

Runnymede Borough Council

ECONOMIC DEVELOPMENT COMMITTEE

19 November 2009 at 7.30pm

Members of the Committee present: Councillors P I Roberts (Chairman), J Broadhead, H A Butterfield, Mrs C E Gant, Mrs G M Kingerley, A M Moore, L C Pouyanne, A S T Ridge-Newman, P Taylor and J J Wilson

Members of the Committee absent: None

Councillors Mrs G Warner and C Knight also attended.

421. FIRE PRECAUTIONS

The Chairman read out the Fire Precautions.

422. NOTIFICATION OF CHANGES TO COMMITTEE

The Groups mentioned below had notified the Chief Executive of their wish that the changes listed below be made to the membership of the Committee. The changes were for a fixed period ending on the day after the meeting and thereafter the Councillors removed would be reappointed.

<b>Group Requiring Change</b>	<b>Remove from Membership</b>	<b>Appoint Instead</b>
Conservative	Councillor D A Cotty	Councillor J J Wilson
Runnymede Independents	Councillor A Alderson	Councillor A M Moore

The Chief Executive had given effect to this wish in accordance with Section 16(2) of the Local Government and Housing Act 1989.

423. ASSET MANAGEMENT PLAN 2009

Members noted that the Council's Asset Management Plan 2009/10 (AMP) was currently in preparation. At the Chairman's request the Borough Valuer briefed the Committee on the method of its preparation, its content and its strategic importance. The new form of the AMP would, inter alia, take into account both the Audit Commission's and the Royal Institution of Chartered Surveyors' current rationale for public property management. Runnymede's broad objectives for the new AMP were:

- i) To define the future shape of the Council's property resource: Selling, buying, leasing, managing the Council's estate, and accurately planning costs.
- ii) To increase property and investment income; to lift current property income above 7% and investment income above 4%.
- iii) To secure high value projects, with RBC partners (where necessary), and to compile a list of major projects across the public and (probably) private sector.
- iv) To gain public support for the Council's AMP, by activating and building upon current and new channels of communication and advocacy.

The AMP was essentially an efficiency tool and would necessarily provide "value for money" in the long term. The Council's property assets were a huge resource, worth hundreds of millions of pounds, and, particularly in view of the complexities of matters associated with the operation of the AMP, Members agreed with the Officers' proposal that it would be prudent to set aside a budget of

£20,000 in 2009/10 for independent consultancy advice in connection with the development of the AMP.

Officers were complimented on their report and during the resulting discussion Members sought clarification on a number of pertinent issues.

**RESOLVED that -**

- i) Officers be requested to report on detailed proposals for the Asset Management Plan in the first quarter of the New Year; and**
- ii) Corporate Management Committee be requested to agree a supplementary estimate for £20k in the current financial year for consultancy advice in the preparation of the Asset Management Plan.**

424. LOWER THAMES FLOOD RISK MANAGEMENT STRATEGY – CONSULTATION DOCUMENTS

The Committee considered a consultation by the Environment Agency (EA) entitled 'Lower Thames Flood Risk Management Strategy' (LTF), which considered the flooding risk in the Lower Thames from Datchet to Teddington (including the Runnymede stretch of the Thames), examined the consequences of a flood and developed a strategy to manage the flood risk.

A series of options were put forward for managing flood risk for the Runnymede stretch of the Thames, referred to as 'Reach 3'. The key focus of the study was the creation of flood diversion channels. Within Reach 3 there were three elements between Datchet and Shepperton. For the Runnymede stretch of Reach 3, the Channel 2 corridor proposed a new diversion channel from just south of Staines, through Thorpe Park and rejoining the Thames south of the M3 motorway at the junction of the Abbey River/Chertsey Weir.

The channel would be as natural as possible, being some 50-60 metres wide within a broad corridor of 100m. The channel would be about 3.5m deep with standing not flowing water (except in times of flood) like the gravel lakes along its course that would be linked by the channel. Flood risk would be reduced for some 5,100 properties in Reaches 3 and 4. Apart from reducing flood risk, the channels could improve local landscape character and biodiversity and add recreational activity.

