



THE LONDON BOROUGH
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DATE: 27 February 2017

To: Members of the

RENEWAL AND RECREATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Councillor Michael Rutherford (Chairman)

Councillor Julian Benington (Vice-Chairman)

Councillors Vanessa Allen, Douglas Auld, Peter Dean, David Jefferys, Alexa Michael, Michael Tickner and Stephen Wells

Non-Voting Co-opted Members

Andrew Wolckenhaar, Bromley Youth Council

A special meeting of the Renewal and Recreation Policy Development and Scrutiny Committee will be held at Committee Room 1 - Bromley Civic Centre on **TUESDAY 7 MARCH 2017 AT 7.00 PM**

MARK BOWEN

Director of Corporate Services

*Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk/>*

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 MINUTES OF THE RENEWAL AND RECREATION PDS MEETING HELD ON 26 JANUARY 2017 (Pages 3 - 14)**

POLICY DEVELOPMENT AND OTHER ITEMS

- 4 PROPOSED PUBLIC REALM PROJECT AND MARKET REORGANISATION FOR BROMLEY HIGH STREET (Pages 15 - 48)**

Bromley Town Ward

- 5 BROADBAND INFRASTRUCTURE INVESTMENT (Pages 49 - 52)**

Darwin Ward

PART 2 (CLOSED) AGENDA

- 6 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000**

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

Items of Business

Schedule 12A Description

- 7 EXEMPT MINUTES OF THE RENEWAL AND RECREATION PDS MEETING HELD ON 26 JANUARY 2017 (Pages 53 - 54)**

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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RENEWAL AND RECREATION POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 26 January 2017

Present:

Councillor Michael Rutherford (Chairman)
Councillor Julian Benington (Vice-Chairman)
Councillors Vanessa Allen, Douglas Auld, David Jefferys,
Alexa Michael, Michael Tickner and Stephen Wells

Andrew Wolckenhaar, Bromley Youth Council

Also Present:

Councillor Will Harmer and Councillor William Huntington-Thresher

41 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from the Portfolio Holder, Councillor Peter Morgan and Councillor Peter Dean.

42 DECLARATIONS OF INTEREST

The standard declarations of Members were noted as previously reported at the R&R PDS meeting held on 5 July 2016.

Councillor Rutherford declared a personal interest in Item 9 as a Member of the Bromley Bid Advisory Board. He also declared an interest in Item 13 as he was an England Athletics athlete.

43 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

43a QUESTIONS FOR THE CHAIRMAN OF RENEWAL AND RECREATION PDS COMMITTEE

No questions were received.

43b QUESTIONS FOR THE RENEWAL AND RECREATION PORTFOLIO HOLDER

No questions were received.

**45 MINUTES OF THE RENEWAL AND RECREATION PDS
COMMITTEE MEETING HELD ON 22 NOVEMBER 2016**

RESOLVED that the Minutes of the meeting held on 22 November 2016 be confirmed and signed as a correct record.

46 MATTERS ARISING FROM PREVIOUS MINUTES AND UPDATES

The Assistant Director, Leisure and Culture reported that work in regard to the recovery of consultancy costs from London Biggin Hill Airport was still on-going.

Information on Planning enforcement and planning regulations for illuminated advertisement boards was tabled.

All actions for matters arising from previous meetings had been completed.

RESOLVED that the matters arising from previous meetings be noted.

**47 PRE-DECISION SCRUTINY OF RENEWAL AND RECREATION
PORTFOLIO REPORTS**

47a CAPITAL PROGRAMME MONITORING - 2ND QUARTER 2016/17

Report FSD17014

On 30 November 2016, the Executive received the 2nd quarterly capital monitoring report for 2016/17 and agreed a revised Capital Programme for the four year period 2016/17 to 2019/20.

Members also considered changes agreed by the Executive in respect of the Capital Programme for the Renewal and Recreation Portfolio.

The Chairman was pleased to note the satisfactory budget position for the R&R Portfolio.

RESOLVED that the Leader of the Council be recommended to confirm the changes agreed by the Executive on 30 November 2016.

48 DRAFT 2017/18 BUDGET

Report FSD17013

This report outlined the Portfolio Holder's Draft 2017/18 Budget incorporating the full year effect of savings agreed as part of the 2016/17 Council Tax report and any further savings approved during the year which had resulted in considerable reductions in the Council's medium term 'budget gap'. Members were requested to consider the initial draft budget savings proposed and identify any further action that might be taken to reduce cost pressures facing the Council over the next four years.

The Executive had requested each PDS Committee to consider the proposed initial draft budget savings and cost pressures for their Portfolio and for comments to be submitted to the next meeting of the Executive.

Members noted there were still outstanding issues and areas of uncertainty. Any further updates would be included in the 2016/17 Council Tax report to the next meeting of the Executive.

Referring to paragraph 3.26 (page 30), the Assistant Director, Leisure and Culture, reported the New Homes Bonus Top Slice monies had been removed as it was part of a two year funding stream which had now come to an end. The Chief Planner confirmed the monies from this had been given to local enterprise partnerships.

RESOLVED that:-

- (1) the update on the financial forecast for 2017/18 to 2020/21 be noted;**
- (2) the initial draft 2017/18 Budget be used as a basis for setting the 2017/18 Budget;**
- (3) Member comments on the proposed initial draft budget savings and costs pressures for the Renewal and Recreation Portfolio be reported to the February meeting of the Executive.**

49 CONTRACTS REGISTER UPDATE 2016/17

Report DRR17/003

Consideration was given to the current status of all contracts for the Renewal and Recreation Portfolio with a whole life value greater than £50k.

With regard to the delivery of the New Homes Bonus and High Street Fund Enterprise Support Programme in Orpington, it was reported that this contract had been extended to October 2017 and a reduction of £20k in the overall value of the contract had been agreed. This £20k would be invested around the Masterplan for Orpington. As this was generally a re-phasing of a contract, the RAG status should not be seen as red.

The Chairman sought further information concerning the new Town Centre Development Advice contract with Montagu Evans (paragraph 3.4, page 41). He stated that whilst Montagu Evans carried out excellent work for the Council, they also worked with developers on appeals against the Authority and asked what was done to prevent them from using information obtained from the Council to assist private developers. The Assistant Director, Leisure and Culture reported it was the general presumption that contractors would operate in the Council's best interest at all times and bring any potential conflict to officers' attention. The Chairman referred to this presumption as a

'Chinese Wall' and suggested that this be applied to all future contracts not just with Montagu Evans.

Tenders for the library service were due back by 15 February 2017 following which, a special meeting of the R&R PDS Committee would be convened to scrutinise responses. It was anticipated that the new contract would begin in September 2017.

RESOLVED that the contract summary for Renewal and Recreation be noted.

50 UPDATE ON BUSINESS IMPROVEMENT DISTRICTS (BIDS) IN THE LONDON BOROUGH OF BROMLEY

Report DRR17/004

Members considered an update on the operation and success of the two existing Business Improvements Districts (BIDs) in the London Borough of Bromley together with a summary of progress to date on the development of further BIDs in the borough.

The Chairman welcomed Sharon Baldwin (BID Manager, Orpington) and Frances Forrest (BID Manager, Bromley) to the meeting.

Ms Baldwin informed the Committee that a Business Event would take place on 16 February 2017 to which all Members were invited. The BID worked hard to ensure Orpington was recognised as a major town centre and emphasised the need to market the town to residents and businesses. The retail industry was a fast-moving environment and flexibility was needed around what could be offered to the business community.

The Orpington BID was currently in its fifth and final year and a renewal ballot would be initiated in the autumn, culminating in a ballot completing on 2 November 2017.

A regular magazine was published and circulated to 15,000 people and a second magazine was being established for businesses. The BID website had approximately 5,000 subscribers and accumulated around 20,000 'hits'. There was some involvement with developers and the BID had written newsletters for their tenants. They had also signed up with the Local Data Company to monitor vacancy rates (which had decreased in the last three years) and installed footfall cameras in the area which showed figures had increased.

Following discussions with the Borough Commander the BID obtained a voluntary agreement to maintain a town centre police force of eight officers with whom they had a good working relationship.

Work had been undertaken on access, parking, free parking and the provision of loading bays, the main focus being supply to fee-paying businesses. The BID was, however, conscious that a stronger strategy was required.

All 350 members of the BID were treated equally.

Ms Forrest reported on the success of the erection of a big screen in Bromley Town Centre during Wimbledon fortnight. Other successful projects included a food festival involving the production of a booklet setting out names and addresses of Bromley restaurants and holding 'taster' menus for the public; the erection of Christmas lights and managing the Christmas parade. A closed website had been created for Bromley businesses to share confidential information about persistent offenders (shop lifting, anti-social behaviour etc) and meetings had taken place with licensees which focussed mainly on safety issues and awareness.

Although a cleaning regime had been undertaken recently, there was a pressing need for the removal of chewing gum from the town centre.

There had been a small increase in footfall to Bromley, however Members should bear in mind that the Bromley BID had not been operating as long as the Orpington BID.

In response to questions from Councillor Tickner, Ms Baldwin reported the recently erected cameras in Orpington only counted footfall and were not used for any other purpose. In regard to safety, the BID worked with the Council's CCTV contractor and took part in regular police briefings which focussed on preventative measures. Alleyways were always a major cause for concern. A legal high shop which also caused concern had now been closed.

There were on-going issues in relation to parking and the BID worked towards acquiring space when it was needed. There were many parking spaces available in Orpington and the Walnuts car park (574 spaces) was never full. More advertising was needed to make people aware of these parking facilities.

In response to Councillor Tickner's concern about the continued increase in restaurants and coffee shops, Ms Baldwin considered the hospitality business was growing so there was a tendency to provide what people wanted.

The Nugent Retail Park in neighbouring St Mary Cray was not seen as competition to Orpington Town Centre and was embraced by the BID Team.

Ms Forrest reported the Bromley BID would apply for Purple Flag status which, if successful, would designate Bromley Town Centre as a diverse and safe place to be at night. Emphasis was placed on public safety when coming into and leaving Bromley.

The Orpington BID had assisted in getting work experience people into business although this was quite a task to undertake. They had also assisted

with apprenticeships and helped mothers return to work. They had worked closely with the catering college, who helped at the food festival in October and would assist in the opening of a wine bar in March. They were currently attempting to set up a scheme whereby if employees do not turn up to work, that business would be able to use a stand-in from the college.

Ms Baldwin agreed to send Members figures relating to the increased Orpington footfall.

