

Runnymede Borough Council
ECONOMIC DEVELOPMENT COMMITTEE
Thursday 10 March 2005, at 7.30 p.m.
in the Council Chamber
at the Civic Offices, Addlestone



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7. CAR PARKING IN ENGLEFIELD GREEN AND OTTERSHAW (DTS)
(Ref: Minutes of Economic Development Committee, November 2004, page 409, para. 328)

1. **Purpose of Report**

1.1 **The purpose of this report is to;**

- i) **inform Members of the results of a public consultation exercise in relation to the use of car parks at Englefield Green and Ottershaw;**
- ii) **seek approval to introduce Pay and Display parking systems in the St. Jude's Road and Victoria Street Car Parks in Englefield Green for a trial period; and**
- iii) **seek approval to defer a decision on the future operation of Murray Road Car Park, Ottershaw, until the Borough Valuer concludes his land ownership negotiations with Surrey County Council.**

2. Background Information

- 2.1 At its meeting in November 2004 the Committee gave preliminary consideration to proposals to amend the parking restrictions in the free car parks in Victoria Street and St. Judes Road, Englefield Green and Murrury Road, Ottershaw. Officers were asked to consult with local users on the potential changes and report back to this Committee.
- 2.2 Parking in all three of the car parks is currently free of charge and there is a 17 hour waiting limit.
- 2.3 St. Judes Road Car Park has a total of 40 spaces, Victoria Street has 32 spaces and Murray Road has 49 spaces. The layout of the car parks is shown in Appendix 'L'.
- 2.4 The Council has received many complaints in the past about the usage of the Englefield Green Car Parks. They are often full and many of the cars are parked for excessively long periods. Neighbouring vehicle repair and car sales premises use the car parks as car storage areas, which contributes to the problem. This often means that drivers visiting the local shops and other businesses are unable to find spaces available for shorter term parking in the car parks
- 2.5 The Council has also received complaints about cars parking in the Murray Road Car Park, for excessively long periods. This is partly as a result of the car park being used as a place for drivers from outside the area to meet and leave cars whilst they continue their journey in one car.
- 2.6 Records indicate that the car parks at Victoria Street, Englefield Green and Murray Road, Ottershaw used to be pay and display. It is understood the pay and display systems were removed to encourage drivers to use the car parks instead of parking on-street Records also indicate that the St Judes Road Car Park in Englefield Green has always been free of charge.

3. Report

- 3.1 A parking survey was carried out in Englefield Green on behalf of the Council in February 2004 and a public consultation survey was undertaken at the Englefield Green and Ottershaw Car Parks in December 2004 to find out more about the parking needs in those locations. 600 questionnaires were distributed to car park users and local businesses and 154 were returned. From experience, this is a satisfactory response to this type of survey.

Victoria Street/St Judes Road Car Parks, Englefield Green

- 3.2 Parking is currently free in these car parks and there is a 17 hour waiting limit. Due to the parking attendant's shifts it is difficult to enforce this waiting limit on a regular basis. The public have complained about vehicles parking for long periods and monopolising spaces, including cars awaiting repair or sale from neighbouring garages and car sales premises.
- 3.3 The parking survey in February 2004 monitored the degree of occupancy of the car parks on sample days. The data collected showed that both of the Englefield Green car parks were 20

% full by 8 a.m. and 36% full by 9 a.m. They were nearly full or completely full throughout most of the working day on the survey days.

- 3.4 The questionnaires that were distributed in December 2004 asked drivers how often they use the car parks, about their reasons for using the car park, the normal duration of their stay, what the maximum length of stay should be and whether charges would be fairer to car park users.
- 3.5 The surveys indicated that there is a need for short-term parking for shoppers but also that some all day parking is required for local business employees. A majority of drivers that were consulted were prepared to pay to park if this resulted in more spaces being available. The detailed results are shown in Appendix 'M'.
- 3.6 The on-street parking restrictions in Victoria Street and St Judes Road limit waiting to 30 minutes. Surrey Police did not enforce the restrictions for several years but since on-street parking enforcement was introduced at the beginning of November 2004 drivers are more likely to be penalised for overstaying the waiting limit. Local businesses and residents have complained that there is now no convenient longer term on-street parking available. The demand for spaces in the Council car parks has therefore increased.
- 3.7 It is concluded that there is a need for greater regulation of these car parks to reduce abuse by garages and provide a balanced provision for longer-stay shoppers and some local employees. It is considered that this would best be achieved by introducing a pay and display regime which would be proportionate in cost to those deriving the most benefit.
- 3.8 It is therefore proposed that pay and display parking at the standard range of charges be introduced in the two Englefield Green car parks for a trial period of six months. The range of charges for use in all of the Boroughs pay and display car parks, set by this Committee in June 2003 and still in force, are shown in the table below. The six month trial period would enable usage to be monitored to see whether charging achieved a greater turnover of cars and therefore increased parking availability for the local community. A report on the outcome of the trial period would be presented to this Committee at its meeting in November 2005.