It was recognised that the new channels would have some short term impacts for local people and their environment (including the loss of a limited number of properties). However, this was considered to be compensated by the longer term gain.

The post-consultation process would be slow and if funding was identified for the scheme, works would not commence before 2017. The total project costs were estimated at £300M at today's prices and consequently was unlikely to receive Treasury funding in the short term.

Alternatives had been considered but were not considered to produce the comprehensive approach to the problem of flooding and flood risk.

The approach currently taken in the emerging LDF Core Strategy, in Policy Approach 16, supported the proposals for strategic flood relief measures including the proposed flood relief Channel 2 through Runnymede.

The Committee was supportive of the EA proposals on the Lower Thames Flood Risk Management Strategy (September 2009) as it impacted on the stretch of the Thames in Runnymede and, in particular the Chertsey Bourne, subject to the opportunity to comment on details as they emerged. Members noted that the Strategy should be viewed as an integrated scheme to reduce flood risk from both the Thames, Chertsey Bourne and other tributaries.

Whilst noting the high cost of the overall project, the Committee urged the EA to give strong priority to work on flood prevention measures for the Chertsey Bourne and the implementation of Channel 2 through Thorpe Lakes to Chertsey Weir, irrespective of the outcome of funding for the entire scheme, in order to provide flood protection to Chertsey.

One Member also raised the particular concerns of Egham residents about the potential for flooding events as a result of a new channel being cut through from Datchet to a point upstream of Bell Weir

lock. This might cause the Thames to become “overloaded” through Staines thus causing flooding in Egham. It was agreed that this important issue should also be included in the response to the EA.

After discussion it was -

**RESOLVED that –**

- i) strong support be given to the EA's proposals on the Lower Thames Flood Risk Management Strategy (September 2009) as it impacts on the stretch of the Thames in Runnymede and the Chertsey Bourne;**
- ii) it be noted that the Strategy should be viewed as an integrated scheme to reduce flood risk from both the Thames, Chertsey Bourne and other tributaries;**
- iii) the EA be urged to prioritise work on flood prevention measures for the Chertsey Bourne and the implementation of Channel 2 through Thorpe Lakes to Chertsey Weir, irrespective of the outcome of funding for the entire scheme, in order to provide flood protection to Chertsey; and**
- iv) dialogue be opened to discuss Runnymede residents' concerns about the potential for flooding in Egham as a result of the cutting of the new channel from Datchet to a point upstream of Bell Weir Lock with the possibility of causing the Thames to become overloaded through Staines.**

425. CIVIC OFFICES DEMOLITION – FINAL COSTS

The Committee, in accordance with Standing Order C18.5, was advised of the costs incurred in demolishing the Civic Offices building and was also requested to approve a supplementary estimate to cover an overspend on the original budget.

The Council's original intention, following the move into the new Runnymede Civic Centre, in May 2008, was to sell the old Civic Offices site with the building intact and for the new owner to carry out the demolition. Due to the slump in the property market, at that time, the anticipated sale of the Civic Offices site did not take place.

After the old Civic Offices had stood empty for several months, the Corporate Management Committee decided, at its meeting on 27 November 2008, that, subject to the agreement of the Chairmen of the Economic Development and Corporate Management Committees, the Director of Technical Services should arrange for the demolition of the Civic Offices in order to : (i) prevent further deterioration; (ii) avoid incidental costs of security and maintenance, and, (iii) improve the marketability of the site and remove the liability for business rates. At the time of the demolition the rateable value for the old Civic Offices was £385,000 and the weekly liability for the business rates was £3420.58. It was important, therefore, to carry out the work quickly to reduce these costs. The Council's Building Services team managed the demolition after the Council's Direct Services Organisation had cleared the furniture and equipment from the Civic Offices, prior to the demolition, as this was cheaper than including it in the demolition contract.

Surrey Police had also agreed to the demolition of the adjacent Police Station building to be carried out, as part of the same contract, on their behalf. The demolition work began in January 2009 and was completed in May 2009 and the buildings were demolished to a level one metre below the ground floor level with the resulting hardcore crushed and stored on site.