A fee of approximately £20k per annum was paid as contribution towards the cost of the eight-strong town centre police team.

Councillor Michael was pleased to note the provision of public toilet facilities in Orpington and emphasised the need for the same to be provided in Bromley. Ms Forrest acknowledged the need for such facilities. Ms Forrest reported that work was currently being undertaken to provide an easy to read map informing the public where to find essentials in the town centre such as toilets and defibrillators etc.

It was reported that graffiti was gradually increasing and should be tackled. Graffiti on bus stops would be reported to TfL who would then deal with the clean-up. Ms Forrest highlighted the importance of generating income to tackle cleaning issues which were beyond the remit of the Council's cleaning regime.

It was acknowledged that neighbouring BIDs needed to co-operate and work with each other to achieve successful BIDs in town centres.

One in three levy payers turned up to vote for the BID in Bromley. Ms Forrest believed the reason for this was because people did not think it would actually happen however, she expected to see an increase in votes in future years. She reported that it was normal for turn-out to be lower on first ballot – but for the level of engagement to be higher for renewals.

The Chairman thanked Ms Baldwin and Ms Forrest for attending the meeting and wished Ms Baldwin the best of luck with the Orpington re-ballot at the end of the year.

RESOLVED that the report be noted.

**51 PROPOSED PUBLIC REALM PROJECT AND MARKET
REORGANISATION FOR BROMLEY HIGH STREET**

This Item was withdrawn from the agenda.

52 BROMLEY NORTH VILLAGE FINAL EVALUATION REPORT

Report DRR17/008

As set out in the Bromley Town Centre Area Action Plan, Public Realm improvements to Bromley North Village had been a key part of the improvement programme for Bromley Town Centre.

This report outlined the results of a two year post-scheme evaluation which focussed on assessing the impact of the improvements on businesses and town users, particularly bus users.

The Chairman welcomed this good news report.

The Project Planning Officer reported the repositioning of the Market Square bus stop had been widely accepted by the public and had not impacted on the town centre. There had been an increase in footfall since the stop was moved and there was no clear support to move the bus stop back to its original position. Repositioning of the bus stop would impact on all the other stops in the vicinity.

The Head of Renewal reported that comparisons were being made with other town centres in relation to providing car parking spaces. Options to expand car parks by adding additional floors was also being looked into. The outcomes from widening the A21 and the repairs to junctions would be reported back to Members.

Members were informed that as a result of the works, business owners in Bromley North now felt part of Bromley Town Centre and the increase in footfall showed that integration was actually occurring.

RESOLVED that the results of the evaluation report and the outcomes of the delivered public realm improvements to Bromley North Village be noted.

53 TOWN CENTRES DEVELOPMENT PROGRAMME UPDATE

Report DRR17/007

Members considered the progress achieved in delivering the Town Centres Development and Growth Programme.

In regard to the removal of BT telephone boxes from Penge Town Centre, the Head of Renewal reported that negotiations had taken place with BT for the removal of three boxes at a cost of £6k.

Councillor Michael considered the proposal to install six directional signs around Penge to be a little excessive and suggested three would be sufficient. The Head of Renewal informed Members that the proposal was based on a London-wide initiative which had proved successful elsewhere.

Six signs was considered to be the optimum needed to create an identity for Penge.

A Listed Building Consent application for the Shortlands War Memorial would be submitted in 7-10 days' time. The timetable for all works remained unchanged.

Councillor Wells commended all officers involved in the two day promotional consultation event held on 20th and 21st January 2017 with regard to the Beckenham Town Centre Public Realm Improvements. The event was well attended and hugely successful.

RESOLVED the progress achieved on the delivery of the Town Centres Development and Growth Programme be noted.

54 NORMAN PARK ATHLETICS TRACK - FUTURE PROPOSALS

Report DRR17/106

Members considered a proposed option by Blackheath and Bromley Harriers Athletic Club (BBHAC) to take over the management and operation of the Norman Park Athletics Track from the Council based on a 125 year full repairing and insuring lease at a peppercorn rent based on the draft Heads of Terms (attached to the report as Appendix B).

Councillor Auld noted the eventual saving of £37k per annum to the Council, should the proposals be approved by the Executive and the subsequent planning applications be successful.

Members strongly supported the proposals set out in the report.

RESOLVED that Members' comments on the proposals submitted by Blackheath and Bromley Harriers Athletic Club be presented to the meeting of the Executive to be held on 8 February 2017.

55 PLANNING APPEALS - COSTS 2015/2016

Report DRR17/012

This report provided an update on the award of costs from planning appeals made in the financial year 2015/16 together with an update on cost claims paid in 2015/16 arising from planning appeals made in previous years totalling £65.8k.

The Chief Planner reported that only 28 applications for appeal costs were submitted during the last year equating to just 1% of the 3,200 decisions made. In the majority of cases the Council lost appeals due to the lack of evidence provided.

Councillor Auld was pleased to see a decrease in the costs paid by the Council (from £90.3k in 2013/14 to £64/65k in the following years). The Chief Planner reported that the Council was due to make an award of £60k as a result of the Conquest House appeal.

Councillor Michael was disappointed to note that lack of evidence and inadequate reasons was the main cause of lost appeals. She emphasised the need for Chairmen of Planning Committees and officers to ensure refusal reasons were given in full at the time of refusing applications.

The Chief Planner confirmed that an Inspector's decision would consider the reasons for refusal in relation to planning policy and material planning considerations together with the related evidence provided by the Council including the harm caused by the proposal. A decision would not simply be based on the fact that an application had been recommended for approval when it was refused at Committee. If Members were unsure of appropriate refusal grounds or needed further information around impact etc, they were reminded that an application could be deferred to gather further evidence. It was agreed that if an application was proposed to be refused, the Chairman should seek reasons for that refusal before the decision was made.

Concern was raised about Planning Committee minutes which did not contain a full record of discussion at Committee.

It was reported that developers employ numerous professionals to strengthen their appeal. The Authority typically employed suitable Counsel for larger planning appeals.

RESOLVED that the report be noted.

56 PLANNING APPEALS MONITORING REPORT (APRIL 2015 TO MARCH 2016)

Report DRR17/011

Members considered an update on planning appeals received and decided for the year 2015/16.

It was noted that the Council performed close to the national average and fared well in regard to fast track and written representations at appeal. The Chief Planner acknowledged that the Council must be well represented on all counts.

RESOLVED that the report be noted.

57 BECKENHAM TOWN CENTRE WORKING GROUP - TERMS OF REFERENCE

Report CSD17014

Members were requested to consider the Beckenham Town Centre Working Group's revised Terms of Reference. Also, as requested by the Chairman of the BTCWG, a copy of the draft Minutes of the meeting held on 12 January 2017 was submitted for Member comments.

Councillor Tickner wanted to progress with siting the Purple Flag at Beckenham Junction Train Station and was currently seeking approval for this.

Councillor Tickner also referred to the idea of a design competition for the Beckenham Green canopy which he, Councillor Collins and Councillor Dunn supported. The Head of Renewal confirmed there was no current contract for the erection of a canopy and that he would explore options and discuss a proposed design with the Town Team. Councillor Wells suspected many young architects would be interested in such a competition but stated the winning design would need to provide adequate shelter.

RESOLVED that:-

- 1) the BTCWG's revised Terms of Reference be agreed; and**
- 2) the draft Minutes of the BTCWG meeting held on 12 January 2017, be noted; and**
- 3) the proposed competition for a canopy design be approved.**

58 RENEWAL AND RECREATION PDS COMMITTEE WORK PROGRAMME (APRIL 2017)

Report CSD17023

Members reviewed the Renewal and Recreation PDS Committee Work Programme for the final meeting of the Municipal Year in April 2017.

It was agreed that a special meeting of the Committee be held on 7 March 2017 to consider a report on the Proposed Public Realm Project and Market Reorganisation for Bromley High Street. Following this meeting, the Public Realm report would be submitted to the Executive and Resources PDS Committee meeting on 15 March, followed by the Executive on 22 March 2017.

The Assistant Director, Leisure and Culture apologised for the delay in the production of this report (which was withdrawn from this evening's meeting). Essential detailed costs and programming information was not yet available and should be included for consideration.

A special meeting of the Committee would also be scheduled to consider the latest round of tendering for community-run libraries.

Further information around the Biggin Hill Airport Plan was expected in the next few weeks. A discussion with the Leader would take place in regard to conditions on noise, disturbance etc. This would not require consideration by the PDS Committee.

A Masterplan by the Aviation College in relation to funding was currently being progressed and would be available later in the year.

RESOLVED that the Renewal and Recreation PDS Work Programme be noted.

59 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the Press and public be excluded during consideration of the items of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

60 EXEMPT MINUTES OF THE RENEWAL AND RECREATION PDS COMMITTEE HELD ON 22 NOVEMBER 2016

RESOLVED that the Exempt minutes of the meeting held on 22 November 2016 be confirmed and signed as a correct record.

61 SITE G: SELECTION OF A PREFERRED DEVELOPMENT PARTNER

Report DRR17/009

Members were updated on the current position in regard to the selection of a preferred development partner for the site known as Opportunity Site G in the Bromley Town Centre Area Action Plan.

RESOLVED that the report be noted and Member comments be submitted to the Executive for consideration.

The meeting ended at 9.10 pm

Chairman

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Report No.
DRR17/005

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE and FULL COUNCIL

22 March 2017 / 10 April 2017

Date: For Pre-Decision Scrutiny by the Renewal and Recreation Policy Development and Scrutiny Committee on 7th March 2017

Decision Type: Non-Urgent Executive Key

Title: PROPOSED PUBLIC REALM PROJECT AND MARKET REORGANISATION FOR BROMLEY HIGH STREET

Contact Officer: Kevin Munnely, Head of Renewal, Martin Pinnell Head of Town Centre Management and Business Support
Tel: 020 8313 4582, Tel: 020 8313 4457 E-mail:
kevin.munnely@bromley.gov.uk, martin.pinnell@bromley.gov.uk

Chief Officer: Executive Director of Environment & Community Services

Ward: Bromley Town;

1. Reason for report

- 1.1 The detailed designs and scheme costs for the whole of the proposed improvement works for Bromley High Street have now been fully completed.
- 1.2 As a consequence of the proposed public realm changes the existing street market will need to be relocated and officers have been assessing options for the future development of the market, including commissioning of the market operation. The report outlines options for the relocation and reorganisation of the market – and Members of the Executive are asked to: approve the relocation of the market and agree the future format; and approve funding for the scheme including funding for an additional temporary staffing resource to manage the market transition project.
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RECOMMENDATION(S)

That Members of the Executive:

- 2.1 Approve the Detailed Design and programme for the Bromley Town Centre Public Realm Improvement scheme comprising the ground plane works extending from Market Square to the Elmfield Road junction costed at £3.564m.
- 2.2 Agree that a total of £3.564m is allocated from the Growth Fund and added to the Capital programme to undertake the implementation of the scheme, subject to Full Council approval. Members should note that the outcome of detailed design and final costs for

commercial kiosks and the mirrored pavilions will be reported to Members for approval in July 2017.

