

Runnymede Borough Council
ECONOMIC DEVELOPMENT COMMITTEE

Thursday 9 June 2005, at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone



Members of the Committee

Councillors J.R. Furey (Chairman), J.E. Haas (Vice-Chairman), M.J. Brown, Mrs E. Gill, Mrs L.M. Gillham, Miss M.N. Heath, Mrs Y.P. Lay, R.J. Ray, Mrs M. Roberts and C.J. Ruane.

A G E N D A

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. G. Marson, Committee Section, Administration and Leisure Department, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425625). (Email: gary.marson@runnymede.gov.uk).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- iv) in the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire and other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign as a correct record the Minutes of the meetings of the Committee held on 10 March and 12 May 2005 as a correct record. The former were included in the April 2005 Minute Book while the latter are attached at Appendix 'A'.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

6. CAR PARKING IN ENGLEFIELD GREEN (DTS/DAL)

(Ref: Minutes of Economic Development Committee, March 2005, page 881, para. 593)

1. Purpose of Report

1.1 The purpose of this report is to:-

- i) **inform the Committee of the objections to and representations received in favour of the introduction of pay and display parking in the St. Jude's Road and Victoria Street car parks in Englefield Green, further to public advertisement;**
- ii) **inform the Committee that, after receipt of objections, pay and display charging has been introduced in these car parks for a trial period of 6 months following consultation with Ward Members and the Vice-Chairman of the Committee (in the temporary absence of the Chairman);**
- iii) **report on the initial impact of the new regime; and**
- iv) **request the Committee to consider whether it has anything to add to the suggested further responses to the objectors set out in paragraphs 6.1 - 6.4 of this report.**

2. Background Information

2.1 At its meeting on 10 March 2005, the Council's Economic Development Committee decided that pay and display parking should be introduced in the St. Jude's Road and Victoria Street car parks for a trial period of six months, beginning on 1 May, with an initial report on the first weeks of the trial being submitted to this meeting. This decision was subject to consideration of any objections which might arise from the Council's formal advertisement of its proposal to bring in the charges.

2.2 In considering this matter at its meeting in March, the Committee noted that the current long stay nature of these car parks produced insufficient short stay parking for local shoppers. Neighbouring garages used the car parks as holding areas for vehicles awaiting repair or sale and the staff of local businesses parked in the car parks all day while at work. This meant that drivers visiting the local shops and other businesses were often unable to find spaces for shorter term parking. Surveys in February 2004 had confirmed that the car parks

were frequently full or nearly full throughout most of the working day. The demand for spaces had increased further since that time as the introduction of decriminalised parking enforcement had led to more rigorous enforcement of on street restrictions which limited waiting to 30 minutes.

- 2.3 The Committee also noted that a public consultation exercise had been undertaken to better establish parking needs in the area. This had confirmed that there was an unmet need for short term shopper parking in Englefield Green but that some all day parking was required for local business employees. A majority of respondents had indicated that they were prepared to pay to park if this resulted in more spaces becoming available, although 82 letters of representation had been received from local employees requesting cheap or free parking.
- 2.4 The Committee considered that there was a need for greater regulation of the two Englefield Green car parks in order to reduce abuse by the garages and provide a balanced provision for longer stay shoppers and some local employees. The Committee considered that this could best be achieved by the introduction of a pay and display charging regime which would be proportionate in cost to those deriving the most benefit. It was therefore agreed that the Council's standard rate of pay and display charges should be applied for a six month trial period between 8.00 a.m. and 6.00 p.m. on Mondays to Saturdays to see whether charging achieved a greater turnover of cars. This attempt to manage the position through the charging regime was considered to be preferable to penalising any particular type of user by placing limits on waiting hours. Once charges were introduced data would be available to better establish patterns of demand and usage. The Committee also authorised Officers to seek expressions of interest in St. Jude's Road and Victoria Street from residents and businesses in the principle of reserving contract parking spaces with the possibility that this be introduced at a later date. The Committee also agreed that a parking pass system at each end of the school day be adopted for the St. Jude's Road car park for parents of children attending local schools to relieve congestion.
- 2.5 In summary, the Committee considered that pay and display parking would introduce beneficial greater regulation by reducing the amount of vehicles being parked for excessively long periods and monopolising spaces, by providing parking for drivers visiting local businesses requiring shorter term parking and by meeting increased demand for places to park from people previously parking on the street in the area.

