

# Agenda



## OPERATIONAL MANAGEMENT COMMITTEE

Date:	Tuesday, 15 November 2016 at 6:30 pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor David Eaves (Chairman) Councillor Albert Pounder (Vice-Chairman)</p> <p>Councillors Frank Andrews, Julie Brickles, Alan Clayton, Richard Fradley, Karen Henshaw JP, Paul Hodgson, Edward Nash, Sandra Pitman, Thomas Threlfall.</p>

### Public Platform

To hear representations from members of the public in accordance with council procedure rule 11.

To register to speak under Public Platform: see [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on 13 <sup>th</sup> September 2016 as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24(c).	1
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Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

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# DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCE DIRECTORATE	OPERATIONAL MANAGEMENT COMMITTEE	15 NOVEMBER 2016	4
<b>PUBLIC SPACE PROTECTION ORDERS FOR DOG CONTROL</b>			

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

This report presents the recommendations of the cross party working group established to consider the introduction of Public Space Protection Orders (PSPOs) for the enforcement of dog control in Fylde under the Anti-Social Behaviour Crime and Policing Act 2014. PSPOs can be introduced in a public place to prevent certain persistent activities that are having a detrimental effect on the quality of life of those in the locality. Failure to comply with a PSPO is an offence which can be dealt with by a fixed penalty notice (of up to £100) or by prosecution (maximum fine of £1000).

### RECOMMENDATIONS

The Operational Management Committee is requested to consider and approve the recommendations detailed below and to instruct officers to carry out the necessary public consultation as required by the legislation. The results of the consultation will be reported back to a future meeting of the Committee, and if PSPO's are subsequently approved, a recommended implementation date of 1<sup>st</sup> June 2017 will be suggested.

Recommendations of Working Group:

- a borough wide PSPO requiring dogs to be kept on leads on all public highways at all times
- a borough wide PSPO requiring the removal of dog faeces at all times
- a borough wide PSPO excluding dogs from all children's play areas
- a borough wide PSPO limiting the number of dogs under the control of one person to a maximum of 4
- a PSPO requiring dogs to be kept on leads at various locations across the borough (Appendix A)
- a PSPO excluding dogs at various locations across the borough (Appendix A)
- the introduction of a fixed penalty notice (FPN) for breaching a PSPO to the value of £100, reduced to £50 if paid within 7 days
- after an introductory, educational period, a zero tolerance approach to be followed in relation to any PSPO made following the consultation
- to recommend to full council that existing dog related byelaws are repealed, to avoid conflicting restrictions
- to recommend to full council to include a 2017/18 one off budget item of £12,000 to fund a communication campaign and appropriate signage to support of the introduction of any dog

related PSPOs made following the consultation

- to approve the purchase and use of body worn CCTV cameras (subject to procedural requirements) by the Dog Enforcement Wardens as a Health and Safety measure to be funded from existing service budgets
- to recommend appropriate officers investigate the use of PSPO to control other ASB issues such as BBQs and public drinking and to make recommendations to the relevant committees (Tourism and Leisure and Public Protection).

## SUMMARY OF PREVIOUS DECISIONS

The Operational Management Committee considered a report at the March 2016 meeting and RESOLVED:

1. That the committee agreed to establish a cross party working group to consider the introduction of Public Space Protection Orders for Dog Control across the borough, which would report back to the Operational Management Committee and make any appropriate recommendations.
2. That the cross party working group established consist of seven elected members with three from the Operational Management Committee, two from the Tourism and Leisure Committee and two from the Environment, Health and Housing Committee

The Cross Party working Group was comprised of the following Members:

Councillors David Eaves, Ben Aitken, Alan Clayton, Cheryl Little, Albert Pounder, Vince Settle and Heather Speak. The Working Group held 3 meetings to finalise the recommendations and suggested actions as detailed within this report.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	√
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	√
Working with all partners ( <b>Vibrant Economy</b> )	
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	√
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	√

## REPORT

### BACKGROUND INFORMATION

1. The Dog Enforcement Service (the Service) covers the Council's statutory obligations including aggressive dogs, strays and fouling enforcement.
2. Since 2010 the Service has undergone a number of changes including the removal of welfare, active promotion to encourage residents to report fouling and changes to working arrangements. Since January 2014, there have been 2 dog wardens, working a 71 hour fortnight shift pattern, providing coverage from 7am-7pm Monday-Friday and a varying 6 hour shift on a Saturday.
3. Currently, dog fouling is enforced with fixed penalty notices (£50) under the Dogs (Fouling of Land) Act 1996.