- 2.3 Should the S106 funding of £4m be received from the Langley Court development, agree that the scheme be funded by these monies and the £3.564m be returned to the Growth Fund.**
- 2.4 Approve annual growth of up to £60k to cover the enhanced cleaning and maintenance costs from April 2018, subject to the level of income generated from the commercial kiosks.**
- 2.5 Review the options for the future operation of the market set out in paragraph 3.15 and agree the preferred option (c), to approve the relocation, reorganisation and relaunch of Bromley Town Centre market as outlined in paragraphs 3.17 to 3.22.**
- 2.6 Approve taking of all necessary steps to relicense the market and street trading arrangements under the Food Act as recommended in paragraph 3.21 and Section 7.**
- 2.7 Approve the allocation of £40k from the Growth Fund to meet the cost to employ a temporary project officer for a period of 12 months to provide the necessary coordination for the transition of the market to the proposed new format.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: The scheme design will take into account measures for the mobility and visually impaired.
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment Vibrant, Thriving Town Centres Regeneration
-

Financial

1. Cost of proposal: Capital £3.564m Revenue £100k
 2. Ongoing costs: Up to £60k
 3. Budget head/performance centre: Growth Fund, Central Contingency and S106 funds
 4. Total current budget for this head: £4.645m and £4m
 5. Source of funding: Growth Funds and S106 funding from the Langley Court development
-

Personnel

1. Number of staff (current and additional): 5 FTE
 2. If from existing staff resources, number of staff hours:
-

Legal

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

Procurement

1. Summary of Procurement Implications: It is proposed that the all the civil engineering and public realm improvement works will be completed by FM Conway under the current Highway Engineering Term Contract. It is proposed that Council's TFM term contractor will deliver the remaining bespoke elements of the scheme.
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillor's comments: Ward Councillors were invited to take part in stakeholder consultations during the development of the scheme and were also represented at the most recent presentation of the detailed designs. A summary of responses from Councillors and other consultees is included in Appendix 5 of this report.

3. COMMENTARY

Background

3.1 The Council is committed to improving the quality of the retail offer in Bromley to ensure that it continues to meet the needs of its aspirational catchment and effectively competes with neighbouring centres. To support this commitment the Executive approved on 26th November 2014 a revised development strategy for Bromley Town Centre and approved funding for a number of specific initiatives. These included:

- Retail Expansion.
- The Glades Mall Refresh Programme.
- High Street Improvements.

Proposed Public Realm Improvements

3.2 A key project to emerge from this review was the desire to extend the public realm improvements, successfully implemented in Bromley North, to the remainder of the pedestrian area of the High Street. The aim of these improvements are to tackle the disjointed nature of the current layout by improving the quality of the high street experience and creating distinctive spaces. The endorsed concept designs were developed in consultation with stakeholders and focused on:

- Introduce a hierarchy of public spaces where people can dwell.
- Green the High Street.
- Create shelter within the High Street for year round enjoyment.
- Create better links to Bromley's greenspace.
- Encourage street activity & enhance pedestrian experience.

3.3 A key feature of the emerging design was the reordering of spaces in the High Street to create a new public garden square in the southern pedestrianised area, which could contain commercial kiosks which would act as anchors to the new garden square. It was also proposed that the existing market be reorganised and relocated along the High Street, with a significant proportion occupying space in Market Square.

The Project Programme and Costings

3.4 The Executive Committee on 2nd December 2015 endorsed the concept designs for the next phase of the Bromley Town Centre Public Realm improvements and approved funding for the detailed design phase. The Council's Highway Engineering term contractor FM Conway have undertaken the detailed engineering designs.

3.5 The detailed designs and scheme costs for the whole of the proposed ground plane improvement works have now been fully completed. The scheme design extends from Market Square to the end of the pedestrian area of the High Street, including the Elmfield Road junction. The scheme design and budget includes provision to rebrand and relocate the existing street market further north into Market Square. The proposed implementation timetable will enable the first phase of the improvement works, from Market Square to Marks & Spencers to be commenced in July 2017 and be completed before the Christmas trading period in November. It is proposed that the remainder of the improvement works, including the relocation of the street market, will commence from January 2018 and be completed by November 2018.

The capital costs of the ground plane works and market infrastructure are set out below.

Bromley Town Centre Scheme Costs	£	£
Public Realm Works		
Site Clearance	50,000	
Drainage	171,000	
Earthworks	190,280	
Carriageway works	119,500	
Paved Areas	991,000	
Street furniture	361,920	
Street lighting	<u>317,800</u>	
Total for Public Realm Works		2,201,500
Market Development		
Market infrastructure	108,500	
Pop up stalls (21)	21,000	
Semi-permanent kiosks (8)	<u>699,300</u>	
Total for Market Development		828,800
Cleaning machine		55,000
Contingency (10%)		308,530
Management & Supervision		170,000
Total Scheme Costs		<u>3,563,830</u>

The detailed design and costings for the commercial kiosks and mirrored canopies will be reported to the R&R PDS and Executive Committees in July 2017 for approval and if approved these elements will be implemented as part of Phase 2 works. The full implementation timetable is set out in Paragraph 3.25 of this report.

Ground Plane Design

- 3.6 The design of these works has been subject to further amendments following consultation with Ward Councillors and other stakeholders. All new features in the High Street have been located so as not to clash with a path for Emergency Vehicles. Details of amended designs are set out below. It is anticipated that the implementation of the first phase works will be completed before November 2017 and would allow for the market to continue to operate in its current location until January 2018.
- 3.7 The design of the ground works previously presented to the R&R PDS on the 22nd November 2016 has been redesigned to take into account comments made by Members. The revised General Arrangement drawings are attached as Appendix 1. The public realm between Market Square to the junction of the High Street with Elmfield Road will be transformed. In accordance with the Concept Design the improvements will create a series of High Street Character Areas. These are:

- Elmfield Arrival Space - welcoming visitors from the south of the High Street.

Improvements will comprise kerb realignments and new road junction surfacing to integrate the space with improvements, granite paving similar to Bromley North Village, new lighting, a pavilion like canopy, seating and a commercial unit relocated and not under the canopy.

- High Street Garden Space - a space to dwell in a sheltered like garden environment. This space will be characterised by similar granite paving, raised landscape planters with integrated seating, additional new seating and feature lighting.

The largest planters have been reduced in size to make them less dominant and to increase visual and pedestrian permeability. Two planters which were proposed to have artificial grass have been removed to accommodate the relocated commercial units. The redesigned planters are to be durable steel structures, in 'organic' Broom flower petal shapes. They vary in size with the largest approximately 9.7 metres in length. The planters will be 70cm high and include trees and plants that will not obscure the surrounding shops. The tree species have been selected for their high canopies so they do not obscure the shop fronts at ground level. The planting scheme will complement the trees and provide a visually rich and sensory experience for shoppers and users of the Garden Square. Spacing between the planters will allow easy pedestrian circulation and wooden seating will be integrated into the planters. The design team have been working with a specialist fabricator of this style of planters to ensure that they are designed to fit the typography of the High Street. The design is also flexible to allow for the replacement of one of the planters with a mirrored canopy if required and this option will be reported back as part of the proposed July report.

- Churchill Square - a flexible public square for events. Surfacing will be in bonded resin with broom motif patterns to contrast with the rest of the High Street. The space will have a smaller pavilion like canopy and a commercial unit with potential seating, relocated from under the canopy.
- High Street and Market Square - The space from outside the Churchill Theatre to Market Square will host new pop up market stalls. The stalls will be located on the western side whilst benches will be located in linear fashion on the eastern side of the High Street. Repaving will be a continuation of Market Square treatment. On Market Square it is proposed to locate semi-permanent market kiosks back to back and parallel to the Primark frontage. Officers have carried on site visual assessment of the proposed layout using the existing market stalls. This visual assessment, set out in **Appendix 3**, confirms that the market kiosks will not unduly conflict with the Primark entrance and frontage and will leave a pedestrian area of 2.8m wide between the kiosks and the shop front. Further detail on the rationale for these elements of the scheme is provided in the section on Street Market Review, below.

3.8 Drawing from the experience of the Bromley North Village scheme it is acknowledged that the existing street cleaning contract, which is based on a high frequency dry manual sweep, does not provide the depth of cleaning needed to keep the new granite setts at an acceptable standard. Officers have engaged with the Council's Neighbourhood Management team to understand the costs of any enhanced cleaning and maintenance work that will be required to keep the new finishes at an acceptable standard throughout the whole of the improvement area. They have highlighted two potential approaches that could be adopted to supplement the existing cleansing regime. These have included:

Option 1 - Quarterly deep cleans, which would involve jet washing the whole area. Due to the heavy footfall in the area this would need to be undertaken at night. Based on previous works to the BNV scheme this has been costed at £24k per quarter or £96k pa. Frequency can be increased and decreased subject to available budget.

Option 2 - High frequency mechanical pavement washing. This option would be integrated with the existing dry swept contract and would require the purchase of specialist equipment at a cost of £55k. The on-going revenue costs would be £46k to cover labour, maintenance, fuel and cleaning materials.

3.9 In addition, growth of £14k would be required to cover the annual maintenance costs of the trees and plants, resulting in total additional revenue costs of £60k from April 2018.

3.10 The Neighbourhood Management team have advised that the mechanised street washing option would provide a more effective means of keeping the granite material at a higher

standard of cleanliness and a greater frequency. This option also has the added benefit of being able to wash the seating and planting areas when required, while also demonstrating a high profile routine enhancement to the High Street cleansing operations. Officers are therefore proposing that as part of the ground plane works an enhanced cleaning and maintenance programme based on a mechanised street washing option is approved. It is proposed that the capital cost of the new plant £55k is included in the capital cost of the scheme. Members are asked to approve growth of up to £60k from April 2018 to cover the cost of enhanced cleaning and maintenance. It is acknowledged that this additional revenue growth item could be partly offset by the income generated by the commercial kiosks. It has been estimated that the two commercial units could generate between £27k - £47k p.a. Additionally, officers will explore the possibility that costs of the enhanced cleansing and maintenance could be shared with Your Bromley BID – given that this will represent additional services above the existing baseline for Council services within Bromley Town Centre, and will benefit many levy paying businesses.

