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DATE: 8 April 2013

To: Members of the  
**ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Councillor William Huntington-Thresher (Chairman)  
Councillor Ellie Harmer (Vice-Chairman)  
Councillors Reg Adams, Peter Fookes, Julian Grainger, Samaris Huntington-Thresher, David Jefferys, Nick Milner and Ian F. Payne

A meeting of the Environment Policy Development and Scrutiny Committee will be held at Bromley Civic Centre on **TUESDAY 16 APRIL 2013 AT 7.30 PM**

MARK BOWEN  
Director of Corporate Services

*Copies of the documents referred to below can be obtained from*  
[www.bromley.gov.uk/meetings](http://www.bromley.gov.uk/meetings)

## A G E N D A

### **PART 1 AGENDA**

**Note for Members:** Members are reminded that Officer contact details are shown on each report and Members are welcome to raise questions in advance of the meeting.

### **STANDARD ITEMS**

**1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

**2 DECLARATIONS OF INTEREST**

**3 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions to this Committee must be received in writing four working days before the date of the meeting. Therefore please ensure that questions are received by the Democratic Services Team by 5pm on Wednesday 10<sup>th</sup> April 2013.

**4 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 5TH MARCH 2013 (Pages 3 - 10)**

## **HOLDING THE PORTFOLIO HOLDER TO ACCOUNT**

### **5 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions to the Portfolio Holder must be received in writing four working days before the date of the meeting. Therefore please ensure that questions are received by the Democratic Services Team by 5pm on Wednesday 10<sup>th</sup> April 2013.

### **6 PRE-DECISION SCRUTINY OF REPORTS TO THE ENVIRONMENT PORTFOLIO HOLDER**

The Environment Portfolio Holder to present scheduled reports for pre-decision scrutiny on matters where he is minded to make decisions.

- a BUDGET MONITORING 2012/13** (Pages 11 - 22)
- b CHISLEHURST AND ST. PAULS CRAY COMMONS CONSERVATORS - NOMINATIONS FOR ELECTION AND ANNUAL REPORT** (Pages 23 - 32)
- c TRAFFIC CONGESTION NEAR THE NUGENT CENTRE - PROPOSED TRAFFIC SIGNALS** (Pages 33 - 40)
- d SERVICE ROAD TO SHOPS FRONTING SOUTHBOROUGH LANE/THE FAIRWAY, BROMLEY - PROPOSED MAKING-UP UNDER PRIVATE STREET WORKS PROCEDURE** (Pages 41 - 48)
- e PARKS AND GREENSPACE FEES AND CHARGES** (Pages 49 - 68)
- f ENVIRONMENT PORTFOLIO PLAN 2013/16** (Pages 69 - 90)

## **POLICY DEVELOPMENT AND OTHER ITEMS**

### **7 FORWARD WORK PROGRAMME, MATTERS ARISING FROM PREVIOUS MEETINGS, AND CONTRACTS REGISTER** (Pages 91 - 98)

## **DATES OF FUTURE ENVIRONMENT PDS COMMITTEE MEETINGS**

25<sup>th</sup> June 2013  
24<sup>th</sup> September 2013  
19<sup>th</sup> November 2013  
29<sup>th</sup> January 2014  
25<sup>th</sup> March 2014

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## ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.30 pm on 5 March 2013

### Present

Councillor William Huntington-Thresher (Chairman)  
Councillor Ellie Harmer (Vice-Chairman)  
Councillors Reg Adams, Peter Fookes, Julian Grainger,  
Russell Jackson, David Jefferys and Nick Milner

### Also Present

Councillor Colin Smith, Councillor Peter Fortune,  
Councillor Douglas Auld, Councillor Simon Fawthrop and  
Councillor Tony Owen

#### **47 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies were received from Councillors Samaris Huntington-Thresher and Ian Payne. Councillor Russell Jackson attended as alternate for Councillor Samaris Huntington-Thresher.

#### **48 DECLARATIONS OF INTEREST**

There were no declarations.

#### **49 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

There were no questions to the Committee.

#### **50 MINUTES OF THE ENVIRONMENT PDS COMMITTEE MEETING HELD ON 15TH JANUARY 2013**

The minutes were agreed subject to replacing paragraph 14 at Minute 41 with the following paragraphs, which include additional wording proposed by Councillor David Jefferys (the additional wording underlined):

*“Councillor Jefferys enquired how it might be possible to interact more closely with the inspectors. Indicating that engagement should be developed as a clear proposal and standard operating procedure, and submitted to the Committee for consideration, Councillor Jefferys offered Shortlands Ward as a possible area for a pilot study.”*

*It was indicated that the new role of Street Environment Inspector was intended to incorporate engagement with the locality e.g. resident associations and shop owners. The engagement had not happened as much as officers would have liked in view of the new contract bedding in.”*

It was confirmed that Officers were proposing to use Shortlands ward on a pilot basis to take forward resident engagement on street cleaning matters.

**51 QUESTIONS TO THE PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

Three questions were received from Mr Colin Willetts for written reply. Details of the questions and replies are at **Appendix A**.

**52 PRE-DECISION SCRUTINY OF REPORTS TO THE ENVIRONMENT PORTFOLIO HOLDER**

**A) ENFORCEMENT POLICY CONCERNING SHOP FORECOURTS UNDER THE HIGHWAYS ACT 1980**

**Report RES13057**

Several complaints had been received by the Council related to alleged obstructions to the public right to pass and re-pass along open shop forecourts. Although specific complaints related to the outside of shop premises at Station Square, Petts Wood, the issues raised in the complaints were of general application throughout the Borough.

The Council's recent practice on private forecourts, over which highway rights might be enjoyed, had been to normally take action only in cases of actual danger to the public. However, it was felt appropriate to consider whether the practice should be extended to enable action to be considered in response to a complaint alleging obstruction of the highway rather than actual danger.

Report RES13057 outlined the legal understanding of a highway and the role of street trading legislation on forecourts. The statutory framework in relation to non-Executive functions and Executive functions was also outlined along with enforcement considerations. This included a proposed policy for Portfolio Holder agreement which would enable the Council to take action where harm to the public resulted not just from the actual condition of the forecourt, but also from obstructions resulting from the placing of objects on the highway.

The Chairman highlighted the petition from Petts Wood residents concerning two particular forecourts at Station Square, Petts Wood. At the Chairman's invitation, the Petts Wood and Knoll Ward Members, Councillors Douglas Auld, Simon Fawthrop and Tony Owen, joined the table for consideration of this item.

Councillor Fawthrop broadly welcomed the report. He preferred not to have fees associated with any new policy. He referred to permanent obstructions outside the two premises at Station Square, Petts Wood and to residents' rights of way. He explained that some were users of the area rather than residents. There would be a resident's Annual General Meeting shortly and more signatures to the petition would result. Councillor Fawthrop referred to difficulties caused by the obstructions for members of the public e.g. those with double buggies. If observing from Woodland Way, Councillor Fawthrop indicated that there was an obstruction on both sides of

the road. He felt that the situation was hazardous and wanted the hazards covered by the policy. He was content for people to carry out their business but did not want the businesses to permanently obstruct the highway. Highlighting paragraph 3.19 of Report RES13057, he suggested that considerations for deciding whether to intervene in the public interest needed to be loose enough in definition to enable enforcement. He wanted the businesses concerned to carry on trading but to behave reasonably.

Referring to an approach by the Royal Borough of Kensington and Chelsea, Councillor Owen felt that a policy could be considered borough wide. He indicated that the premises known as “*Desperados*” were using forecourt which was not within their property and he felt that the obstructing decking needed to be removed. He also referred to wheeled planters. Councillor Owen wanted the fastest action to be taken. Referring to further obstruction from premises known as “*The Rib Shack*”, across the road from “*Desperados*”, Councillor Owen indicated that the “*The Rib Shack*” did not preclude a right of way for the public even though it owned the forecourt.

Councillor Auld supported comments made by his fellow Ward Councillors. He considered the positioning of the obstructions to be a danger and suggested that if two or three people were standing outside the decking at “*Desperados*” there would be no room for pedestrians to wait to use the pedestrian crossing. There was a further concern in that drivers would not know whether people were waiting to cross. Additionally, if payment was being made at the parking meter outside of “*The Rib Shack*” there would be no room for others to pass.

Councillor Grainger suggested that ownership of a forecourt was the first reference point in considering an approach. If it was publically owned, he indicated that enforcement action would be appropriate. But if a forecourt was owned by the shop, he felt there was a risk of contravening the owner’s property rights. Councillor Grainger also felt that it was necessary to be clear on the width required for pedestrians. Moreover, he also enquired whether planning enforcement could be an appropriate route for action and was not convinced that “*The Rib Shack*” posed a risk.

Members were advised that with reference to planning enforcement, if there was no development works, there might not be a change of use. The application of Part III of the London Local Authority’s Act 1990 for Street Trading was also briefly outlined. Concerning a suitable width for pedestrians, this would be for Members to recommend and the Portfolio Holder to decide as appropriate.

Regarding any contravention of property rights, it was indicated that highway rights can arise irrespective of ownership rights. Highway rights could arise by virtue of 20 years’ usage. If the public had been using a way as of right for 20 years, the way would be deemed to have been dedicated highway by virtue of Section 31 of the Highways Act 1980 (adding to the Common Law). If the 20-year rule applied, the land owner would need to provide evidence that it was not the intention to dedicate the land as highway - a landowner could take various measures to rebut such a presumption. It was when fences (if they ever existed) were removed many years previously from properties such as those at Station Square, Petts Wood or at Windsor Drive near Chelsfield Station that the land became open and by virtue of long usage became highway.

Councillor Reg Adams felt that pedestrian safety considerations should be paramount over property rights and was concerned there could be an accident at Station Square, Petts Wood. Referring to the approach to shops at Clock House, Councillor Adams also explained that a business had been positioning potted plants at the curtilage of the pavement and he would welcome a policy that could be applied across all areas of the borough.

In the context of policy development and considering either licensing or removing activity, Councillor Jackson enquired of the legal threshold for taking action. He felt that much hinged on this and the volume of concerns across the borough. Councillor Jefferys suggested that the presence of wheels on decking did not necessarily imply that it was moveable. He also felt that use of “*actual danger*” and “*real risk*” in Report RES13057 suggested previous instances to warrant use of the terms. He asked whether this was the case and whether taking action only in cases of actual danger to the public was, in fact, present policy. He also felt that “*The Rib Shack*” could be categorised as a potential hazard. Councillor Owen indicated that “*Desperados*” had been operating at Petts Wood for two years unlike “*The Rib Shack*” which had started to operate in the last month. As such, Councillor Owen felt there had been no “*real risk*” with “*The Rib Shack*” during the last month as interpreted by Councillor Jefferys. Councillor Auld indicated that “*The Rib Shack*” itself was not a danger but rather the removal of the footway.

Referring to the duty of a Highway Authority to assert and protect the rights of the public to use and enjoy any highway for which they are the Highway Authority and to use and enjoy any highway in their area for which they are not Highway Authority, Councillor Nicholas Milner suggested that it was necessary to enforce if there was any possibility the Council could be sued for not adequately protecting rights of way. He suggested this as the starting point for consideration.

Members were advised that there is a duty to assert the highway and the Council also had powers to licence obstructions as appropriate. It was suggested that having a policy would help to avoid action being taken against the Council. Also, the wording “*potential hazard to the public*” could possibly be taken forward. Concerning a legal threshold, there will have been no previous enforcement against “*Desperados*” and the defence would highlight this should the Council prosecute. The Chairman sought clarity on whether the Council could be sued if the land was highway and the Council did not act to prevent an obstruction of the highway. It was explained that this would be qualified by the ability of the Council to licence the obstruction; if the Council did not undertake its street duties, it was possible for someone to obtain an injunction. Councillor Adams highlighted a similar scenario with an obstruction caused by tree roots and the potential for the Council to be sued. Councillor Jefferys suggested that “*Desperados*” could be seen as being singled out in the absence of a policy.

Responding to a question from Councillor Ellie Harmer, two Petts Wood and Knoll Members indicated that the restaurant owners had not been co-operative. Having installed permanent decking, “*Desperados*” subsequently

added wheels to overcome the outcome of the planning appeals procedure - the decking/fixtures often being moved slightly. The Head of Street Environment highlighted the potential use of street trading legislation to licence "*Desperados*" to come out to certain limits. It was possible to authorise and regularise through licensing and it would be necessary for the premises to take out insurance.

Councillor Fookes enquired whether there was a role for the Petts Wood Business Association. He also enquired about planning enforcement in relation to the brick wall at "*The Rib Shack*". Councillor Fawthrop indicated that such structures would go through planning processes and the appeals process as appropriate (this was the case with the "*The Rib Shack*" brick wall). If tables and chairs were put out and put away he felt that this was acceptable; it was about the Council being reasonable. It was possibly necessary for officers to visit the premises to outline what is acceptable and not acceptable based on Council policy. The Head of Street Environment indicated that visiting "*Desperados*" could be the next step for officers.

The Chairman said a fee system with a privately owned forecourt incurring one fee and a publically owned forecourt incurring a higher fee was in operation in Orpington High Street. If the approach at paragraph 3.19 of Report RES13057 was to be a general policy, it might be necessary to take account of certain exceptions. The Chairman was aware of a vehicle with two wheels parked on a privately owned verge and a parking ticket waived, the Council's initial response being that the property was not fenced from the highway. The Chairman enquired whether it was necessary for the recommended approach to highlight whether land comprised shopping parades or land adjacent to the highway. In the context of any fee based approach, the Chairman understood that licence fees in Orpington High Street differed from those in Bromley High Street and a lower fee applied for clearing the pavement at night. He enquired whether a formal policy should take account of such considerations.

Members were advised that the recommendation was currently a reactive policy and that it was possible to have a more proactive policy with fees.

Councillor Grainger supported the need for a policy but felt that it needed to be clearer than outlined at Paragraph 3.19 of Report RES13057. If a forecourt was established as being in private ownership, he suggested "*identifiable risk*" in place of "*real risk*" in the first consideration at paragraph 3.19. Councillor Jefferys suggested that a hazard was unquantifiable. He felt that it was a matter of having (i) a reactive policy or (ii) a pro-active policy in the form of licensing plus a reactive policy. He expressed a wish to see these set out.

Referring to a 20 year rule whereby a way used of right for 20 years would be deemed highway (section 31 of the Highways Act 1980), Councillor Grainger suggested that gardens and fences in the front of shops might have existed and been removed within a 20 year period. Councillor Jackson further enquired of the Council's legal base for action i.e. the legal threshold to ensure a satisfactory outcome and was advised that such a threshold would

be the securing of a successful prosecution in the Magistrates Court. For Station Square, Petts Wood there was confidence that the forecourts were highway land warranting the use of the Highways Act.

For the proposed policy, the Chairman enquired whether it would be necessary to list all private forecourts or shopping areas subject to highway rights i.e. listing all forecourts in the borough subject to highway rights, considering the policy at paragraph 3.19 and applying intervention accordingly. It seemed there was a reliance on Part III of the London Local Authority's Act 1990 (street trading legislation) for high streets.

Members were advised that most shop owners were not challenging use as a highway and it was proposed to only take action where there was a case to investigate. To look at all forecourts would mean that shop owners could be inclined to defend their position and seek to restrict access when they would not have otherwise done so. The policy was also proposed in view of the current financial constraints for the Council and officers would not seek to provide a definitive position for all shopping forecourts in the borough. The recommendation proposed that forecourts would be determined for highway rights as a problem arose. There were resource implications in assessing whether all forecourts are subject to highway rights.

Councillor Grainger supported all available action on the position with "*Desperados*" and suggested that the Rights of Way Sub Committee consider "*The Rib Shack*" (unless another Committee had taken action). The Chairman enquired whether determination of 20 year usage was a non Executive function and whether it was for the Rights of Way Sub Committee to consider. It was explained that the Rights of Way Sub Committee considered the status of footpaths under the Wildlife and Countryside Act. With private forecourts the highway was reasonably easy to define. The General Purposes and Licensing Committee had a general power to assert highway rights but ultimately it was for the courts to resolve any dispute as to the status of the land.

Councillor Grainger saw the considerations at paragraph 3.19 as a starting point and he felt it was necessary to work on a general policy. Councillor Owen considered that the Rights of Way Sub Committee should be renamed the "*Footpath Committee*". The Chairman saw the Portfolio Holder's role as enforcing the highway (e.g. providing authority for an obstruction to be removed).

Councillor Michael Tickner as a Member of the Renewal and Recreation PDS Committee felt it important the Council had a policy and that it should be borough wide. Council Tickner highlighted guidance notes that had been produced by officers for traders in Beckenham. He recommended the guidance as a starting point for policy. The guidance included reference to obstructions on forecourts and advice on the use of A Boards.

To protect the Council, Councillor Grainger suggested taking intermediate action on the two Petts Wood premises by checking the status of land with the

General Purposes and Licensing Committee or Rights of Way Sub Committee. A general policy could also be further developed (at the same time) taking account of the guidance to Beckenham Traders. He considered the second consideration at paragraph 3.19 to be too subjective.

Councillor Jackson indicated a preference for the recommended approach including taking any decisions required to the Portfolio Holder. He felt it important to act as quickly as possible.

The Committee agreed to support the approach outlined at Paragraph 3.19 subject to “*real risk*” in the first consideration being replaced by “*significant potential hazard*”. Members were advised that all of the high streets were different. There would also be consultation with Ward Members case by case. Councillor Jefferys suggested that the second consideration at Paragraph 3.19 include reference to the guidance notes produced by officers. However, Councillor Owen understood that reference was made in the guidance to a clear pavement width of 1m which he was concerned about for Petts Wood. (*Democratic Services Note: it was subsequently confirmed that the minimum width specified in the guidance was 2m*).

In agreeing a new approach as set out at paragraphs 3.19 to 3.21 of Report RES13057, it was proposed that the concerns at Petts Wood be taken forward in accordance with paragraph 3.20 and Part III of the London Local Authority’s Act 1990.

Councillor Fookes suggested finding out how other Local Authorities approached such matters. He also asked whether there were other issues coming to the surface. Members were advised that it was necessary to look at each case individually. Councillor Adams indicated that it was necessary to deal with the problem in order to provide a deterrent against future obstructions. Councillor Harmer enquired whether there would be a right of appeal to a shop owner who might feel aggrieved on the degree of any future action. It was explained that each case would be looked at individually. There was a desire to help businesses in the borough and it was suggested that any appeal by a shop owner against Council action would best be taken forward through a local ward Councillor. In Clock House ward, Councillor Milner indicated that there were not many businesses and he asked for flexibility on the Council’s part to help the businesses continue. In this context the Chairman referred to support with guidance on matters such as A boards as provided to Beckenham and Orpington traders.

**RESOLVED that the Portfolio Holder be recommended to agree the following policy as outlined below.**

**1) A new approach to enforcement to enable the Council to take action where harm to the public results not just from the actual condition of the forecourt, but also from obstructions resulting from the placing of objects on the highway. Such an approach would enable the Council to assess and respond to complaints concerning objects that might be placed on private forecourts, which are subject to highway rights. The**

considerations recommended to be taken into account in deciding whether any intervention is justified in the public interest are:

- (a) the extent to which the object causes any significant potential hazard to the public;
- (b) the clear pavement width available to the public to pass and re-pass, taking account of the intensity of the use of the highway in question; and
- (c) whether, if an application was made for a licence under the provisions of Part III of the London Local Authorities Act 1990, the Council would be likely to approve such an application.

