

Economic Development Committee

Thursday 25 March 2010 7.30pm

Council Chamber
Runnymede Civic Centre, Addlestone

Members of the Committee

Councillors P I Roberts (Chairman), D A Cotty (Vice Chairman), A Alderson, J Broadhead, H A Butterfield, Mrs C E Gant, Mrs G M Kingerley, L C Pouyanne, A S T Ridge-Newman and P Taylor

AGENDA

Notes:

- 1) 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.
- 2) 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 M L White, Committee Section, Administration and Leisure Department, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425623). (Email: malcolm.white@runnymede.gov.uk).
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LIST OF MATTERS FOR CONSIDERATION

PART I

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

	<u>Page</u>
1. FIRE PRECAUTIONS	4
2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP	4
3. MINUTES	4
4. APOLOGIES FOR ABSENCE	4
5. DECLARATIONS OF INTEREST	4
6. EGHAM FOOD AND DRINK DAY	4
7. FINANCIAL MONITORING STATEMENT	6
8. "THE BIZ", RUNNYMEDE CENTRE, CHERTSEY ROAD, ADDLESTONE – ACTION TAKEN UNDER STANDING ORDER 42, No 713	7
9. NEW APPLICATION FOR STREET TRADING CONSENT : BISHOPSGATE ROAD, ENGLEFIELD GREEN	8
10. REQUEST FOR RBC REPRESENTATIVES : CIVIL PARKING ENFORCEMENT JOINT MEMBER WORKING GROUP	14
11. EXCLUSION OF PRESS AND PUBLIC	15

PART II

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

- a) Exempt Information
12. NEW LEASE OF 11 HIGH STREET (CHARTER PLACE) EGHAM 16
- 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 Meeting of the Committee held on 21 January 2010.

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. EGHAM FOOD AND DRINK DAY (DAL)

1. Purpose of Report

1.1 **The purpose of this report is to consider a request from the Egham Chamber of Commerce for the Council to co-operate with and take any necessary steps to facilitate the holding of a Food and Drink Day in Egham on Saturday 8 May 2010 in Egham High Street. The intention of the event is to promote local 'eateries' who will offer a special deal for the day and set up stalls on the High Street selling locally produced food and/or drink. The participants would be responsible for obtaining all necessary food hygiene and other licences.**

2. Background Information

2.1 Egham High Street is pedestrianised Monday to Saturday with vehicular traffic excluded between the hours of 11.00am to 4.00pm. To facilitate the proposed Food and Drink Day, (which is anticipated to operate between the hours of 10.00am to 4.00pm) would require the Council to agree to and confirm an Order under the Town Police Clauses Act to extend the hours of closure from 8.00am to 11.00am at the beginning of the day and from 4.00pm to 6.00pm at the end of the day to allow for setting up and clearing up.

2.2 Egham High Street is a 'Licence Street' for the purposes of the relevant legislation: Local Government (Miscellaneous Provisions) Act 1982. There would therefore be no difficulty in issuing a street trading licence for the occasion.

3. Report

3.1 The organisers have confirmed that they are in discussion with the Highway Authority about practical details such as maintaining emergency vehicle access etc., with the Feoffees of Chertsey Market to secure their support for the venture (pursuant to their Charter rights) and all local businesses which might wish to participate or be affected by the venture. Initial feedback has been very supportive of the initiative.

3.2 The organisers are anxious to agree the details in principle with the Council so that stall bookings can proceed and other practical matters attended to.

4. Council Policy

4.1 The Sustainable Community and Economic Strategies include the aim of improving the economic, social and environmental wellbeing of the Borough through increased economic prosperity, social inclusion and opportunities and employment for all.

4.2 These Plans indicate that the Council will work closely with business and those wishing to locate or expand in the Borough, to maintain and improve the general economic prosperity. It also provides that the Council will continue to improve the general environment of our three main town centres whilst encouraging and maintaining local village economic vitality.