- 3.11 The Council's Street Environment Contract is due for renewal in 2019 and that the contract tender documentation for this is currently being drafted. The enhanced cleaning and maintenance costs will be included as a specific option within the tender documentation.

Street Market

- 3.12 Executive approval is sought to relocate the street market from its current location to a position further north centred around Market Square. Further details on this element of the improvement programme is contained within the Street Market Review section, below. In its current location the market is poorly laid out, resulting in loss of visibility of the main shopping frontages, which in turn has had a detrimental impact on the commercial viability of this section of the High Street. The current ground design and programme has made provision for the relocation of the market based on it being a pop up format i.e., stalls are erected and taken down when not in use. However, following feedback from a market specialist Quarterbridge officers have also made provision for the erection of a number of permanent market kiosks, located in Market Square adjacent to the Primark frontage.
- 3.13 Officers have been working with a manufacturer of a demountable modular unit which can be adapted to meet the scheme design requirements and can be clad in a range of materials. The market kiosks can be sized up to 3m x 4.5 in size. Each modular unit will have openings on three sides that can be used for either serving or provide shelter for alfresco seating. The kiosks will have sufficient infrastructure for preparing hot food but could also be used for general retailing purposes. Concept designs have considered both contemporary and more traditional finishes. Appendix 2 shows indicative concept designs for the kiosks. It is proposed that detailed designs for all of the commercial kiosks will be brought back to Members as part of the July report after consultation with potential tenants, potential future market operators and other stakeholders. This is to confirm that there is sufficient long term demand market demand to justify the capital investment in the kiosks and ensure the layout design meets the specification requirements of potential users.
- 3.14 Subject to approval of the final design and layout, the market kiosks could be manufactured and be available for installation before the Market is relocated in January 2018. The costs for the provision of No 8 market kiosks, based on 3m x 4.5m traditional design finish, have been included in the capital sum sought from the Executive to cover the cost of moving the market. Planning permission will be required to relocate the market and for all the market kiosks.

STREET MARKET REVIEW

- 3.15 One of the significant implications of the public realm design concept is the relocation of the street market from its current location to a position further north, centred around Market Square.

Current Position

The current market in Bromley consists of 36 pop-up stalls, although this will vary depending on the number of tenants which will vary from week to week. Based on the controllable budget for the market in 2017/18 the operation is expected to generate a 'surplus' of around £54k which partly offsets the non-controllable recharges of approximately £80k to run and manage the market. Members should note that Officers have explored the option of increasing fees in order to break even. However given that current fees are already higher compared to the average charges in the region, to remain competitive and to minimise voids, fees would have to be kept broadly the same. This would mean that the market would continue to be subsidised by approximately £30k.

Given the requirement to relocate the market the Council has three possible options open to it:

Option A

Cease the operation of the Charter market permanently once the public realm works move to the area now occupied by the market. Whilst this would remove the need for capital expenditure, it would cost the Council £54k per annum. Removal of the market would also have implications for the vitality of the town centre. Market research undertaken for the market review supports the position that the presence of the market is valued both by visitors and a majority of the businesses in the town and is a driver of footfall.

Option B

Relocate the market as currently configured to a position north of Churchill Theatre entrance to Market Square. The advantage of this approach would be that potentially this would be the least disruptive option for the retailers. However, as the High Street is narrower in this section and there are several competing usages already in Market Square, in practice it may not be possible to fit the same number of pop up market stalls into this space. One of the negative issues related to the current market layout is the creation of a solid wall of stalls – mostly with non-trading sides facing the adjacent shops – which block both visibility and accessibility to the frontages of the shops. This option would not tackle this issue but would potentially make it worse as the stalls would be located in a more confined area.

Option C

Relocate and reconfigure the market to reduce the number of stalls but focus on a higher quality offer – including more food (retail and catering) than at present. This includes the option of introducing a number of semi-permanent kiosks in addition to pop up stalls. Given the proposed physical re-positioning of the market this can be seen as a unique opportunity to refocus the market offer rather than maintain the existing regime. To help define this option the Council commissioned a market research survey and engaged specialist Quarterbridge to undertake a root and branch review of the current street market. Building on this research Quarterbridge provided a set of recommendations on how best a refocused street market could add value to the town as part of the wider public realm improvements planned for the High Street. This option would enable the Council to maintain the same level of income.

Option D

Given the capital outlay required for the purchase, fit out and installation of the semi-permanent kiosks, as a variation to Option C, Members may prefer to replace these with 8 pop up stalls instead. However, this may be less attractive to street food traders (due to the inconvenience of setting up catering equipment for each trading day), reduce the options for 7-day per week or evening trading and would reduce the level of income generated by the market. This option would also reduce the net income to the Council by £25k.

- 3.16 Members are requested to consider all options outlined above, however it should be noted that Option C is the recommended option and this is explored in more detail below.
- 3.17 The recommendations for market redevelopment, based on the report from Quarterbridge are as follows:
- Relocation of the market to a position further north incorporating Market Square, although not universally popular, would be viable.
 - Refocus and rebranding of the street market offer to appeal to a wider demographic with a more varied tenant mix to include additional food retailing and catering. High quality food retailing will boost market footfall and therefore town centre footfall, which is borne out from experience in other London and SE markets. Increasing the quality food offer can attract a more affluent clientele to the location. Food catering, or what is more commonly described as “Street Food” would also be an attractive addition and could be provided using semi-permanent, high quality kiosks with demised seating.
 - Limiting the number of stalls to no more than 29 would be viable (up to 21 pop up stalls and up to 8 kiosks) with up to half of the stalls having a food and beverage offer. Although operating with fewer stalls than the current layout, the proposed semi-permanent kiosks will achieve higher rents than the pop ups and it is therefore expected that the proposed changes would have no negative financial impact for the Council
 - Introduce a quality control appraisal of market applications, including a new more stringent trader application process.
 - Consider outsourcing the market operation to a specialist operator or other external agency.
 - The semi-permanent kiosks will be operational up to seven days a week with the remaining pop up stalls operating for 3 days – Thursday to Saturday (as now).
 - Further market days and evening trading opportunities can be incorporated which will positively contribute to town centre footfall and operator income.
- 3.18 The proposal to introduce kiosks within Market Square has certain advantages in that, assuming good design principles are followed, these could enhance the overall function and aesthetic of the Square. They will provide an opportunity to complement the mostly retail nature of the units around the square with ‘street food’ and other specialist food outlets, and will also enabling trading into the evening and for up to 7 days per week, thereby drawing increased footfall into Market Square for a longer period.
- 3.19 There, are however, some inherent risks associated with the introduction of semi-permanent kiosks – Firstly, although the kiosks represent a significant initial capital outlay, there is no guarantee that these will be 100% occupied. A full scale testing of the viability of the kiosks (which we know have operated successfully in other town centres) may only be possible through engagement with potential tenants – including some of the existing Charter Market traders.
- 3.20 Secondly, during stakeholder engagement with neighbouring businesses– it is clear that there may be objections to placing these semi-permanent structures in the vicinity of the shop fronts. These objections may be mitigated through careful design and placing of the structures to minimise impact on the local businesses. As stated in 3.7 above (see also Appendix 3) suggests that the visual impact of the kiosks on neighbouring frontages could be minimal.
- 3.21 In order to maximise income available from market operations, it is recommended that the relocated market is licensed under the Food Act 1984 rather than the London Local Authorities

Act 1990 (LLAA). Maintaining the non-Charter market trading days under the LLAA means that the market either must break even on the market operation, or if a surplus is generated, must re-invest any surplus in the market or its development. No such restrictions apply to a market operated under the Food Act which means that any surpluses generated could be taken as general revenue income for the Council. The existing 5 permanent street traders operating 7 days a week in the town centre may need to be relocated to other parts of the town centre due to the proposed new layout of the pedestrianised area. It is suggested that these are, where possible, incorporated into the mainstream market operation (i.e. under the Food Act legislation). The legal implications need to be considered and are outlined in more detail under Section 7.

- 3.22 As part of the reorganisation new pop up market stalls will be purchased; it is proposed that these will be 3.7m x 2.5m in size and will be liveried to reflect the heritage of Bromley town centre and its historic market. A layout for the stalls allows for up to 21 to be located between the Library and Market Square. In order to maintain visibility of the shops on the western side, it is proposed that the stalls will be located further apart to avoid a more solid 'wall' of units and to avoid conflict with shop entrances. To avoid having these shops facing the unsightly back of the stalls most have been aligned in twos 'back to back' with serving area fronting three sides. The stalls have been located to maximise pedestrian space outside the shops on the western side. A photographic 'mock up' of the proposed layout of the stalls is provided in **Appendix 3**.

PROPOSED CHANGES TO MARKET MANAGEMENT

- 3.23 At present the Council provides management of the existing 3-day market in Bromley. This involves a number of activities which may potentially be undertaken by an external operator and initial soft market testing suggests that there could be interest from commercial market operators in such a contract. However, because the possible commissioning of the market involves a number of complex issues Officers will bring a separate Gateway report on the market testing of this service for a decision by Members later in 2017.
- 3.24 In order to achieve the above proposed changes to the Market, in addition to the capital costs detailed in the table in 3.5 above, it will be necessary for an additional temporary staff resource to be brought into the Street Enforcement Team to lead on the project for 12 months at an estimated cost of £40k. It is proposed that this is funded from the Growth Fund.

INDICATIVE IMPLEMENTATION PROGRAMME

3.25 The term contractor for street works have indicated that the High Street improvements will take a total duration of 20 months (excluding weekend working). The proposed changes to the market will necessarily have to follow the programme for the Public Realm works.