3. Initial Impact of New Pay and Display Regime

- 3.1 The ticket machine manufacturer delivered the machines and their operating software late, delaying implementation of the charging regime until 23 May 2005. As a result there was no operational information available when this report was prepared so a verbal report will be presented to the Committee at the meeting.

4. Representations

- 4.1 The Council was obliged to advertise the proposed changes to the Off Street Parking Places Order in the local press and on site. A number of objections were received in response, which, under the provisions of the Council's Constitution, were forwarded to Ward Members and the Chairman and Vice-Chairman of the Committee for consideration. The Ward Members raised no objection to implementing the Amendment Order as soon as possible and the Director of Administration and Leisure, in consultation with the Vice-Chairman of the Committee (in the temporary absence of the Chairman) under Standing Order 42 authorised the charges to come into effect on 23 May. This was considered necessary in order to address the shortage of parking in the area and enable the Committee to consider the initial impact of the charges at this meeting.
- 4.2 Sixteen objections have been received from users of the car park, local residents and a local business. The objectors express the views that the proposed pay and display charges are too high and as a result they will no longer be able to work or park in the area without incurring charges which they consider to be excessive. They also consider that pay and display will result in more cars being parked in local roads, thereby increasing the congestion in those roads. Some of the objectors suggest that permits should be made available at a level of £150 to £200 per annum. A copy of all the objections are attached at Appendix 'B'.

- 4.3 However, a number of people have also written in to the Council to support the introduction of pay and display car parking in these two car parks. A petition has been received containing 29 signatures stating the view that pay and display will help control abuse of the car parks, give more people the chance to park and enhance traffic flow. Three other residents have written to support the proposals. A letter has also been received from a local business which is neither clearly in support or against the proposals, which sets out the difficulties which this business currently faces. Copies of these letters are attached at Appendix 'C'.
- 4.4 The objectors have been informed that their comments have been forwarded under the Council's constitution to the Ward Members for Englefield Green East and West who, having considered them along with a number of other objections, have raised no objection to the introduction of the charges. The objectors have also been informed of the reasoning behind the Council's proposal to introduce charges as discussed at the March meeting of this Committee and that Members are mindful that the charges will be implemented for a six month trial period, with a report on the effects of the trial being submitted to the November meeting of the Committee and at that meeting, the Committee may discontinue the charging if it wishes to do so on the basis of the evidence which it will then have. The objectors have also been informed that whilst the detrimental effects that they consider will result from the scheme are noted, Members are of the view that the scheme must proceed in order to establish whether it will assist in resolving the problems identified. They have also been informed that this meeting will be reviewing the initial impact of the charges together with objections to and support received for the advertised Order and will consider, inter alia, the suggestions contained within the objections. Everybody who has submitted representations, whether for or against the proposals, will receive a copy of this report and be notified of the Committee's decision.
5. Environmental Implications
- 5.1 Solar powered ticket machines were installed in the St. Jude's Road Car Park where there was no existing mains electrical supply in order to save the energy and disruption in excavating to install a supply and the energy consumption of a mains powered machine.
- 5.2 Depending on future budgets, consideration will 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.
6. Responses to Submissions from Objectors
- 6.1 The letters from the objectors raise three main points. The first point is that they consider that the charges are too high and they will no longer be able to work or park in the area without incurring excessive charges. It is suggested that these objectors be informed that while the detrimental effects upon them are noted, the Committee has to balance conflicting interests in assessing this matter and considers that it needs to see whether pay and display will improve the parking position in the area. Furthermore, the charges are set at the same level as those in operation in other car parks in the borough, which are not considered to be excessive.
- 6.2 The second point concerns those who think Pay and Display will result in increased congestion in their roads as people will park in local smaller roads rather than incur pay and display charges. They have observed increased congestion in their roads since the more rigorous enforcement of on-street restrictions. It is suggested that these people be informed that the Council has evidence that people will use the pay and display car parks so it is not envisaged that there will be an increase in congestion in their road, although again the trial period will provide evidence on this issue. It is also suggested that these objectors be informed that they might contact Surrey County Council Local Transportation Service who manage on-street restrictions and ask that Service to consider whether yellow line waiting restrictions would be appropriate in their road.
- 6.3 The third main point made by the objectors is that they consider that permits should be introduced as they think the pay and display charges are too high. Nine objectors would like to see non-residents permits for people travelling to work in the area. One of the objectors and in addition the author of an e-mail which has recently been received, both of whom live in St. Judes Road, think that residents' permits should be made available at no cost on the grounds that they consider the pay and display charges to be excessive and they state that