The original budget of £95,000 for the cost of the demolition works was vired from the Civic Centre Phase 2 construction budget, which was to pay for the car park, 'avenue' at the side of the building and landscaping. However, due to additional works which included, inter alia, such matters as asbestos removal/disposal, health and safety consultancy fees associated with the demolition, gas disconnection and purging, skip hire and office clearance the total cost of the Council's element of the demolition works was £126,602, an increase of £31,602 over the original vired budget of £95,000. There was, therefore, a shortfall of £31,602. However, the prior demolition of the old building together with the removal and disposal of asbestos did provide added site value. One

Member commented that unforeseen expenditure on such a demolition project was not an unusual event and it was -

**RESOLVED that –**

**the costs incurred by the Council in demolishing the Civic Offices be noted and the Corporate Management Committee be requested to approve a supplementary estimate of £31,602 to cover the additional cost of the demolition in excess of the original budget provision.**

426. STREET TRADING – REVIEW OF PROHIBITED STREET – ST PETERS WAY, CHERTSEY

The Committee was asked to review the prohibition on street trading in St Peter's Way, Chertsey in response to a request for a formal review from two traders.

Members were advised that two traders who wished to trade jointly in a layby by selling refreshments at St Peter's Way had contacted Officers. They were currently without employment and saw this as a good business opportunity. They were aware that St Peter's Way was currently a prohibited street but considered that they should be allowed to trade there as the road had laybys, on each side of the road, a constant flow of traffic and easy access for the public to stop. They believed that many motorists and heavy goods vehicle drivers who passed by would like the opportunity to purchase food and drink particularly as there were no other refreshment facilities for over three miles. The traders had been given the details of other consent streets in the Borough where they could apply to trade but had chosen not to apply for any of these.

The last occasion on which a Council Committee had considered the question of street trading in St Peter's Way was at the former Highways and Works Committee in June 1992 as part of a general review of street trading in the Borough.

The two traders were not prepared to accept the reasons given for the prohibition on trading in the street, and, as ten years had elapsed since a Council Committee had last considered St Peter's Way as a possible trading location, the traders had requested a formal review of the decision.

The traders had been sent a copy of the Agenda report to which they had responded. Their comments had been included in the Agenda report. A further set of comments from them, received by e-mail on the day of the meeting, were tabled at the meeting. These are set out in full below as indicated.

The following issues of concern and the traders' responses thereon were drawn to the Committee's attention and taken into account by the Committee in making its decision on the matter:

1) People Crossing The Carriageway

Surrey Police were concerned that since there were laybys on both sides of the carriageway, persons stopping in the opposite carriageway would cross on foot to reach the refreshment facility and the presence of the central reserve barrier would not prevent this from occurring.

The traders had responded to this point by stating that there was currently a BT telephone box on only one carriageway and they considered that this was already encouraging people to cross from one carriageway to another to use the telephone. The conclusion they drew was that trading should be allowed, as crossing was already taking place.

The response of Officers was that the telephone box was there for occasional use in an emergency. Trading would mean that there would be frequent movements across the carriageway, which would be detrimental to safety.

Whilst Officers recognised that not all potential customers would be reckless in trying to cross the carriageway, it was reasonable to suppose that customers would drive to the roundabout and turn round in order to reach a trading facility on the opposite side of the road. In these cases, the difficulties set out below would still apply.

2) Parking Outside Laybys

Officers had also found that when people had traded in St Peter's Way without authority in the past, vehicles had parked outside the marked laybys when the laybys were full, causing oncoming traffic to swerve, or cross into the outside lane, resulting in a road safety hazard.

In response to this point, the traders had stated that there could not be a problem with "oncoming" traffic as this was a dual carriageway. The traders had stated that when a motorist wanted to stop in a layby, if the layby was full or very busy the motorist would need to reduce speed to look for an available space. If at that time there was another car approaching from behind, this car would move to the outside lane and overtake the motorist, not causing any hazard.