Phase	Timescale	Public Realm	Market Development
Phase 1 Duration of 5 months.	July to November 2017.	Market Square to Marks & Spencer. The precise cut off point will be subject to timing restrictions.	Concept and detailed design of new market kiosks (including further market testing) Commencement of work to amend legal basis of Market Purchasing of new pop up stalls Commencement of the new market application process Installation of Market Square kiosks
Phase 2 Duration of 8 months	January 2018 to August 2018	Churchill Theatre to the most southern raised planter (approximately outside Café Nero).	Launch of new market in new position (Jan / Feb 2018)
Phase 3 Duration of 3 months	Scheme completion November 2018	The Elmfield arrival space	

CUSTOMER PROFILE AND STAKEHOLDER CONSULTATION

3.26 In 2015, the Council commissioned JB Market Research Services Ltd to undertake three separate surveys in relation to Bromley Charter Market. One was a survey of visitors to Bromley Town Centre – comprising 400 interviews (half on market day and half on a non-market day). 400 interviews were also undertaken in neighbouring smaller town centres: 100 interviews in each of the following: Chislehurst, Petts Wood, West Wickham, and Beckenham. Finally 186 telephone interviews took place with owners and managers of businesses based in Bromley Town Centre. The majority of respondents felt that the Market was a positive feature of the town, and that it contributes to their experience of the town centre. Although in a minority, a significant proportion of those questioned (19% of Bromley visitors, and 27% of other town visitors) said the presence of the market had a bearing on their decision to visit Bromley Town Centre – therefore the market is a driver of some footfall to the town.

3.27 Of the 36 respondents who had made a purchase on the market on the day of interview, ‘food-ingredients’ and ‘food-ready to eat’ were most likely to have been bought with 47% and 33% of them having purchased each respectively. It is expected that increasing the level of food stalls (catering and retail) within the overall mix of tenants will therefore have a positive impact on the usage of the market and footfall to the locality. A summary of the results of the market research undertaken for the review is included in **Appendix 4**. This research formed part of the basis of the Quarterbridge review.

3.28 As part of the development and testing of the concept design for the public realm and the market, public and stakeholder consultation was undertaken during spring 2016. This involved

writing to all businesses within the vicinity of the market (in both current and proposed location) and to Market Traders, along with a stakeholder meeting. The results of this is summarised in **Appendix 5**. In addition, an update report on the proposed public realm and market changes was provided to the Renewal and Recreation PDS on 22 November 2016 and Member comments have been reflected in the scheme design presented here.

3.29 Members should note that further formal consultation will take place during the coming year as part of the need to obtain Planning Permission for the new site of the Market – and also in relation to the proposal to move the licensing regime of the Market from the London Local Authority Act to the Food Act – further details provided in the Legal Implications section below. In addition, it is recommended that a new Market Panel is convened to include representation from the Council, the Bromley BID and the existing Market traders – to help guide the strategic direction for the renewed market and crucially set the acceptance criteria for trader applications to the future market.

4. POLICY IMPLICATIONS

4.1 Proposals are in support of developing and maintaining the vibrancy of Bromley Town Centre, and as such contributes to the Building a Better Bromley key priority of Vibrant, Thriving Town Centres. The scheme will improve the economic sustainability of Bromley High Street encouraging footfall both during the day and evenings, and on quieter days of the week due to the 7 day per week operation of the kiosks.

5. FINANCIAL IMPLICATIONS

5.1 A report considered by the Executive on 2 December 2015 estimated the cost of the concept scheme at £3.8m, which included a provisional sum of £1m for the commercial kiosks and mirrored canopies, but not the market kiosks. A sum of £287k was allocated from the Investment Fund to meet the cost of the detailed design work and additional survey work. To date £139k has been spent/committed, leaving a balance of £148k, which will be used to undertake the design for the commercial kiosks and mirrored canopies.

5.2 The detailed designs and scheme costs for the whole of the proposed improvement works have now been fully completed and a cost summary is set out below: -

Bromley Town Centre Scheme Costs	£'000	£'000
Public Realm Works		
Site Clearance	50	
Drainage & Earthworks	361	
Carriageway and footway works	1,110	
Street furniture	362	
Street lighting	318	
Total for Public Realm Works		2,201
Market Development		
Market infrastructure	109	
Pop up stalls & kiosks	720	
Total for Market Development		829
Cleaning machine		55
Contingency (10%)		309
Management & Supervision		170
Total Scheme Costs		3,564

- 5.3 Approval is sought to allocate £3.564m from the Growth Fund and to add the public realm scheme to the capital programme, subject to approval from Full Council. It is estimated that £2.14m will be spent in 2017/18 and £1.424m in 2018/19.
- 5.4 Should the S106 funding of £4m be received from the Langley Court development, the scheme will be funded by these monies and the £3.564m returned to the Growth Fund. The Growth Fund currently has an unallocated balance of £4.645m.
- 5.5 The £4m S106 funding is for employment. 50% is due 2 years after the commencement of the development with the remaining £2m due a year later. Planning officers believe that the development started before the end of 2016, although official confirmation is awaited from the developer. If the commencement date is prior to December 2016, then £2m will be expected to be received by January 2019 and the remaining £2m by January 2020.
- 5.6 It should be noted that a further report on the detailed design and costings for the commercial kiosks and mirrored canopies will be brought back to the Executive in July for consideration. Members may wish to consider the use of future S106 funding to offset the costs of the scheme and reimburse the Growth Fund.
- 5.7 Additional annual revenue costs of £60k will be incurred for enhanced cleaning of the area and maintenance costs for the trees and planting, with effect from April 2018. Approval is sought for this revenue growth item. Rental income of between £27k - £48k may be generated by the commercial kiosks that could be used to offset part of these costs.
- 5.8 It is also recommended that £40k is allocated from the Growth Fund to employ a temporary Project Officer for 12 months to deliver the changes to the market.
- 5.9 For 2017/18, the Charter Market has a net controllable budget of Cr £54k.
- 5.10 The following table provides the potential financial implications of the various options for the market as outlined in 3.15 above, although Option C is being recommended:

	Option A Close the Market £'000	Option B Move existing mkt to mkt Sq £'000	Option C New smaller Mkt with kiosks £'000	Option C (i) New mkt pop-up stalls only £'000
REVENUE				
Current 2017/18 controllable budget	-54	-54	-54	-54
Net controllable cost/surplus for options	0	-54	-54	-29
Potential loss of income from interest earned on capital (1.5%)	0	2	12	2
Revenue impact of each option	54	2	17	28
CAPITAL				
Cost of implementation of market development	0	102	829	138

- 5.11 Members are asked to note that both the market kiosks and the larger commercial units would be rateable and therefore additional Business Rates of around £10k per annum would be payable on these, based on the Kingston Market. It is expected that these costs are recovered from the kiosk occupants or paid directly by occupiers. Tenants would also be responsible for meeting any utility costs. The Council would only become liable for these costs when the stalls/kiosks were not occupied.

6. PERSONNEL IMPLICATIONS

- 6.1 In order to manage the transition period and develop the market, a part time fixed term post would be required for a period of 12 months. This officer will manage the transition to the new market – coordinating the proposed legal changes, engaging with and consulting market traders and other town centre stakeholders, developing and coordinating a new Market Panel, engaging with the detailed design process for the new kiosks and pop up stalls and working with chosen contractor to prepare for re-launch in early 2018 – and, subject to Members agreement, potentially leading on the future commissioning of the market operation. Given the need for this post to be involved in both the strategic and operational aspects of the project – it is proposed that this new temporary post reports into the Street Enforcement Manager – within the ECS Neighbourhood Management Team.

7. LEGAL CONSIDERATIONS

- 7.1 The Council implemented the London Local Authorities Act 1990 (LLAA) in 1991 to regulate street trading in the Borough. This legislation also covers the Friday and Saturday market and the individual street traders. The Thursday Charter Market is exempt from street trading legislation.
- 7.2 The Council is not permitted to make a profit from a market registered under this legislation; it can only recover its costs. There is however no such statutory limitation on the costs chargeable for the Charter Market. Consequently as explained in paragraph 3.21 above, it is proposed that the market (other than the Charter Market) should in future be licensed under the Food Act 1984 to enable the Council to maximise income. We are advised that relicensing could take up to 18 months and will be initiated as part of the first phase of market development. This process will however run in parallel with other aspects of the programme – and if necessary the new market will remain under the LLAA legislation during the early part of its operation.
- 7.3 The 5 existing permanent street traders, currently licensed under the London Local Authorities Act (LLAA), will also need to be transferred to the Food Act licensing regime and, as indicated above, possibly relocated. If they are to be relocated, it will be necessary to consult them and go through a statutory process to terminate their current licences before issuing new ones. There is an appeal procedure including a right of appeal to the Magistrates Court. It is intended that this procedure will also be run in parallel with the remainder of the programme. Because of the complexities of the procedures it may prove necessary to obtain Counsel's advice at some point as to the detail of the Council's handling of the necessary steps. It is also possible that one or more of the market or street traders may challenge the Council's action, leading to court proceedings which could affect timescales. There is therefore a possibility of incurring additional costs in the course of the project.
- 7.4 If members favour closure of the market, there are no specific legal formalities in respect of casual market traders (as opposed to licenced street traders – the comments in 7.3 above will apply to them regardless). The Council is not under any obligation to continue to operate the markets. However, if closure is a possibility, members may wish to consider holding some form of public consultation first to allow stall holders (and residents) to express their views about the proposal; this may help avoid potential claims by stall holders if the market is closed. There may also be further steps necessary to terminate the current market licence and revoke the previous decision to licence the High Street for street trading. Any such steps will be confirmed if members choose that option.
- 7.5 Members should also note that if the Council stops holding the charter market then the charter right to hold the market will lapse. However, there would be nothing to prevent the Council from using its powers under either the LLAA or the FA to restart a market at some point in the future.

7.6 In addition to the requirement to amend the licencing regime, it should be noted that the new location for the Market will require full Planning Permission which will be applied for once detailed design for the semi-permanent kiosks is completed.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	Bromley Charter Market: Research Findings – JB Market Research March 2015

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APPENDIX 1

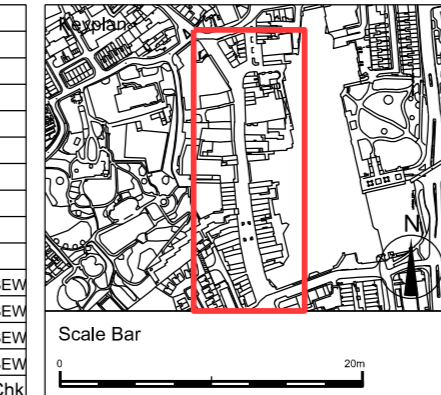
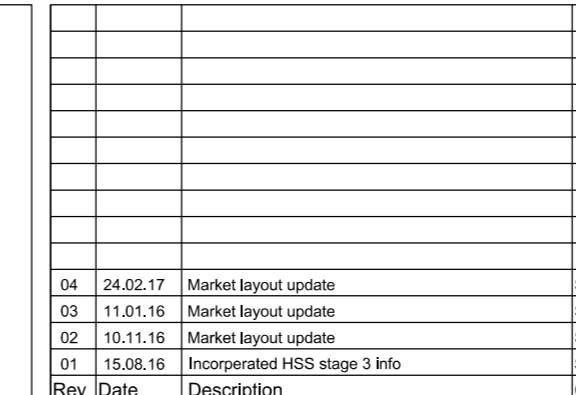


General Notes
 No implied licence exists. This drawing should not be used to calculate areas for the purposes of valuation. Do not scale this drawing. All dimensions to be checked on site by the contractor and such dimensions to be their responsibility. All work must comply with relevant British Standards and Building Regulations requirements. Drawing errors and omissions to be reported to the architect.