they have nowhere else to park for long periods apart from the St. Judes Road and Victoria Street car parks. The author of the e-mail expresses the view that shoppers should more appropriately use on-street spaces along St. Judes Road rather than the St. Judes Road car park. Those people who are looking for residents permits have been informed that they might contact Surrey County Council Local Transportation Service and ask that Service to consider whether it would be possible for the yellow line waiting restrictions to be moved outside the residents' houses or for any other special provision to be made for residents to park on-street.

- 6.4 Officers advise that it will be necessary for there to be sufficient spaces available for permit holders and that therefore it would be better to await the results from the trial period. It is therefore suggested that these objectors be informed that it is noted that they would be interested in non-residents and residents permits, if they were to become available at some stage in the future. However, such permit schemes would only be able to be introduced if the data collated during the six month Pay and Display period shows that there would be sufficient spaces available in the car parks to allow such schemes to be implemented and that Officers will report back their findings on this issue to the Committee's November meeting, at the end of the six month trial period.

OFFICERS' RECOMMENDATION that –

- i) the initial effect of the new pay and display regime in these two car parks be noted; and**
- ii) the Committee considers whether it has anything to add to the suggested further responses to the objectors set out in paragraphs 6.1, 6.2, 6.3 and 6.4 of this report.**

(TO RESOLVE)

Background Papers

Correspondence on DAL file 25.17

7. OFF STREET CAR PARKING - EFFECTS OF PERMIT PRICING CHANGES (DTS)
(Ref: Minutes of Economic Development Committee, September 2004, page 244, para. 182)

1. Purpose of Report

- 1.1 **The purpose of this report is to advise the Committee of the effects of the increase in charges for non-resident permit parking in the Borough's off-street car parks during the six months since the increases were introduced.**

2. Background Information

- 2.1 At its meeting in June 2003 this Committee resolved to unify the charges for annual and quarterly off street parking permits in the Borough's off street car parks. This generated some disquiet from residents who believed that they were treated unfairly and that they should pay less than a non-resident for parking. For the purposes of parking permits a resident is someone whose place of residence directly abuts a car park.
- 2.2 As a result, the Committee, at its meeting in September 2004, resolved that non-resident car parking permit charges in the Borough's off-street car parks should be increased from £200 per year or £60 per quarter to £400 per year or £120 per quarter and that contract parking permits should be increased from £250 per year or £75 per quarter to £500 per year or £150 per quarter. These increases were to take effect from 1 November 2004 and were expected also to increase the car parks income and reduce the overall deficit. The charge for resident parking permits was to be maintained at £200 per year or £60 per quarter.
- 2.3 The Committee instructed that Officers should monitor and report back on the impact of the increased charges during the first six months of operation, including the extent to which the changes affected those who live close to the car parks but fall just outside the existing definition of 'resident' and Borough residents without alternative parking provision.
- 2.4 The increased charges were introduced on 1 November 2004 as specified.