(2) The considerations would guide Council Officers as to whether action is appropriate under Section 137 of the Highways Act 1980, which deals with the general offence of obstruction or under Part III of the London Local Authorities Act 1990. If action is deemed necessary on the above criteria the owner of the business would be approached with a view to securing an acceptable solution by agreement. If such a solution was not possible the matter would be considered for formal action by the Council either under section 137 of the Highways Act 1980 or under Part III of the London Local Authorities Act 1990, depending on the particular facts of the case.

(3) If the Portfolio Holder were to agree the proposed new policy above, the Council would thereafter assess any complaints concerning objects placed on private forecourts over which highway rights exist in accordance with the new policy.

## **53 CAPITAL PROGRAMME MONITORING Q3 2012/13 AND ANNUAL CAPITAL REVIEW 2013 TO 2017**

### **Report RES13046**

At its meeting on 6th February 2013, the Executive agreed a revised Capital Programme for 2012/13 to 2016/17 and changes in respect of the Capital Programme for the Environment Portfolio were outlined as were comments on individual schemes in the 2012/13 programme.

Noting a net overspend of £0.3m on Environment Portfolio schemes in 2011/12, the Chairman highlighted that the overspend was mainly on the Chislehurst Road Bridge scheme and it was agreed to provide further details concerning the overspend for this scheme.

**RESOLVED** that the changes agreed by the Executive on 6<sup>th</sup> February 2013 be noted.

The Meeting ended at 9.01 pm

Chairman

Report No.  
ES13039

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** Environment Portfolio Holder

**For Pre-Decision Scrutiny by the Environment PDS Committee on**

**Date:** 16 April 2013

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** BUDGET MONITORING 2012/13

**Contact Officer:** Claire Martin, Head of Finance  
Tel: 020 8313 4286 E-mail: Claire.martin@bromley.gov.uk

**Chief Officer:** Nigel Davies, Executive Director of Environment and Community Services

**Ward:** Borough-wide

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1. Reason for report

This report provides an update of the latest budget monitoring position for 2012/13 for the Environment Portfolio, based on expenditure and activity levels up to 31st January 2013. This shows a projected underspend of £147k for 2012/13.

It also reports the level of expenditure and progress with the implementation of the selected projects within the Member Priority Initiatives.

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2. **RECOMMENDATIONS**

That the Portfolio Holder:

- 2.1 **Is recommended to endorse the latest 2012/13 budget projection for the Environment Portfolio.**
- 2.2 **Is recommended to note the progress of the implementation of the Environment projects within the Member Priority Initiatives programme.**
- 2.3 **Requests the Executive approve the transfer of £97k to an earmarked reserve to meet future possible redundancy costs as detailed in 5.7.**

### Corporate Policy

1. Policy Status: Existing Policy Sound financial management.
  2. BBB Priority: Excellent Council; Quality Environment
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### Financial

1. Cost of proposal: Not Applicable
  2. Ongoing costs: Recurring Cost
  3. Budget head/performance centre: All Environment Portfolio Budgets and Earmarked Reserve for Member Priority Initiatives
  4. Total current budget for this head: £41.0m and £1.15m
  5. Source of funding: Existing revenue budgets 2012/13 and Earmarked Reserve for Member Priority Initiatives
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### Staff

1. Number of staff (current and additional): 206ftes
  2. If from existing staff resources, number of staff hours: N/A
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### Legal

1. Legal Requirement: Statutory Requirement: The statutory duties relating to financial reporting are covered within the Local Government Act 1972; the Local Government Finance Act 1998; the Accounts and Audit Regulations 1996; the Local Government Act 2000 and the Local Government Act 2002
  2. Call-in: Applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The services covered in this report affect all Council Taxpayers, Business Ratepayers, those who owe general income to the Council, all staff, Members and Pensioners.
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 The 2012/13 projected outturn is detailed in Appendix 1. This forecasts the projected spend for each division compared to the latest approved budget, and identifies in full the reason for any variances.
- 3.2 Costs attributable to individual services have been classified as “controllable” and “non-controllable” in Appendix 1. Budget holders have full responsibility for those budgets classified as “controllable” as any variations relate to those factors over which the budget holder has, in general, direct control. “Non-controllable” budgets are those which are managed outside of individual budget holder’s service and, as such, cannot be directly influenced by the budget holder in the shorter term. These include, for example, building maintenance costs and property rents which are managed by the Property Division but are allocated within individual departmental/portfolio budgets to reflect the full cost of the service. As such, any variations arising are shown as “non-controllable” within services but “controllable” within the Resources Portfolio. Other examples include cross departmental recharges and capital financing costs. This approach, which is reflected in financial monitoring reports to budget holders, should ensure clearer accountability by identifying variations within the service that controls financial performance. Members should specifically refer to the “controllable” budget variations relating to portfolios in considering financial performance. These variations will include the costs related to the recession.
- 3.3 Council on 26<sup>th</sup> March 2012 approved the setting aside of £2.26m in an earmarked reserve for Member priority initiatives. The Environment Portfolio is responsible for the delivery of three of these initiatives as detailed below:-

<b>Member Priority Initiatives</b>	<b>£'000</b>
General Improvements to footways and highways	750
Support to Friends Groups	250
Renew/replace the Council's community recycling sites	150
	<u><u>1,150</u></u>

- 3.4 Appendix 2 has the details of the progress of each of the schemes.

### 4. POLICY IMPLICATIONS

- 4.1 The Resources Portfolio Plan includes the aim of effective monitoring and control of expenditure within budget and includes the target that each service department will spend within its own budget.
- 4.2 The four year financial forecast report highlights the financial pressures facing the Council. It remains imperative that strict budgetary control continues to be exercised in 2012/13 to minimise the risk of compounding financial pressures in future years.
- 4.3 Chief Officers and Departmental Heads of Finance are continuing to place emphasis on the need for strict compliance with the Council’s budgetary control and monitoring arrangements.

### 5. FINANCIAL IMPLICATIONS

- 5.1 The 2012/13 controllable budget for the Environment Portfolio is projected to be £6k underspent at the year end based on financial information available to 31st January 2013. Within this projection there are major variations which are detailed in Appendix 1 and summarised below.
- 5.2 A shortfall in income totalling £520k is projected for on- and off-street parking, partly due to the price increases not taking effect until 30<sup>th</sup> April and partly due to a reduction in usage. This

deficit is currently being offset by management action to reduce parking running costs (Cr £135k), extra income from parking and bus lane contraventions (Cr £138k) and other underspends across the Portfolio.

- 5.3 Customer drop out for trade waste collections has not been as high as previous years despite the recent price increase. Based on current information, there could be a surplus of Cr £160k. This is offsetting a reduction in income (£125k) from trade waste delivered to the depots due to a decrease in customers. It should be noted that part of the reduction in waste disposal tonnages is directly related to decrease in customers (Cr £77k). The situation will be closely monitored. Other net underspends within waste total Cr £45k.
- 5.4 A change in unit rates of electricity in April and October has resulted in an underspend being projected for the street lighting electricity budget of Cr £10k. In addition to this, rebates and credits have been received totalling Cr £80k. This almost offsets the projected overspend of £129k on winter maintenance.
- 5.5 An underspend of £105k is expected for the Parks and Greenspace division. This is made up of £20k on staffing due to vacancies, £30k credits received for utility bills and £55k on grounds maintenance budgets.
- 5.6 Other minor underspends across the department total £30k.
- 5.7 The final payment of a European grant has now been received for the Commerce project. This, together with the release of provisions made for the project totals £97k. It is proposed that this amount is transferred to the earmarked reserve for future possible redundancy costs relating to TfL funded staff, subject to executive approval. Members should note that at this time there is no indication that LIP funding is likely to be reduced, however, should this amount be set aside in the reserve it would provide a buffer should the costs not be able to be contained within TfL resources.
- 5.8 Appendix 2 shows that £412k has been spent and a further £206k committed, as of 18th March 2013, out of the £1.15m set aside for the three projects within the Member priority initiatives. It also includes comments on the progress of each of the schemes.

<b>Non-Applicable Sections:</b>	Legal, Personnel
Background Documents: (Access via Contact Officer)	2012/13 budget monitoring files within ES finance section

## Environmental Services Portfolio Budget Monitoring Summary

2011/12 Actuals £'000	Division Service Areas	2012/13 Original Budget £'000	2012/13 Latest Approved £'000	2012/13 Projection £'000	Variation £'000	Notes	Variation Last Reported £'000	Full Year Effect £'000
(5,610)	<b>Customer &amp; Support Services</b>	(6,697)	(6,754)	(6,507)	247	1-5	246	150
1,932	Parking	1,402	1,374	1,364	(10)	6	0	0
	Support Services							
<b>(3,678)</b>		<b>(5,295)</b>	<b>(5,380)</b>	<b>(5,143)</b>	<b>237</b>		<b>246</b>	<b>150</b>
101	<b>Public Protection - ES</b>	113	113	113	0		0	0
	Emergency Planning							
<b>101</b>		<b>113</b>	<b>113</b>	<b>113</b>	<b>0</b>		<b>0</b>	<b>0</b>
5,904	<b>Street Scene &amp; Green Space</b>	4,535	4,462	4,455	(7)	7	0	0
2,454	Area Management/Street Cleansing	2,385	2,380	2,367	(13)	8	0	0
(18)	Highways	(29)	(29)	(29)	0	9	0	0
6,057	Markets	6,042	6,130	6,025	(105)	10	0	0
567	Parks and Green Space	628	577	577	0		0	0
16,549	Street Regulation	16,254	16,454	16,297	(157)	11	(290)	(150)
	Waste Services							
<b>31,513</b>		<b>29,815</b>	<b>29,974</b>	<b>29,692</b>	<b>(282)</b>		<b>(290)</b>	<b>(150)</b>
6,613	<b>Transport &amp; Highways</b>	6,188	6,470	6,509	39	12	(110)	0
161	Highways incl London Permit Scheme	142	172	172	0		0	0
866	Highways Planning	346	306	306	0		0	0
	Traffic & Road Safety							
<b>7,640</b>		<b>6,676</b>	<b>6,948</b>	<b>6,987</b>	<b>39</b>		<b>(110)</b>	<b>0</b>
<b>35,576</b>	<b>TOTAL CONTROLLABLE</b>	<b>31,309</b>	<b>31,655</b>	<b>31,649</b>	<b>(6)</b>		<b>(154)</b>	<b>0</b>
7,652	<b>TOTAL NON-CONTROLLABLE</b>	6,937	7,159	7,018	(141)	13	-14	0
2,614	<b>TOTAL EXCLUDED RECHARGES</b>	2,103	2,228	2,228	0		0	0
<b>45,842</b>	<b>PORTFOLIO TOTAL</b>	<b>40,349</b>	<b>41,042</b>	<b>40,895</b>	<b>(147)</b>		<b>(168)</b>	<b>0</b>

## Reconciliation of latest approved budget

£'000

## Original budget 2012/13

40,349

Repairs and Maintenance	167
Supplementary estimate for implementation of Flooding and Water Act	220
Allocation from Contingency Inbucon Pay Awards	7
Carry forward re Garden Waste Trial	161
Carry forward re Parks & Green Space - Keston Ponds	20
Carry forward re Parks & Green Space - Playground works	67
Rental Income - Budget Adjustments (already actioned by KT)	60
Property Services Rental Income	(4)
Fibre Optic Cable Chartwell transfer from ES to Resources	(5)

## Latest Approved Budget for 2012/13

41,042

## **Environmental Services - Budget Monitoring Notes as at 31 January 2013**

### **1. Income from bus lane contraventions Cr £100k**

An increase in bus lane contraventions has meant that income is above estimated levels by £104k offset by £4k less income received for tickets issued in 2011/12 than expected. The net effect is a projected surplus of £100k.

### **2. Off Street Car Parking Dr £245k**

The parking charges income budget assumed that the new charges would be in place for the full financial year 2012-13 but these came into effect in late April 2012, as advised in the increase in charges report. The impact of this slight delay is around Dr £20k.

Using the data available from the nine months following the increase, off-street car parking income is projected to be £280k below budget expectation, although this could be around £300k. Within this variation, around £100k relates to the four multi-storey car parks, and £180k other surface car parks. The income will continue to be closely monitored and any major variances reported to Members.

The projected income deficit is partly being offset by savings from management action of £55k from reducing running expenses, including contract costs.

### **3. On Street Car Parking Dr £113k**

Income shortfall in April was £40k as the fees were introduced at the end of the month. After analysing the data to 31st January 2013, it is clear that income is well below expected levels in Bromley, Beckenham and Orpington town centres. Overall a shortfall in income of £220k is projected, although this could be as high as £250k.

Management action has been taken to freeze the equipment replacement budget of £70k on the assumption that, following the introduction of mobile phone parking, the programme of recycling surplus pay and display machines is continued.

There are projected underspends within the telephones budget of £7k, and £30k on Vinci variation orders.

**The full year effect of the deficit currently projected for parking will be balanced by a combination of additional income generated from the extra parking capacity being provided within Bromley Town Centre following the closure of Westmoreland Road Car Park, and the balance will be funded from the underspend within waste management.**

### **4. Car Parking Enforcement Cr £3k**

There is a projected net surplus of £71k from PCNs issued by Vinci due to an increase in contraventions. As a result of Vinci meeting our performance expectations, an additional contract payment of around £50k is due to the company.

There is a projected net surplus of £17k for mobile and static cameras. Contraventions have declined in 2012/13, however a slight increase in income is expected from previous years.

There are projected overspends within employee budgets of £20k, and £15k across general supplies and services budgets. Of this £15k, there is a projected overspend on credit card commission of £5k, and equipment £10k.

## **5. Disabled Parking Cr £8k**

There is a projected surplus within the controllable budget of £8k, due to reduced printing & stationery costs. The recharge contribution to Care Services will be adjusted accordingly.

### **Summary of variations within Parking:**

**£'000**

Bus Routes Enforcement	(100)
Off Street Car Parking	300
On Street Car Parking	220
Net additional income from other parking contraventions	(38)
Savings resulting from management action	(125)
Underspend within supplies & services - on-street	(37)
Overspend within Enforcement employee costs	20
Increased supplies and service costs within Enforcement	15
Underspend within disabled parking printing & stationary	(8)
<b>Total variation for parking</b>	<b><u>247</u></b>

## **6. Support Services Cr £10k**

There is a projected underspend within employee costs of £8k, largely due to not filling vacancies, and other minor variations of £2k.

## **7. Area Management & Street Cleansing Cr £7k**

There is a projected net overspend within employee costs of £6k. This is a combination of underspends on staff advertising, and an overspend resulting from the delay in implementing the Street Scene & Green Space review of back-office functions.

There is a projected overspend within premises costs of £19k, resulting from delays in the planned closure of public conveniences: £13k electricity, and £6k water. Additionally there are increased toilet cleaning contract payments of £13k. These overspends are being met by underspends within graffiti removal of £45k.

There is a projected underspend of £11k on car allowances, and £9k across supplies & services. This will be used to carry out additional weed spraying before the end of March at an estimated cost of £20k.

## **8. Highways - SS&GS Cr £13k**

There is projected underspend within "Snow Friends" of £13k due to surplus supplies being used from 2011/12.

Although no overall variation is being projected within contract costs, it is anticipated that there will be an underspend of around £43k on gully cleansing, and £5k on soakaways which form part of the Street Cleansing contract. Whilst the contractor has carried out the first year of the contract with a new cyclic programme of works, the volume of drainage investigatory works has been lower than forecast.

This projected contract underspend on gully cleansing is being used to finance additional minor repairs and potholes as a result of root upheaval of paving stones and tarmac.

## **9. Markets £0k**

There is a projected underspend within premises costs of £12k, largely due to receiving a unanticipated credit on electricity charges. This is offsetting a projected overspend of £12k within supplies and services relating to general market improvements.

## **10. Parks & Green Space Cr £105k**

There is a projected underspend across staffing budgets of £20k. This is due to a combination of not recruiting to vacant posts, and using temporary / agency workers generating cost savings, to cover other vacant posts.

Within premises costs, there is a projected underspend on utility budgets of £30k. This has arisen due to unexpected credits and re-invoicing occurring during December/January as result of meter re-calibration and previous period adjustments.

In Grounds Maintenance, there is a projected underspend of £55k. This relates to minor underspends on contract works of £25k, other hired & contracted services £15k and additional income from works carried out at external sites of £15k.

## **11. Waste Management Cr £157k**

There is currently a total projected underspend within waste disposal tonnages of £153k. £105k has arisen from 1,370 lower tonnes than budgeted between April and January, with a further projected underspend of £48k relating to a variation of 630 tonnes projected for the rest of 2012-13.

Within the total projected variation of 2,000 tonnes, approximately 1,000 tonnes relates to decreased activity from builders and other tradesmen bringing waste to the depots. This has resulted in a projected underspend of £77k, which partly offsets the income shortfall described below.

It is anticipated that income received as a result of the payment mechanism built into the disposal contract will result in a deficit of £36k, based on tonnages to date, and those currently anticipated for the remainder of the year.

A deficit of £125k is being projected for trade waste delivered income due to reduced activity as described above. The bad weather in this period, especially during April and May, may have had an impact and it had been hoped that this activity would pick up later in the year. So far, this appears not to have happened, hence the deficit continues to be projected. The projected net deficit relating to this service is therefore £48k.

Within trade waste collection income, there is a projected surplus of £160k. Prices were increased by 17% from 1st April 2012 and expectation was built into the 2012-13 for a dropout of 11% of customers. However, it would appear that the actual net loss of total customers has only been around 3.5%, resulting in the projected surplus income.

As a result of a reduced dropout of customers than budgeted, there are increased costs within the collection contract of approximately £25k. These are offset by various underspends across other aspects of the collection contract, resulting in a net collection contract underspend of £107k.

There is currently projected to be a deficit of £50k within income from recycled paper, due to lower than anticipated paper tonnages.

There is currently projected to be a surplus from the green garden waste collection service of £50k, due to higher take-up than originally budgeted. This is being used to purchase more containers for the expansion of the service.

Within other income streams, there is a net deficit of £21k relating to clinical waste £6k, and textiles £15k.

There is an underspend within staffing and other running expenses of £11k. This is largely due to staff vacancies.

Due to legislative changes, detritus collected from street cleansing can no longer be composted. Veolia have offered to dispose of this tonnage estimated to be 2,000 tonnes per annum at a price of £73 per tonne instead of landfilling it at a cost of £122. This tonnage used to be disposed of by composting at a cost of £43 per tonne. The change in legislation has meant that the Council has to incur additional annual disposal costs of approximately £60k.

A provision of £18k that is no longer required has been released.