- Notes**
- Indicative fire truck access route. TBC by contractor
 - Proposed southern kiosks locations
 - Proposed low maintenance planting
 - NATURAL STONE PAVING
100 Gauge 'Yellow Rock' granite G682 Bush hammered finish Refer to detail 0220_SEW_HSN_2100
 - NATURAL STONE PAVING
300 Gauge 'Yellow Rock' granite G682 Bush hammered finish Refer to detail 0220_SEW_HSN_2100
 - FEATURE STONE BANDING
Refer to detail 0220_SEW_HSN_2100
 - RESIN BONDED SURFACE
(Specification to be confirmed)
 - Proposed light poles location
 - Proposed bus stop location
(Based on its built condition from topography)
 - Proposed canopy columns location
(To be confirmed by structural engineer)

- Levels annotation legend**
- TOW top of wall
 - BOW bottom of wall
 - FS finished surface
 - TOS top of building
 - TOB top of seating
 - BOS bottom of seating

Rev	Date	Description	SEW
04	24.02.17	Market layout update	SEW
03	11.01.16	Market layout update	SEW
02	10.11.16	Market layout update	SEW
01	15.08.16	Incorporated HSS stage 3 info	SEW
			CHN



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Client
 London Borough of Bromley

Project
 Bromley Central High Street
 Bromley

Drawing Title Overall High Street GA	
Project Number 0220	Status Stage 3 Info
Scale at A1 1:500	Date 25.07.16
Drawn by CW	Checked by SEW
Drawing Number 0220 SEW HS 7100	Revision 04

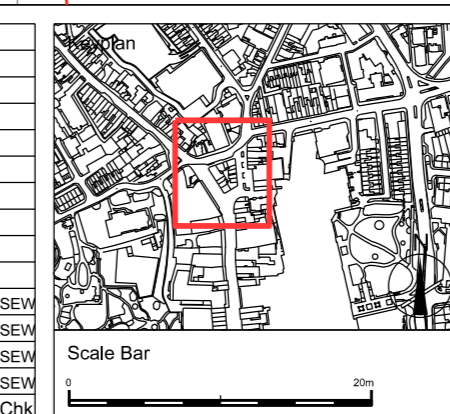
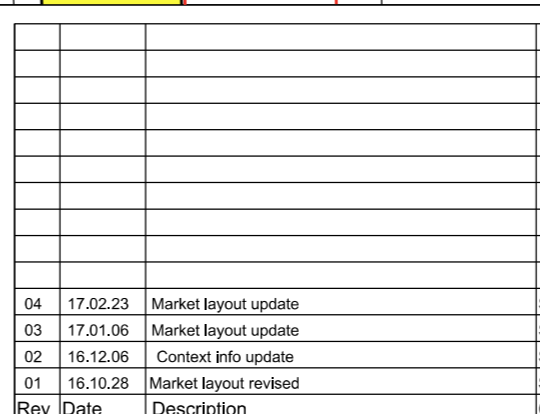


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Notes

- Indicative fire truck access route. TBC by contractor.
- Proposed southern kiosk locations.

Rev	Date	Description	CHK
04	17.02.23	Market layout update	SEW
03	17.01.06	Market layout update	SEW
02	16.12.06	Context info update	SEW
01	16.10.28	Market layout revised	SEW



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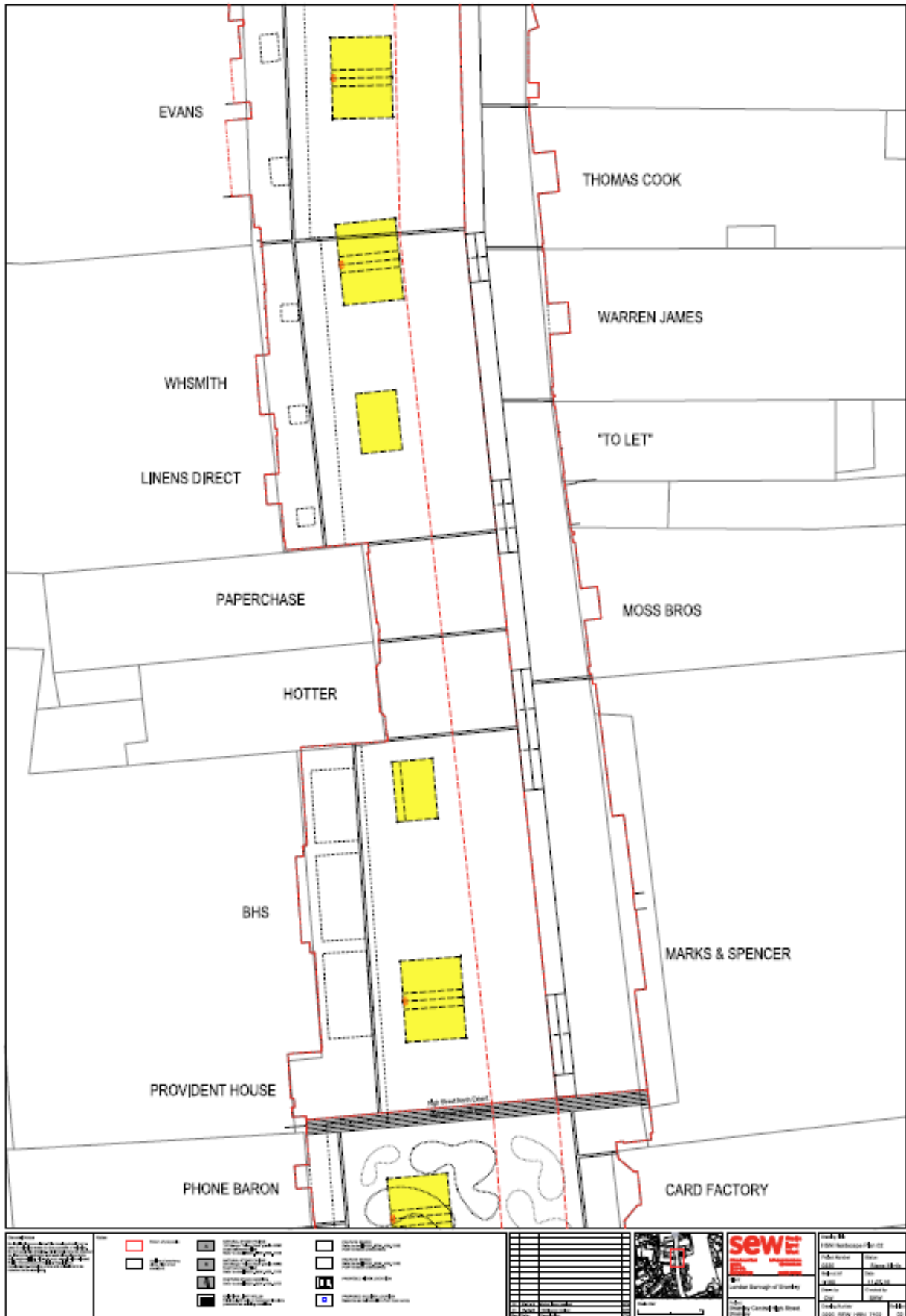
Client
 London Borough of Bromley

Project
 Bromley Central High Street Bromley

Drawing Title Market Square GA	
Project Number 0220	Status Stage 3 Info
Scale at A1 1:200	Date 25.07.16
Drawn by CW	Checked by SEW
Drawing Number 0220 SEW MS 7100	Revision 04



<p>Legend</p> <ul style="list-style-type: none"> Red outline: Boundary Black outline: Building Footprint Grey outline: Parking Area Green outline: Green Space Blue outline: Water Feature Yellow fill: Specific Zone Dashed outline: Proposed Structure Solid outline: Existing Structure Red dashed line: Boundary 	<p>Scale</p> <p>1:1000</p>	<p>Project Name</p> <p>Location</p> <p>Date</p>	<p>SEWER</p> <p>100% Handover Plan 01</p> <p>100% Handover Plan 01</p> <p>100% Handover Plan 01</p>
	<p>Client</p> <p>Contract No.</p> <p>Drawn By</p> <p>Checked By</p> <p>Scale</p>	<p>Project No.</p> <p>Revision</p> <p>Date</p>	<p>100% Handover Plan 01</p> <p>100% Handover Plan 01</p> <p>100% Handover Plan 01</p>