3. Report

- 3.1 Parking permits are sold quarterly or annually throughout the year and contract parking permits are sold annually so, for example, as the increases were effective from 1 November 2004 a permit holder who renewed an annual permit at the end of October 2004 would have paid the pre-increase and would not need to renew it at the increased price until the end of October 2005. Therefore, the full effect of the increased price on permit sales will not be known until the end of October 2005, a full year after the increase. However, in order to give an idea of the effect on sales in the six month post-increase period from the beginning of November 2004 to the end of April 2005 the number of permits sold in that period are compared with the same period for the year earlier in Table 1 below. The sales trend from Table 1 has then been used to estimate the ticket sales for the period May to October 2005 from the sales during the corresponding period in 2004. These figures are shown in Table 2.

Table 1 - Parking Permit sales between November 2003 and April 2004 compared with November 2004 and April 2005

	Quarterly Parking Permits (No.)	Annual Parking (Permits (No.))
Nov 2003 to April 2004	80	58
Nov. 2004 to April 2005	41	36

Table 2 - Parking Permit sales between May 2004 and November 2004 compared with estimated sales between May 2005 and October 2005

	Quarterly Parking Permits (No.)	Annual Parking (Permits (No.))
May 2004 to Oct 2004	68	90
May 2005 to Oct 2005*	34	56

* estimate based on the trend in Table 1 figures

- 3.2 Table 1 shows that there has been a 50% reduction in the sales of quarterly parking permits and a 38% reduction in the sale of annual permits in the first six months compared to the 10% that was allowed for in the Committee report in September 2004. As the cost of the permits doubled this equates to a marginal increase in the income for that period.
- 3.3 It is probable that the increased cost of the permits deterred drivers from renewing existing permits or buying new ones. A driver that has a full-time job (5 days a week) near to a car park and wishes to park there for a normal working day would pay £2 per day at the ticket machine. Allowing for an average of 5 weeks holiday per year, it would cost a driver paying £10 per week (£2 per day) for 47 weeks, a total of £470. This is compared to £400 per year for an annual permit, or £480 if bought quarterly. A permit does not guarantee a space in the car park so the only practical advantages of buying one are that a driver would not need the required change and have the inconvenience of going to a machine to buy a ticket every day.
- 3.4 At £500 per year for contract parking, contract permits are considerably more expensive than buying a parking ticket every day under the conditions explained in paragraph 3.3. The biggest advantage of contract parking is that specific spaces are designated for contract permit holders.
- 3.5 The sales figures for May to October 2004 show that the sales pattern is different during this part of the year when compared to the November 2003 to April 2004 figures shown in Table 1. In estimating the sales for the post price increase period May to October 2005 it is assumed that the price increase will have the same effect on sales as it did in the first six-month post increase period.

- 3.6 The Council has only received a few complaints about the increased charges from those who live close to the car parks but fall just outside the existing definition of 'resident' or from Borough residents without alternative parking provision.
- 3.7 Concerning contract parking, a complaint has been received from a number of bay holders in Bemonds Row who pay annually from 1 April about the level of increase in charges for parking in that car park. When the scheme was introduced here in 1998, the annual charge was £200. This was increased to £250 in September 2003. The charge has been set at £500 a year since November 2004. The bay holders who have complained recognise that they must pay a fee to park here but they are of the view that doubling the amount required from that which was required previously represents an excessive increase. In the light of this, the Committee is invited to consider whether it wishes to retain the charges at their current level of £500 per annum or £150 a quarter.