5. Legal Implications

5.1 The Council's role is, in effect, limited to:

- i) supporting the application for a road closure order and, if so requested by the Highway Authority, to undertake the work to do so pursuant to the powers contained in the Town Police Clauses Act 1847. These powers are limited to one-off events only;
- ii) promoting economic vitality in the local community. Feedback from previous similar events and indeed last year's event, suggests that provided the needs of local existing businesses are taken into account, events similar to that proposed do prove attractive to shoppers and this helps to promote the town centre;
- iii) considering licensing applications. The organisers or vendors will apply for and obtain all necessary licences to enable this to happen. Normal food safety legislation would need to be observed by stallholders;
- iv) considering an application for street trading. As High Street is a Licence Street, the principle has already been agreed. The Council will however need to grant a licence to the organisers that will allow them to offer and sell goods on the public highway.

6. Financial Implications

6.1 The proposal carries no financial implications for the Council unless it makes an Order for the extension of the hours of the pedestrianisation and grants a Street Trading licence. The cost of these would be comparatively modest. In June 2009, this Committee authorised free car parking for this annual event. The loss of income is likely to be in the order of £700.

7. Conclusion

7.1 The support and co-operation of the Council is essential for the venture to go ahead.

7.2 The proposal is consistent with the Council's policy aspirations for the economic vitality of its town centres. It is accordingly appropriate that Officers co-operate with the organisers in this venture so far as appropriate within the Council's statutory powers and duties.

OFFICERS' RECOMMENDATION that –

- i) the request to hold a community based Food and Drink Day in High Street, Egham on 8 May 2010 be noted and approved in principle;**
- ii) the Director of Administration and Leisure be authorised to make a road closure order pursuant to the powers contained in the Town Police Clauses Act 1847, subject to his being satisfied that all appropriate consultations and arrangements have been made;**

- iii) **the Director of Administration and Leisure be authorised to grant a street trading licence to allow goods to be offered for sale on the public highway for the duration of the event; and**
- iv) **all necessary co-operation within existing Council policy and budgetary provision be extended to the organisers.**

(TO RESOLVE)

Background Papers

Exchange of Electronic communications on DAL file 64 26 11

7. FINANCIAL MONITORING STATEMENT (DF)

1. Purpose of Report

- 1.1 **To inform the Committee of the latest financial projections for the 2009/10 financial year for Economic Development services.**

2. Background Information

- 2.1 The Financial Monitoring Statement was introduced to all Committees in September 2006 to inform Members of the current financial position of the services under the remit of each Committee.
- 2.2 Each statement reflects an updated position based upon the 2009/10 probable estimates and the 2010/11 original estimates approved by this Committee in January. The projection in the Financial Forecast approved by Corporate Management Committee in October 2009 has been updated accordingly.

3. Report

- 3.1 The statement at Appendix 'A' is split into two parts:

- Economic Development services
- Highway services

Each statement is split into three distinct parts:

- Projected budget and forecast
- Savings targets to be delivered
- Current year key budget indicators

- 3.2 The Projected budget and forecast sections show any anticipated variations in the current year's budget. These variations are categorised as approved changes and other potential changes. Implications for the following three years are included for completeness so that the full-year effect of any changes can be seen.
- 3.3 The achievement of the revenue reductions programme approved by the Council is one of the Council's key performance indicators. Savings targets not yet achieved are reported in the second section of each statement. These savings are all incorporated into the projected budget and forecast figures in section one.
- 3.4 The final section sets out the key budget indicators for the significant areas of this Committee's budget. This indicates the actual income received set against the amount expected (the budget) for the period covered by each statement.

(FOR INFORMATION)

Background Papers

None stated

8. "THE BIZ", RUNNYMEDE CENTRE, CHERTSEY ROAD, ADDLESTONE – ACTION TAKEN UNDER STANDING ORDER 42, No 713 (CE)

1. Purpose of the Report

- 1.1 **To inform Members of action taken by the Chief Executive under Standing Order 42 to facilitate a partnership initiative for youth, and to seek the Committee's explicit endorsement.**