Up to 2 hrs	50p
2 to 3 hrs.	60p
3 to 4 hrs.	80p
4 to 5 hrs.	£1.00
All Day	£2.00

The charges apply between 8 a.m. and 6 p.m. Monday to Saturday but do not apply to drivers displaying a blue disabled parking permit in their car.

- 3.9 In order to accommodate local residents and businesses that need longer term parking it is also proposed that Officers contact the residents and businesses situated in St. Judes Road and Victoria Street during the six month pay and display trial to see if there is sufficient demand for the introduction of a limited number of contract parking spaces in the car park at a later date. The spaces would be offered at the Council's standard rate of £500 per year.
- 3.10 A maximum of 20% contract parking places is considered to be a reasonable balance. If the demand is found to be low this allocation would be less but if the demand was high the Committee would be asked to consider a set of criteria for the fair allocation of spaces.
- 3.11 The parents of children attending local schools use St Judes Road Car Park when delivering and collecting their children. In some other Council Car Parks where this occurs passes are issued to the parents to allow them to park free for 30 minutes at each end of the school day. This relieves some of the congestion which occurs around the school entrance. It is recommended that this arrangement is adopted at St Judes Road Car Park.

Murray Road Car Park, Ottershaw

- 3.12 Parking is currently free in this car park and there is a 17 hour parking limit. The survey of car park users and local businesses in December 2004 asked the same questions as those in the Englefield Green survey referred to earlier. The survey results showed that there is a need for short term parking for shopping but also that employees of local businesses and visitors to the Brook Memorial Hall need to park for longer periods during the day. Observations have shown that the car park is rarely full. A large majority of the survey respondents indicated that they wanted the free parking in the car park to be retained. The detailed survey results are shown in Appendix 'M'.
- 3.13 The land on which the car park is situated is owned by Surrey County Council. There is no formal agreement between the County and Borough Councils for the use of the land as a car park but the Borough Council maintains the car park. The Borough Valuer is negotiating with the County Council in order to formalise future arrangements.
- 3.14 Given the general availability of parking spaces at this car park, it is considered that no action is needed at present either in terms of restricted parking hours or the introduction of pay and display. The position will, however, continue to be monitored. It is therefore recommended that the operation of this car park should remain unchanged until the Borough Valuer has completed his negotiations with the County Council.

4. Financial Implications

4.1 Pay and Display - Implementation Costs

There will be initial costs of buying and installing new pay and display machines and the associated signs and lines. Two ticket machines are required at St. Judes Road and one in Victoria Street Car Park and the estimated costs are as follows:

	Cost (£)
3 Ticket machines at £2,500 each	7,500
Installation including new mounting plinths and canopies at £1,300 each	4,000
Orders/ Signs/ Markings	1,500
Total	13,000

It is proposed to meet this expenditure from an anticipated underspending against the 2004/05 probable outturn for routine maintenance.

4.2 Revenue Cost Comparison

	Annual Maintenance (£)		Business Rates (£)		Capital Charges (£)
	Existing	Proposed	Existing	Proposed	Proposed
St Judes Rd.	800	1,200	650	4,000	500
Victoria St.	800	1,200	650	5,000	250
Total	1,600	2,400	1,300	9,000	750

4.3 Annual Car Park Income

Car Park	EXISTING Current Income (PCN's only) (£)	PROPOSED Estimated Income (P&D) (£)	PROPOSED Estimated Income (PCN's) (£)	PROPOSED Estimated Total Income (£)
Victoria Street	0	4,500	400	5,000
St Judes Road	0	4,800	500	5,300
TOTAL	0	9,300	900	10,300

4.4 The nature of the current restrictions makes them impractical to enforce, resulting in no income from penalty charge notices.

4.5 In summary the proposals are revenue neutral. There will be an estimated annual income from parking charges and Penalty Charge Notices (PCN's) of £10,300, offset by an increase in expenditure of £10,250.

5. Council Policy

5.1 One of this Committee's Principal Objectives in the Leader's Position statement is to encourage and maintain local and village vitality.

6. Legal Implications

6.1 The Principal Off Street Parking Places Order would need altering to reflect the revised conditions.

7. Environmental Implications

7.1 Solar powered ticket machines would be installed in the St. Judes Road Car Park where there is no existing mains electrical supply. This would save the energy and disruption in excavating to install a supply and the energy consumption of a mains powered machine.

