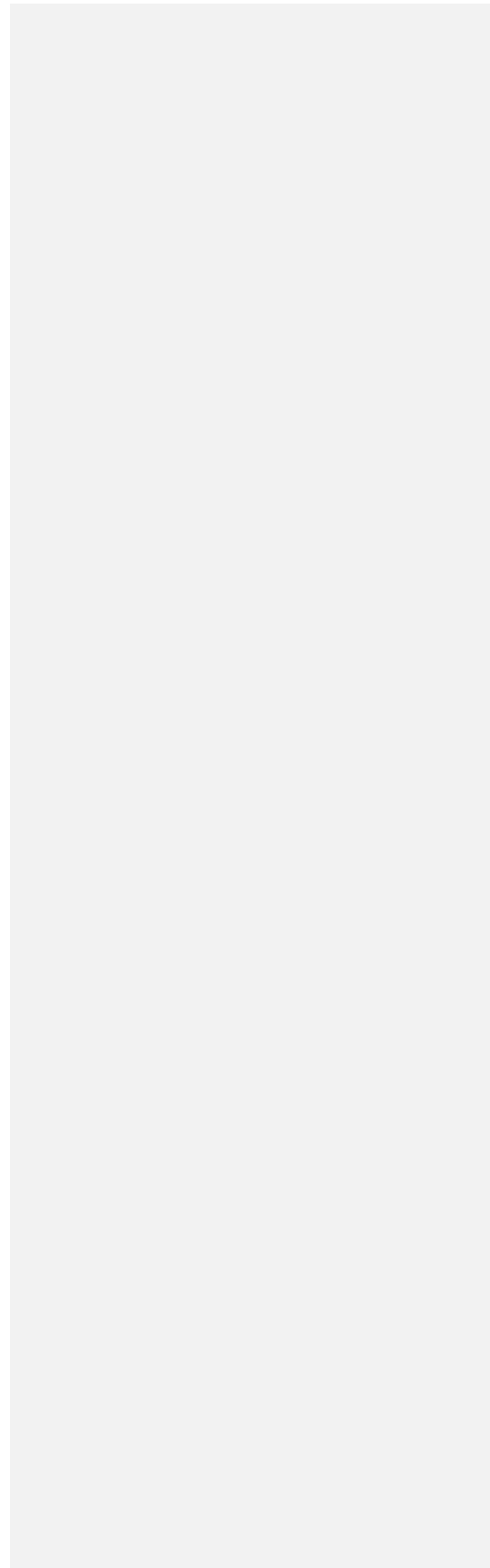
- 9 **THE** work of placing The Ram shall be carried out to the entire satisfaction of the Highway Network Manager for South Lakeland and the Town Council shall not acquire in any way prescriptive rights to the land upon which The Ram stand by reason of use.

IN WITNESS whereas the said parties have hereunto set their hands the day
and year first before written

SIGNED by the said)
)

PETER HOSKING
Highways Network Manager
in the)
presence of)

SIGNED by the said) signature 1
)
)
) signature 2
in the presence of)



SCHEDULE

LOCATION OF THE RAM

Village	Street	Location info	Grid Reference (eastings/northings)
Kirkby Lonsdale	A65	Centre of roundabout on A65 adjacent to Booths	360909.73 478455.91

Commented [BK1]: Need to move the columns please to fit in the detail completely

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