2. Report

- 2.1 The Biz ('Boxing Intervention Zone') is a boxing coaching scheme to develop quality inclusive primary and secondary provision for children and young people and is used to educate those students on short/long term fixed exclusions. All students who attend will be CPR (Community Prevention Referrals). The Biz is run by Mr Oliver Wilson together with teaching assistants and the Community Police. The initiative is strongly supported by the Crime and Disorder Reduction Partnership ('CDRP') and Officers of the partner authorities (Runnymede Borough Council, Surrey County Council, and Surrey Police).
- 2.2 The Biz has so far operated from Jubilee International High School and taken pupils solely from that school. It was agreed to expand the scheme to include CPR's from other schools. To operate on a larger scale another venue was required. Surrey County Council has agreed to let premises at the Runnymede Centre and funding has been secured to adapt and improve the premises. This is seen as a short-term arrangement pending any proposals Surrey may formulate for the future of the Runnymede Centre and any initiative by the Biz to establish themselves in their own premises. For immediate purposes, it is quicker and easier to get established in existing premises than to build a new venue at, say, Aviator Park. The immediate arrangement is also intended to demonstrate the viability of the project before any longer term proposals are contemplated.
- 2.3 Surrey County Council wishes to grant a lease to a legally constituted body but the Biz is not presently constituted as a legal entity and is not able to enter into the lease at present. The Biz intends to become a registered charity but the process of registration will take some time. CDRP are supporting this project with funding towards the conversion works. The project will benefit the working groups of the CDRP, namely the Community Incident Action Group (CIAG) & Joint Action Group (JAG). It will encourage young people to remain in education and therefore keeping them off the streets and away from the temptations towards petty crime and anti social behaviour. The proposal is for Runnymede to facilitate the initiative by standing as the legal "body" to hold the lease for one year, its costs being fully met from grants. There would be an agreement directly with Oliver Wilson permitting use of the premises by the Biz.
- 2.4 To maintain continuity the Biz needs to be open in its new location by Easter 2010 and works needed to start in January/February. The funding had to be drawn down before the end of March. Accordingly, the Chief Executive has taken the action described above with the agreement of the Chairman of this Committee under Standing Order 42 (No 713). The Chairman required a full report to this Committee.
- 2.5 A recent press article about the project is at Appendix 'B' for the Committee's information.
- #### 3. Financial Implications
- 3.1 The rent and service charge are £12,000 per annum. The proposed lease is for a term of one year, with a 3 month written break clause from either party to determine the lease.

- 3.2 Funding has been secured for the first year's costs from the following sources:
- | | |
|--|----------|
| PAYP (Police funding from the sale of unclaimed stolen property) | £12,000 |
| Lottery funding | £ 2,000 |
| Donation from the VET labs | £ 200 |
| Runnymede CDRP (for building works actual cost up to) | £ 10,000 |
- 3.3 The Amateur Boxing Association has agreed to provide the licence and public liability insurance.
- 3.4 Application will be made to the various schools that referred pupils for funding. Also ADD and ADHD children will benefit from this program and there is separate funding that can be applied for to support them.
- 3.5 Section 4 below describes the steps taken to ensure that Runnymede receives the money to cover the liabilities.
4. Legal Implications
- 4.1 Runnymede will enter into a one year lease with Surrey County Council and Runnymede will grant a licence to Oliver Wilson for one year contemporaneous with the lease. The Licence will provide that all the rent and service charges due to Surrey County Council under the lease will be paid in full as a licence fee in advance on the commencement of the licence. On the expiry of the lease a new lease will be granted by Surrey County Council direct to the Biz.
- 4.2 As the legal lessee, Runnymede will be responsible for the usual lessee's obligations but the chances of unforeseen and unfunded liabilities arising are very small.

OFFICERS' RECOMMENDATION that –

the action taken by the Chief Executive, with the agreement of the Chairman, to arrange for Runnymede Borough Council to enter into a one year lease with Surrey County Council in order for the Biz project to commence in March 2010, subject to receipt of advanced payments for projected costs, and to put in hand the conversion works, be noted and endorsed.