The response of Officers to this comment was that the traders had interpreted "oncoming" to mean traffic coming from the opposite direction which cannot occur on a dual carriageway, whereas traffic following on from behind and travelling in the same direction was what was referred to. However, what Officers had observed previously when trading had taken place in the laybys without authority, was that vehicles had parked in the road and outside the marked laybys, thereby causing a hazard.

3) Greater Numbers of Traffic Movements

If a trading facility were proposed to be introduced in St Peter's Way, objections would be received from the highway authority because of the introduction of more traffic movements (especially Heavy Goods Vehicles) to and from Junction 11 of the M25, which was already busy.

The traders had not commented on this point.

4) Lack of Toilet Facilities

There were no toilet facilities for traders or the public to use.

The traders had responded to this by stating that they would meet the cost of toilet facilities, having spoken to a number of companies who could provide portable toilets. The companies would empty and clean the toilets each day, and only maintain them when laybys were empty. The traders believed that there was ample space for toilet facilities in the laybys.

The response of Officers to this was that there might not be adequate space for toilets on the footway at the laybys.

5) Reduction In Parking Facilities

Parking facilities would be reduced by the presence of a trader.

The traders did not comment on this point.

Officers had observed that the laybys were frequently full of vehicles during the day and evening and many of the vehicles were Heavy Goods Vehicles (HGV)s. Catering facilities would take up valuable parking space. The presence of traders would encourage vehicles to stop that would not otherwise do so, resulting in the laybys becoming more crowded, possibly denying the HGV drivers the opportunity to stop for their statutory breaks. Some HGV drivers had parked for their breaks beneath the bridges on the M25, which was both illegal and dangerous. If HGV drivers were not able to find a space in the St Peter's Way laybys because of increased traffic from trading, this might encourage them to park by the M25 in the way described.

Surrey Police had further commented that they fully supported the concerns about the reduction in parking facilities which would occur if trading were to be allowed in St. Peter's Way.

6) Comments from Surrey County Council West Area Transportation Service

Surrey County Council West Area Transportation Service stated that they would object to any proposal for trading in the St Peter's Way laybys. They raised the following concerns:

i) Safety for motorists

The existing laybys were not up to the latest standard. If the road was being constructed today, the laybys would have a segregation island (to segregate the layby from the running lane) and merge tapers at both ends. Given this departure from current standard, the speed limit (50mph speed limit classed St Peter's Way as a high-speed road) and the volume of traffic, Surrey County Council would object to any activity in the layby that would result in an increase in vehicle movements in and out of the laybys. Any increase in vehicle movements would result in an increased risk of conflict between motor vehicles proceeding along lanes 1 or 2, and motor vehicles entering and leaving the layby.

ii) Safety for pedestrians

a) Any trading activity in the existing layby would result in increased pedestrian activity within the layby. This was especially problematic as the width of the layby was such that any customers would be too close to the running lanes. There was no space to install safety fencing (crash barriers) to protect the facility and its customers. Moreover, any increase in pedestrian movement along the layby increased the risk of conflict between pedestrians and vehicles entering and leaving the layby. Vehicles occasionally parked so as to obstruct the footway - therefore any pedestrian passing a parked vehicle on its off-side was at risk of conflict with vehicles in lane 1.

b) Surrey County Council would object to any activity that encouraged pedestrians to cross St Peter's Way. The central reserve safety fence (crash barrier) was unlikely to deter an able-bodied pedestrian, and increased the risk for anyone crossing the road as they might fall over it. If the provision of a public telephone box was a new proposal Surrey County Council would object for similar reasons, unless such provision was made on both sides of the road.

iii) Increased traffic

It could become (gradually) known that refreshments were available, and this could encourage drivers to leave the M25, and "hunt" for a parking space to use the facility. This would increase traffic in a location that was already very traffic sensitive.

7) Comments from Surrey Police

Surrey Police had similarly expressed their concern about people crossing the carriageway and had also commented that they fully supported the concerns about the reduction in parking facilities.