<b>Summary of variations within Waste Management</b>	<b>£'000</b>
Decrease in waste disposal tonnage	(76)
Reduction in disposal tonnage as a direct result of a decrease in trade waste delivered customers	(77)
Payment mechanism deficit	36
Shortfall of income due to drop in customers delivering trade waste to depots	125
Additional income from trade waste collections	(160)
Paper income	50
Green garden waste collection income	(50)
Purchase of green garden waste containers	50
Clinical waste income	6
Income from the sale of textiles	15
Underspend within staffing & other running expenses	(11)
Extra cost of disposing of detritus	60
Release of provision balance	(18)
Underspend within collection contract	(107)
	<u>(157)</u>

## **12. Highways including London Permit Scheme Dr £39k**

There is a projected underspend within the Street lighting electricity budget of £90k. This is largely the result of receiving unexpected rebates and credits of £80k.

Costs relating to winter maintenance due to the snow during the winter months have resulted in a projected overspend of £129k. The table below gives a breakdown of winter maintenance budgets and the projected variances: -

<b>Winter Maintenance</b>	<b>Budget £'000</b>	<b>Projected Spend £'000</b>	<b>Projected Variance £'000</b>
Salt, gritting & snow clearance	157	257	100
Met Office Costs	25	21	-4
Vehicle / plant maintenance & repairs	110	123	13
Standby / training / overtime and other costs	104	124	20
<b>Winter Maintenance Totals</b>	<b>396</b>	<b>525</b>	<b>129</b>

### **13. Traffic & Road Safety Cr £0k**

The final payment of a European grant has now been received for the Commerce project. This together with the release of provisions made for the project, totals £97k and it is proposed that this amount is transferred to the earmarked reserve for future possible redundancy costs relating to TfL funded staff, subject to Executive approval. Members should note that at this time there is no indication that LIP funding is likely to be reduced, however, this amount would provide a buffer should the costs not be able to be contained within TfL resources.

### **13. Non-controllable budgets Cr £141k**

For information here, the variation relates to a net surplus within property rental income, and underspends on repairs and maintenance budgets across Environmental Services. The Operational Property division are accountable for these variations.

**Analysis of Members' Initiatives - Earmarked Reserves @ 18.3.2013**

Item	Divison / Service Area	Responsible Officer	Allocation £'000	Spend To Date £'000	Commitments £'000	Total Spend & Commitments £'000	Balance Available £'000	Comments on Progress of Scheme
Footways, Highways & General Improvements	T&H - Highways	Garry Warner	750	412	206	618	132	£618k spent/committed to date.
Support for Friends Groups	SS&GS - Parks & Green Space	Louise Simpson	250	0	0	0	250	Plans already underway, but no orders placed yet.
Renewal / Replacement of Community Recycling Sites	SS&GS - Waste	John Woodruff	150	0	0	0	150	Plans already underway, but no orders placed yet.
<b>TOTAL</b>			<b>1,150</b>	<b>412</b>	<b>206</b>	<b>618</b>	<b>532</b>	

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Report No.  
ES13040

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** Environment Portfolio Holder

**For Pre-Decision Scrutiny by the Environment PDS Committee on**

**Date:** 16 April 2013

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** CHISLEHURST AND ST. PAULS CRAY COMMONS  
CONSERVATORS - NOMINATIONS FOR ELECTION AND  
ANNUAL REPORT

**Contact Officer:** Patrick Phillips, Head of Parks and Greenspace  
Tel: 020 8313 4322 E-mail: patrick.phillips@bromley.gov.uk

**Chief Officer:** Nigel Davies, Executive Director of Environment and Community Services

**Ward:** Chislehurst, Cray Valley West

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1. Reason for report

This report details nominations to the Board of Conservators. The Portfolio Holder is requested to approve the re-appointment of two nominees and make two new nominations to serve for the three-year period to 31<sup>st</sup> March 2016, and to receive the Annual Report for 2012.

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2. **RECOMMENDATIONS**

The Environmental Portfolio Holder is recommended to:

- 2.1 Note and approve the retirement and requests for re-standings set out more specifically in paragraph 3.3 below;
- 2.2 Approve the new nominees within paragraph 3.3; and
- 2.3 Receive and note the Conservators Annual Report for 2012 (See Appendix A).

### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Quality Environment
- 

### Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Parks and Greenspace
  4. Total current budget for this head: £36,300
  5. Source of funding: Existing revenue budget for 2013/14
- 

### Staff

1. Number of staff (current and additional): Less than 0.1 FTE
  2. If from existing staff resources, number of staff hours: 30 hours pa
- 

### Legal

1. Legal Requirement: Non-Statutory - Government Guidance
  2. Call-in: Applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 50,000 visits per annum to the Commons as visitors or passing through.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors' comments: These will be reported on the evening if any are received.

### **3. COMMENTARY**

- 3.1 There are currently 15 members on the Board of the Chislehurst and St Paul's Cray Commons Conservators. Up to five appointments can be made to the Board annually with each member serving for a period of three years. The 1888 Act, establishing the Conservators, requires that up to eight Conservators be elected from the Chislehurst vestry and seven by the St Paul's Cray vestry. There is currently one vacancy caused by a mid-term resignation of a member.
- 3.2 In addition the Lord of the Manor can appoint one person to the Board, making a total of 16 members. The London Government Order (1966) makes reference to the requirement that four members of the Board shall be landowners with property fronting the St Paul's Cray Common (Frontagers). There are four existing frontagers on the Board so there is no requirement for the two nominees to be frontagers.
- 3.3 The format of Conservators, which needs affirming are those:

***Whose term of office has expired during April 2013 and are seeking re-election:***

*Alexandra Burman – Seeking re-election and nominated by the Board*  
*Roy Hopper – Seeking re-election and nominated by the Board*

***Vacancies which exist:***

The Conservators carried one vacancy from 2011 and there has been one vacancy created following the retirement/resignation Ray Philo. Accordingly, the following Trustees were appointed by the Board since the last report to this Committee (which authorised such action):

*Alan Porter*  
*Mary Wheeler*

- 3.4 Members requested in May 1990 that efforts were made to ensure that suitable local organisations were invited to submit nominations in the future. However, in this instance no other organisations than the Chislehurst Board of Conservators has put forward nominations.
- 3.5 Given the unexpected early retirement of one member during 2012, and the current lack of additional nominations; it is suggested that the Board of Conservators are simply given authority to appoint a suitable new member in due course, should a volunteer with the necessary skills and attributes present themselves. This will need to be ratified by this committee at the next annual nominations report during 2014.

### **4. POLICY IMPLICATIONS**

- 4.1 The Authority has for a number of years made a financial contribution to the management and maintenance of the Chislehurst and St Pauls Cray Commons Conservators, rather than undertake direct responsibility itself.

### **5. FINANCIAL**

- 5.1 The Chislehurst and St Paul's Cray Commons Conservators receive a five year fixed grant of £36,300 pa from this Authority, which commenced on April 1<sup>st</sup> 2011.

## 6. LEGAL IMPLICATIONS

- 6.1 The Chislehurst and St Pauls Cray Commons Conservators under the Metropolitan Commons (Chislehurst and St Paul's Cray) Supplemental Act 1888 *'may from time to time appoint a fit and proper person, or fit and proper persons, to be their clerk and treasurer, and shall appoint or employ such common-keepers, collectors, and other officers and servants as may be necessary and proper for the preservation of order on, and the enforcement of bye-laws with respect to, the Commons, and otherwise for the purposes of this scheme, and may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed (altering such rules as occasion may require); and the Conservators may pay, out of the moneys to be received under this scheme, to such officers and servants such reasonable wages, salaries, or allowances as they may think proper, and every such officer and servant shall be removable by the Conservators at their pleasure'*.

<b>Non-Applicable Sections:</b>	Personnel
Background Documents: (Access via Contact Officer)	Agenda Supplement of the Board Meeting 26.02.2013

## **Annual Report Year ending 31<sup>st</sup> August 2012**

### **The Commons Conservators**

The Chislehurst and St Paul's Cray Commons Conservators (known locally by their working title: the Trustees of Chislehurst Commons) were set up by the Metropolitan Commons (Chislehurst and St Paul's Cray) Supplemental Act, 1888 to protect and maintain the commons. The conservators are now a registered charity and carry out their work with funds granted by the London Borough of Bromley, generous donations from local residents, small annual grants from government-sponsored bodies and occasional grants from other organisations.

### **Governing document and objectives**

The 1888 Act sets down the responsibilities of the Board of Conservators. These responsibilities are translated into a working strategy by the 10-year Management Plan, which currently runs from 2004 to 2014. A successor Management Plan is now in preparation.

### ***Location***

The Trustees operate from leasehold premises situated at:

The Old Fire Station  
Hawkwood Lane  
Chislehurst  
BR7 5PW

### **Organisation**

The charity is administered by a board comprising 16 trustees.

Mr Andrew Osmond (Chairman)  
Mr Colin Yardley (Vice Chairman)  
Mr Ray Philo (Treasurer)  
Mr Anthony Bompas Q.C.  
Mrs Alexandra Burman  
Mr David Calver  
Miss Avril Greatrex  
Mr John Hayhow  
Mr Peter Hedges  
Mr Roy Hopper  
Dr Brian Knights  
Mr Ian Leonard  
Mr Tom Murray  
Mr Peter Woodward  
Mrs Margaret Yardley

Mr Patrick Phillips (Head of Parks and Green Space) serves ex officio representing the London Borough of Bromley

## **Staff**

The Board employs two members of staff:

Mr Jonathan Harvie (Head Keeper)

Mr Peter Edwards (Assistant Keeper)

## **Board Structure and decision-making**

The Board, which meets seven times a year, has a number of committees:

**Natural Environment:** Directly responsible for the implementation of the Commons 10-year Management Plan and also recommends major projects to the Board.

**Verge:** Responsible for liaising with public utilities and those whose land adjoins the Commons, including the London Borough of Bromley, in relation to roads and verges, in order to ensure no encroachment occurs.

**Fund Raising:** Responsible for raising funds in order to augment the income from other sources. Professional fund raisers are not employed.

**Staff:** Responsible for advising the board on all personnel matters.

These committees are appointed by the board and report to it. Regular reports are also received from the Head Keeper. Responsibility for day-to-day management resides with the chairman and vice-chairman of the board, the treasurer, and the Head Keeper.

## **Trustees**

Trustees are appointed to the board for a period of three years and may be appointed for subsequent three-year periods. Trustees are appointed by the London Borough of Bromley after consultation with local organisations and the Board about skill requirements. The Lord of the Manor of Scadbury, who holds the freehold of the Commons, appoints one trustee. Trustee induction is provided. All trustees are volunteers and receive no emoluments.

## **Financial Report**

Total incoming resources for the year were £127,347, an increase of 8% compared to last year. However this figure included a special donation from the Chislehurst Society of £8,850. This was to cover the cost of sinking a new borehole at Rush Pond where the earlier borehole the society had funded had failed. The work will be carried out in early 2013. Without this special contribution, income this year would have been the same as last year. The grant from the London Borough of Bromley was £36,310, a reduction of 15% representing the first full year of the lower grant. The Borough was funding the charity at the rate of £47,310 p.a. but under a new 5 year agreement the funding has been reduced. The trustees are grateful to the Borough that funding continues in the current difficult economic climate.

Donations to the charity fell by 14%. This was perhaps to be expected following record donations in 2010-11 immediately following our appeal to local people. We are extremely grateful to all those who have responded to our fund-raising campaign whether by giving a single contribution or by pledging a regular sum. Without this help, the charity would not survive.

During the year a sum of £13,483 was received from the Forestry Commission representing two year's grant to enable woodland management work on the commons.

Expenditure fell by 19% as a result of not employing a clerk to the board following the retirement of the previous incumbent as well as reduced maintenance costs.

An operating surplus of £36,367 was generated with the result that the balance sheet increased by the same amount to a total of £116,955. This was an exceptional year as a result of the Chislehurst Society's special donation and the Forestry Commission grant. With the generous gifts of so many local residents and the continuing support of the Borough of Bromley, the trustees are confident they can continue to operate satisfactorily.

## **Bankers**

Barclays Bank PLC  
7 High Street  
Chislehurst  
BR7 5AB

## **Tree Safety Inspections**

The Trustees continue to recognise their responsibility to provide as safe an environment as possible for the public who walk on the commons. The tree inspection policy is being updated to reflect advice from the National Tree Study Group. The commons have been divided into three zones to reflect the differing levels of risk to the public from a falling branch or tree. The inspection regime ensures that trees in higher risk areas are inspected more frequently.

A further three trustees have been trained on a LANTRA tree inspection course in order to ensure we can maintain the necessary regularity of inspections. Whilst the board continues to take reasonable steps to avoid accidents from trees, it should be noted that the Health and Safety Executive state that the individual risk of death attributable to trees is 10 times less than the threshold of one death in one million per year that people regard as insignificant or trivial in their daily lives

## **Chislehurst Chase**

Once again, the Chislehurst Chase was held on a Sunday in September. For the first time, the weather was poor this year and the numbers participating in the children's event was below previous occasions. However, the turnout for the main 10Km race held up well and all the costs were covered by entrance fees leaving a modest surplus.

## **The Queen's Jubilee**

The Queen's Diamond Jubilee was celebrated on the commons in July with a grand lunch. Tables and chairs were laid out near the cockpit and 1200 people brought a picnic lunch to share with family, friends and other Chislehurst residents. A number of entertainments were organised a great sense of community was enjoyed by all. This occasion recalled a similar event that took place on the Common for Queen Victoria's Diamond Jubilee.

The trustees wish to record their thanks to the group of dedicated residents who organised such a successful commemoration.

As a further celebration during the Jubilee weekend, the trustees arranged the planting of an oak tree on the pound alongside Royal Parade with the Mayor and Mayoress of Bromley officiating. A stone commemorating the event now marks the tree.

## **Prickend Pond**

Prickend Pond has suffered from the reduced rainfall over recent years that has affected much of the south east. It is clear from a survey carried out by the Chislehurst Society that the pond is seen as the most attractive aspect of the High Street by many residents.

During the year a project was carried out by Greenwich University to examine various options for the long term protection of the pond. Consultants from the Wildfowl and Wetlands Trust were also employed and a detailed plan for the pond was produced. The plans were exhibited in Chislehurst Library and in the foyer of the Methodist Church in order to allow residents to comment and the first phase of the project started in the autumn of 2012. This consists of reducing the area of the pond, re-profiling the banks and carrying out marginal planting.

The Chislehurst Society initiated the Chislehurst Town Team, a collective of representatives of local organisations and traders which is endeavouring to make improvements to the High Street. The Commons trustees are represented on the Town Team and see their major contribution to its work as being the improvement of the pond.

## **The Big Draw**

The ninth Big Draw event was held on the Common in September with the theme of “Forever England”. Hundreds attended this local part of the nation-wide programme of Art For All and it was exciting to see so many people enjoying the day.

A financial surplus was achieved and the organisers kindly donated this to the charity’s funds for work on the Commons. We are most grateful to those who supported the day through sponsorship and their time and effort.

## **Litter and Fly-Tipping**

As reported in previous years, litter and fly-tipping continues to be a major issue. We are fortunate that there are a number of local residents who regularly go round the key areas of the common where litter is left and clear it up. Our keepers are also active in helping to eradicate this eyesore.

This year there has been additional support from a group of concerned residents, the Litter Action Group, who have helped considerably by bringing the problem to the attention schools, other local organisations and the Council.

## **Friends of the Commons**

The trustees are fortunate to be supported by a growing group of people, currently numbering about 600, who contribute financially to the costs of maintaining the Commons or who are active in working in one of our regular volunteer conservation groups. We believe that our Friends’ group is one of the largest organisations supporting open spaces in the country. Without the support of these members of the local community the charity could not operate.

## **Friends’ Reception**

As in previous years, the trustees held a reception in April for the Friends of the Commons in St Nicholas Church Hall to thank them for their support and contributions. This year, the opportunity was taken to bring people up to date with the charity’s financial position and the various projects in progress on the commons. As always, the refreshments were provided by the trustees personally, at no cost to the charity. About 120 people present enjoyed an excellent evening.

## **Newsletter and website**

The trustees aim to publish a newsletter at least once a year to keep our friends updated on current issues. This provides an excellent form of communication and encourages much needed donations as well as general support for our activities. Our website is a rich source of information on the history of the Commons and their management. A linked blog for Friends of the Commons is about to be launched.

## **Risk Management**

The Board reviews the risks to which the charity is exposed and has systems in place to mitigate them. Regarding financial risks, the board has a policy of having at least three months' expenditure in reserve to meet its obligations in the event of a substantial loss of income. Our staff and volunteers are informed of the risk assessments which have been conducted for the various tasks they undertake. They are not allowed to use any machinery for which they have not been properly trained.

The Board has employer's liability and public liability insurance and trustees' indemnity insurance. The principal risk factors outside the Board's control are accidents to members of the public arising from falling trees or branches and trips due to exposed tree roots. We endeavour to minimise these risks by means of our tree inspection and path improvement programmes.

## **Public benefit**

The main aim of the charity is to protect and maintain the commons for public use. All the resources of the charity are used to satisfy these aims. The Commons are open to all members of the public without charge and provide much needed open space for recreation and leisure. The Commons are situated in a predominately suburban setting and are therefore an important amenity for local residents.

If the charity did not exist, the Commons would quickly become unusable in that they would be subject to fly tipping and litter and would overgrow rapidly. There is also strong evidence that encroachment from some adjoining properties would take place with the permanent loss of land.

The Trustees are satisfied that the work of the charity meets the requirements of current legislation relating to public benefit.

The trustees run a lean organisation in order to maximise the benefit derived from our grant income and the donations of the Friends of the Commons. The work previously carried out by our clerk is now undertaken by trustees. We employ just two keepers and their work is augmented by around 20 volunteers whose hours, over the course of the year, equate to another full-time keeper.

In its Vision Statement the Board says that "it will strive to manage the Chislehurst and St Paul's Cray Commons as an amenity for the enjoyment of local people and visitors, seeking the resources to conserve the woods, heathland, ponds and open spaces and increasing their biodiversity in a manner which meets the expectations of the community for the provision of areas for quiet recreation in a natural environment." Maintaining a "natural environment" in an urban setting presents particular problems, particularly as the Commons are dissected by so many busy roads. The greater part of our ground is covered by secondary woodland. In managing it we aim to keep it free of dense holly scrub whilst maintaining a screen of vegetation between the main footpaths and the adjacent roads. Over recent years extra work and resources have been devoted to the maintenance of the main

footpaths with the needs of wheelchair users and parents with buggies borne in mind. While preserving the species richness of our acid grasslands we ensure that our open spaces are available for community events like the Crowning of the May Queen, the Summer Fair and the Big Draw. Our tree safety inspection programme has now recorded all trees alongside roads, major footpaths and adjoining private properties. The most cosseted part of the Commons is the heathland area of St Paul's Cray Common, where we have a comparatively rare example of lowland heath. Our two ponds are popular features on Chislehurst Common to which we devote a great deal of attention, especially in order to maintain their water levels despite the impact of climate change. We provide several kilometres of safe dedicated paths for horse-riders.

Over the past few years, since we have been able to employ two keepers, rather than one, and have increased our volunteer force, local residents' comments on the condition of the Commons have been overwhelmingly positive and most encouraging.

## **The Future**

Despite the reduction in grant from the London Borough of Bromley and a slightly reduced level of donations, this year has been very satisfactory financially. A very tight control of costs has contributed to this. The charity has now built up a reserve in excess of one year's expenditure. This is an excellent state of affairs that allows planning for future projects and also for the replacement of capital plant and equipment.