4. Resource Implications

- 4.1 The actual income from off street car parks during 2004/05 was £376,402 and resulted in an overall deficit of £136,188.
- 4.2 The report in September 2004 stated that the increased charge would generate approximately £42,000 per year extra, including VAT, if there was no fall in the demand for permits, or about £36,000 if there was a 10% reduction in demand.
- 4.3 Table 1 shows that the number of annual and quarterly parking permits sold has reduced considerably more than anticipated in the first six months since the increased permit charges were introduced compared to the same corresponding period the previous year. As a result the level of increased income has not met the original predictions. The increased income for the first six-month post increase period compared to the corresponding period the previous year and calculated from the sales figures in Table 1 is £8,170.
- 4.4 Experience has shown that the sale of permits fluctuates monthly throughout the year so it is difficult to predict the overall income for the whole year following the price increase. However, Table 2 shows the predicted permit sales in the period May to November 2005 compared with the corresponding period the previous year and based on the trends shown in Table 1. From these sales figures the estimated increase in income for the period May to November 2005 compared to the corresponding period the previous year is approximately £5,000.
- 4.5 The total estimated increase in permit sales income for the first full year since the price increase, calculated from the figures available, is approximately £13,000, including VAT, which will contribute to a reduction in the overall car park deficit.

5. Council Policy

- 5.1 The Council is committed to a programme of net reductions in revenue expenditure. Increases in the levels of income, where appropriate, make an important contribution towards the savings targets. As the off-street car parks are run at a deficit it is prudent to increase permit parking charges to help offset the costs.

6. Legal Implications

- 6.1 The revised Off Street Parking Places Order was publicly advertised before taking effect on 1 November 2004.

OFFICERS' RECOMMENDATION that –

- i) there be no change to the permit charges at present but Officers be instructed to continue to monitor the financial situation; and**
- ii) the Committee considers whether it wishes to retain the charges for contract parking at £500 per year or £150 per quarter.**

(TO RESOLVE)

Background Papers

None Stated.

8. SERVICE PLAN 2004/05 – OUTTURN PERFORMANCE (DTS)

1. **Purpose of Report**

1.1 **The purpose of this report is to inform Members of the outturn performance in respect of the Economic Development Committee Service Plan for 2004/05.**

2. **Background Information**

2.1 In the Spring of 2003, the Council introduced a revised performance management framework to ensure the better use of information to improve services.

2.2 Each Committee has its own Service Plan which incorporates all of the Performance Indicators, indicators relating to the Leader's Position Statement, Best Value Improvement Plans, local indicators and targets arising from the Community Strategy. Departments use this information as the basis of their service planning and improvement. The Economic Development Committee receives quarterly updates on the progress of the Service Plan.

3. **Report**

3.1 Performance for the full year (April 2004 to March 2005) is set out at Appendix 'D', together with details of timescales, potential barriers and any additional resource requirements as may be identified. Where corrective action is necessary it is noted accordingly.

4. **Council Policy**

4.1 Service Plans assist the Council to fulfil two of its strategic objectives:

- i) achieve quality services
- ii) achieve continuous improvement

4.2 "We will further develop the Performance Management Framework, to build in continuous improvement to Service Plans, rationalise targets and further integrate into departmental management." (Leader's Position Statement 2004/05).

4.3 In April 2005, the Council adopted a revised policy making framework in the form of the Strategic Plan 2005 – 2010. It is intended in the next cycle of main committees to bring forward revised Service Plans which reflect the policies in this document and delete outdated or achieved targets.

(FOR INFORMATION)

Background Papers

None

9. RUNNYMEDE TRAVEL INITIATIVE - THE YELLOW BUS SERVICE (DTS)

(Ref: Minutes of Economic Development Committee, March 2005, page 880, para. 592)

1. **Purpose of Report**

1.1 **The purpose of this report is to:-**

- i) **advise the Committee of a request to the Runnymede Business Partnership to proceed to a second ballot of local businesses, as part of the Business Improvement District (BID) process, to help fund the Yellow Bus Service; and**
- ii) **seek authority to operate a 7th Yellow School Bus from September 2005.**