The following additional comments from the Traders were received by e-mail on the day of the meeting and are set out in full for completeness

Parking Outside Laybys

*TRADERS' RESPONSE*

*You state in paragraph 5.3 [of the Agenda Report] that "Officers have observed previously when trading has taken place in the laybys without authority, is that vehicles have parked in the road and outside the marked laybys, thereby causing a hazard": can you please explain what is meant by "when trading has taken place in the laybys without authority".*

*If we were to have permission to trade in this layby could it not be our responsibility to keep control vehicles that are parking in the layby? If at any time vehicles were parked outside the lines we would immediately tell the driver to move on as it is not safe for them to park there. If they refused to move we would refuse service at our food bar and inform the police of the situation.*

*We believe that if given the chance we could manage the layby safely and efficiently. I understand the point made in 5.3 is a possibility, however, it is even more of a possibility that we could manage the layby without any accidents or problems. Why can we not try on a trial basis and see if we can make it work?*

#### Greater Numbers of Traffic Movements

##### TRADERS' RESPONSE

*Again this is just speculation on what might happen. Until the food bar is there, all of these comments are speculative in favour of the Council's decision. We wish to trade between the hours of 6.30 am – 2.30 pm and the traffic during most of this time period is none existent around St Peters Way, so any increase in traffic during these times would not be greatly significant that it would affect the general traffic movement.*

#### Reduction in Parking Facilities

##### TRADERS' RESPONSE

*This comment I find difficult to understand, the layby has been put there for people to rest and take a break from driving; everyone has equal rights to stop at the layby not just HGV drivers so why by us being there is it a bad thing to encourage motorists to take a break and refresh, then carry on the way. If there is space for people to stop there's space: if not there's not. That is the way the rules of the road work. I believe the HGVs drivers would welcome us being there.*

##### **Traders' final statement**

*From reading the report I can see that the Councils mind has already been made up on this issue and any comments or suggestions I make will merely be cast aside even though all of the points the Council has made is mere speculation and until we are given the opportunity to at least try and see if it work then really we will never know if either of our points are truly valid.*

*I would like to start on a temporary basis and monitor the situation: if it is clear we are causing an obstruction to the road and it is endangering road users we can move.*

These additional points were noted by the Committee.

#### Legal Implications and Council Policy

Members were reminded that the Council had a general power to designate any street either as a prohibited street or a consent street. As with any public law power its exercise was subject to the usual *Wednesbury* restraints, (i.e. that the Council must have regard to all relevant matters, disregard irrelevant considerations, act rationally and act for a proper purpose).

In deciding whether a street should be a consent street, the Committee had to consider whether the particular highway circumstances at the proposed site allowed trading to be conducted without detriment to highway users and public safety. Council policy was to prohibit trading in all streets where it would be detrimental to road safety and where evidence of detriment to public amenity existed.

The Local Government (Miscellaneous Provisions) Act 1982 did not specify any particular grounds on which decisions on the designation of streets may, or may not, be made, but the Committee had to decide on the basis of sound and valid reasons and had a duty to act reasonably at all times bearing in mind the consequences to the traders. Whilst traders had

no right of appeal under the Act, they were at liberty to take other legal action if the Council was seen to act unfairly or unreasonably or had reached its decision without due consideration of all material facts.

The Human Rights considerations associated with this matter were noted.

The Council had to balance the interests of the persons seeking to trade against those of other people living, working and passing through the area.

During the resulting discussion there was genuine sympathy for the two traders particularly in respect of their wish to re-establish gainful employment in the light of their individual family situations. Nonetheless, the Committee was mindful that public safety issues remained paramount and must take preference over commercial considerations. One Member particularly asked if other sites had been drawn to the Traders' attention, hoping that another site might be of interest to them. This action was confirmed by Officers but the traders had not responded. It was commented that authorised trading sites in the Borough were few in number and would not offer a similar commercial opportunity to which trading in this location would provide.

Members agreed that if trading were to be allowed in one of the four laybys, it would be difficult to then justify prohibiting trading in the other three laybys. Trading in all four laybys would further exacerbate the safety concerns referred to.