7.2 Depending on future budgets, consideration would be given to improving the infrastructure of these car parks to the 'Safer Car Parks' standard of the Council's other pay and display car parks.

8. Conclusions

8.1 The annual cost of operating the pay and display system in the Englefield Green Car Parks would be approximately equal to the estimated income from parking charges and Penalty Charge Notices so there would be no financial benefit for the Council's car parking service in introducing the pay and display system. The setting-up costs would result in a one-off deficit to the service. The main benefits would be in enabling better management of the car parks and, potentially, in alleviating the parking problems that residents and businesses experience in St. Judes Road and Victoria Street as a result of the stricter enforcement of on-street parking restrictions.

OFFICERS' RECOMMENDATION that -

- i) Pay and Display parking be introduced in St. Judes Road and Victoria Street Car Parks in Englefield Green for a trial period of six months with effect from 1 May 2005;**
- ii) the position at the Murrery Road Car Park be monitored and further reports brought forward as necessary;**
- iii) during the six month trial period referred to in i), Officers be authorised to seek expressions of interest in the principle of reserving contract parking spaces in the St. Judes Road and Victoria Street Car Parks, with the possibility that this be introduced at a later date;**

- iv) **a report on the outcome of the trial period be presented to the Committee in November 2005; and**
- v) **the parking pass system for school parents be adopted in the St. Judes Road Car Park as described in paragraph 3.11 of the report.**

(TO RESOLVE)

Background Papers

None Stated

8. ADDLESTONE COMMUNITY ASSOCIATION/CIVIC OFFICES REPROVISION - PROGRESS REPORT

(Ref: Minutes of Economic Development Committee, September 2004, page 243, para. 181)

1. Purpose of Report

1.1 **The purpose of this report is to outline the progress on the replacement premises for the Addlestone Community Association (ACA) and the work being pursued by the cross party Member Working Group in respect of the associated reprovion of the Civic Offices.**

2. Background Information

2.1 A large number of reports have come forward for Members' consideration concerning the condition of the existing Civic Offices, options to provide solutions and the preferred way forward, together with the consequential actions and required budgetary provisions.

2.2 The clear preference from the perspective of cost, service delivery and potential for improved flexibility is the phased redevelopment of the existing Addlestone Community Association/Civic Offices site, the reprovion of the ACA premises on part of the Garfield Road car park, the construction of new Civic Offices predominantly on the land vacated by the ACA and the sale of the existing Civic Offices site (for residential or commercial usage) with the land receipt assisting in the cost of new provision.

3. Report

3.1 Addlestone Community Association

3.1.1 Bluestone plc, the contractor appointed to carry out the construction of the new Addlestone Community Association Centre, started on site at the end of March, beginning of April 2004.

3.1.2 The contract programme has a 47 week construction period with completion due in April 2005. The major elements of construction are: site establishment, substructure, superstructure annexe, superstructure Tulk Hall, internal finishes external works, and handover. Progress may be summarised as follows:

i) Site establishment including lead in period, isolation of services, demolition of existing structures, excavation and vibrocompaction. These activities were successfully carried out within programme.

ii) Substructure including foundations, under-slab drainage and services, brick and blockwork to damp proof course and ground slab were also carried out within programme.

iii) Superstructure of the Annex and Tulk Hall. There are 23 elements associated with this phase including brick and block work, structural steel, timber carcass, copper cladding, sarna roof, windows, mansafe, mechanical and electrical services infrastructure, etc. Some of these areas have suffered delays to programme.