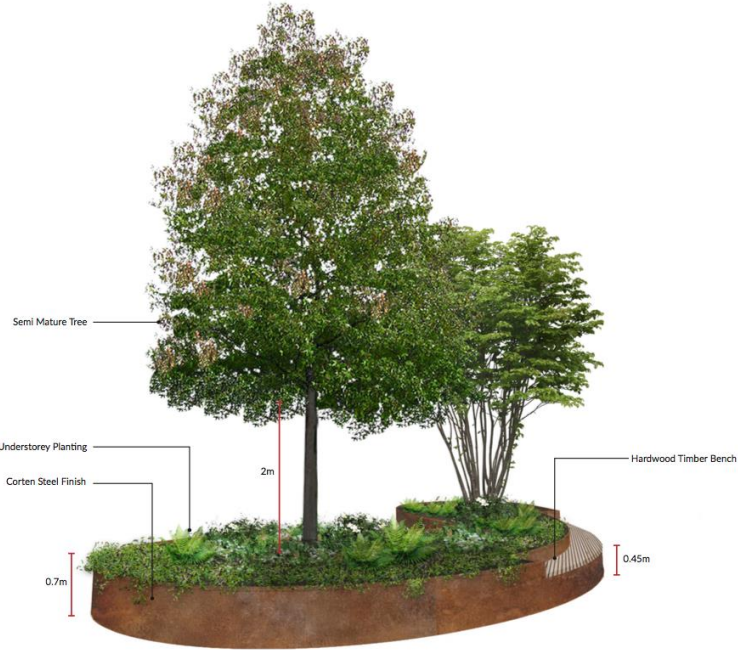


HIGH STREET GARDEN SPACE



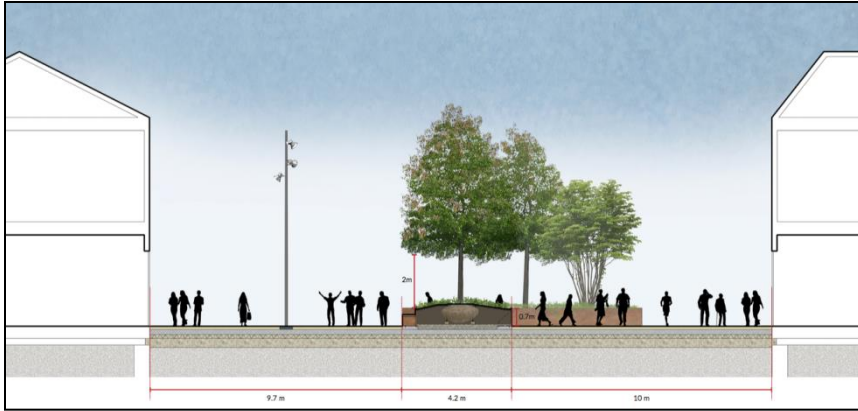
Page 36

Elmfield Road welcoming space and planters



Typical planter

PROPOSED PLANTERS - SCALE AND VISUAL IMPACT



Cross section of planters

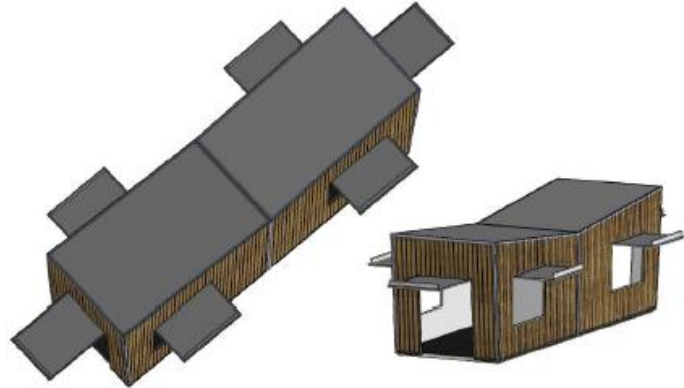


Permeability- both visual and for pedestrians

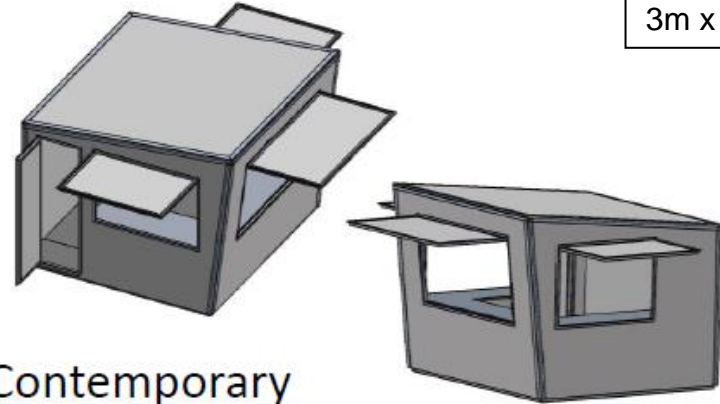


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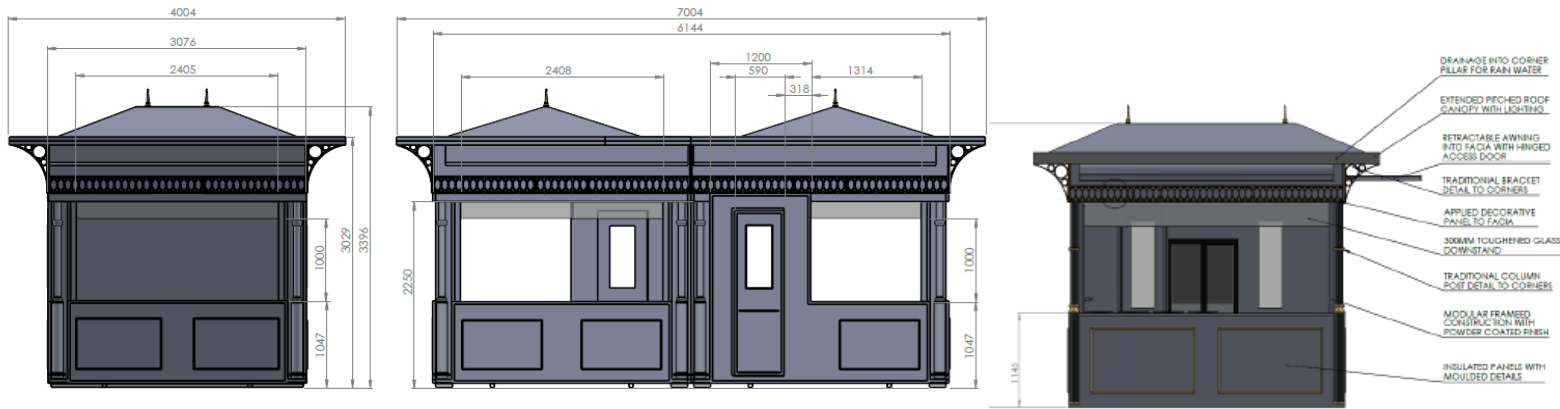
Semi Permanent Kiosks
3m x 3m design



Contemporary timber cladding



Contemporary 'mirrored' finish



'Traditional Style' Kiosk

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MARKET SQUARE WITH LOCATION OF SEMI-PERMANENT KIOSKS

APPENDIX 3



Primark Frontage



View looking North towards Market Square



Pedestrian space between kiosks and Primark



View looking west across Market Square

POP-UP MARKET STALLS



View of pop-up stalls looking north



View of pop-up stalls looking south



Pop-up stalls from the Churchill Theatre to Market Square



APPENDIX 4

Bromley Charter Market: Summary of Market Research Findings

In early 2015 London Borough of Bromley (LBB) commissioned JB Market Research Services Ltd of Kent to undertake three separate surveys in relation to Bromley Charter Market which is currently held on Thursdays, Fridays and Saturdays in the pedestrianised part of the High Street in Bromley town centre.

Three separate surveys were undertaken comprising:

- 400 street interviews in Bromley Town Centre – 200 took place on market days and 200 on non market days – spread throughout the week. The selection of interviewees was to reflect the borough's demographic mix.
- 400 street interview in four neighbouring towns – Chislehurst, Petts Wood, West Wickham and Beckenham.
- 186 telephone interviews with business owners and managers – for businesses based in Bromley Town Centre.

Although the main focus of the research was on Bromley Charter Market, to add value to the research, some additional opinion based questions were also asked about Bromley town centre.

This document summarises the findings in relation to the Market. A more detailed report on the overall findings is available from Town Centre Management & Business Support. The results are presented in whole percentages and the mean scores (averages) to two decimal places. The percentages may not add exactly to 100% due to rounding. All rating questions were on a scale of 1 to 10 where 1 is most negative and 10 is most positive. Not all questions were asked to all respondents. The percentages are based on the number of respondents who were asked each question.

Current Rating of Bromley Charter Market

Respondents to all three surveys were asked how they rate 'the market in Bromley town centre' on a scale of 1 to 10. The average rating amongst respondents of the Bromley Survey for 'the market in Bromley town centre' was 7.80, the mean score from respondents of the Other Towns Survey was 7.34 and amongst those who participated in the Bromley Businesses Survey, the average score for the market was again slightly lower at 7.13 by these respondents.

Current Influence of Market on Decision to go to Bromley Town Centre

Of the 200 respondents who were interviewed in the Bromley Survey on a market day, some 196 of them had been to Bromley town centre before and were asked if the fact it was market day had influenced their decision to come into Bromley town centre on the day of interview, or would they have come anyway. Some 19% said 'yes' the market had influenced their decision to come into Bromley on the day of interview whilst 81% said 'no' the market had had no impact on their decision.

In relation to the Other Towns Survey, the 313 respondents who said that they had been to Bromley town centre on a market day in the last 6 months were asked whether the market had had any bearing on their decision to go to Bromley on that day/ those days: some 72% said that the market had had 'no bearing on their decision whatsoever', a further 22% said that the market had had 'some bearing on their decision' and 5% said that the market was 'the main reason' that they had decided to go to Bromley town centre on that day/ those days. Less than 1% said 'it varies' to this question.

Behaviour & Spend in Relation to Market

Those 196 respondents interviewed on a market day and who had been to Bromley before, in the Bromley Survey, were asked what they had done in the area of the market on the day of interview. Over a third, 37%, said that they had 'walked straight past or through the market without looking at the stalls', a further 44% said that they had 'looked at the stalls' and 18% of them said that they had 'bought something'.

Of the 36 respondents who had made a purchase on the market on the day of interview, 'food-ingredients' and 'food-ready to eat' were most likely to have been bought with 47% and 33% of them having purchased each respectively. Third most likely to have been purchased, by 19%, was 'fabric/ material'.

In terms of spend, 22% said that they had spent 'under £5.00', some 25% spent '£5.00-£9.99' and a further 31% spent '£10.00-£14.99' on the market, the most likely amount to have been spent. Some 3% spent '£15.00-£19.99' and 19% of them had spent '£20 or more' on the market.

Impact of Market on Footfall and Spend in Town/ Their Businesses

When all 186 respondents to the Bromley Businesses Survey were asked about the impact they felt the market had on the town and their particular businesses, the findings were as follows: in relation to the town, 70% of respondents felt that the market 'increased footfall in the town' and 61% felt that the market 'increased spend in the town'. When asked about the impact of the market on their specific businesses, 30% felt that the market 'increased footfall in their business' and 27% felt that the market 'increased spend in their business'.