Most of the tasks we set ourselves in the 2004-2014 10-year Management Plan have been completed and the next couple of years will see us setting new objectives for the next ten years. Among the challenges we will have to bear in mind are the possible impact of increased housing density and increased traffic; the effect of climate change on biodiversity; new tree diseases; further improving the condition of our major footpaths and popularising the Commons as safe and attractive places for children's play and recreation for all.

The trustees face the future with confidence that they can continue to look after and protect this wonderful amenity at the centre of the life of Chislehurst. They are very grateful for the support, both financial and moral; they receive from the Borough, local organisations and the residents.

Report No.  
ES13021

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** Environment Portfolio Holder

**For Pre-Decision Scrutiny by the Environment PDS Committee on**

**Date:** 16 April 2013

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** TRAFFIC CONGESTION NEAR THE NUGENT CENTRE,  
PROPOSED TRAFFIC SIGNALS

**Contact Officer:** Ismiel Alobeid, Senior Traffic Engineer  
Tel: 020 8461 7487 E-mail: Ismiel.Alobeid@bromley.gov.uk

**Chief Officer:** Nigel Davies, Executive Director of Environment and Community Services

**Ward:** Cray Valley East & Cray Valley West

---

1. Reason for report

- 1.1 The A224 is one of Bromley's most congested roads, with heavy traffic present throughout the day. Complaints have also been received concerning congestion and the number of regularly occurring damage only accidents at the junction of the Nugent Centre retail park exit with Cray Avenue. The purpose of this report is to recommend changes to the entrance to the Nugent Centre and to nearby locations, in order to reduce congestion and to improve safety.

---

2. **RECOMMENDATION(S)**

- 2.1 The Portfolio Holder agrees the proposal to implement Traffic signals at the Entrance/Exit of the Nugent retail park, as detailed in drawings labelled '11239- 01' and that the existing staggered Pelican crossing be removed and a full pedestrian crossing stage be incorporated in the new proposed traffic signals.
- 2.2 The bus lane, which is currently suspended, be permanently removed.
- 2.3 Authority be delegated to the Executive Director of Environment and Community Services, in consultation with the Portfolio Holder and Ward Members, to implement any changes considered necessary at the detailed design stage.
- 2.4 The scheme construction costs of £80k be met from the Transport for London funding for Congestion Relief Schemes.
- 2.5 The current right turn bans at the nearby junction with Leasons Hill and Station Road be retained to improve traffic flow along this route.

## Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Quality Environment:
- 

## Financial

1. Cost of proposal: Estimated Cost £80k:
  2. Ongoing costs: Non-Recurring Cost:
  3. Budget head/performance centre: TfL funding for Congestion Relief 2013/14
  4. Total current budget for this head: £390K has been allocated to the northern section of the Orpington Bypass in 2013/14, of which £298k is the current uncommitted balance
  5. Source of funding: TfL LIP Funding 2013/14
- 

## Staff

1. Number of staff (current and additional): 3
  2. If from existing staff resources, number of staff hours: 90
- 

## Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
  2. Call-in: Applicable:
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All road users on the A224 will benefit from the installation of a traffic signal at this location.
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillor's comments: Councillor Ince and Cllr Fortune are supportive of measures to improve traffic flow at the entrance to the Nugent Centre and support signalisation. Cllr Fortune does not support retaining the current right turn ban at the junction of Leasons Hill, as he has had representation from local residents groups which are opposed to this ban remaining in place. However, Cllr Fortune considers that the recommendation should stand and be considered by the PDS committee and the Portfolio Holder.

### 3. COMMENTARY

- 3.1 The A224 is one of Bromley's most congested roads, with heavy traffic present throughout the day.
- 3.2 Since the completion of Nugent Retail Park in 2007 traffic has increased in this area, and queuing particularly from vehicles turning right onto Cray Avenue has been observed to cause delays to traffic. The junction has generated many complaints from residents and visitors concerned with the level of congestion locally. In addition there have been many complaints concerning the regularity of vehicular collisions, although most are 'damage-only' incidents. A recent accident study showed that there were seventeen reported injury accidents within the last five years ending 31 August 2012; all but one resulted in slight injuries.
- 3.3 Vehicles edging out from the Retail Park, intending to turn right, often block the path of traffic heading Southbound on the A224 Cray Avenue. These right-turning vehicles then become trapped in the middle of the road as northbound traffic fails to give way, thereby resulting in congestion.
- 3.4 A staggered type Pelican crossing located south of the exit adds to the congestion as shoppers make frequent demands to cross Cray Avenue.
- 3.5 Due to the difficulty vehicles have exiting the Retail Park, many drivers prefer to park in Cray Valley Road and walk across to the shops. This practice was highlighted in a traffic survey, and parking restrictions were implemented to discourage this behaviour as it was causing congestion in Cray Valley Road.
- 3.6 The purpose of this report is to recommend removing the existing pelican crossing and adding traffic signals with pedestrian facilities at the Nugent Centre entrance.

**This junction supports a high volume of traffic; see below PM Peak flow:**

Origin	Destination	PM Peak Flow in PCUs (1 PCU = 1 Car & 1 Bus =2 PCU)
Retail Park	Cray Avenue (Southbound)	100
Retail Park	Cray Avenue (Northbound)	90
Cray Avenue (Southbound)	Left turn into Retail Park	130
Cray Avenue (Northbound)	Right turn into Retail Park	201
Cray Avenue (Southbound)	Cray Avenue (Northbound)	780
Cray Avenue (Northbound)	Cray Avenue (Southbound)	684

3.7 In February 2012 a study was commissioned to investigate the best available options to ease congestion at the Nugent entrance. The report identified various contributing factors. Four possible congestion relieving options were put forward and are listed below:

- Introduce a Right Turn Ban out of the retail park
- Install a Roundabout at the junction
- Take no action
- Install Traffic Signals with all Round Pedestrian Facility

The relative merits of each are discussed briefly below.

3.8 The Right Turn ban would improve the operation of the junction but it would be likely to encourage U-turning on Cray Avenue. In addition it could lead to congestion problems on the A224 as drivers seek alternative routes.

3.9 The idea of a Roundabout was also discussed but it was thought the dominant traffic flow on the A224 would make it difficult for drivers exiting from the retail park. Also, the existing puffin crossing will still cause delay due to the regularity of use and would need to be retained, as a roundabout would not help pedestrians cross Cray Avenue.

3.10 Take no action; this is not a sustainable option, as we often receive complaints from residents concerning congestion and the frequency of accidents. Many drivers park in Cray Valley Road because they have concerns about the difficulty in exiting and entering the retail park. In addition, the existing Pelican crossing helps to add to the delay by the frequent demand for a crossing stage.

### **Recommendation**

3.11 A Signal Controlled Junction is the preferred option as this will give a level of control over vehicles exiting and entering the retail park. The existing Staggered Pelican crossing will be decommissioned, and incorporated into the new junction. By including the pedestrian crossing in the new junction we will be able to use the “walk with traffic” design, this will minimise delay as some traffic will be able to proceed while pedestrians are crossing. Accidents will be reduced as each movement will have its own movement stage, avoiding give way operation. Also, shoppers will be more likely to park in the retail park’s car park, because they will now have a dedicated exit stage.

3.12 In order for this design to work effectively, it is recommended that the section of bus lane that is currently suspended be permanently removed. Although this may cause a slight delay to buses along this section of the A224, the overall delays to buses (in both directions) should be reduced by the junction improvements proposed.

3.13 The preliminary design is shown in drawing 11239-01. However, some design details may change at the detailed design stage, including a possible relocation of the bus stop on the southbound approach to the entrance, plus the possible addition of a left turn filter lane into the Nugent Centre that would bypass the new traffic signals.

3.14 Traffic modelling has been conducted showing the effect of ‘do nothing’ compared to the installation of a traffic signal with all-round pedestrian crossing (See table).

## Traffic Model Results

AM Peak Traffic Flow (Worst Case)	Practical Reserve Capacity (Capacity (-) is Overcapacity)	Vehicular delay in Hours
Do Nothing	-29% PRC	59 Vehicles
Install Traffic Signal	- 2.3% PRC	28 Vehicles

## Nearby Junctions

- 3.15 It is proposed that the next stage of improving traffic flow along the A224 is to consider linking this proposed new junction to the Leasons Hill traffic signals and using Urban Traffic Control (UTC) along much of the length of the A224. UTC is a strategy used by Transport for London in which they can take direct control of any traffic signal including crossings. They usually do this when long traffic queues are detected and CCTV is usually required for visibility.
- 3.16 It is also proposed that an options report be prepared to consider improvements for the junction of Leasons Hill and Station Road, where they meet the A224, plus at the junction of Station Approach with the A224.
- 3.17 There is currently a right turn ban in place at the Leasons Hill junction, that was incorporated during the closure of the Chislehurst Road bridge as the Leasons/Sevenoaks Way junction was on the diversionary route. The effect of installing this ban has been to improve traffic flow along the A224 and to reduce the number of injury accidents occurring at this junction. In the three year study period there were twelve injury collisions at the junction, of which six involved vehicles turning right. Only one of these right turn collisions occurred since the right turn ban was imposed. Officers therefore recommend that the ban remains in place for congestion and safety reasons.

## 4 POLICY IMPLICATIONS

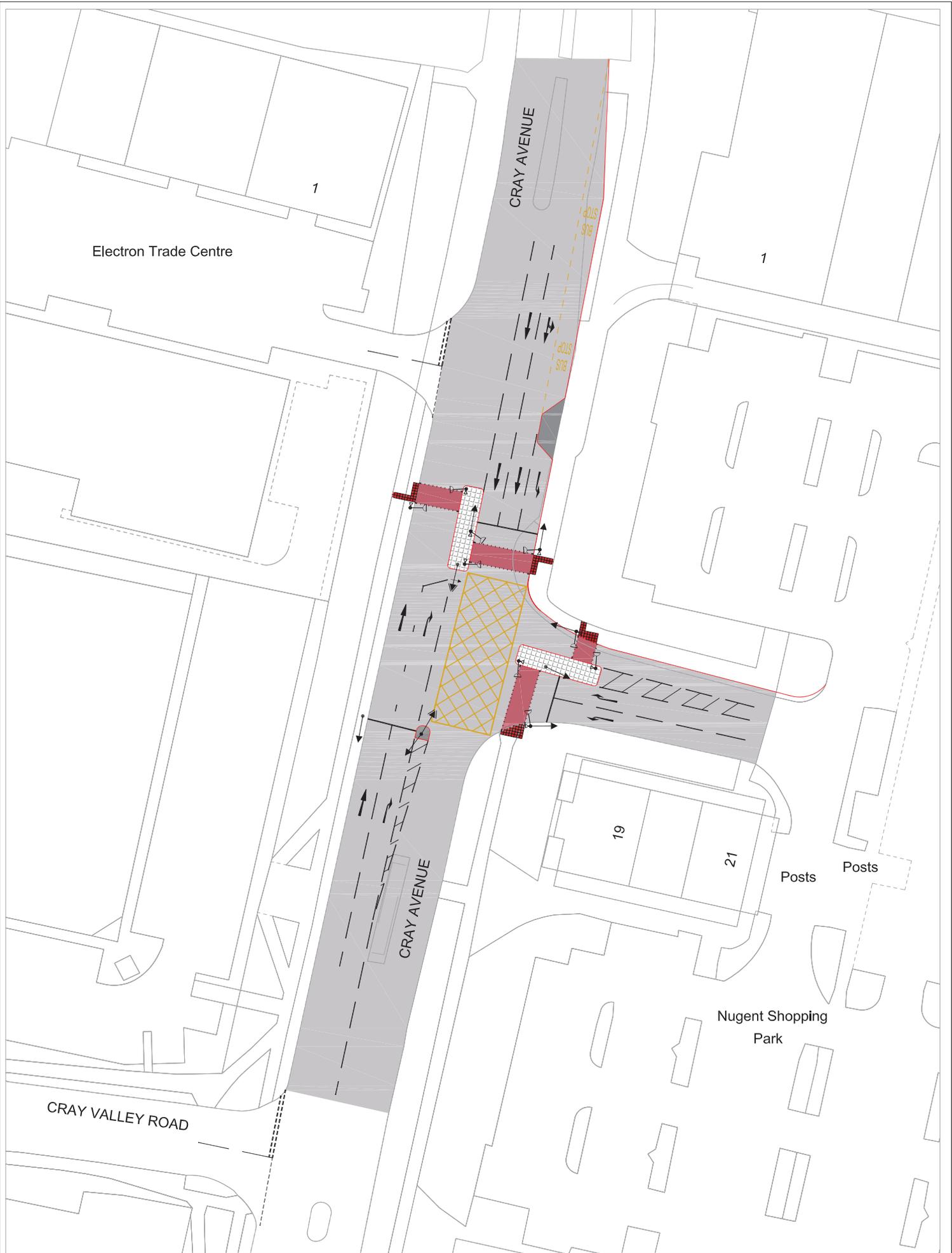
- 4.1 The proposal in this report is within existing policy. In 'Building a Better Bromley 2020 Vision – Quality Environment' one of the stated issues is improving the road network for all users. The Environment Portfolio Plan 2012-15 has as an aim improving the road network and journey times for all users.

## 5. FINANCIAL IMPLICATIONS

- 5.1 The estimated cost of the works is £80k. This will be funded from the 2013/14 TfL LIP budget for congestion relief which has an allocation of £390k set aside for the Orpington bypass northern section. An uncommitted balance of £298k is available to fund this scheme. Negotiation will also be undertaken with the Nugent Centre management to seek a contribution to the cost of the scheme.

<b>Non-Applicable Sections:</b>	Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Nugent Retail Park Signalisation. Leasons Hill congestion data.

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Job Title:  
**CRAY AVENUE  
 JCT NUGENT RETAIL PARK**

Drawing Title:  
**PROPOSED NEW JUNCTION  
 ALIGNMENT**

**Bromley**  
 THE LONDON BOROUGH

Environmental Services  
 Civic Centre, Stockwell Close,  
 Bromley, BR1 3UH  
 Tel : 020 8464 - 3333  
 Fax : 020 8313 - 4555  
 Email : [www.bromley.gov.uk](http://www.bromley.gov.uk)

Nigel Davies  
 Director of Environmental Services

Scale @ A3	1:500			
Date	20/08/12			
Drawn by:	J.J.	Rev	Date	Description
Checked by:	J.A.			
		Drawing Number		11239-01
		By	Rev	
				-

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Report No.  
ES13036

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** Environment Portfolio Holder

**For Pre-decision Scrutiny by the Environment PDS  
Committee on**

**Date:** 16 April 2013

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** SERVICE ROAD TO SHOPS FRONTING SOUTHBOROUGH  
LANE/THE FAIRWAY, BROMLEY - PROPOSED MAKING-UP  
UNDER PRIVATE STREET WORKS PROCEDURE

**Contact Officer:** Nojan Rastani, Highway Development Manager  
Tel: 020 8313 4524 E-mail: Nojan.Rastani@bromley.gov.uk

**Chief Officer:** Nigel Davies, Executive Director of Environment and Community Services

**Ward:** Bickley

---

1. Reason for report

To advise Members of the findings of an investigation into the making-up of the service road in front of the shop premises at Nos. 187 and 239, Southborough Lane; to explain the process by which the footways forming part of these service roads could be made-up and adopted at the Council's expense; and to obtain both an approval of the proposed layout, and a First Resolution under the Private Street Works Code, to enable this to proceed.

---

2. **RECOMMENDATION(S)**

**That the Environment Portfolio Holder:**

- 2.1 Approves the layout for the footway in front of Nos. 187-211 Southborough Lane, as shown on drawing No. 11324-01-1;
- 2.2 Approves the layout for the footway in front of Nos. 213a-239 Southborough Lane, as shown on drawing No. 11324-01-2; and.
- 2.3 Makes a First Resolution under s.205(i) of the Highways Act 1980 in respect of the footways as follows:

**The Council do hereby declare that the footway in front of Nos. 187-239 Southborough Lane is not levelled, paved, metalled, flagged channelled and make good to its satisfaction and therefore resolves to execute street works therein, under the provisions of the Private Street Works Code, as set out in the Highways Act 1980.**

### **Schedule of Works**

**Part 1 – From a point in line with the Western flank boundary of No. 187 Southborough Lane to the west, to the western boundary of the highway known as The Fairway to the east.**

**Part 2 – From the eastern boundary of the highway known as The Fairway to the west, to a point in line with the eastern flank boundary of Nos. 237-239 Southborough Lane, to the east.**

### Corporate Policy

1. Policy Status: Existing policy.
  2. BBB Priority: Quality Environment.
- 

### Financial

1. Cost of proposal: Estimated cost Part 1 £37.5k and Part 2 £35k
  2. Ongoing costs: Non-recurring cost.
  3. Budget head/performance centre: TfL LIP funding for town centres 2013/14
  4. Total current budget for this head: £95k of which the uncommitted balance is £72.5k
  5. Source of funding: TfL LIP funding 2013/14
- 

### Staff

1. Number of staff (current and additional): 3
  2. If from existing staff resources, number of staff hours: 150
- 

### Legal

1. Legal Requirement: No statutory requirement or Government guidance. No requirement at this stage, but should a scheme proceed then the procedures which must be followed are set out in legislation.
  2. Call-in: Call-in is applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All users of the shop and residential properties fronting onto the footway.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes.
2. Summary of Ward Councillors comments: Any views expressed by ward Members will be reported to Environment PDS Committee and the Portfolio Holder

### **3. COMMENTARY**

- 3.1 The service roads on either side of the The Fairway, serving Nos. 187-211 Southborough Lane to the west and 213a-239 Southborough Lane to the east, have not been made-up and adopted. As unadopted roads, the Council is not responsible for their maintenance.
- 3.2 There is a long history of complaints about the condition of these unadopted roads, particularly the slab-paved footways. The adjoining carriageway is only some 5-6 m wide and drivers often park their vehicles with two wheels up on the footway, rather than entirely on the carriageway which could cause an actual obstruction. Such parking is thought to be responsible for much of the damage to the footway.
- 3.3 In the 1980s, the owners of the majority of the shop premises fronting onto the two footways were persuaded to carry out extensive repairs to both footways. Since then there is no evidence of any maintenance works and the footways are in a very poor condition.
- 3.4 The Council is entitled to make-up the footways for adoption under the provisions of the Private Street Works Code, contained in the Highways Act 1980. S.236 of the Act enables the Council, as the Street Works Authority, to resolve to bear the whole of the cost of the works, rather than recharge most of the cost to the frontage owners. In this instance, it is proposed that the Council will meet the cost of the works.
- 3.5 It would be possible to restrict parking on the footways by physical means, such as bollards, but, as mentioned in Para 3.2, this could result in obstructive parking on the carriageway. It is therefore considered preferable to allow the practice of parking with two wheels on the footway and to safeguard against damage by reinforcing the footway as necessary.