- iv) Internal finishes, there are 22 elements within this phase some of which are, builders work, screed and insulation, services first fix and test, fire stopping, first fix and test, plastering, timber floors, etc. Delays have also occurred in some of these areas.
- 3.1.3 Up to 18 June 2004 Bluestone were reporting progress slightly better than programme. However, by November 2004 a delay of two weeks was being projected due to four days heavy rain and delays in steelwork delivery and joinery detail alterations.
- 3.1.4 At the Project Group meeting held on 11 February 2005 Bluestone had revised their completion date from a two-week delay to a six-week delay due to further slippage in the programme. This has in part been due to late completion of works resulting from the late striking of scaffolding and delay of detail drawings from suppliers which held up progress on completion of copper installation. They have also advised Officers that they have implemented a short-term completion programme to push forward critical areas such as windows, plastering and ceiling partitions and bring the project back closer to the original completion date of 11 April 2005.
- 3.1.5 The retained Architects and the Council's Client Officer are satisfied with the quality of construction and to date no significant variations or additional cost notifications have been notified. Bluestone's site safety procedures on this project have resulted in the Company being awarded two certificates from an independent site safety inspection body. During the Council's Building Services ISO 9000:2000 certification assessment by the Lloyds QS, the assessor visited the site as part of the quality systems procedure check. The assessor commented on how well documents and drawings were kept and easily referenced and the site was managed, especially relating to safe working practices, and the fact that they had the correct scaffolding erected.
- 3.1.6 Members will recall that prior to commencement of construction some concerns were expressed as to the traffic management and interim car parking arrangements. The Traffic Management plan is working well with no problems being reported. Officers, together with the Architects, will urge the contractor to seek to recover some of the programme slippage, but will not want to compromise the build quality, particularly as regards the finishing trades.
- 3.2. Civic Offices
- 3.2.1 In recognising that re-provision, as part of a phased redevelopment of the ACA and Civic Offices site, is the most effective option, Members have been anxious to ensure that additional benefits are delivered. These include:
- Enhanced service delivery to the public
 - Securing opportunities for joint working with other public agencies
 - Offices that provide a catalyst for improved working practises and potential for greater efficiencies for Members and staff, and flexibility and service groupings to better accommodate future changes.
- 3.2.2 Following a formal procurement exercise, including advertisement in the Official Journal of the European Union and consideration by the cross party Civic Offices Member Working Group, the various advisors to the Civic Offices project have now been appointed as follows:
- | | | |
|----------------------|---|-------------------------|
| Lead Architects | - | Feilden Clegg Bradley |
| Project Managers | - | Buro 4 |
| Quantity Surveyors | - | Davis Langdon |
| M & E Consultants | - | Max Fordham |
| Structural Engineers | - | Dewhurst McFarlane |
| Landscaping | - | Grant Associates |
| Accoustician | - | Applied Acoustic Design |
| Fire Consultants | - | Jeremy Gardner |
| Planning Supervisor | - | Mann Williams |
| Access Consultants | - | Eleanor Hartley (FCB) |

- 3.2.3 IT/FM, Planning, Lighting, Space Planners and Highway Consultants are yet to be appointed. The Council's lead officer is the Chief Executive Officer and Project Liaison is being co-ordinated by Brian Mannian, Principal Building Manager.
- 3.2.3 A draft Project Plan has been prepared (Appendix Q) and detailed meetings/ briefings/ presentations have taken place with the Member Working Group, the Officer Project Group and the progress meetings led by Buro 4, the Project Managers. The work undertaken by the Space Consultants (Alexi Marmot Associates) has informed the space planning, accommodation and associated requirements. A client brief is being developed and the vision provided to the Architect by the Member Working Group can be summarised as follows:
- Bold, imaginative, flexible, an asset to the community, a good working environment, facilitating high quality services and effective partnering.
 - A Civic Offices which reflect best practice in the work place, infrastructure and working practices.
 - Involving, valuing, developing and rewarding staff in their employment and providing a good, safe working environment.
- 3.2.5 A detailed site survey, together with the plotting of utilities plant and underground equipment has been completed and a full soil survey is soon to be undertaken. Visits to a range of recently completed or nearly completed public and other similar buildings have taken place to identify design and procurement approaches, best practice and those buildings that have been acknowledged as successful.
- 3.2.6 The architectural team are now developing design concepts, which will in the first instance be considered by the Member Working Group, in accordance with the draft project timetable.

4. Creation of a Sub-Committee

- 4.1 As with other Member Working Groups, the deliberations of the Civic Offices Member Working Group are reported in minute format to the most convenient subsequent meeting of this Committee. However, as has already been indicated, there are a number of goals which the Council has sought to achieve which go beyond the procurement of new premises. These include: the detailed scrutiny of existing service delivery arrangements, the opportunity for changing and improving still further the organisation and its culture, maximising benefits from Information Technology and IEG investment, and joint working/co-location with other agencies. A number of these elements fall outside the terms of reference of this Committee and in recognition of the need to have timely decision making, albeit within defined limits, it is recommended that a six Member Sub-Committee of Corporate Management Committee be created on the basis of the existing political balance (four Conservative, one Runnymede Independent and one Labour) and broad terms of reference set. Detailed terms of reference would be recommended to the first meeting of the Sub-Committee and subsequently endorsed by the parent committee. The key property related issues would still be for final decision with budgetary considerations/approvals considered by this Committee, Corporate Management Committee and, if appropriate, Council, as has previously been the case.