(TO RESOLVE)

Background Papers

Standing Order No 713 on Committee Section files

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

1. Purpose of Report

1.1 **To consider an application for a new street trading consent at Bishopsgate Road, Englefield Green.**

2. Background Information

2.1 A new street trading application has been received as follows:-

Mr D Anthony (Tony) Gunewardena and Mrs Angeline Gunewardena, trading as Tony's Fresh Hot and Spicy Hut, to trade at Bishopsgate Road, Englefield Green in home fresh steak pies, toasted cheese baguettes, salads, olive bread, pepperoni pizza, steak

baguettes, German jumbo sausages, local farm burgers, dry salami, sandwiches etc for 7 days a week (if possible) from 6.00am to 11.00pm (if possible). The traders recognise that it may not be possible for them to trade for the length of time that they have requested, which is why they have requested these hours, if possible.

2.2 The traders propose to trade from a standard box trailer whose dimensions are 16 feet long, 7 feet wide and 7 feet high. The dimensions of the area which they require for trading are 18 feet by 8 feet.

2.3 The above-mentioned road is designated as a consent street. Traders are only permitted to operate in such a road in a specific location 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 'C'.

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 10.00am to 6.00pm and from April 1998 to March 2001 on Sundays only from 10.00am to 6.00pm. No problems were reported during these periods of trading.

3.4 At its meeting on 10 March 2005, the Economic Development Committee considered an application for a new street trading consent from another trader to trade at one of the authorised locations in Bishopsgate Road on either side of the Fox and Hounds Public House, selling cold drinks, tea, coffee and sandwiches, operating from 10.00 am to 6.30 pm on Wednesdays to Saturdays inclusive between May and August 2005. The trader had suggested that he would actually finish by 4.30 pm on most of the trading days, or earlier if there was insufficient custom. On balance, the Committee decided to grant the consent on the terms requested, noting that the consent could be varied or revoked at any time if necessary and that the four month duration would give an opportunity to demonstrate whether various concerns raised from a range of interested parties in relation to anti-social behaviour, increased litter, exacerbation of traffic congestion, reduction in the number of parking spaces and safety of road users and pedestrians when queuing or remaining in the vicinity to consume their food, were well founded. It was agreed that the renewal of the consent could be withheld if problems arose in that time. The trader decided not to take up the consent so there was no need to consider whether renewal was appropriate.

3.5 Comments from Surrey County Council West Area Transportation Service

3.5.1 Surrey County Council West Area Transportation Service comment that the two trading areas are located within lay-bys used for parking by visitors to Windsor Great Park. The western lay-by is particularly well used and is frequently fully occupied with parked vehicles. In order to maximise the availability of parking, vehicles are parked echelon style (meaning that they are parked facing the rear of the carriageway as opposed to parallel parked). The 18 foot length required for trading would remove parking for a number of vehicles. With the exception of the lay-bys the remainder of the surrounding area is subject to waiting restrictions that apply at any time. On occasions when there is high demand for parking there may be an increased risk of drivers parking in contravention of these waiting restrictions due to the reduced availability of parking.