### **4. POLICY IMPLICATIONS**

- 4.1 Policy T14 of the Unitary Development Plan (UDP) adopted in July 2006 says that unadopted highways will normally be considered for making-up and adoption, as resources permit, only following a referendum conducted in each road, in which the owners of the majority length of frontage are in favour. In exceptional circumstances however, such a referendum may be dispensed with.
- 4.2 In this case, where there is a clear demand for the Council to take action and it is not proposed that the cost of making-up the footways for adoption will be passed onto the frontage owners, it is recommended that a referendum is not conducted.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 The estimated costs of the works for both Part 1 and Part 2 total £72.5. This will be funded from the 2013/14 TfL LIP budget for Town Centres which has an allocation of £95k for this scheme. An uncommitted balance of £72.5k is available to fund these works.
- 5.2 More specific details will be provided when approval is sought for the Resolution of Approval, together with a detailed estimate of the cost of constructing the scheme and funding.

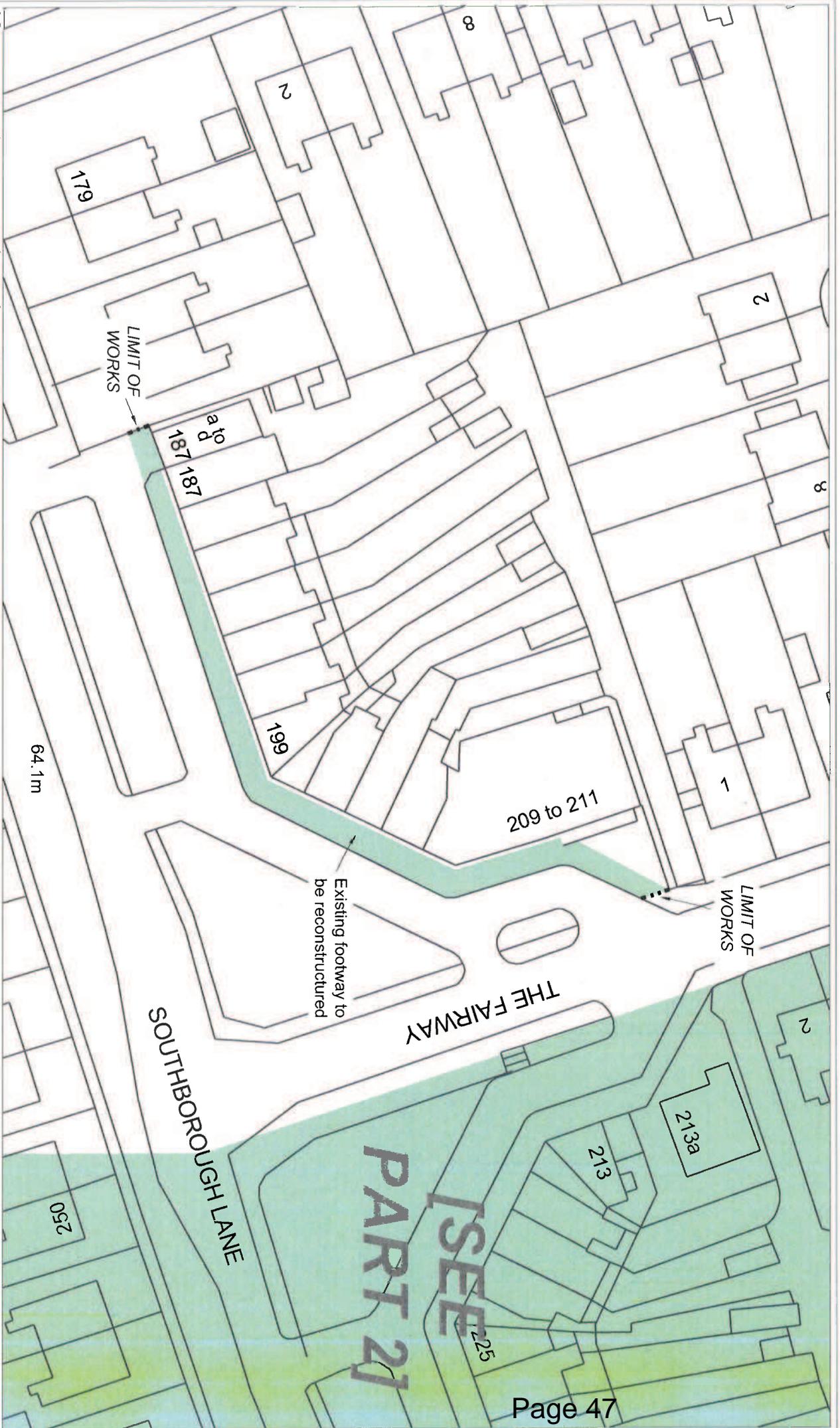
### **6. LEGAL IMPLICATIONS**

- 6.1 The Council must proceed under the requirements of the Private Street Works Code, which will involve serving Notices of Provisional Apportionment on the frontage owners. Because of the intention that the full cost of the scheme will be met without charge to the frontage owners, these Notices will show 'nil' street works cost. This means that the frontage owners will not be able to raise objections to the proposal on financial grounds, but may choose to pursue objections on other grounds.

- 6.2 Any objections which could not be resolved by negotiation would have to be referred to the Magistrates Court for determination, which could delay the scheme.
- 6.3 S.208 of the Highways Act 1980 sets out the grounds upon which the owner(s) of premises shown in a Provisional Apportionment of estimated expenses as liable to be charged with any part of the expenses of executing the proposed street works may, by notice, object to the proposed works.
- 6.4 There are six grounds in all, of which one, s.280 (b), allows the objection that there is some material informality defect, or error in the documents that have been proposed. In this case, it is anticipated that the cost of making-up the footway on the western side of The Fairway could give rise to a slightly different rate/metre frontage cost than that of making-up the footway on the eastern side.
- 6.5 Accordingly, although the nature of the works would be similar on both sides, it is not recommended that the estimated costs are combined to produce an overall rate/metre frontage, as this could give rise to an objection under s.280(b) from a frontager – irrespective of the intention that the Council will be meeting the full cost of the works. If the works are carried out as Part 1 and Part 2 as proposed, any variation in the cost/metre frontage could not be cited as an informality, defect or error in the documentation.

<b>Non-Applicable Sections:</b>	Personnel
Background Documents: (Access via Contact Officer)	

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Job Title: Drawing Title: Scale @ A4 1:625

Service road in front of numbers Private Street Works Date: 28/02/13

187 - 239 Southborough Lane, PART 1: Nos 187 - 211, Drawn by: S.T.

Bromley Southborough Lane Checked by: P.G.



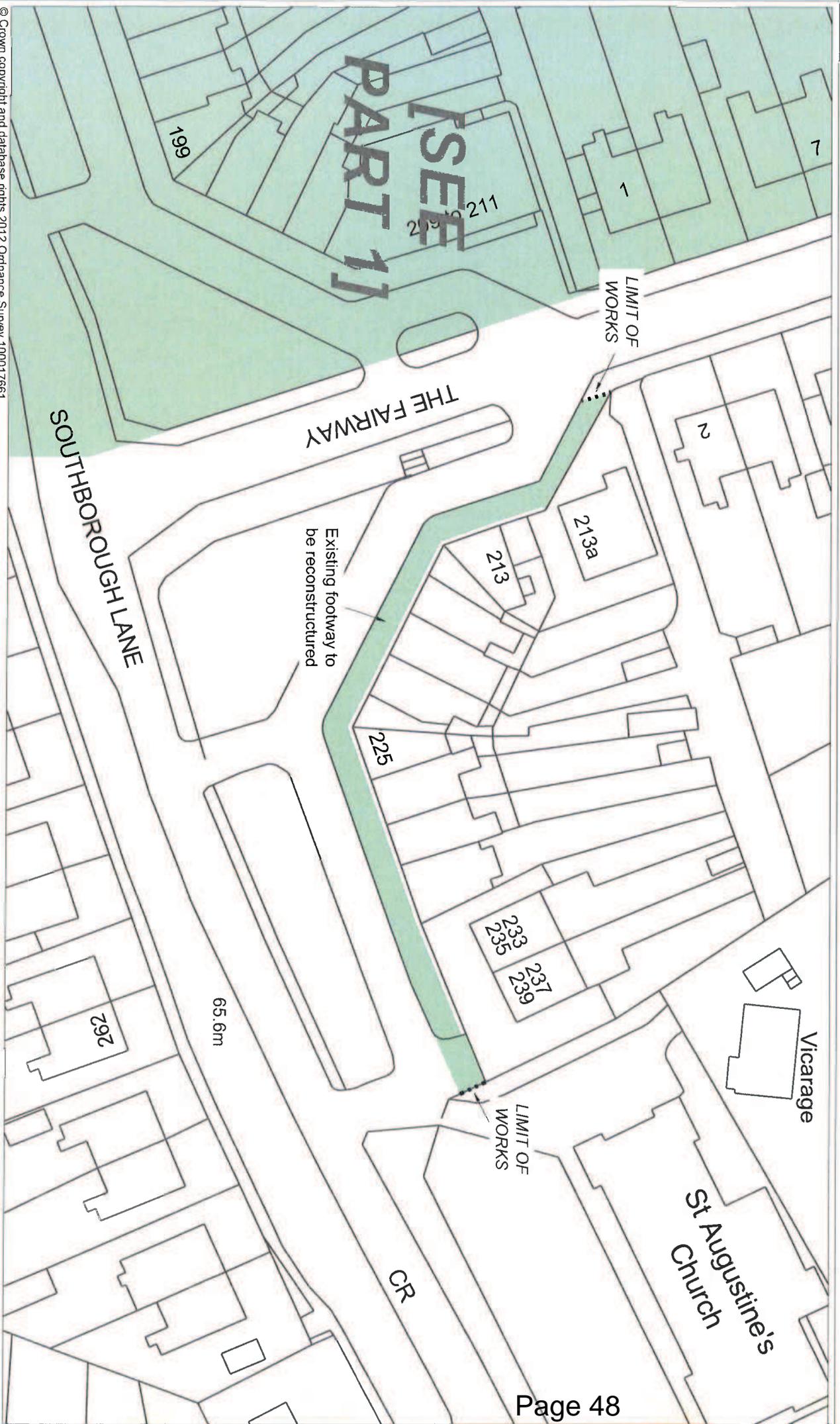
Environmental Services  
Civic Centre, Stockwell Close,  
Bromley, BR1 3UH  
Tel: 020 8464 3333  
Fax: 020 8313 4555  
Email: www.bromley.gov.uk

Nigel Davies  
Director of Environmental Services



Rev	Date	Description	By
1			

Drawing Number: 11324-01-1



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Job Title: Scale @ A4  
 Drawing Title: 1:625

Service road in front of numbers Date:  
 Private Street Works 28/02/13

187 - 239 Southborough Lane, Drawn by:  
 PART 2: Nos 213a - 239, S.T.

Bromley Checked by:  
 Southborough Lane P.G.



Environmental Services  
 Civic Centre, Stockwell Close,  
 Bromley, BR1 3UH  
 Tel: 020 8464 - 3333  
 Fax: 020 8313 - 4555  
 Email: [www.bromley.gov.uk](http://www.bromley.gov.uk)

Nigel Davies  
 Director of Environmental Services



Rev	Date	Description	By
1			

Drawing Number	11324-01-2
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N:\Environmental Services\Transportation Planning\A3\Drawings\Completed\Archive 11301-11400\1324\_Southborough Lane Proposed layout of footway\1324-01-182.dwg USFB: Jygra.dsnr FILE SIZE = 0.70

Report No.  
ES13038

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** Environment Portfolio Holder

**For Pre-Decision Scrutiny by the Environment PDS Committee on**

**Date:** 16 April 2013

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** PARKS AND GREENSPACE – FEES AND CHARGES

**Contact Officer:** Stephanie Waddington, Principal Greenspace & Countryside Development Officer  
Tel: 0208 464 3333 E-mail: stephanie.waddington@bromley.gov.uk

**Chief Officer:** Nigel Davies, Executive Director of Environment and Community Services

**Ward:** All Wards

---

1 Reason for report

To seek approval for revision of the existing charging policy for BEECHE (Bromley Environmental Education Centre at High Elms) and the introduction of charges for outdoor fitness trainers which use the Borough's parks and open spaces commercially.

---

2 **RECOMMENDATIONS**

That the Portfolio Holder:

2.1 Approves the revised charges for BEECHE which will be implemented from 1 May 2013; and

2.2 Approves the introduction of charges for outdoor fitness trainers which use the Borough's parks and open spaces commercially; these charges will be implemented from 1 May 2013.

### Corporate Policy

1. Policy Status: New Policy: Introduction of charges
  2. BBB Priority: Children and Young People Quality Environment Supporting Independence
- 

### Financial

1. Cost of proposal: Potential additional income of up to £12k
  2. Ongoing costs: Recurring Cost Potential additional income of up to £12k
  3. Budget head/performance centre: Parks & Greenspace (BEECHE)
  4. Total current budget for this head: Cr £55,470
  5. Source of funding: Existing revenue budget 2013/14
- 

### Staff

1. Number of staff (current and additional): 1 FTE, 1PT 3 casual staff – BEECHE; 1 PT – Parks staff
  2. If from existing staff resources, number of staff hours: Within existing hours; any additional hours will be funded by income generation
- 

### Legal

1. Legal Requirement: None: Service is non-statutory
  2. Call-in: Applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Estimated 150 clients
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3 COMMENTARY

#### BEECHE CHARGES

- 3.1 Bromley Education Centre at High Elms (BEECHE) is the Borough's only environmental education and visitor centre. Opened in 2008, and based in High Elms Country Park, 2 qualified teachers deliver environmental education courses to schools throughout the Borough and into Kent and Surrey. Courses delivered range from habitats and pond-dipping for pre-school and primary through to 'A' level field courses and Continuing Professional Development courses for teaching staff. All courses are linked to the national curriculum or delivered in consultation with the visiting schools.
- 3.2 BEECHE is also open at weekends and in the school holidays using casual staff to meet and greet the public. They disseminate a wide variety of information (ranging from information on parks and green spaces across the Borough, to walking routes and environmentally themed information - for example recycling and green waste composting) to the visiting public and provide small scale craft activities for children.
- 3.3 Following the Parks & Greenspace review in July 2011 and subsequent restructure; the Parks & Community Development team are in the process of reviewing BEECHE and in particular the associated work and income streams to ensure sustainability of service delivery.
- 3.4 Areas have been identified in the existing charging structure that requires amending in order to simplify and better reflect the current financial constraints and to seek increase income.
- 3.5 Detailed commentary of the reasoning behind the charges outlined below can be found in Appendix 1.
- 3.6 Summary of revised BEECHE charges :

<i>Reference paragraph on Appendix 1</i>	<i>Group type</i>	<i>Existing charge</i>	<i>New charge</i>
1.1	Reception – Yr 9 Renamed to Reception – Year 11	Full day charge £210 (peak) £135 (off peak)  Half day charge £150 (peak) £110 (off peak)	Full day charge £215.25 (peak) £153.75 (off peak)  Half day charge £138.50 (peak) £112.75 (off peak)
1.2	GCSE	£13.45 per pupil	
1.3	Pre School & Special Needs	Full day – no current charge  Half day - £118	
1.4	Pre-school leaders Max. 20 time 12.30 - 15.00	£235	Charges deleted (absorb in to group or CPD charges)
	After School Club Leaders max. 20 time 10.00 - 12.00	£350	

	Childminders & children (Course aimed at Children) Time: 10.00 - 12.00	£120	
1.5 & 1.6	CPD 1/2 day per person at BEECHE	n/a	£75
	CPD Full day per person at BEECHE	£120	£150
	Exclusive school CPD 1/2 day*	£215 (no limit to participant numbers)	£50 per person (minimum 6 participants)
	Exclusive school CPD full day*	£355 (no limit to participant numbers)	£90 per person (minimum 6 participants)
1.7	Forest School at BEECHE	£113 per session	Per session £138.50 (peak) £112.75 (off peak)
	Setting up/delivering Forest School in school location*	n/a	Full day charge £215.25 (peak) £153.75 (off peak)
	Delivering Forest School in school location*	n/a	
1.8 & 1.9	Events and activities	½ day events	In the region of £30-40
		Full day events	In the region of £50-60
		Small scale craft activities in BEECHE £1	£1-3 depending on materials
		Buzz £4.70 per child for up to 2 hours	£6 per child
1.10	Group visits Scout/Guide /Community groups – guided walks & short activities	£1.15 per head	£2.00 per head - minimum charge £40 (up to 1.5 hours);
	Visits of 1.5+ hours ; and bespoke sessions	n/a	By negotiation based on hourly rate and materials required
1.11	Room hire (09.00 to 16.30 weekdays)	£18.85 per hour	Full day charge £215.25 (peak) £153.75 (off peak)  Half day charge £138.50 (peak) £112.75 (off peak)
	Room hire peak (16.30 - 22.00 evenings & weekends)	£12.40 per hour	£20 per hour 2013/14 increasing to £25+rpi in 2014/15
	Room hire for commercial organisations	N/A	By negotiation

## Commercial Fees & Charges

- 3.7 There is a growing demand by outdoor fitness trainers to use the borough's Parks and Green spaces to undertake commercial fitness classes for financial gain. Currently there is no official charge or system by which a personal trainer can legitimately apply to use the Borough's parks.
- 3.8 The Borough charges fees for all other commercial organisations to use its parks and green spaces for financial gain.
- 3.9 The Borough needs therefore to implement a system of managing and regulating these individuals / organisations for the safety of other park users and those participating in the fitness classes.
- 3.10 A detailed rationale behind the proposed charges can be found in Appendix 2
- 3.11 Proposed Fees and Charges: The figures proposed below are suggested as realistic and fair in view of the fact that seasonal changes, bad weather etc will impact on the personal fitness trainers' ability to provide outdoor classes. This is reflected in the 2 session's annual fee proposal. This is an initial fee which can be monitored as to their success. If the fees were too high it is envisaged that providers would not sign up.

<i>No of clients</i>		<i>Annual Fee</i>
3 or less		No charge
4-10 clients	1 x session per week	£250
	2 x sessions per week	£350
11-20 clients	1 x session per week	£500
	2 x sessions per week	£650
21 -30 clients	1 x session per week	£650
	2 x sessions per week	£750

## 4 POLICY IMPLICATIONS

- 4.1 The review of fees for BEECHE is in line with existing policy and therefore there are no policy implications.
- 4.2 The introduction of fees/charges for personal trainers and organisations using the Borough's parks & open spaces for reward is a new activity and will be an amendment to the existing Parks & Greenspace fees and charges policy.

## 5 FINANCIAL IMPLICATIONS

- 5.1 Appendix 3 shows income generated from schools and other activities at BEECHE for 2012/13 and the potential income that would be generated in 2013/14 if the revised charges are approved. The expected income of £64.5k for 2013/14 is £9k more than the 2013/14 budget. This additional income will be built into the budget for 2014/15.
- 5.2 At this stage it is estimated that up to £3,000 may be generated from the commercial fees and charges, however it is not known how many applications will be received. The situation will be monitored and should this amount be achieved then it will be built into the budget for 2014/15.

5.3 The VAT status of the fees is not known at this time. A verbal update will be provided at the meeting.

## 6 LEGAL IMPLICATIONS

### BEECHE CHARGES

6.1 BEECHE revised charges – no implications

### COMMERCIAL FEES & CHARGES

6.2 A system of registration, application and checking would have to be introduced. The personal trainer would have to apply and provide accredited Fitness Industry Association (FIA) approved training qualifications, risk assessment, lesson plan, Public liability Insurance document, signed licence / agreement upon which a permit / licence would be issued.