OFFICERS' RECOMMENDATION that -

- i) the progress on the Addlestone Community Association project and Civic Offices reprovision be noted; and**
- ii) the Corporate Management Committee be asked to consider the creation of a Civic Offices Sub-Committee to scrutinise and make recommendations on various elements associated with the Civic Offices reprovision.**

(TO RESOLVE)

Background Papers

Relevant material from Architects – Feilden Clegg Bradley

12. BISHOPSGATE ROAD, ENGLEFIELD GREEN – REVISED APPLICATION FOR A NEW STREET TRADING CONSENT (DAL)

1. Purpose of Report

1.1 **The purpose of this report is to consider a revised application for a new street trading consent in Bishopsgate Road, Englefield Green.**

2. Background Information

2.1 An application was submitted to the Committee's last meeting from a trader for hot food trading in Bishopsgate Road, Englefield Green for seven days a week from 7.00 a.m. to 9.00 p.m. That Committee was subsequently advised that the trader had decided that he wished to amend the application substantially by reducing the size of the vehicle, altering the types of refreshments sold and the periods and times of trading. As Officers needed to consult on these revised proposals and evaluate and report on the comments received, the Committee agreed to defer this matter for further report to its next meeting. The revised proposals are set out in paragraph 2.2 below.

2.2 The following revised street trading consent application has been received:-

Mr S Pasmore to trade in Bishopsgate Road, Englefield Green in cold drinks, tea and coffee and in sandwiches which would be prepared elsewhere. He would trade for 4 days a week from Wednesdays to Saturdays inclusive, starting on 4 May 2005 and finishing on 31 August 2005. The trader, who would be assisted by his wife, would start trading on each trading day at 10.00 a.m. and would finish at 6.30 p.m. at the latest. He would finish at 4.30 p.m. on most of the trading days or earlier if there was insufficient custom on these days. The trader advises that the area which he would now require in order to trade is 8 feet. (On the previous application he required a 7 foot by 16 foot trading area).

2.3 The above-mentioned road is designated as a consent street. Traders are only permitted to operate in such roads in specific locations with the benefit of a consent issued by the Council. Trading is prohibited on all other publicly maintainable roads.

3. Report

3.1 Two specific locations are authorised for trading within Bishopsgate Road, as set out below:-

- a) From a point level with the north east boundary of 'The Dell Cottage' on Bishopsgate Road extending for 143 metres north west on the southern side of the road.
- b) From a point 6 metres north west from the northern corner of 'The Lodge' (nearest to the Fox and Hounds Public House) extending 85 metres north west along the southern side of the road.

3.2 These locations are on either side of the Fox and Hounds Public House. A map showing the two locations is attached at Appendix 'N'.

3.3 A trader operated from Bishopsgate Road in the above locations selling ice cream and soft drinks, from August 1995 to March 1998 on Saturdays and Sundays from 10.00 a.m. to 6.00 p.m. and from April 1998 to March 2001 on Sundays only from 10.00 a.m. to 6.00 p.m. No problems were reported during these periods of trading.

Comments from Surrey County Council Local Transportation Service

3.4 Surrey County Council Local Transportation Service have no objection to the positioning of the stall within the layby but point out that the permanent or temporary coning off of the area is not permitted. This is a popular parking area for the people visiting the Great Park so the applicant would have to arrive in sufficient time to establish his pitch. A particular location within the designated areas would need to be identified for the applicant to trade.

Comments from Ward Members

- 3.5 One of the Ward Members has commented that this application is much better than the previous application. They suggest that the hours of trading and the limited choice of foods would have little effect on the business of the Fox and Hounds Public House, although they do not think that the public house would be in favour of having a trader in this location. The Ward Member also states that if the application were to go ahead the trader must be responsible for any rubbish in the area. This issue is covered in paragraph 3.13 of this report. Any further comments received from Ward Members will be circulated or will be reported to the meeting.