- 3.5.2 The depth of the western lay-by varies over its length between approximately 9' and 11'6". There is no footway at the back of the lay-by. As such, even at its widest point there is not considered to be sufficient depth to safely accommodate the required 8 foot trading area and an appropriate amount of space for waiting customers. As a result, waiting customers are likely to end up standing in the main carriageway (if the trailer is parked at the back of the lay-by facing the carriageway) or alternatively the trailer would extend beyond the width of the lay-by (if it was parked at the front of the lay-by facing away from the carriageway).
- 3.5.3 The depth of the eastern lay-by is greater than that of the western lay-by and varies between approximately 11'6" and 14'5". There is no footway at the back of the lay-by. At the narrow end of the lay-by there is not sufficient depth to safely accommodate the required 8 foot trading area and an appropriate amount of space for waiting customers. At the point where the depth is greatest it may be possible to position the trailer and still allow sufficient space for customers to wait safely. However, there is no guarantee that this area will always be available for the trader's use (the end of the lay-by with the greatest depth is nearest the park entrance and therefore the section that is likely to be parked in first). The lay-by is not subject to any parking restrictions and there is no way of reserving a site specifically for the use of the trader. It would not be acceptable for the trailer to be left at the site permanently.
- 3.5.4 If the Committee is minded to grant a consent to trade in Bishopsgate Road, the trader would be issued with a street trading consent. This would allow the trader to trade at a specific location but would not guarantee that the trader could trade there if, for example, a parked vehicle was preventing him from doing so. The trader would have to be in the location before other vehicles, to establish his trading position. The Council would be under no obligation to enforce against other vehicles in the area, in order to allow the trader to trade. Equally, if drivers of vehicles in the area were to complain to the Council that they were unable to park in the location because of the presence of the trader, if the trader had a consent to trade in a particular location, then the Council would not be empowered to remove the trader.
- 3.5.5 The applicant is proposing to trade from 6am to 11pm. However, the area is unlit and therefore Surrey County Council would be concerned about trading taking place during the hours of darkness.
- 3.5.6 Surrey County Council West Area Transportation Service also comment that the length of Bishopsgate Road west of Wick Lane is subject to relatively low vehicle flows. However, during a site inspection conducted by them a number of vehicles were observed travelling at speeds considered to be inappropriate for the nature of the road.
- 3.5.7 On the basis of the highway concerns highlighted above Surrey County Council West Area Transportation Service objects to the application and recommends that it is refused.
- 3.6 Comments from Surrey Police
- 3.6.1 The Police Road Safety And Traffic Management Officer comments that a large amount of parking takes place in these lay-bys, which are used by visitors to Windsor Great Park. To maximise the available space in these lay-bys, cars are parked in echelon fashion, as opposed to parallel parking. The trailer requires an area of 18 feet. This would require the trailer to be parked parallel to the kerb, thereby taking up a considerable amount of parking. He estimates that 8 to 10 vehicles would be displaced. As there are 24 hour waiting restrictions covering every part of Bishopsgate Road in this area other than these lay-bys, he is concerned about where this displaced parking would go. He foresees that drivers may decide to contravene these waiting restrictions, which to his knowledge does not occur at this time.
- 3.6.2 The western lay-by is only 9 feet depth. With the trailer requiring at least 8 feet of area to park, if it was parked with its nearside close to the kerb, then any persons attending this trailer would be standing in the main carriageway. If the trailer was positioned with its offside wheels away from the kerb, to allow persons to approach the trailer in safety away from the main carriageway, then it would be obstructing the road.

- 3.6.3 The generator which would be required to trade would result in noise that could be deemed unacceptable in such an area.
- 3.6.4 The Police Road Safety and Traffic Management Officer does not support this application on road safety grounds.
- 3.6.5 The Neighbourhood Police Sergeant for the Egham Area concurs with the observations of the Police Road Safety and Traffic Management Officer. The Neighbourhood Police Sergeant considers that there could be problems with safety and noise if the application was granted, and suggests that the Windsor Great Park might possibly be a more suitable area for trading.
- 3.7 Comments of Runnymede Community Safety Manager
- 3.7.1 The Runnymede Community Safety Manager comments that there is currently no CCTV in the area or plans to extend it out to that particular location. Safer Runnymede do receive complaints regarding litter on and around the Cricket Club/play area/ car park which is in the vicinity and complaints of late night street noise from the Englefield Green area which a trading facility might aggravate.
- 3.8 Comments from Runnymede Planning Department
- 3.8.1 The Runnymede Planning Department comment that Bishopsgate Road lies within the Green Belt and granting this application may be contrary to the interests of openness and visual amenities and would result in commercial intensification which would have an urbanising effect upon the area.
- 3.8.2 The Planning Department also comment that the trailer locations are in an area used for parking and potential loss of parking to accommodate the trailer may be an issue resulting in an overflow of cars parking on the highway.
- 3.8.3 The Planning Department has also observed that there are other food outlets in the vicinity of the trading locations, but this Committee can only consider the suitability of trading specifically at these locations. Commercial considerations such as the amount of trade are for the trader to assess.
- 3.9 Comments from the Council's Engineering Division
- 3.9.1 The Council's Engineering Division state that the width of the lay-bys and the lack of footways suggest that the locations are unsuitable. The demand for parking in the area will also create a difficulty. As there is no street lighting, trading after dark could be hazardous for customers.
- 3.10 Representations From The Crown Estate
- 3.10.1 Representations on the application have been received from the Crown Estate, who are based in Windsor Great Park. The Crown Estate objects to the application and considers that it is inappropriate for this particular area.
- 3.10.2 The Crown Estate does not own any of the land adjoining the lay-bys, but states that the highway is one of the main arterial roads leading into Windsor Great Park at the Bishopsgate entrance, the lay-bys are used constantly by people parking who wish to exercise in the Great Park, the area already becomes extremely congested particularly at weekends, and any form of street trading will only exacerbate the existing parking problems.
- 3.10.3 The Crown Estate is also concerned about litter which may result from trading, particularly arising from any trading later in the day, which it considers would not only pollute the existing lay-bys and highways, but might also continue into the Great Park.
- 3.10.4 One of the standard conditions of any consents which have previously been 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.