6.3 A draft licence has been approved by Legal and is included as Appendix 4

<b>Non-Applicable Sections:</b>	Personnel Implications
Background Documents: (Access via Contact Officer)	<ul style="list-style-type: none"><li>• Full set of historical fees and charges for the Environmental Education Service and (former) Countryside Service</li><li>• Full set of benchmarking across London Boroughs</li></ul>

**BEECHE Charges**

- 1.1 Reception – Yr 9 charges will rise in line with inflation; this will be renamed Reception – Yr 11 (see 1.2)
- 1.2 Charges for GCSE groups will be charged per class rather than per pupil and will be brought into line charges for Reception - Yr 11. Currently there are very few if any, bookings for this age group. Therefore as this change will result in a cost reduction for classes of more than 16 pupils, it may increase the uptake of this age category and increase the overall income for this Key Stage.
- 1.3 New ‘full day’ charges for Pre-school and special needs groups will be introduced; these and the current half day charges will be brought into line with the Reception – Yr 11 charges. Introduction of the full day charge ensures these groups have access to the same opportunities as other school groups.
- 1.4 Continuing Professional Development (CPD formally referred to as INSET); current charges for Early Years training would be deleted – these were mainly aimed at teachers with their groups – these will be absorbed into school group or CPD charges.
- 1.5 CPD courses delivered at BEECHE (for individual teachers to book on to) are to rise above the rate of inflation; it is often commented that current CPD charges are ‘very cheap’ by attendees. The high quality of these courses is not currently reflected by the charges and therefore the proposed charge is increased to be broadly in line with current Bromley Education Development Centre charges, but still remains highly competitive in comparison to private sector companies and organisations.
- 1.6 The current charge for CPD training is a flat fee which has not proved to be equitable across the range of schools purchasing the service. The proposed charges will reflect the numbers of staff attending on a sliding scale. This will ensure small schools/groups are not priced out of the market while still reflecting the additional work involved in delivering to larger groups of teaching professionals. The proposed charges are per person, with a minimum booking of 6 participants per class.
- 1.7 Forest School charges will be brought in line with proposed Reception - Yr 11 charges. Originally Forest School was introduced to increase uptake during ‘off peak’ times, however this is now requested and delivered year round therefore peak time charges are to be introduced to reflect this. New charges will be brought in for set up and delivery of Forest School in individual School grounds providing a bespoke service, and this will also be in line with the Reception – Yr 11 charges with the additional charge of reasonable travel costs for the Environmental Education Officers. Ideally Forest School would be offered to pupils

throughout the year. As an incentive for this, schools which book year round Forest School sessions (in advance) will be offered 1 free full day session at BEECHE for up to 30 pupils.

- 1.8 It is proposed that new charges are implemented to allow increased opportunities for delivery of higher quality events by Parks & Greenspace staff. It is proposed to pilot 4 high quality events in 2013/14 at the rates indicated below in order to establish if there is demand and interest. Benchmarking has shown that organisations such as The Conservation Volunteers, Wildwise and Lavender Farm run similar events and command (respectively) £50 (full day), £45 (½ day) and £35 (½ day). The exact charge for the events would be dependant on costs (for example fee for tutor, travel, materials, lunch).
- 1.9 'Buzz' type events will increase above inflation to ensure staff and material costs can be fully covered. Small scale craft activities in BEECHE during public opening times priced to reflect cost of materials.
- 1.10 Current charges for Group visits (for example scout/guide group) and talks do not currently operate on a full cost recovery basis; therefore the charge needs to increase to ensure costs to the borough are fully recovered.
- 1.11 BEECHE Room Hire fees are to be revised to justify continuance to accept room hire bookings throughout the year. Presently, the rate is too low – it is far more cost efficient to use the classroom for a school booking. Therefore term time room hire charges need to be in line with school charges – these will be known as our peak time hire charges. Outside of term time, during school holidays and weekends the hire charges need to reflect the intended user (community groups, private individual hires) and to ensure staff costs are fully covered. A phased increase is proposed over 2 years. Hire by commercial organisations would be negotiated with the charges outlined below as a minimum start point.
- 1.12 BEECHE is currently open at the weekends to provide information to residents regarding parks, woodlands and the wider countryside. In addition it is used to provide information about other environmentally focussed Council activities such as recycling and the promotion of green waste services. Small goods such as field guides and local history guides are currently sold; and this range is to be increased to include 'pocket money' items such as pens, pencils, rulers etc which could also then be offered for sale to visiting school groups.
- 1.13 All other charges and items for sale would be raised in line with inflation (rounded up to the nearest £0.25/ £0.10 as appropriate).
- 1.14 Income 2012/12 and potential income for 2013/14

Commercial Fees and Charges - rational

- 1 Of the 32 London Boroughs approximately 16 have a system of charging personal fitness trainers; however each of these Boroughs has its own system of charging and different sets of fees. The remaining Boroughs have either considered charging but have not come to a decision, other Boroughs have decided it is too complicated or not cost effective to administer. There is no standardised system of application or fees.
- 2 Research has shown examples of fees range from:

Example number	Charge
1	£12 - £30 per session per group of up to 30 people
2	A standard fee of £40 per month regardless of how many people or how often
3	Annual Rate : £200 Summer rate : £ 150 Winter Rate : £ 100
4	Less than 3 clients is not cost effective to manage
	3-10 clients ; 1 x session per week ; annual fee of £450 per year.
	2 x session per week; annual fee of £550 per year
	11-20 clients, 1 x session per week ; annual fee of £550 per year 2 x session per week ; annual fee of £ 650 per year
	21-30 clients, 1 x session per week ; annual fee of £650 per year 2 x session per week ; annual fee of £750 per year

- 3 There are approximately 15 personal fitness trainers who have made enquiries re the use of the Borough's parks. However this could increase or decrease in future.
- 4 The objectives of regulating and charging the Personal Fitness trainers would be to:
  - To generate income to offset parks maintenance costs
  - To minimise conflict between trainers / groups and other park users
  - To protect Bromley's parks and infrastructure
  - To ensure the safety of those using the services of outdoor training providers in Bromley
  - To promote the use of exercise & fitness in the Borough's parks
- 5 Research from other boroughs has shown that the regulation of personal trainers is difficult to enforce, hence only 16 boroughs have attempted to

do so. Personal trainers either refuse to apply and pay as they feel they should not have to, or they move to other sites when challenged arguing that the fees are too high.

- 6 This would be compounded in Bromley due to the size of the Borough and the 156 parks and open spaces that it has.
- 7 The Borough's Park Security contractors would be tasked as part of their daily routine / checks and patrols to monitor, check and enforce the fitness permit system and give appropriate advice. This would incur no extra cost.
- 8 The system for administrating applications would be undertaken by the current event co-ordinator.

BEECHE - Schools Charges	2012/13				2013/14		
	Amount	Charge	Income		Amount	Charge	Potential Income
<b>Secondary Schools</b>				<b>Secondary</b>			
Year 7-9 per class (full day)		£ 210.00					
GCSE per pupil		£ 13.45					
A Level per pupil (min 8 max 18)	367	£ 28.00	£ 10,276.00	A Level per pupil (min 8 max 18)	344	£ 28.70	£ 9,872.80
<b>Primary Schools</b>				<b>Reception - Year 11; Preschool &amp; Special Educational Needs</b>			
<i>Peak Period (March - October)</i>				<i>Peak Period (March - October)</i>			
Full Day per class	50	£ 210.00	£ 10,500.00	Full Day per class	70	£ 215.25	£ 15,067.50
1/2 Day + Trail per class	18	£ 135.00	£ 2,430.00	1/2 Day + Trail per class	24	£ 153.75	£ 3,690.00
<i>Off Peak (November - February)</i>				<i>Off Peak (November - February)</i>			
Full Day per class	77	£ 150.00	£ 11,550.00	Full Day per class	75	£ 138.50	£ 10,387.50
1/2 Day + Trail per class (must bring 2 classes)	7	£ 110.00	£ 770.00	1/2 Day + Trail per class (must bring 2 classes)	6	£ 112.75	£ 676.50
<b>Pre School &amp; special needs groups</b>				<b>Pre School &amp; special needs groups</b>			
<i>Peak Period (March - October)</i>				<i>Peak Period (March - October)</i>			
				Full day	2	£ 215.75	£ 431.50
Half day	1	£ 118.00	£ 118.00	Half day	2	£ 153.75	£ 307.50
<i>Off Peak (November - February)</i>			£ -	<i>Off Peak (November - February)</i>			
				Full day	2	£ 138.50	£ 277.00
Half day	2	£ 96.00	£ 192.00	Half day	2	£ 112.75	£ 225.50
<b>Inset training</b>				<b>CPD training</b>			
				1/2 day - per person (2 courses x10 participants)	20	£ 60.00	£ 1,200.00
Full day - per person	27	£ 120.00	£ 3,240.00	Full day - per person (2 courses x 10 participants)	20	£ 120.00	£ 2,400.00
Half day at School (including pre-visit)	5	£ 215.00	£ 1,075.00	Half day at School (including pre-visit)	2	£ 300.00	£ 600.00
Full day st school (including pre-visit)	1	£ 355.00	£ 355.00	Full day st school (including pre-visit)	2	£ 540.00	£ 1,080.00
Twilight session at school	1	£ 180.00	£ 180.00	Twilight session at school	2	£ 300.00	£ 600.00
<b>Forest Schools 2hr session</b>	51	£ 113.00	£ 5,763.00	<b>Forest Schools 2hr session peak</b>	29	£ 138.50	£ 4,016.50
				<b>Forest Schools 2hr session off peak</b>	29	£ 112.75	£ 3,269.75
Forest School training	16	£ 350.00	£ 5,600.00	Forest School training	15	£ 350.00	£ 5,250.00
<b>Total Income from schools</b>			<b>£ 52,049</b>				<b>£ 59,352</b>
<b>BEECHE - Events &amp; room hire</b>							
Buzz events	170	£ 4.70	£ 799.00	Buzz events	170	£ 6.00	£ 1,020.00
				4 high quality events	40	£ 40.00	£ 1,600.00
Craft activities in BEECHE	462	£ 1.00	£ 462.00	Craft activities in BEECHE	450	£ 2.00	£ 900.00
28 evening community bookings @ 2.91 hours	81.48	£ 12.40	£ 1,010.35	28 evening community bookings @ 2.91 hours	81.48	£ 20.00	£ 1,629.60
<b>Total Income from events &amp; room hire</b>			<b>£ 2,271</b>				<b>£ 5,149.60</b>
<b>Grand Total</b>			<b>£ 54,320</b>				<b>£ 64,502</b>

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# LICENCE TO OPERATE

LONDON BOROUGH OF BROMLEY

-and-

(LICENCE HOLDER)

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LICENCE

For

Use of site.....

---

DATED.....20..

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**THIS LICENCE** is made the.....day of .....Two thousand and .....

**BETWEEN**

**THE LONDON BOROUGH OF BROMLEY COUNCIL** (hereinafter called “the Council”)

And

.....whose registered office is

.....

(Co. Registration No.....) hereto lawfully authorised (hereinafter called “the Licensee”)

**1.DEFINITIONS**

**“the Council or the Local Authority”** means the Council of the London Borough of Bromley

**“the Licence Fee”** means a fee of £----- per month for the Licence Period

**“the Licence Period”** means every day \_\_\_\_\_ time \_\_\_\_\_ or such other day or days or times as agreed by the Council) for twelve months from and including ... 2102..... to.....2013.

**“Parks Services Manager”** means the person or persons for the time being appointed by the Council as being authorised to administer this Agreement on behalf of the Council and may include deputies appointed from time to time and notified in writing to the Contractor.

**“the Sessions”** means each and very occasion each week that the Site is used by the Licensee during the Licence Period and the term “Sessions” means any one of the Sessions.

**“The Site”** means the Site at .....as shall be designated or approved by the Council or such Site within the London Borough of Bromley as the Council shall in their absolute discretion determine.

**2.THE RIGHT**

Subject to the Licensee complying with the Licensee’s obligations the Council hereby grants to the Licensee the right to use the Site for the Licence period for the purpose of holding fitness classes (“Fitness Classes”).

**3.THE LICENSEE’S OBLIGATIONS**

The Licensee hereby agrees with the Council as follows:-

- 3.1 To pay the Licence Fee annually in advance
- 3.2 To comply at all times with the Licensee's Method Statement and Accident and Emergency Procedure (so far as they do not conflict with the terms of this Licence which shall prevail).
- 3.3 To keep the Site clean and tidy and ensure that any litter generated by either the Licensee, it's representatives or any other person taking part in the fitness classes shall be removed from the Site immediately after each session.
- 3.4 Not to display any signs posters or other advertising materials by means of unlawful fly posting in contravention of Section 224 of the Town and Country Planning Act 1990.
- 3.5 Not to use or suffer or permit to be used the Site for any purpose other than for the holding of Fitness Classes by the Licensee; unless expressly permitted to do so by the Council. Any such consent shall be given in writing by the Council.
- 3.6 To do everything that is reasonably necessary to avoid damage to the Site or any other property of the Council.
- 3.7 In the event that damage is caused to the Site or any other property of the Council, whether by the Licensee it's representatives or by any other person taking part in the Fitness Classes to notify the Council immediately and at the option of the Council, either make good the damage to the reasonable satisfaction of the Council or pay any costs incurred by the Council in making good the said damage.
- 3.8 Ensure that any property brought onto the Site and used by the Licensee for the purpose of the Fitness Classes is of good quality and fit for its purpose and to remove the same from the Site at the end of each session.
- 3.9 To be responsible for the supervision and control of the participants of the Fitness Classes.
- 3.10 To be responsible for the administration, organisation and running of the Fitness Classes and for having sufficient trained staff to fulfil these conditions and to comply with health and safety requirements.
- 3.11 That throughout the Licence Period the Licensee it's agents servants and all persons acting by or under its direction or otherwise admitted by it to the Site shall strictly observe, perform

and abide by the instructions and regulations given or made by the Police or the Council from time to time.

- 3.12 To conduct promote and manage the Fitness Classes in a lawful and orderly manner and in accordance with the Health and Safety requirements.
- 3.13 Not to use or permit or suffer to be used on the Site any music equipment or amplification device or machine without the prior written consent of the Parks Services Manager.
- 3.14 Not to use or to permit or suffer to be used the Site or any adjacent land so as to cause annoyance or nuisance on the Site or in it's neighbourhood or to any person thereon or resorting thereto or to any persons resident within the neighbourhood and in particular the Council shall have absolute powers if it is of the opinion that nuisance as aforesaid is being caused by the Licensee by the undue amplification of or any other form of music or speech to forbid the use by the Licensee of such amplification whereupon the Licensee shall forthwith cease to use such amplification (notwithstanding that it may have previously been permitted pursuant to clause 3.13 above)
- 3.15 Not to permit or to suffer any drunkenness or immoral or disorderly conduct upon the Site and not to allow any exhibition or performance of indecent, disorderly, obnoxious or unsightly character or danger to the public or in contravention of the provisions of these conditions and the Council shall have the absolute right to stop any Fitness Classes which they may consider as coming within the purview of this clause
- 3.16 To observe all statutory and other provisions byelaws and regulations for the time being in force relating to the right granted under this Licence and any instructions and directions issued to the Licensee by the Police or any Fire Officer or the Parks Services Manager for London Borough of Bromley.
- 3.17 Not to affix nor to permit or to suffer to be affixed to, in or upon any placard or sign of advertisement without the prior written approval of the Council
- 3.18 To ensure that pedestrians are allowed unrestricted access along any public footpath located within the Site
- 3.19 Not to interfere with or make any alterations to the layout or arrangement of the Site without the prior written consent of the Council

- 3.20 Not to bring place or erect any sign furniture fitting or structure or place or fix any equipment or otherwise in or on any part of the Site without the prior written consent of the Council
- 3.21 To take all due precautions for the safety of the public and the Licensee's employees when using the Site
- 3.22 To permit the Council and others authorised by it at all reasonable times to enter and inspect all parts of the Site in order to satisfy itself that all conditions of this Licence have been complied with
- 3.23 Not to carry or allow to be carried out any photography filming video recording taping television or radio broadcasts or any other recording of any kind of the Fitness Classes on the Site during the Licence Period without prior written consent of the Council. If such consent is given the Council reserves the right to be a party to any regulations and the Terms and Conditions of any agreements reached and to share any income and publicity derived therefrom. It will be the Licensee's responsibility to acquire any written consent from participants involved in these acts. Any resulting media products are not to be used in any way to bring the Council into disrepute. No reference is to be made in any way that the Council endorses or supports the product activity or religious or political view
- 3.24 To be responsible for all safety aspects of the Site immediately prior to during or subsequent to the Fitness Classes and must accept liability for any loss damage injury or death howsoever and by whomsoever caused whether to property or person(s) at the Site arising out of or consequent upon the use of the Site or the exercise of the rights granted under this Licence
- 3.25 To indemnify the Council from and against all claims actions damages demands charges expenses proceedings cost or awards whatsoever in respect of any loss damage injury or death to person(s) or property arising out of or consequent upon the use of the Site or the exercise of the rights granted under this Licence
- 3.26 To take out Public Liability Insurance Cover for Third Party Risks including products liability where appropriate in a sum of not less than £5,000,000 (five million pounds) in respect of any one incident and keep itself so insured during the Licence Period and will at the request of the Council produce evidence of such insurance

**4 GENERAL PROVISIONS**

- 4.1 The Council accepts no responsibility for any property left on the Site before during or after the end of each session
- 4.2 This document constitutes a Licence and confers no tenancy between the Council and the Licensee of the Site or any part thereof and possession of the Site is retained by the Council subject to the rights hereby granted
- 4.3 The Council gives no warranty that the Site is legally or physically fit for the purpose specified under this License
- 4.4 The Council shall not be liable for any death injury to or for damage to any property or for any losses claims demands actions proceedings damages costs or expenses or other liability incurred by the Licensee in the exercise of the rights granted in this Licence (save in respect of death and personal injury only to the extent that the Council is found to be negligent)
- 4.5 The benefit of this Licence is personal to the Licensee and not assignable and the rights granted may only be exercised by the Licensee or it's authorised representatives
- 4.6 The Council may remove and store any property left by the Licensee in or upon the Site after any session. The Licensee shall repay to the Council on demand the costs of such removal and storage. The Council shall not be held responsible for any damage to or theft of property by or during its removal and storage. The Council is entitled to remove and sell in such manner as they think fit any property left at the Site as a result of the Licence not claimed within 28 days from the end of this Agreement

**5 ENDING THIS LICENCE**

The rights given in this Licence shall end (without prejudice to the Council's right in respect of any breach of the obligations in clause 3):-

- 5.1 Immediately on notice given by the Council at any time following any breach of the Licensee's obligations contained in Clause 3

**5.2** On 31<sup>st</sup> March 20— - What is this year?

- 5.3 On 7 days notice by the Licensee to the Council and thereupon the Licensee and it's servants or agents or persons acting by or under the direction or authority of the Licensee shall forthwith quit and give up possession of the Site to the Council and shall not enter or re-enter the Site without the previous consent in writing of the Council PROVIDING ALWAYS that no action taken by the Council under this clause shall relieve the Licensee

of any obligation or liability which it may have incurred to the Council or otherwise under this Licence

**6 RIGHTS AS A LOCAL AUTHORITY**

6.1 For the avoidance of doubt nothing herein contained or implied shall prejudice or affect the Council's rights powers duties and obligations in the exercise of it's functions as a Local Authority and the rights powers duties and obligations of the Council under any public and private statute byelaws orders and regulations may be as fully and effectually exercised in relation to the Site as if it were the owners thereof and as if the Licence had not been entered into by it

**SIGNED** on behalf of )  
**LONDON BOROUGH of BROMLEY)**

-----DATE-----

**Parks & Community Services Manager  
Parks and Greenspace Division  
Environmental Services Department**

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**SIGNED** on behalf of **THE LICENSEE**

-----DATE-----

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Report No.  
ES13024

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** Environment Portfolio Holder

**For Pre-Decision Scrutiny by Environment PDS Committee on**

**Date:** 16<sup>th</sup> April 2013

**Decision Type:** Non-Urgent Executive Key

**Title:** ENVIRONMENT PORTFOLIO PLAN 2013/16

**Contact Officer:** Gavin Moore, Head of Strategy Development & Services  
Tel: 0208 313 4539 E-mail: gavin.moore@bromley.gov.uk

**Chief Officer:** Nigel Davies, Executive Director of Environment and Community Services

**Ward:** (All Wards);

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1. Reason for report

The attached Appendix sets out the draft Environment Portfolio Plan for 2013/16.