Comments from the Police

- 3.6 When consulted previously on the hot food application, Surrey Police did not consider that either of the locations in Bishopsgate Road were suitable for that form of trading. They are still of that opinion for the revised application.
- 3.7 By allowing any form of trading at this location Surrey Police consider that it is likely that it would be a magnet for youths in both Englefield Green and other areas and that there would be an increase in the fear of crime in this area, while at the present time the Police receive few complaints and reports of anti-social behaviour. Surrey Police consider that this is particularly relevant for Fridays and Saturdays when the refreshment facility would be open and when it is likely that youths would attend the location.
- 3.8 Surrey Police report that they are having to deal with an increase in reports of anti-social behaviour by groups of youths nearby on The Green at Englefield Green. The Police state that the siting of a trader close by may, in their view, only attract more youths to this location or move them to where the trader would be located.
- 3.9 The Police also state that historically the area has suffered from crime relating to theft from motor vehicles and the Police, working in partnership with the Council, have managed to reduce the number of reported break-ins to motor vehicles. The Police believe that the presence of a trader in the area will increase the number of vehicles attending the location, making it again vulnerable to motor vehicle crime.
- 3.10 Surrey Police also do not believe that the location of the trader is safe bearing in mind the number of vehicles that use the road, including members of the public seeking access to Windsor Great Park and the Fox and Hounds Public House. Although trading would now be conducted during daylight hours, they consider that the trader would, in their view, increase the number of road users and also persons on foot at the location. The Police also state that a number of pedestrians might remain at the location to consume their food and this creates concerns from them regarding the safety of road users and pedestrians.
- 3.11 The Police also state that the siting of the trader at either of the marked areas would also reduce the number of parking spaces available to members of the public. This would have a significant effect during the spring and summer months when there is a large increase in people visiting Windsor Great Park. The likely result would be members of the public leaving cars parked on verges and then walking to the park on the road raising concerns for their safety and the safety of other road users. Police are also concerned as to where persons purchasing food from the trader would consume it and believe that it is likely that some customers would move on to the side of the road, causing more concerns for safety.
- 3.12 The Police also do not see the need for a trader at this location bearing in mind the number of takeaways and convenience stores that are currently located in and around Englefield Green. Concerning this comment, the Committee must consider the suitability of trading specifically in Bishopsgate Road, not the presence or otherwise of facilities in the immediate vicinity.

Comments from Runnymede Environmental Protection Division

- 3.13 Environmental Protection comment on the revised application that there is no rubbish bin at this location and that Mr Pasmore would have to provide adequate means of rubbish and waste food disposal for his business and there would need to be consideration for waste bins

for the public. However, one of the standard conditions of any consents which have been previously granted is for the trader to place refuse arising from trading in suitable covered containers, which are also to be removed from the site when trading ceases. There are toilet facilities available to the general public which the trader and his assistant can use in Windsor Great Park. Environmental Protection suggest that if the consent is granted, there should be a condition imposing a requirement for the trader not to play radios or recorded music, in order to minimise disturbance to local residents. Environmental Protection also comment that the trader may attract non-park users to the location and the suggested 8 feet of space required to trade would be lost car park space as well as permanent parking for the trader's vehicle. (However, the amount of space required is substantially less than the previous 7 foot by 16 foot). Environmental Protection also advise that both the vehicle from which the trader will be trading and the location where the sandwiches will be prepared will need to be registered under food premises regulations.

Comments from Runnymede Engineering Services Division

- 3.14 Engineering Services comment that ideally trading areas should have space for the trading vehicle to safely park, sufficient space for the customers to queue and wait whilst being served or eating their food, space for passing trade to park, a clear passage for pedestrians or vehicles, and sufficient access to adjacent property at all times. It would be preferable that the trading area was covered by closed circuit television. Bins and seating are also desirable.
- 3.15 This area, in the view of Engineering Services, fails to satisfy conditions of a safe area for the customers. The location requested would mean that the trading unit would either park on the grass verge or use the limited parking bays used by the visitors to Windsor Great Park and The Fox and Hounds Public House. The main concern would be that wherever the unit is located, customers would have to queue in or very close to the road.
- 3.16 Engineering Services also comment that although the locations are close to a public house, there would be little other natural passing trade. However, this Committee can only consider the suitability of trading specifically in Bishopsgate Road. Commercial considerations, such as the amount of trade, are for the trader to assess.

Representations From The Crown Estate

- 3.17 Representations regarding the previous application were received from the Crown Estate, who are based in Windsor Great Park. Whilst the Crown Estate does not own any of the land in the immediate vicinity of the application area, they have extensive land holdings beyond Bishopsgate Road, which necessitates a considerable amount of traffic making use of the Bishopsgate Road.
- 3.18 The Crown Estate continue to oppose street trading in this location which they consider to be most inappropriate as they comment that the area is already very heavily congested with vehicles, particularly during weekends when a great number of people make use of the parking area, so that they can exercise in the Great Park. They take the view that any form of street trading is going to exacerbate the existing parking problems.
- 3.19 The Crown Estate also add that they are currently involved in the construction of a new Visitor Centre, which is to be situated about a mile to the south of Bishopsgate Road, alongside the Savill Garden car park. This venue would provide greater facilities for the public for refreshments and the Crown Estate hope that the new car parking arrangements will help to move some of the vehicles that currently park in Bishopsgate Road and thus improve the freedom of movement for vehicles entering and leaving the Great Park via Bishops Gate.

4. Council Policy

- 4.1 Council Policy is to give due consideration to the suitability of all applications to trade on consent streets and to prohibit trading in all streets where it will be detrimental to road safety and where evidence of detriment to public amenity exists.