3.11 Representations from Bishopsgate School

- 3.11.1 Representations on the application have been received from Bishopsgate School, which is located in Bishopsgate Road.
- 3.11.2 The School states that the positioning of a fast food trailer is inappropriate in a residential location in an area of natural beauty, and the siting of such a facility on a public road, and in the particular positions proposed, would severely detract from the attractiveness of the area.
- 3.11.3 The School states that the whole of Bishopsgate Road, including the proposed locations of the outlet, is very poorly lit. The School considers that this would result in significant security and safety issues, if trading were to be allowed.
- 3.11.4 The School considers that there are adequate arrangements already in place in the area for the purchase of food and drink – the Fox and Hounds Public House, Savill Gardens, as well as several kiosks within the Great Park itself. The School states that if there is a need for an additional catering facility, then consideration should be given to siting the additional facility within the confines of the Park itself, as is found at three of the other entrance points.
- 3.11.5 The School has grave concerns that the siting of a trailer will attract additional traffic along Bishopsgate Road, and that the facility will potentially encourage gathering of groups in an area where this is wholly inappropriate, resulting in issues with noise, litter and safety.
- 3.11.6 Whilst the entrance to the School is a few hundred metres from the proposed site for the fast food outlet, the School has concerns that those additional vehicles attracted to the facility would bring potential issues relating to vehicles travelling at excessive speed along Bishopsgate Road, past the entrance to Bishopsgate School, where parents and children are entering and leaving at all times throughout the working day.
- 3.11.7 Regarding the comments by the School in paragraph 3.11.4 about the presence of other food outlets in the vicinity of the trading locations, as stated in paragraph 3.8.3, this Committee can only consider the suitability of trading specifically at these locations. Commercial considerations such as the amount of trade are for the trader to assess.

3.12 Comments from Ward Members

- 3.12.1 Any comments received from Ward Members will be reported to the meeting.

3.13 Comments from the Traders

- 3.13.1 A copy of this report has been sent to the traders who have been invited to comment if they so wish. Any comments received will be reported to this meeting.

4. Resource Implications

- 4.1 Street Trading consents run from 1 April to 31 March. With effect from 1 April 2010, the basic annual fee will be £740 per year plus an additional annual charge of £173 for each day of the week the trader is licensed to operate. From 1 April 2010 onwards, the maximum fee for a trader operating seven days a week for a year is therefore £1,951.

5. Council Policy

- 5.1 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.

6. Legal Implications

- 6.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 gives local authorities discretion when issuing 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 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 in respect of street trading consent applications, 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 there were to be demonstrable disorder resulting from the existence of street trading, then this is 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, which came into force on 2 October 2000, makes it unlawful for a local authority to act in a way which is incompatible with a convention right.
- 6.4 Under the Convention, an individual is entitled to fair and prompt process for determining his or her civil rights and obligations.
- 6.5 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 any objectors. The power to attach conditions to any consent, and to restrict the days and hours of trading to levels which are considered to be appropriate, may enable the Council to achieve a balance between the opposing interests.