The Future of Bromley Charter Market

All respondents to all three surveys were asked to rate how much of a good or poor idea a range of suggestions were in relation to the future of the Market. Again using the scale of 1 to 10, the eleven suggestions that respondents rated were as follows:

- 'plenty of food retailing, such as butchers, fishmongers, bakery'
- 'plenty of food catering, ready to eat, from different cultures'
- 'payment via card available at all stalls'
- 'market opening earlier than 9am as it does currently'
- 'market closing later than 5pm as it does currently'
- 'moving the market up to the Market Square, near Primark'
- 'themed or seasonal markets, such as Continental or Christmas markets'
- 'invest in quality pop-up stalls'
- 'invest in some permanent kiosks/ stalls'
- 'increase the number of stalls, there are currently around 25'
- 'music accompaniment'

Table 1. Bromley Survey and Other Towns Survey: Table to Show the Average Scores Given by Respondents for All 11 Suggestions for the Future of the Market, in Descending Order (Note: some suggestions have been abbreviated)

Bromley Survey	Average Score	Suggestion Being Rated	Other Towns Survey	Average Score	Suggestion Being Rated
1	8.22	'themed or seasonal markets'	1	7.52	'themed or seasonal markets'
2	7.37	'plenty of food retailing'	2	7.01	'plenty of food retailing'
3	6.91	'plenty of food catering'	3	6.56	'plenty of food catering'
4	6.81	'invest in quality pop-up stalls'	4	6.54	'invest in quality pop-up stalls'
5	6.71	'increase the number of stalls'	5	6.10	'payment via card available at all stalls'
6	6.41	'payment via card available at all stalls'	6	6.01	'increase the number of stalls'
7	6.01	'music accompaniment'	7	5.48	'invest in some permanent kiosks/ stalls'
8	5.40	'invest in some permanent kiosks/ stalls'	8	4.96	'music accompaniment'
9	4.73	'market closing later than 5pm'	9	4.45	'moving the market up to the Market Square'
10	4.61	'moving the market up to the Market Square'	10	4.33	'market closing later than 5pm'
11	4.13	'market opening earlier than 9am'	11	4.05	'market opening earlier than 9am'

As can be seen from the above table suggestions such as themed or seasonal markets, plenty of food retailing and food catering, investing in quality pop up stalls all came in the top 4 for popularity for the Visitor survey responses from both Bromley Town Centre and the neighbouring towns. About mid-table in terms of popularity were investing in permanent kiosks, musical accompaniment to market and payment by card. Least popular of the suggested changes were moving the market into Market Square, and adjusting the opening / closing times.

Table 2. Bromley Businesses Survey: Table to Show the Average Scores Given by Respondents for All 11 Suggestions for the Future of the Market, in Descending Order (Note: some suggestions have been abbreviated)

Bromley Businesses Survey	Average Score	Suggestion Being Rated

1	8.25	'themed or seasonal markets'
2	7.52	'payment via card available at all stalls'
3	6.98	'invest in quality pop-up stalls'
4	6.88	'plenty of food retailing'
5	6.66	'plenty of food catering'
6	6.43	'increase the number of stalls'
7	6.33	'invest in some permanent kiosks/ stalls'
8	5.97	'moving the market up to the Market Square'
9	5.94	'music accompaniment'
10	5.56	'market closing later than 5pm'
11	4.92	'market opening earlier than 9am'

For the Businesses surveyed there are some common priorities with the Visitors – i.e. themed or seasonal markets, investing in quality pop up stalls, increasing food retailing and catering. However, the idea of introducing payment by card on the market came higher up the list than for Visitors. The idea of introducing kiosks and moving the market to Market Square were also more popular with businesses. As with the visitor survey – the suggestion of changing regular market hours was least popular.

APPENDIX 5

SUMMARY OF CONSULTATION UNDERTAKEN FOR BROMLEY TOWN CENTRE PUBLIC REALM PROJECT AND MARKETS REVIEW

1. For the previous Stage 2 Concept design, the design team initially prepared a series of concept design options which formed the basis of a series of public consultation events which took place in June and July 2015. These included a manned display in Market Square and a drop in session for stakeholders where the emerging design was broadly welcomed.
2. For the High Street improvements officers have consulted and have the approval of the Station Manager of Orpington Fire Station.
3. In April 2016 during the detailed design process the market traders and retail businesses were invited to discuss the proposals at a drop in consultation session at the Central Library to discuss the future of the Market.
4. The market research undertaken in January 2015 included:
 - shopper surveys (400 interviews in Bromley Town Centre and 400 interviews in peripheral town centres Chislehurst, Petts Wood, West Wickham and Beckenham)
 - business surveys (Bromley Town Centre)
 - market trader surveys (from the existing market in Bromley Town Centre)
 - Focus group with individuals who completed a shopper survey
5. The main outcomes of the market research were as follows:
 - Bromley Town Centre is perceived well as a shopping destination by people within Bromley, scoring 8.1/10
 - The public and business perception of Bromley Market is reasonably high scoring 7.8/10
 - Generally the market does not influence the vast majority of people's decision to visit the town centre, however 19% said it had influenced their decision
 - 70% of business survey respondents felt town centre footfall increased in market days and 61% felt shopper spend increased on market days
 - 71% of Bromley respondents would welcome an evening market festival
 - The most popular suggestions for the future of the market were – themed/seasonal markets, plenty of food retailing and catering and investment in the quality of stalls
6. Following the results of the market research and the recommendations within the Quarterbridge report a proposal document was prepared relating to the future of Bromley Market which was circulated to businesses within Bromley Town Centre and the existing market traders in March 2016 and

also presented at the consultation drop in event in April. The proposal document included the new location plan, layout, and aspirational tenant mix.

6.1. The local **Business** response included clear support from Your Bromley BID, representing around 540 businesses in the town centre. The BID supports the relocation, higher quality market but with a reduction in the number of stalls with a balanced mix of traders. They asked that direct competition with existing businesses should be carefully considered. The BID also stated that they would like to play a strategic role in the types of stalls granted a licence, the location and the layout – and hence it is suggested that they have a representative on the proposed Market Panel. There were also 49 individual business responses in addition to the BID response – and a number of these objected to the proposed new location, layout and configuration. A number of these were from businesses whose frontages were in close proximity to the new market or who are in direct competition with market traders.

6.2. Existing **Market Traders** were given the same opportunity to take part in the consultation as businesses but only 18 provided a response either in writing or in person. The majority of these supported the market relocation, layout and introduction of semi-permanent kiosks. However, some objected to the increase in food stallholders and a number were concerned about the reduction in the number of stalls which would be available on the proposed new market.

7. In early November 2016 – following development of the detailed design for the ground plain elements of the Public realm scheme, Councillors (including the Leader, the Portfolio Holder for Renewal and Recreation and one of the Bromley Town ward Councillors), senior officers and the BID Manager attended a presentation on the developing plans. Attendees were generally supportive, but provided some specific suggestions and comments to be taken into account as plans develop.

Report No.
DRR17/017

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

22 March 2017

Date: For Pre-Decision Scrutiny by the Renewal & Recreation Policy Development and Scrutiny Committee on 7th March 2017

Decision Type: Non-Urgent Executive Non-Key

Title: BROADBAND INFRASTRUCTURE INVESTMENT

Contact Officer: Kevin Munnelly, Head of Renewal
Tel: 020 8313 4582 E-mail: kevin.munnelly@bromley.gov.uk

Chief Officer: Executive Director of Environment & Community Services

Ward: Darwin;

1. Reason for report

A proposal has been received from the Cudham Village Residents' Association for Growth Fund funding towards the provision of upfront Broadband infrastructure.

2. **RECOMMENDATION(S)**

- 2.1 That the Executive approve funding of £15k from the Growth Fund to support the community initiative detailed in paragraph 3.3 of this report and agree that the Executive Director of Environment and Community Services is delegated authority to release the final funding with the Agreement of the Portfolio Holder for Renewal and Recreation and the Director of Corporate Services.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Supporting Independence Regeneration:
-

Financial

1. Cost of proposal: Estimated Cost: £15k
 2. Ongoing costs: Non-Recurring Cost: N/A
 3. Budget head/performance centre: Growth Fund
 4. Total current budget for this head: £4.645m
 5. Source of funding: Growth Fund
-

Personnel

1. Number of staff (current and additional): 5
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

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

Procurement

1. Summary of Procurement Implications: The Broadband services will be provided by Pine Media directly to Downe Village Residents' Broadband Ltd, who act on behalf of both Downe and Cudham Village Residents' Associations.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 600 households
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: The Portfolio Holders for Renewal & Recreation and Resources support the proposal.

3. COMMENTARY

Broadband Infrastructure Investment

- 3.1 Feedback from local business organisations has previously highlighted the fact that variable broadband coverage across the Borough is impacting negatively on business activity rates. This is particularly true of areas in the south of Borough and around Downe and Biggin Hill. The Department of Culture, Media & Sport has introduced a series of initiatives targeted at individual businesses to address these issues. However, take up these direct grants has been patchy, especially in peripheral locations, due to the lack of network infrastructure.
- 3.2 In May 2016 the Executive considered and approved a funding request from the Downe Village Residents' Association for funding of £49,702 towards the installation of three fibre enabling cabinets which would serve Downe Village, Chelsfield Old Village and part of Keaston –Leaves Green End area. The infrastructure is being provided by BT Openreach under direct contract to the Downe Village Broadband Ltd and would enable 545 properties and is due for full installation by July 2017.
- 3.3 As part of a joint initiative between the Downe and Cudham Village Residents' Associations a further funding request has been submitted to the Growth Fund for £15k to extend fast broadband services to up to 600 properties in Cudham Village. An agreement has been reached with a niche broadband provider, Pine Media, who will provide the service via a relay from the radio mast at Knockholt. The funding will be used to provide the upfront infrastructure costs and is seen as a very cost effective solution. It is proposed that a similar grant agreement is drafted between the Council and the Cudham Village Residents' Association.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 None for the purposes of this report.

5. POLICY IMPLICATIONS

- 5.1 The Local Plan report to Executive in February 2013 identified as a key policy objective the maximisation of economic growth. This included a commitment to identifying investment opportunities and undertaking key infrastructure improvements.

6. FINANCIAL IMPLICATIONS

- 6.1 A sum of £15k is requested to be drawn down from the Growth Fund to contribute towards the costs of installing fast broadband services for Cudham Village via the Downe Residents' Broadband Ltd, in the form of a grant.
- 6.2 The Growth Fund currently has an unallocated balance of £4.645m, however should the Executive agree funding for the Bromley Public Realm scheme of £3.604m, the unallocated balance will reduce to £1.041m.

7. PERSONNEL IMPLICATIONS

- 7.1 None for the purposes of this report.

8. LEGAL IMPLICATIONS

- 8.1 A formal grant agreement will need to be concluded. The Grant is below the de minimis threshold for State Aid.

9. PROCUREMENT IMPLICATIONS

- 9.1 The Broadband services will be provided by Pine Media directly to Downe Village Residents' Broadband Ltd, who act on behalf of both Downe and Cudham Village Residents' Associations.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	N/A

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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