5. Resource Implications

5.1 Street Trading consents run from 1 April to 31 March. The basic annual fee is £590 per year plus an additional annual charge of £135 for each day of the week the trader is licensed to operate. The maximum fee for a trader operating seven days a week for a year is therefore £1,735. This amount would be reduced on a pro rata basis to take account of the fact that the consent would only be for a limited period starting on 4 May and expiring on 31 August 2005 and that the trader would only be trading for four days a week. The trader would therefore pay £377 (a pro rata annual fee of £197 plus pro rata 4 day fee of £180).

6. Legal Implications

6.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 gives local authorities discretion when issuing, varying or revoking consents. Schedule 4 does not specify any particular grounds on which such decisions may, or may not, be made but while the Committee is able to grant or refuse a consent it must do so for sound and valid reasons and has a duty to act reasonably at all times bearing in mind the consequences to the trader. While a trader has no right of appeal under Schedule 4 he is at liberty to take other legal action if the Council is seen to act unfairly or unreasonably or has reached its decision without due consideration of all material facts.

6.2 Under Section 17 of the Crime and Disorder Act 1998, the Council has a duty to do all that it reasonably can to prevent crime and disorder in its area. Clearly, if disorder resulting from the existence of street trading is anticipated, reasonably then this would be a material consideration in the determination of this issue.

6.3 The European Convention on Human Rights secures certain fundamental human rights. The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with a convention right.

6.4 A refusal of consent to street trading at this location may constitute an interference with the right under Article 1 of the First Protocol to the peaceful enjoyment of possessions. Such interference is permissible if it is in accordance with the law and in the public interest. Such refusal could also interfere with the right under Article 8 of the Convention to respect for private and family life and the home. Interference is permissible provided that it is in accordance with the law and is necessary in the interests of protecting the rights and freedoms of others in the community.

6.5 Article 1 of the First Protocol states :

Protection of Property

'Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law'.

'The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties'.

6.6 The word 'possessions' is to be given a broad meaning. Possessions include all types of real and personal property. Article 1 of the First Protocol applies both to natural and legal persons. Traders therefore have the right to peaceful enjoyment of possessions, although the use of such possessions can be controlled in the general interest.

6.7 Article 8 of the Convention states:

Right to respect for private and family life

'Everyone has the right to respect for his private and family life, his home and his correspondence'.

'There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the Country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others'.

6.8 It must be remembered that local residents as well as prospective traders enjoy convention rights. Clearly, when considering whether or not a consent should be granted the Council should seek to balance the interests of the person seeking to trade against those of local residents and the concerns set out in section 3 of this report above. The power to attach conditions to any consent may enable the Council, in some instances, to achieve a balance between the opposing interests.

7. Conclusions

7.1 The comments received in section 3 of this report include a concern that allowing a trader in this location may give rise to anti-social behaviour. The safety of road users and pedestrians, have also been raised as difficulties as well as the possibility of increased theft from motor vehicles. The number of parking spaces in the area would also be reduced to accommodate the trader although the revised application will not require as much space as the original one. Customers leaving litter and having to queue in or very close to the road are other potential problems which have been identified.

7.2 However, the application is not now for hot food trading, so a range of difficulties that would result from that will no longer apply. The application is also for a greatly reduced number of days and hours and is for daylight hours.

7.3 It is open to the Committee at any time to vary the terms of, or to revoke, any consent to trade which it may grant. Given that the application is for a limited period of only four months, this will give an opportunity to demonstrate whether fears raised are well founded. If problems are caused then renewal of consent could be withheld. If the trader operates without apparent problems, then renewal might be appropriate.

7.4 On balance, Officers recommend granting the application. The Committee is asked decide upon appropriate trading hours, if it is minded to grant the consent.

OFFICERS' RECOMMENDATION that -

- i) a street trading consent be granted to Mr S Pasmore to trade in Bishopsgate Road, Englefield Green from 4 May 2005 to 31 August 2005, from Wednesdays to Saturdays inclusive; and**
- ii) if it is minded to grant a consent, the Committee determine appropriate trading hours.**

(TO RESOLVE)

Background Papers

Relevant papers on Director of Administration and Leisure File 64.26

REFERRALS FROM HOUSING AND COMMUNITY SERVICES COMMITTEE – 9 March 2005

By reason of special circumstances, namely the need to secure authority for disposal of the relevant parcels of land prior to the next meeting of Economic Development Committee in June, the Chairman is of the opinion that these referrals from Housing and Community Services Committee should be considered as a matter of urgency.