7. Conclusion

- 7.1 Trading after dark could be hazardous for customers as the location is unlit. Trading cannot be monitored by CCTV as there is no CCTV in the area or plans to extend it to Bishopsgate Road.
- 7.2 Wherever the trailer may be located, the demand for parking will mean that there may be an overflow of cars parking on the highway and that drivers may be inclined to contravene waiting restrictions.
- 7.3 It may be possible to place the trailer in the position in the eastern layby where the depth is greatest and still allow sufficient space for customers to wait safely. This is also likely to be the busiest area in terms of traffic (see paragraph 3.5.3).
- 7.4 The Surrey County Council West Area Transportation Service objects to the granting of the application on the basis of the highway concerns that they have raised. The Surrey Police Road Safety and Traffic Management Officer does not support the application on the basis of the road safety concerns that he has raised.
- 7.5 The generator which would be required to trade would also result in noise that could be deemed unacceptable in such an area.
- 7.6 The Crown Estate and Bishopsgate School consider that trading in these locations is inappropriate, for the reasons they have outlined.

OFFICERS' RECOMMENDATION that -

the Committee considers whether it is minded to grant a street trading consent in this location and, if so, determines appropriate days and hours for trading.

(TO RESOLVE)

Background Papers

Relevant papers on DAL file 64.26

10. REQUEST FOR RBC REPRESENTATIVES : CIVIL PARKING ENFORCEMENT JOINT MEMBER WORKING GROUP (DAL)

1. **Purpose of Report**

1.1 **To nominate two RBC representatives to serve on the newly established Civil Parking Enforcement Joint Member Working Group.**

2. **Background Information**

2.1 The Surrey County Council Local Committee (Runnymede) has agreed to establish a Member Working Group to consider:

- i) the operation of Civic Parking Enforcement (CPE); and
- ii) requests for any changes to parking controls in Runnymede.

The Committee decided that the group should consist of two SCC Members and two Runnymede Borough Councillors.

The Terms of Reference are as follows:

1. *The Working Group will contain four appointees from the membership of the Local Committee: two County Councillors and two Borough Councillors.*
2. *The Working Group will advise and make recommendations to the Local Committee – it has no formal decision-making powers.*
3. *The Working Group will, unless otherwise agreed, meet in private.*
4. *The Working Group will keep a record of actions.*
5. *The Working Group will make recommendations on any issues with regard to parking controls and civil parking enforcement.*
6. *Officers supporting a Working Group will give due consideration to the Group's reasoning and recommendations prior to the Officer writing their report to the parent Local Committee.*
7. *The Working Group can, should they wish, respond to an Officer report and submit their own report to the Local Committee.*

3. **Report**

3.1 The County Council's Parking Team is due to carry out a review of requests for changes or additions to the parking controls in Runnymede during March and April. The Working Group will then meet to consider the assessments of these requests and agree recommendations to be reported to the Local Committee on 2 July 2010. In addition, the Working Group may also consider the outcome of the consultations in relation to the possible resident permit schemes in Egham Hythe.

3.2 The Surrey County Council representatives are the Local Committee Chairman, and its Vice-Chairman, who are County Councillors Miss Marisa Heath and Mrs Yvonna Lay respectively.

3.3 Runnymede Borough Council has now been asked to nominate two representatives and Members may wish to consider nominating the Chairman and Vice-Chairman of this Committee as its representatives to serve on this important Working Group. It is expected that the Working Group will be in being for three years and the Committee might wish to consider re-appointing/re-confirming its representatives in June of each year.

Councillor Cotty is also the current RBC representative on PATROL (formerly National Parking Adjudication Service Joint Committee).

OFFICERS' RECOMMENDATION that –

the Chairman and Vice-Chairman of the Committee be nominated to serve on the Civil Parking Enforcement Joint Member Working Group until June 2011.

(TO RESOLVE)

Background Papers

Departmental External Appointment file (DAL) – Committee Section

11. EXCLUSION OF PRESS AND PUBLIC

OFFICERS' RECOMMENDATION that –

the press and public be excluded from the meeting during discussion of the following 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 paragraph 3 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)	<u>Exempt Information</u>	<u>Para</u>
12.	NEW LEASE OF 11 HIGH STREET (CHARTER PLACE) EGHAM	3

b) Confidential Information

(No reports to be considered under this heading)