Speaking from individual personal experience several Members considered that traffic was far from "non existent" around St. Peter's Way between the hours of 6.30am and 2.30pm. St Peter's Way was a main "feeder" route to the M25. It was a "high-speed" road, as evidenced by its 50mph speed limit, and the safety concerns expressed by both the Surrey Police and the County Council's Transportation Service were fully justified.

In view of the overwhelming safety concerns the Committee was obliged to re-confirm that St Peter's Way, Chertsey remained prohibited for the purposes of street trading. It was unanimously

**RESOLVED that -**

**St Peter's Way, Chertsey remains a prohibited street for the purposes of street trading for the following reasons:-**

- i) the danger/risk to public safety which would be caused by**
  - a) persons crossing the carriageway on foot and moving from one layby to another on foot to access trading facilities;**
  - b) persons parking outside laybys to utilise trading facilities;**
  - c) the greater numbers of traffic movements which would result; and**
  - d) lack of safety margins in laybys;**
- ii) the verge areas adjacent to laybys would be unsuitable because of soft ground; and**
- iii) parking facilities for motorists would be reduced.**

427. SERVICE PLAN – HALF YEAR PERFORMANCE 2009/10

The Committee considered in detail the half year outturn performance of the Service Plan. Members sought clarification of a number of points thereon. Officers reported on *two* Service Plan priorities which were coded as "*amber*" (at risk of not being delivered/required intervention):

*Ref. 1.13 – "Airtrack"* the proposed Public Inquiry would now take place in April 2010 some two months later than expected. Some 1400 objections (965 from Runnymede residents) had been received.

Ref. 1.19 – “Adult Education Initiatives” – Industrial/commercial placements for 14 – 19 Diploma students were difficult as a result of the downturn in the economy.

It was -

**RESOLVED that -**

**the Service Plan half-yearly report for Economic Development Services for 2009/10 as appended to the report be noted.**

428. FINANCIAL MONITORING STATEMENT

The Committee noted the latest financial projections for the 2009/10 financial year for Economic Development services. Members raised several issues: concerns about the number of vacant properties in the Egham Precinct and the loss of income from vacant properties – the Council was not immune to the effects of the current recession; Yellow Buses – School Fares - one Member enquired whether schools re-imbursed the Council promptly. Officers considered that there was no cause for concern and that the mechanics of re-imburement were sufficiently robust and the Council’s auditors had not raised this as an issue; Yellow Bus Sponsorship and Donations - BUPA had been recently invoiced for £12,000.

429. EGHAM HYTHE PROJECT – PROPOSED HEALTH CENTRE – CURRENT POSITION

(Ref: Minutes of Economic Development Committee March 2004 page 1423, para. 780)

By resolution of this Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraph 3 of Schedule 12A to Part 1 of the Act.

Members were informed of the current position in the attempt to settle a lease of land for a Community Health Centre at the rear of the Hythe Centre. In the light of the information contained in the report which included several options authority was sought to bring the matter to a conclusion.

The background history and summary of the current position with regard to the provision of a Community Health Centre was noted. Officers had tried very hard to move the scheme forward with all of the respective parties, but, to date, none of these efforts had borne fruit. Despite the attractiveness of the project, in terms of the provision of an excellent local facility, and as a striking example of partnership working in line with current Government aspirations, it now seemed unlikely that further progress could be made. The Council, therefore, needed to take a decision on its future course of action.

Members were disappointed to learn of the current deadlock and asked Officers to investigate a range of options for securing health facilities in Egham Hythe and report on feasibility of the options to a future meeting. In the circumstances it was –

**RESOLVED that -**

- i) the Committee expresses its disappointment to Surrey PCT that a permanent solution has not been found to provide health facilities in Egham Hythe and encourages the PCT to engage with the Council at the earliest opportunity;**
- ii) the Chief Executive and Director of Administration and Leisure be asked to investigate a range of options for securing health facilities in Egham Hythe to include:**
  - a) the funding and construction of permanent facilities in either a stand alone building or as part of the conversion of the Hythe Centre; or**
  - b) improved temporary facilities as a second and less preferred option.**

- iii) a feasibility study explore funding options, planning and legal arrangements and be reported back early in the New Year.**

Chairman

(The meeting ended at 8-59pm)