2. Background Information

- 2.1 The Local Government Act 2003 (the Act) introduced BIDs as a new means of promoting partnerships between Local Authorities and businesses in order to provide additional services or improvements in a specific area. Projects are to be funded by a time limited levy to be added to the non-domestic rate and retained for local initiatives based either on a specific geographical area or focused on the needs of a particular business sector. The business community, or other relevant sector, identifies support for a project following a ballot amongst those companies likely to benefit from the scheme, although implementation would be in consultation with the Council. Proposals have to be approved by a majority of those businesses voting, both in simple numerical terms and also by rateable value of the hereditaments. The potential for a BID to support the Runnymede Travel Initiative, and specifically the Yellow Bus element of the project, was originally identified by the Committee at its meeting in September 2003.
- 2.2 The Committee will recall that at its meeting in March 2005 Members were advised of the outcome of the first BID ballot to secure funding to support the Yellow Bus Service. Some 41% of businesses who voted were in favour of the scheme, representing 47% of the rateable value of companies. This was insufficient to carry the proposal.
- 2.3 Despite the disappointment of the first ballot the Partnership has been approached by several of the larger businesses to consider the way forward. They have expressed a wish to tap into the positive messages of support from the business community about the BID and have requested a second BID ballot. Whilst they wish to maintain the same BID proposal, it was felt that the benefits of the scheme were not fully appreciated by some of the companies who did not vote or voted against the scheme. Consideration is being given to holding a second ballot in the late Autumn.
- 2.4 The Partnership will consider this matter at the meeting of the Transport Group on 14 June 2005 and then formally at the Steering Group meeting on 21 June 2005. Informal discussions with Officers suggest that the Partnership would wish to proceed to a second ballot.

3. The Proposal

- 3.1 The Committee will recall that the Runnymede Travel Initiative is operated in conjunction with the Runnymede Business Partnership and seeks to reduce the number of school and business journeys made by car. A key feature is the provision of American style Yellow Buses which serve Magna Carta, Fullbrook, Jubilee High and Salesian Schools and carry 500 students daily. The scheme has been well received by pupils, parents and schools and has achieved a significant modal shift away from the car on the school run. The £228,000 annual cost for a 6 bus service is met from fares, business sponsorship and, increasingly, Section 106 developer contributions. Whilst this is likely to be sufficient to sustain existing levels of service, Section 106 monies cannot be relied upon to support the further significant growth of the scheme to 12 buses. The operation of a BID would provide the opportunity to build on the success of the pilot project and maximise modal shift by funding an expansion to 12 buses. The net cost for a 12-bus scheme supported by a BID (excluding schools' contributions and business and other sponsorship) is estimated to be £350,000 per annum.
- 3.2 The BID levy would be applied to hereditaments (business provision) with a rateable value in excess of £350,000. Each business ratepayer would be required to contribute £7,500 per annum for a five year period. The scheme would commence on 1 April 2006, with the new buses introduced in September 2006.
- 3.3 The Runnymede Business Partnership wishes to resubmit the scheme, including the original proposal and business plan, to a second ballot. Several of the recent BID's that failed to secure a positive role have submitted proposals for a re-ballot. The outcome of these will not be known until later in the summer.
- 3.4 Officers are satisfied that the proposal to proceed to a second ballot stands a reasonable chance of success if a focused campaign is undertaken by the Runnymede Business Partnership to ensure that the positive messages of support from the business community are turned into 'yes' votes. Members are advised that if the Partnership Steering Group

endorse the proposal for a second ballot, then the Officers recommend that the Committee support that BID proposal. If this was successful then it would commence in the new school year in September 2006.