The following three referrals are expected to be made to this Committee from the Housing and Community Services Committee which is due to meet on the day prior to the Economic Development Committee. This report is made on the assumption that Housing and Community Services Committee approved the various courses of action and Officers will report the actual decision to the Economic Development Committee on the night.

i) ROAKES AVENUE ESTATE

At its meeting on 9 March 2005, the Housing and Community Services Committee will be asked to declare additional land at Roakes Avenue as surplus and to approve the proposed arrangements for the marketing and disposal of the site. In addition, the Corporate Management Committee will be separately asked to approve a new Capital Estimate to

finance the affordable housing element of the replacement scheme at Roakes Avenue. Attached at Appendix 'O' is a plan of the Roakes Avenue site and the area which has been sold to Apex Housing Group is hatched.

If the Housing and Community Services Committee declares the remaining land surplus to its requirements the marketing of the site will of necessity be the first step to be taken towards any redevelopment. Marketing needs to take place, as soon as possible, if the redevelopment is to follow the vacation of the site in early 2006. Subject to the approval of the Housing and Community Services Committee being given to this proposal, at its meeting on 9 March 2005, the approval of this Committee is sought for the disposal of the land in question.

**HOUSING AND COMMUNITY SERVICES COMMITTEE'S RECOMMENDATION
that -**

the disposal of the remainder of the land shown on the map in Appendix 'O' be approved and the Borough Valuer be authorised to commence marketing of the site.

(TO RESOLVE)

Background Papers

DHCS Roakes Avenue file.

ii) WAPSHOTT ROAD ESTATE REDEVELOPMENT PROPOSAL

At its meeting on 9 March the Housing and Community Services Committee will consider a report advising Members of the current status of the redevelopment as well as seeking approval to progress the next stages of the scheme and to obtain approval for a Capital Estimate to enable the purchase of units including the payment of home loss.

A detailed proposal for this Estate has now been compiled and is in the process of being considered by the Planning Department. In the event that the scheme receives planning permission then a number of steps will need to be taken to progress the scheme. This report does not seek to prejudge the decision of the Planning Committee but simply seeks to set in place any required approvals so that the scheme can proceed as quickly as possible if permission is granted. In the event of a refusal a further report will be brought to the respective Committees.

As part of the required steps the Council will need to transfer the land to Apex Housing Group (A2) for the scheme to proceed. Accordingly the Housing and Community Services Committee is being recommended to approve that, in the event that Planning Consent is obtained, the land required for the development be declared as surplus and that the Economic Development Committee be asked to arrange disposal of the land, to Apex Housing Group, on a phased basis.

**HOUSING AND COMMUNITY SERVICES COMMITTEE'S RECOMMENDATION
that -**

in the event that Planning Consent is given, the phased disposal of the land to Apex Housing Group be approved and the Director of Administration and Leisure and Director of Housing and Community Services be authorised to act accordingly.

(TO RESOLVE)

Background Papers

None Stated

(iii) DISPOSAL OF PROPERTY AT 379 STROUDE ROAD EGHAM

At its meeting on 9 March 2005 the Housing and Community Services Committee will also be asked to declare the property at 379 Stroude Road, Egham surplus to requirements and to recommend its disposal. The dwelling is an extremely large 3 bedroom detached house with an approximate value of £400,000. A plan is attached at Appendix 'P'.

The dwelling has recently become vacant and inspection of the property has revealed that at least £40,000 of major repairs are required. If the Council were to sell this property it could use the funds to finance a number of alternatives. Subject to the decision of the Housing and Community Services Committee, and the approval of the Corporate Management Committee, it would seem appropriate, on this occasion, to dispose of the property and to use all of the funds for the provision of additional affordable housing.

Under the prudential capital finance system relating to sales of housing property, the Council can retain the 75% (estimated £300,000) from the sale proceeds of 379 Stroude Road which would otherwise be "pooled" to the Government, if it is to be used on affordable housing schemes. By adding the 25% that is not subject to pooling, the full value of the sale proceeds (£400,000) can be used to support new housing schemes.

The sale of this property was not anticipated in the Financial Forecast and therefore the use of the full £400,000 has a neutral impact on the Council's overall financial plans.

The disposal of this property provides the opportunity to make a substantial investment in new affordable homes. Because of the ability to draw in Government grants and use borrowing, the use of these funds to acquire units of accommodation in partnership with a Registered Social Landlord is the most effective way of providing the most extra units of accommodation.

The Leader's Position Statement, Housing Strategy, and the Community Strategy all have a stated aim to increase the provision of affordable housing in the Borough.

**HOUSING AND COMMUNITY SERVICES COMMITTEE'S RECOMMENDATION
that -**

the disposal of the property be authorised.

(TO RESOLVE)

Background Papers

None Stated