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2. **RECOMMENDATION(S)**

**That the Environment Portfolio Holder:**

- 2.1 **Endorses the aims, activities and outcome measures proposed in the attached draft Portfolio Plan, taking into consideration the budget for 2013/14 which has already been agreed; and**
- 2.2 **Delegates the setting of detailed service outcome expectations for 2013/14 to the Executive Director of Environment and Community Services, in consultation with the Environment Portfolio Holder and the Chairman of the Environment PDS Committee.**

## Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Quality Environment
- 

## Financial

1. Cost of proposal: Not Applicable
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Environment Portfolio Revenue Budget & LIP funding
  4. Total current budget for this head: £31m and £5.6m
  5. Source of funding: Revenue budget for 2013/14 and 2013/14 LIP funding agreed by TfL
- 

## Staff

1. Number of staff (current and additional): 193 fte
  2. If from existing staff resources, number of staff hours:
- 

## Legal

1. Legal Requirement: Non-Statutory
  2. Call-in: Applicable
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 The Environment Portfolio Plan sets out the desired outcomes, priority aims and specific activities for the Portfolio, together with summarised descriptions of associated performance measures. The draft Plan for 2013/16 is attached as an appendix. The Plan is also designed to allow tracking of performance over time; however 2012/13 year-end performance data is unavailable at the time of drafting the report. A report will therefore be presented to the June 2013 meeting of the Environment PDS Committee, setting out whether the outcomes expected for 2012/13 were achieved and how performance compares with previous years.
- 3.2 The Portfolio Plan seeks to facilitate:
- Accountability for the achievement of planned activities and service outcomes for 2012/13
  - Understanding of the Portfolio's objectives for 2013/16
  - Agreement around priority activities and expected service outcomes for 2013/16
- 3.3 The broad approach recommended for this year's Plan is that of consistency with the priorities of the 2012/15 Portfolio Plan, taking into account of any variations in the Environment Portfolio's remit. The Council is currently implementing a change in departmental structures which may in time have an impact on Portfolio responsibilities; any changes which impact on the Portfolio Plan will be reported to Members.
- Two specific issues are highlighted:
- Census information shows that car ownership in the borough increased by 4.9% over the period 2001-2011, in line with population growth. This has been reflected in the key Issues identified for Outcome 5, Improving Transportation
  - The Council has decided to give priority to building a case for an extension of the Docklands Light Railway into the borough; this is also reflected in Outcome 5
- 3.4 Ideally future service outcome expectations should be set in the light of past performance. As 2012/13 performance data is not yet available, it is proposed that the setting of detailed expectations for 2013/14 is delegated to the Executive Director of Environment and Community Services. The Director would first consult the Environment Portfolio Holder and the Chairman of the Environment PDS Committee. Any significant changes to previously agreed expectations would be reported to the Committee at its June meeting and set in the context of past performance data.
- 3.5 The PDS Committee will then receive an update on progress in implementing the Plan in November 2013, as part of its role in scrutinising the Executive.
- 3.6 The Portfolio Plan has been prepared in accordance with the Council's performance management strategy. This is one of the Council's eight corporate Foundation Strategies which have been identified as being the key building blocks on which to grow and improve the authority to be 'excellent in the eyes of local people'.
- 3.7 The contents of the Plan are determined entirely by the Council itself. A range of local and nationally agreed performance measures are used to assess whether we are achieving our Building a Better Bromley (BBB) service outcomes. Portfolio Holders are identified by the strategy as having responsibility for ensuring the creation and delivery of their Portfolio Plans; setting the vision and identifying priorities for their service remit. The respective PDS committees provide wider views before those plans are agreed, and then hold the Portfolio Holder and officers to account for performance and delivery of the final plans.

- 3.8 The Committee will be aware of the continuing prominence given to environmental issues and the need to take action on this locally. These issues affect not just the Environment Portfolio, but also the Council corporately.
- 3.9 The Environment PDS Committee has previously expressed its support for the use of the Portfolio Plan to provide a clear statement of Portfolio priorities for the benefit of the public and staff. In particular, the Committee has asked that the Plan provide a yardstick to measure achievement against objectives that could be used by the public and Members to hold the Portfolio Holder and the Environmental Services Department accountable. The Committee has emphasised the need for benchmarking so that it can assess the performance of the Portfolio, and judge the value for money delivered by the services offered.
- 3.10 The recommended priorities for the Plan are summarised in Section 4 below, together with background on their significance as the key outcomes which should be sought in 2013/16.

## **4 POLICY IMPLICATIONS**

### **4.1 Improving the street scene**

The quality of the street scene (including street cleaning and graffiti reduction) continues to be of major importance to local people. Residents have consistently identified “clean streets” as one of their most important priorities (alongside health and levels of crime) in making Bromley a pleasant place to live. Public expectations of the quality of these services continue to rise, and Members have emphasised the need to sustain the standards of road sweeping taking account of available resources. The Council is also seeking to expand the Street Friends scheme.

### **4.2 Minimising waste, and increasing recycling and composting**

Over 440 kg (980 lbs) of waste per household was collected in Bromley during 2011/12. Levels of waste have significantly declined in recent years, but this needs to continue being reduced for both environmental and financial reasons. The Council has made a priority commitment to its Recycling and Composting for All policy borough-wide, aiming to divert even more waste from landfill. The Council is also committed to improving facilities for producing energy and fertiliser from organic waste.

### **4.3 Enhancing Bromley’s parks and green spaces**

There is continuing recognition of the importance of high quality green spaces to the character of the borough. Residents appreciate the importance of a continuing programme of improvements to the borough’s parks and green spaces, and this priority is reflected in the number of active Friends of Parks Groups. The Council is committed to expanding this scheme.

### **4.4 Securing our transport infrastructure**

Road and pavement repairs are cited as a key issue by many residents. Bromley has a good reputation in responding to snowfall, and this needs to continue. Effective controls on utilities are essential to ensure good standards of work and to minimise traffic delays.

### **4.5 Improving transportation**

Traffic congestion, and the need to improve journey times, continues to be a major issue. Businesses are concerned about the effect on the local economy, and many local people believe tackling congestion should be a priority. The Council seeks to achieve this aim through better highway design and tackling delays at key junctions. The Council has successfully promoted school travel plans, seeking to reduce congestion at peak times. Road safety is

another key priority and here again partnership with schools is important. The Council will continue to lobby for an extension of the Docklands Light Railway network into the borough.

#### 4.6 Customer services and cross-cutting themes

A range of cross-cutting services support improved delivery across the Portfolio, for example in customer focus, communications, performance management, and depot & fleet management. In addition, the Council's parking services are an important customer service for both motorists and residents.

4.7 The Council's overall objectives, as set out in Building a Better Bromley, are:

- Safer Communities
- A Quality Environment
- Vibrant and Thriving Town Centres
- Supporting Independence
- Ensuring that all children and young people have opportunities to achieve their potential
- An Excellent Council

4.8 The objectives recommended for the Environment Portfolio Plan support these overall objectives, predominantly in working towards a quality environment.

### 5 FINANCIAL IMPLICATIONS

5.1 The priorities, as set out in this report will be delivered within the resources identified in the Portfolio budget for 2013/14, including LIP funding from TfL, together with any further external funding that can be secured.

<b>Non-Applicable Sections:</b>	Personnel, Legal implications
Background Documents: (Access via Contact Officer)	Environment Portfolio Plan 2011/14 <a href="http://sharepoint.bromley.gov.uk/ielistDocuments.aspx?CId=127&amp;MId=3746&amp;Ver=4">http://sharepoint.bromley.gov.uk/ielistDocuments.aspx?CId=127&amp;MId=3746&amp;Ver=4</a>  Environment Portfolio Plan 2012/15 <a href="http://sharepoint.bromley.gov.uk/mgConvert2PDF.aspx?ID=10832">http://sharepoint.bromley.gov.uk/mgConvert2PDF.aspx?ID=10832</a>

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# Environment Portfolio Plan 2013/16

## Introduction

Services provided within the Environment Portfolio affect the daily lives of every Bromley resident. We aim to maintain and enhance the local environment in which people live and work, and provide a high quality of life for all. Protecting the borough now and for future generations is a top priority in the face of a challenging financial climate.

Many of our services compare favourably with those of other authorities. We nevertheless strive to improve our performance further still, so that our environmental services are seen as excellent in the eyes of local people. A 'clean and green' Bromley is one of the main reasons people enjoy living or working in the borough. Residents rightly expect services, such as street cleaning, waste collection, highways maintenance and parks, to meet high standards of effectiveness and efficiency.

The department continues to work to the high standards of Customer Service Excellence, one of the first council services nationally to attain this accreditation. We have built on the award to develop even higher standards of customer service.

## Improving the Street Scene

The quality of the street scene continues to be a priority for Bromley. A well maintained street scene is closely related to how safe residents feel and how satisfied they are with their area. The cleanliness of the borough's streets has been consistently identified by residents as a particularly important issue. In recent years, real progress has been made. This has been a result of a range of initiatives to improve cleanliness including spring cleanups, deep cleansing, new ashtray/litter bins, recycling bins, bus stop cleaning beats, chewing gum removal, and awareness raising campaigns. We will continue to enforce on-the-spot fines for littering and dropping of chewing gum. The Council continues to make progress on the Rights of Way Improvement Plan. The street traders we license, and the markets we manage, also add vitality to the borough's street scene.

Following the successful transfer of the Charter Market to Bromley town centre last year, plans are in place to take part in the national Love Your Local Market 2013 campaign. This seeks to enhance the profile of street markets in town centres, and encourage young entrepreneurs to become market traders.

A new contract for street cleaning has been in place since April 2012. A thorough review of our approach to street cleaning identified a range of efficiencies which could be made whilst maintaining a high standard of service. In the coming year we will work hard to build on the successful transition to the new street cleaning contract. Where necessary, cleaning frequencies will be reviewed to address social, economic and physical changes which impact on the street scene.

We have built on our agreements with the police, and our parks contractor Ward Security, for their officers and staff to serve Fixed Penalty Notices for enviro-crime offences. We are currently piloting the deployment of an on-street enforcement contractor to tackle littering and dog-fouling. If this initiative continues to be successful we will consider making the scheme permanent.

Over the past few years we have also had significant success in reducing the incidence of fly-tipping and abandoned vehicles. The Council offers a service for the removal and disposal of unwanted vehicles free of charge, which has contributed to this success. In addition, devolved powers from the DVLA enable us to take enforcement action against untaxed vehicles. We will ensure that this approach is sustained.

### **Recycling and Waste**

With the Landfill Tax increasing year on year there is an important financial benefit in recycling more and sending less of our waste to landfill. The environmental benefits of reducing waste and increasing the level of recycling are also important. Bromley's recycling performance is exceptional by both national and London standards, yet the borough remains a relatively high waste-producing area.

In the longer term producing less waste in the first place is the real answer, and manufacturers and retailers have an important role to play in achieving this. Until they do, the cost of waste services will remain a bigger issue for Bromley residents than should be the case. We will therefore encourage and support the Government to bring forward proposals to tackle this problem. We will continue to work with residents to help them reduce the amount of rubbish they generate.

The introduction of food waste collection in 2010, and other initiatives, has led to a reduction in the amount of domestic waste produced and an increase in our recycling rate to over 50% in 2012. We will continue to enhance the service through our Recycling for All programme and ensure our waste advisors work with residents, visiting households and encouraging greater participation.

Over the course of the coming year we will look to further expand the Green Garden Waste collection service, which is now available for residents borough-wide. We will also introduce a new textile collection service, which will incorporate 'bring bank' sites across the borough as well as a kerbside collection service. Bring banks for electrical and electronic equipment will be introduced, along with more sites where plastic containers can be recycled.

### **Enhancing Parks and Green Spaces**

The high standard of our parks and open spaces, and access to nature, figure highly amongst the issues identified by residents as a vital part of making the borough a good place to live in.

Improving public health is an important part of our work. The Green Gym scheme continues to develop; a second gym has now been established at College Green, and two outdoor gyms have been established at Betts Park and Farnborough recreation Ground. The Grow Time scheme is now fully established and is completely self-funded.

In 2013 the Healthy Lifestyles programme will move to Brook Lane, to create a community-led growing space for the supply of plants to Friends groups for parks and the countryside.

Friends of Parks have helped to raise in excess of £200,000 of external funding in the last year and have provided over 36,000 hours of voluntary work to enhance Bromley's landscapes. To take just one example, the football pitches at Chislehurst Recreation Ground have been repaired with the aid of £50,000 of external funding. We will continue to work with local groups in seeking additional funding to enhance sports facilities in our parks.

We are building stronger bonds with our Street Friends and Snow Friends groups. The Snow Friends scheme now has almost 4,000 residents participating in the scheme, organised by more than 280 community co-ordinators. The next step is to promote the scheme to young people through schools and youth groups, to assist elderly and disabled residents when snow falls.

Last year more than 1 in 5 of all street trees had a comprehensive safety inspection. Improved park security has been sustained, supported by the issuing of fixed penalty notices for dog-related crime. We are liaising closely with the Police to facilitate a joint approach to dangerous dog offences. We will continue our work in improving safety and security in parks, and the cleanliness and tidiness of all our green spaces.

### **Transport Improvements**

Traffic congestion has been identified by residents as a priority issue facing the borough. Solutions will, however, be both long-term and costly. Major highway and traffic schemes which the borough wishes to see developed are often dependent upon funding from Transport for London (TfL), and this could be uncertain in the future. As part of our principal roads maintenance programme to reduce journey times through better highway design, this year we will focus the A208 and A233.

Local people themselves should be able to play their part. We continue to work with schools, developers and businesses to implement effective travel plans. We are also committed to supporting the development of travel planning and advice for the Council's own staff.

Bromley has a good record in road accident reduction, with record low levels of serious and fatal accidents. We have an active programme of educating road users, with a particular focus on children and teenagers as they approach driving age. We will continue our programme of targeted safety improvements to reduce deaths and injuries on our roads.

We will continue to seek improvements in public transport to provide more choice; last year we improved accessibility to Kent House railway station. We will also make improvements to local cycling and walking facilities, for example by installing zebra crossings where they can contribute to improving road safety. We will also be improving access to the local shopping parade in The Fairway, Bickley.

Congestion should also be tackled in conjunction with neighbouring boroughs, as motorists avoiding more congested areas can impact on others. We will work through sub-regional bodies to identify and lobby for projects which will deliver benefits for travellers across south and south-east London.

A number of parking schemes are being introduced, for example in Green Street Green. We will extend the New Beckenham car park in Lennard Road, and improve parking arrangements in the Hayes area and around Chelsfield railway station.

Our parking services ensure visitors and residents across the borough have access to good parking facilities. The introduction of mobile phone payments for parking is an example of how we have expanded choice for motorists.

### **Transport Infrastructure**

The condition of Bromley's roads and pavements has been consistently identified by residents as a particularly important issue, and their maintenance continues to be a priority for the Council.

We intend to continue with our programme of major repairs to the borough's roads and footpaths, marked last year by the successful completion of the £4.5 million renewal of Chislehurst Road Bridge.

The London Permit Scheme has been successfully introduced in Bromley. We will seek to reduce traffic congestion caused by our own highway repairs and utility companies' street works even further.

The Council has played an effective role in keeping traffic moving and safe through successive winter snowfalls. We continue to review the lessons learned to ensure that key services can continue to operate during adverse weather conditions.

<b>Outcome 1</b>	<b>Improving the Street Scene</b>
<b>Issues</b>	Clean streets are a high priority for residents
	Satisfaction with the street scene has a significant impact on residents' confidence in the Council

<b>Aims</b>	Maintain street cleanliness
In the coming year we will:	Resources required in addition to those currently available
Extend the trial use of a private enforcement company to issue fixed penalty notices for littering and dog fouling	
Expand the Street and Snow Friends schemes, and forge greater links with a wide range of relevant partner organisations.	
Continue to embed the successful transition to the new street cleansing contract, including reviewing cleaning frequencies in response to changes in the street scene.	
Continue to monitor street cleanliness standards effectively and accurately	
Continue to develop the borough's street café culture, and increase visits by specialist street markets.	Partnership with Town Centre Management
Participate in the national Love Your Local Market 2013 campaign	

<b>Performance Indicators</b>	<b>11/12 Actual</b>	<b>12/13 Target</b>	<b>12/13 Actual</b>	<b>13/14 Target</b>	<b>14/15 Target</b>	<b>15/16 Target</b>
NI 196: Enforcement actions taken against fly-tipping; and the Number of illegal fly-tipping incidents	301	300		300	300	300
	2180	<2200		<2200	<2200	<2200
Street and environmental cleanliness (% of streets below standard (NI 195)						
- litter	3%	6%		6%	6%	6%
- detritus	5%	8%		8%	8%	8%
- graffiti	2%	3%		3%	3%	3%
- fly-posting	1%	1%		1%	1%	1%

<b>Outcome 2</b>	<b>Minimising Waste, and Increasing Recycling and Composting</b>
<b>Issues</b>	Encouraging greater public involvement in waste minimisation and recycling

<b>Aims</b>	Increasing the proportion of waste recycled and composted	
	Reducing the amount of waste sent to landfill	
In the coming year we will:		Resources required in addition to those currently available
Consolidate the borough-wide implementation of our Recycling for All policy		
Through our waste advisers, assist residents to minimise their waste and recycle more		
Continue to promote home composting		
Expand take up of the Green Garden Waste collection service borough-wide.		
Introduce a textile collection service, incorporating new 'bring banks' and kerbside collection		
Support schools and businesses to recycle, working closely with other initiatives such as Friends groups.		
Improve the standard of Bring Bank sites across the borough and increase their use by residents		

<b>Performance Indicators</b>	<b>11/12 Actual</b>	<b>12/13 Target</b>	<b>12/13 Actual</b>	<b>13/14 Target</b>	<b>14/15 Target</b>	<b>15/16 Target</b>
Household waste recycled/composted (%) NI 192	50%	51%		52%	53%	53%
Municipal waste land-filled NI 193 (%)	27%	24%		22%	21%	21%
Residual household waste (kg per household) NI 191	445kg (981 lb)	440kg (970 lb)		435kg (959 lb)	430kg (948 lb)	430kg (948 lb)

<b>Outcome 3</b>	<b>Enhancing Bromley's Parks and Green Spaces</b>
<b>Issues</b>	Develop community involvement in our parks

<b>Aim</b>	Conserve and enhance Bromley's parks and green spaces	
In the coming year we will:		Resources required in addition to those currently available
Maintain the cleanliness of parks, open spaces and verges		
Promote the activities of Friends groups in enhancing the borough's parks and street scene		External grant funding
Continue to develop healthy activities for both young and old		External grant funding
Maintain safety and security in parks and green spaces		
Ensure that good value for money is provided when work is commissioned to maintain and improve Bromley's parks		
Provide a community growing space at Brook Lane through the Healthy Lifestyles programme.		