4. Provision of a Seventh Yellow Bus

- 4.1 In tandem with the earlier BID ballot, informal discussions took place with the local schools to consider where the additional buses could be provided. There was sufficient interest for all the additional buses to be used.
- 4.2 It was noted during the informal discussions that all the current users of the service wish to expand their access to the buses, but a particularly acute need arose from Fullbrook. This is a reflection of the success of the scheme and the size of the total number of students who attend the School (circa 1,700) compared to the size of the other schools using the service. The Council has been advised by the School, and from direct contact from the parents of new students due to start at the School in September 2005, that the demand will exceed supply. This is in addition to the waiting list of existing users wishing to use the service.
- 4.3 It is now necessary to decide which students are able to use the service. Generally preference is given to new students who have siblings already using the service, then either those on the waiting list or new students to the School. The decision is not going to be easy and is already giving some rise to criticism from parents that more buses should be provided to meet demand. Parents are advised that the Council is neither an Education or Transport Authority and that discretionary funding has to be secured to operate the service.
- 4.4 To provide six buses costs £228,000 with one-third collected from fares and the remainder from Section 106 money and business sponsorship. Seven buses would cost £266,000 with the same ratio of funding required to support the extra bus. Officers have explored options for dealing with this demand.
- 4.5 The first plan involves consideration of the potential for funding the additional bus by using the discretionary Section 106 money 'likely' to come forward from development projects in the pipeline. There is currently sufficient funding secured to support the service for 2005/06 but future funding will depend on new schemes coming forward to support the service for the subsequent years.
- 4.6 An alternative option would be to raise fares at the School from £1.00 per day to £1.50 per day for all students at Fullbrook School. This would secure all the funding for the seventh bus. Parents were requested to comment on this option and of the 68% who responded 56% were happy to support this way to fund the buses, with 28% not responding to the question (one week before the deadline for response).
- 4.7 In the light of this response from parents it is recommended that a seventh bus be included in the service and that the fares be raised at Fullbrook School from £1.00 to £1.50 per day from September 2005 for all students. However, if the BID proposal was successful then the fares structure and operation of the service could be reviewed for the school year commencing September 2006.

5. Council Policy

- 5.1 Improvements to Access and Transport is a key objective in the Council's adopted Strategic Plan 2005 - 2010. In delivering these aims, the Runnymede Travel Initiative is specifically identified as a major step forward in working with businesses and schools to reduce peak hour congestion. The policy confirms that the Council will continue to work with partners to expand this service to a greater number of students to increase accessibility and further reduce car based journeys to school. Clearly, supporting the Business Partnership in promoting a second ballot is wholly consistent with this policy.

6. Resource Implications

- 6.1 The operation of the service is not dependent on Council resources to assist with the fares. Council staff are, however, involved with the administration of the scheme.

7. Legal Implications

- 7.1 The assembly of the BID proposal has been the subject of Counsel's Opinion and Officers are satisfied that the arrangements satisfy the legislative requirement.
- 7.2 The provision of an additional bus will require an amendment to the agreement between the operator, First Group, and the Council for the use of the Depot to accommodate the vehicles.
8. Environmental and Other Issues
- 8.1 The Yellow Bus Service provides a sustainable means of travel.
9. Concluding Comment
- 9.1 Well over 500 students at four schools now use the six Yellow School Buses. The scheme is well regarded by the students, parents, schools and the Runnymede Business Partnership. It continues to provide a safe, secure and reliable service for students attending the four largest secondary schools in the Borough. This has a significant impact on local traffic congestion. At present in the order of 10-12 million peak hour car journeys per annum are made by those travelling to work or school each year in Runnymede. So far it is estimated that the Yellow Bus and cycle initiatives have reduced the number of (school related) peak hour journeys by a quarter of a million per annum. An expanded 12 bus service could increase this number to half a million plus.

OFFICERS' RECOMMENDATION that -

- i) subject to the endorsement by the Runnymede Business Partnership, the decision to hold a second BID ballot to fund the Yellow Bus Service be supported;**
- ii) the Election Services Supervisor be nominated to act as the Returning Officer for the ballot;**
- iii) the provision of a seventh Yellow Bus be agreed and funded by increasing the fares on the Fullbrook buses to £1.50; and**
- iv) the agreement with First Group in respect of the usage of Chertsey Depot be amended to reflect the provision of the additional Yellow Bus.**

(TO RESOLVE)

Background Papers

None.