<b>Outcome 4</b>	<b>Securing our transport infrastructure</b>
<b>Issues</b>	Satisfaction with the condition of roads and pavements has a significant impact on residents' confidence in the Council
	Ensure maintenance of the borough's infrastructure is carried out in a timely and effective way.

<b>Aim</b>	Maintain roads, pavements and street lighting in a good condition	
In the coming year we will:		Resources required in addition to those currently available
Commence the major 'invest to save' project to replace 8,000 lamp columns, and a further 4,000 lanterns, in residential roads by April 2015.		Capital programme resources have been agreed
As part of the invest to save project, introduce variable dimming of street lights by means of a central management system facilitating remote monitoring and control of all the new units.		
Review the effectiveness and priorities of the winter service in the light of experience.		
Complete a major programme of carriageway resurfacing works on principal roads, including the A208 (White Horse Lane) and A233 (Main Road).		TfL

<b>Performance Indicators</b>	<b>11/12 Actual</b>	<b>12/13 Target</b>	<b>12/13 Actual</b>	<b>13/14 Target</b>	<b>14/15 Target</b>	<b>15/16 Target</b>
Condition of principal roads (NI 168) (% should be considered for maintenance)	3%	<6%		<6%	<6%	<6%
Condition of non-principal classified roads (NI 169) (% should be considered for maintenance)	6%	<8%		<8%	<8%	<8%
Condition of town centre footway surfaces (% should be considered for maintenance)	18%	<30%		<30%	<30%	<30%

Aim	Improve the standard of work carried out by the utilities	
In the coming year we will:	Resources required in addition to those currently available	
Continue to inspect 80 % of utilities works, 50% more than required by the national code of practice		
Continue to monitor the progress of utility works, and take enforcement action where required to reduce traffic congestion		
Work with utility companies to improve the quality of their reinstatement works, taking enforcement action where necessary to protect highway assets		

Aim	Minimise the risk of flooding	
In the coming year we will:	Resources required in addition to those currently available	
Continue to develop the role of Lead Local Flood Authority under the Flooding & Water Management Act, including preparation of a Local Flood Risk Strategy		
Adopt the role of Sustainable Urban Drainage Systems Approval Body (SAB), once national guidance has been published	Consultant to be procured in partnership with the other Group Six boroughs	
Develop the LBB web site to provide flood risk information for the public		

<b>Outcome 5</b>	<b>Improving Transportation</b>
<b>Issues</b>	Rising numbers of cars in the borough, as the number of residents and households increases.
	Improving access for all, including those without a private vehicle

<b>Aims</b>	Promotion of cycling, walking and public transport to: improve access to services, facilities, and employment; reduce peak time congestion; and lower carbon emissions
	Improve the road network and journey times for all users
	Promote safe and secure travel and parking

In the coming year we will:	Resources required in addition to those currently available
Continue implementing the traffic element of the Bromley Town Centre Area Action Plan, including : <ul style="list-style-type: none"> <li>• monitoring the impact on parking provision of the proposed closure of Westmoreland Road car park, and taking action to address any problems</li> <li>• Ensuring that proposed building works at the opportunity sites do not have a detrimental impact on local transport networks</li> <li>• working towards a medium-term 10% modal shift reduction in journeys by car to Bromley Town Centre.</li> </ul>	
Lobby for extensions of the Docklands Light Railway from Lewisham to Bromley	
Look to decrease congestion and reduce journey times on priority routes, this year focusing on the A222 and the A224 in the vicinity of the Nugent Centre.	TfL
Help to reduce delays to bus journeys, and make transport interchanges safer and easier to use	TfL
Continue to support schools, developers and businesses in implementing effective Travel Plans to reduce traffic congestion, improve road safety and encourage walking and cycling.	TfL
Extend the New Beckenham (Lennard Road) car park	TfL
Ensure that parking provision near town centres and railway stations balances the needs of residents, visitors and commuters	

<b>Performance Indicators</b>	<b>11/12 Actual</b>	<b>12/13 Target</b>	<b>12/13 Actual</b>	<b>13/14 Target</b>	<b>14/15 Target</b>	<b>15/16 Target</b>
% of children travelling to school by car (from School Census; former NI 198)	30%	31%		31%	31%	31%

<b>Aim</b>	<b>Fewer road casualties</b>	
In the coming year we will:	Resources required in addition to those currently available	
Continue implementing our programme of accident reduction measures in key locations, alongside a programme of road safety education	TfL	
Identify and prioritise locations for accident reduction measures in 2014/15		
Deliver a programme of skid resistant road surfacing and upgraded lining to improve safety	TfL	

<b>Performance Indicators</b>	<b>2011 Actual</b>	<b>2012 Target</b>	<b>2012 Actual</b>	<b>2013 Target</b>	<b>2014 Target</b>	<b>2015 Target</b>
People killed/seriously injured in road accidents NI 147	81	No more than 123		No more than 119	No more than 114	No more than 109
Children killed/seriously injured in road accidents NI 48	8	No more than 11		No more than 11	No more than 10	No more than 10
Total road accident injuries and deaths	870	No more than 819		No more than 788	No more than 757	No more than 727

<b>Outcome 6</b>	<b>Customer Services and cross-cutting themes</b>
<b>Issues</b>	Opportunities to contribute to wider environmental improvements
	Motorists expect parking enforcement to be fair and effective
	Meet public expectations for high standards of customer service

<b>Aim</b>	<b>Maintain high standards of customer service</b>
	<b>Ensure services are efficient and provide value for money</b>
	<b>Uphold good governance and accountable decision making</b>

In the coming year we will:	Resources required in addition to those currently available
Sustain improvements in our standards of customer service and make it easier for customers to contact us on-line	
Use customer feedback to help us improve service performance	
Embed coherent and effective business planning and performance management	
Continue to improve the use of ICT and flexible mobile working to benefit our customers	
Maintain control of our contracts at both Member and operational level, including reviewing our approach to services whenever contracts are renewed	
Continue to achieve demanding service objectives within the context of tightened budget constraints	
Complete the relocation of street cleansing operations to the Central Depot to improve services and efficiency	
Support the Environment PDS Committee in exercising its powers of scrutiny over a range of public bodies, including the Council itself	
Ensure that formal decision-making is supported by sound procedures and is accessible to the public	

<b>Aim</b>	<b>Provide fair and effective parking services</b>	
In the coming year we will:	Resources required in addition to those currently available	
Complete the successful establishment of the new shared parking service with LB Bexley		
Continue to improve the effectiveness and fairness of the Council's parking enforcement activities		
Provide a choice of parking payment methods for motorists		
Ensure that good parking facilities and reasonable charges support the vitality of the borough's town centres		

## **Communications issues**

Our key messages:

- Promote Bromley's image as a clean and green borough
- Communicate the challenges facing the Environment Portfolio in a tight financial climate

Improving the street scene

- Improve public understanding of, and support for, the Council's approach to tackling fly-tipping, litter and graffiti
- Ensure residents are informed about changes to the street cleansing service introduced in the new contract

Minimising waste, and increasing recycling and composting

- Increase resident participation to secure environmental and other benefits through recycling and waste minimisation, in support of our Recycling and Composting for All programme
- Promote the Green Garden Waste collection service to residents
- Promote the new textile collection service to residents

Enhancing Parks and Greenspaces

- Promote the activities of Friends groups and others in enhancing the borough's parks and street scene

Securing our transport infrastructure

- Ensure motorists are kept informed about major highways schemes undertaken to improve road conditions and safety

Improving transportation

- Promote our partnership work with schools to improve road safety and the advantages of cycling, walking, car sharing and using public transport
- Promote cycling, walking, car sharing and the use of public transport to businesses, visitors and residents, focusing on town centre locations
- Ensure that our messages on road safety are communicated effectively to the public

Customer Services and cross-cutting themes

- Improve understanding of how to access parking services in Bromley
- Inform motorists about any changes in parking charges

\*\*\*\*END\*\*\*\*

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# Agenda Item 7

Report No.  
ES13025

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** Environment PDS Committee

**Date:** 16<sup>th</sup> April 2013

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** **FORWARD WORK PROGRAMME, MATTERS ARISING FROM PREVIOUS MEETINGS, AND CONTRACTS REGISTER**

**Contact Officer:** Gavin Moore, Assistant Director Customer & Support Services  
Tel: 020 8313 4539 E-mail: gavin.moore@bromley.gov.uk

**Chief Officer:** Nigel Davies, Executive Director of Environment and Community Services

**Ward:** Borough Wide

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1. Reason for report

Members are asked to review the Committee's draft work programme for 2013/14 and to consider:

- progress on requests from previous meetings of the Committee;
  - the contracts summary for the Environment Portfolio.
- 

2. **RECOMMENDATIONS**

2.1 **That the Committee:**

- Review the draft work programme attached as Appendix 1;**
- Review the progress report related to previous Committee requests as set out in Appendix 2; and**
- Note the Environment Portfolio contracts listed in Appendix 3.**

### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Quality Environment
- 

### Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Environment Portfolio 2013/14 approved budget
  4. Total current budget for this head: £31m and £5.6m of LIP funding from TfL.
  5. Source of funding: 2013/14 revenue budget and 2013/14 LIP funding agreed by TfL
- 

### Staff

1. Number of staff (current and additional): 193 fte
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Non-Statutory - Government Guidance
  2. Call-in: Not Applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Whole borough
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

#### 3.1 Forward Programme

- 3.1.1 The table in **Appendix 1** sets out the Environment Forward Programme for 2013/14, as far as it is known. The Environment Forward Programme indicates which division is providing the lead author for each report. The Committee is invited to comment on the schedule and propose any changes it considers appropriate.
- 3.1.2 Other reports may come into the programme. Schemes may be brought forward or there may be references from other Committees, the Portfolio Holder or the Executive.

#### 3.2 Previous Requests by the Committee

The regular progress report on requests previously made by the Committee is given at **Appendix 2**. This list is rigorously checked after each Committee meeting so that outstanding issues can be addressed at an early stage.

#### 3.3 Contracts Register

Information extracted from the current Contracts register, in a format which addresses the responsibilities of the Environment Portfolio, is attached as **Appendix 3**. Future contracts are marked in *italics*. The Appendix indicates in the final column when the Committee's input to contracts will next be sought. Unless otherwise stated this is the date when contract approval, or approval to an extension, will be sought.

### 4. POLICY IMPLICATIONS

- 4.1 Each PDS Committee is responsible for setting its own work programme.

<b>Non-Applicable Sections:</b>	Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	Environment PDS agendas and minutes for the years 2006/07 to 2012/13  <a href="http://sharepoint.bromley.gov.uk/default.aspx">http://sharepoint.bromley.gov.uk/default.aspx</a>

## APPENDIX 1

### ENVIRONMENT PDS COMMITTEE FORWARD PROGRAMME FOR MEETINGS 2013/14

<b>Environment PDS – 25 June 2013</b>		
Forward Work Programme, Matters Arising from Previous Meetings and Contracts Register	C&SS	PDS Committee
Budget Monitoring 2013/14	Finance	For pre-decision scrutiny
Friends Annual Report	SS&GS	PDS Committee
Bromley Town Centre Car Parking; Progress	T&H	For pre-decision scrutiny
Portfolio Plan 2012/13 Out-Turn	C&SS	PDS Committee
Green Chain Management Plan	SS&GS	For pre-decision scrutiny
<b>Environment PDS – 24 Sept 2013</b>		
Forward Work Programme, Matters Arising from Previous Meetings and Contracts Register	C&SS	PDS Committee
Budget Monitoring 2013/14	Finance	For pre-decision scrutiny
<b>Environment PDS – 19 Nov 2013</b>		
Forward Work Programme, Matters Arising from Previous Meetings and Contracts Register	C&SS	PDS Committee
Budget Monitoring 2013/14	Finance	For pre-decision scrutiny

## APPENDIX 2

### Progress Report on Previous Requests of the Committee

PDS Cttee Minute & Date	Committee Request	Progress
28.02.12	Investigate the feasibility of developing a faith parking permit for weekend use at recognised places of worship	This issue was considered by the Parking Working Group on 20 <sup>th</sup> March. The Working group felt that any request for assistance with parking should be considered on its own merits, taking account of ward Member views, and this should apply to both faith and non-faith based groups.
3.07.12	A Parking Working Group to be convened after the 6 month review of parking charges has been completed, including an assessment of the impact of charges for on-street bays in town centre high street locations	Meeting took place on 20 <sup>th</sup> March. The review found that the charge increases had been absorbed in most areas without significant impact on parking demand. Some additional charge increases in Bromley town centre might be beneficial in controlling demand; but on balance the Working Group concluded that a comprehensive borough-wide review reporting in early 2015 would be a better context in which to address these issues.
15.01.13	Pinch Point schedule to be circulated to all ward Members for comment	Schedule will be circulated prior to April PDS meeting
15.01.13	Investigate the use of debit cards for parking payments	This facility is available in the remaining Multi-Storey Car Parks. Within current budget constraints it would not be cost-effective to install such facilities in surface car parks or on-street locations.
15.01.13	Investigate whether it would be appropriate to introduce penalties for failure to recycle domestic waste	Issue referred to Waste Minimisation Working Group for discussion

Contracts Register Summary

Appendix 3

<b>Contract</b>	<b>Start</b>	<b>Complete</b>	<b>Extension granted to</b>	<b>Contractor</b>	<b>Total Value £</b>	<b>Annual Value £</b>	<b>Environment PDS</b>
Removal of surface vegetation from Public Rights of Way	01.05.10	30.04.12	29.04.13	Holwood GM Ltd	19,858	59,574	
<i>Removal of surface vegetation from Public Rights of Way</i>	<i>30.04.13</i>	<i>29.04.14</i>		<i>Holwood GM Ltd</i>	<i>25,000</i>	<i>25,000</i>	
Hanging Baskets Contract A&B	30.05.11	30.04.12	30.04.13	CJS Plants & Village Gardens	84,000	42,000	In discussion with Procurement regarding possible extension
<i>Hanging Baskets Contract A&amp;B</i>	<i>01.05.13</i>						
Rural Grass cutting	30.5.11	29.05.13		Landmark Services	90.000	45.000	Extension under consideration
<i>Rural Grass cutting</i>	<i>30.05.13</i>						
Removal of Abandoned Vehicles	01.10.10	30.09.13	Extended for twelve months	Pick a Part	33,800	10,600	In Tendering process
Council Fleet Hire	05.11.06	04.11.12	05.11.14	London Hire	674,383	85,000	12 month extension agreed by Director
Playground maintenance	01.01.08	31.12.13		Safeplay	369,300	61,550	Extension under consideration
Transportation Consultancy	01.12.09	30.11.13	TfL have option to extend to 30.11.15	TfL Framework	1.2m (if max. years agreed)	200,000	
Parking Bailiff Services	1.10.11	31.03.13	Extension to 31.03.14	JBW & Swift	320,000 est.	240,000 est.	Extension agreed following Environment PDS 15.01.13
<i>Parking Bailiff Services</i>	<i>1.04.14</i>	<i>31.03.17</i>	<i>n/a</i>	<i>ESPO framework</i>	<i>600 to 750k est.</i>	<i>240k est.</i>	Agreed following Environment PDS 15.01.13
Depot Security	01.04.10	31.03.15	N/A	Sight and Sound	126,000	126,000	
Ambulance Hire	05.11.07	04.11.13	05.11.14	London Hire	2.03m	339,000	Extension agreed by Portfolio Holder
Street Works (NRSWA)	01.04.13	31.03.16	Option for 1 or 2 x 2 yr extns	B&J Enterprises	871,920 based on three year contract term	290,640	Agreed by Executive 9 <sup>th</sup> January 2013

<b>Contract</b>	<b>Start</b>	<b>Complete</b>	<b>Extension granted to</b>	<b>Contractor</b>	<b>Total Value £</b>	<b>Annual Value £</b>	<b>Environment PDS</b>
Parking	01.10.06	30.09.11	30.09.16	Vinci Park	£11.6m	£2.3m	Five year extension agreed by Executive
Parking ICT	01.04.13	30.09.16		ICES Ltd.	£245,281	£70,080	Costs have reduced further as a shared service with LB Bexley has been agreed
Street Environment Contract	29.03.12	28.03.17		Kier (public toilets); Community Clean (graffiti removal); Veolia (Gulley cleansing) Kier (Cleansing, Highway Drainage )	281,983 1,221,800 1,463,538 15,798,212	56,397 244,360 292,708 3,159,642	Awarded a five year contract with the option of a two year extension at the Council's discretion.
Maintenance & repair of vehicles	01.04.10	31.03.17		KCC	940,000	134,000	Option for 2 year extension
CCTV Repair & Maintenance Contract	01.04.12	31.03.17		Eurovia Infrastructure Services Ltd	214,256	42,852	
CCTV Control Room Monitoring	01.04.12	31.03.17		OCS Ltd	1,263,258,	252,652	
Highway Maintenance – Minor & Reactive	01.07.10	30.06.17		O'Rourke	17m	2.4m	Option for one year extension
Arboriculture	18.07.08	17.07.17		Gristwood and Toms	5.12m	568,860	
Coney Hill Landfill Site Monitoring	28.07.10	27.07.17		Enital	952,000	136,000	Option for 2 year extension
Highway Maintenance – Major	01.10.10	30.09.17		FM Conway	26m	3.7m	Option for one year extension
Grounds Maintenance	01.01.08	31.12.17		Landscape Group	26.1m	2.75m	
Waste Collection	01.11.01	31.03.19	Extended to March 2019	Veolia	127.5m	8.5m	Extension approved by Executive
Waste Disposal	24.02.02	31.03.19	Extended to March 2019	Veolia	147m	10.5m	Extension approved by Executive
Parks Security	01.04.10	31.03.20		Ward Security	4.2m	420,000	
Street Lighting Maintenance and Improvements	01.04.13	31.03.23	Option for 1 year extension	May Gurney (Cartledge)	16.95m; Yr 1/ 2 invest to save £8.5m	£845k per annum,.	Agreed by Executive 28 <sup>th</sup> Nov 2012.

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