10. STREET TRADING CONSENT - DELTA WAY, THORPE (DAL)

1. Purpose of Report

1.1 The purpose of this report is to consider an application for a new street trading consent in Delta Way, Thorpe.

2. Background Information

2.1 The following new street trading consent application has been received:-

Mrs S Major to trade in hot and cold food, including burgers and sandwiches, and hot and cold drinks at Delta Way, Thorpe between 8.30 a.m. and 3.00 p.m. for five days a week from Mondays to Fridays inclusive.

2.2 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 The specific location authorised for trading within Delta Way is from a point level with the north east boundary of Block Number K 'Cass Building' extending in a north west direction for 8 metres, located in the north east corner of the bellmouth of Delta Way. A map showing the location is attached at Appendix 'E'.
- 3.2 A hot food trader operated from this location during 2000/2001. The trader's unit was slightly repositioned in order to resolve access concerns raised by one company in Delta Way. No other complaints were received at that time.
- 3.3 Surrey County Council Local Transportation Service and Runnymede Engineering Services and Environmental Protection Sections have made no objection to the application.
- 3.4 Comments from Ward Members
- 3.4.1 One of the Ward Members has commented that provided that the facility will comply with the relevant health and hygiene standards and that a bin is provided for litter, then they have no objection to the application.
- 3.4.2 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. The trader will be required to comply with health and hygiene standards.
- 3.4.3 Another Ward Member has commented that in principle they have no objection to this application.
- 3.5 Comments from the Police
- 3.5.1 The Police have no objection to the application from a crime and disorder perspective, as the operating hours applied for are daytime only and the location is within a trading estate environment.
- 3.5.2 The Police also point out that there are a number of other refreshment outlets on this trading estate. Concerning this comment, the Committee must consider the suitability of trading specifically in Delta Way, not the presence or otherwise of facilities in the immediate vicinity.
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. The fee in this case for trading five days a week for a year would be £1,265. This would be adjusted on a pro rata basis to reflect that the trader would be beginning trading after 1 April.
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 or she 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 reasonably anticipated, 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 and businesses 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 businesses. The power to attach conditions to any consent may enable the Council, in some instances, to achieve a balance between any opposing interests which may arise.

OFFICERS’ RECOMMENDATION that -

the application from Mrs S. Major to trade in hot and cold food, including burgers and sandwiches, and hot and cold drinks at Delta Way, Thorpe between 8.30 a.m. and 3.00 p.m. for five days a week from Mondays to Fridays inclusive be granted.

(TO RESOLVE)

Background Papers

Relevant papers on Director of Administration and Leisure's File 64.26

11. URGENT ACTION - STANDING ORDER 42 (DAL)

The following action has been taken after consultation with the Chairman or Vice-Chairman of this Committee under Standing Order 42.

<u>Officer</u>	<u>Action Taken</u>	<u>Central Index No.</u>
Director of Administration and Leisure	Agreement to grant a right of access, for an appropriate consideration, in respect of 30 Broomfield Road, New Haw.	578
Director of Administration and Leisure	Agreement to grant a five year lease in respect of office premises at 5A Station Road North, Egham	579
Director of Technical Services	Confirmation of an Order introducing Pay and Display charges in the St. Judes Road and Victoria Street car parks, Englefield Green for a six month trial period (see Agenda Item 6).	585

(FOR INFORMATION)

Background Papers

Proformas dated 24 and 29 March and 16 May 2005 on Head of Corporate Administration's file

12. EXCLUSION OF PRESS AND PUBLIC

OFFICERS' RECOMMENDATION that –

where appropriate the press and public be excluded from the meeting during discussion of the report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in the appropriate paragraphs of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for Public Inspection

a) **Exempt Information** **Para**

(No reports to be considered under this heading)

b) **Confidential Information**

(No reports to be considered under this heading)