4. The Council operates a zero tolerance approach and any owner seen by the Dog Wardens failing to remove faeces forthwith is issued with a fixed penalty notice. Forty seven £50 Fixed Penalty Notices have been issued and paid since 2010/11.
5. The majority of children's play areas have signs advising that dogs should not be exercised in these locations. These signs are purely for guidance and there are currently no legislative controls enabling enforcement.
6. There are currently no restrictions on the number of dogs being exercised by one person within the borough. The open locations within the borough, for example the dunes and beach, are utilised by visitors and dog walkers exercising numerous dogs at once, usually off the lead.
7. There are currently a number of byelaws covering parts of the borough (designated areas) that require dogs to be held on leads or excluded during particular periods (amenity beach). Fixed penalty notices cannot be issued under the byelaws. There is an existing Dog Control Order implemented by Freckleton Parish Council on Bush Lane Playing Fields which will lapse in 2017 unless replaced with a PSPO.
8. The only way to enforce the byelaws is through prosecution, which would reduce the officer time available for the Service's statutory obligations and priorities. A successful prosecution would lead to an owner having a criminal record for failing to keep their dog on a lead in a designated area. In-line with guidance provided to the Service, currently a purely educational approach is utilised. Owners are reminded that their dogs should be held on the lead in the designated areas and requested to leave the exclusion zone on the amenity beach during the peak season. Additional signage erected in 2015 assisted with the educational patrols. However, feedback from residents and officers' observations has demonstrated that some owners are fully aware of the byelaws but refuse to comply or only comply when the wardens are present.

#### **PUBLIC SPACE PROTECTION ORDERS**

9. On 20 October 2014, the ability to make new dog control orders was removed by the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) although existing dog control orders remain enforceable for three years after which time they lapse.
10. The Act provides for the introduction of public space protection orders (PSPOs).
11. PSPOs may be made by a district council (and not a parish council) if they are satisfied on reasonable grounds that two conditions are met:

The first condition is that-

- a. activities carried out in a public place within the council's area have had a detrimental effect on the quality of life of those in the locality or
- b. it is likely that activities will be carried on in a public place within that area and that they will have such an effect

The second condition is that the effect, or likely effect, of the activities—

- a. is, or is likely to be, of a persistent or continuing nature,
- b. is, or is likely to be, such as to make the activities unreasonable, and
- c. justifies the restrictions imposed by the notice.

12. A PSPO may apply to all persons, to persons in a specified category or to all persons except those in specified categories. They can prohibit specified things being done in the restricted area, specify things to be done by persons carrying on specified activities in that area, or do both of those things.
13. In relation to dog control a PSPO may cover the following activities which could formerly be the subject of dog control orders:

- Requiring dogs to be exercised on a lead in certain areas, at certain times or upon request by an Officer
  - Excluding dogs from certain areas and/or at certain times, for example children's play areas or the amenity beach
  - Requiring the removal of dog faeces
  - Limiting the number of dogs a person can take into an area
14. A PSPO must identify the activities it refers to, explain the effect of non-compliance, e.g. a fixed penalty notice will be issued, and specify the period for which the order has effect. In addition, a PSPO must be publicised as set out in legislation, including publishing the PSPO on the Council's website and erecting a notice on or adjacent to the land covered by the Order.
15. Failure to comply with a PSPO is an offence which can be dealt with by a fixed penalty notice (of up to £100) or by prosecution (maximum fine of £1000).
16. A PSPO lasts for three years at which time it automatically expires unless it has been extended. Extension is not automatic and may only take place if the council is satisfied on reasonable grounds that doing so is necessary to prevent—
- (a) occurrence or recurrence after that time of the activities identified in the order, or
  - (b) an increase in the frequency or seriousness of those activities after that time.

An extension

- (a) may not be for a period of more than 3 years;
- (b) must be published in accordance with regulations made by the Secretary of State.

A PSPO may be extended more than once.

#### **THE WORKING GROUP**

17. Following the March 2016 Operational Management Committee, a cross party working group was established to consider the introduction of PSPO across the borough. The group met 3 times with officers representing the service and after careful consideration of the relevant facts and information, agreed the following 12 recommendations would be reported back to the Operational Management Committee for consideration:
- a borough wide PSPO requiring dogs to be kept on leads on all public highways at all times
  - a borough wide PSPO requiring the removal of dog faeces at all times
  - a borough wide PSPO excluding dogs from all children's play areas
  - a borough wide PSPO limiting the number of dogs under the control of one person to a maximum of 4
  - a PSPO requiring dogs to be kept on leads at various locations across the borough (Appendix A)
  - a PSPO excluding dogs at various locations across the borough (Appendix A)
  - the introduction of a fixed penalty notice (FPN) for breaching a PSPO to the value of £100, reduced to £50 if paid within 7 days
  - after an introductory, educational period, a zero tolerance approach to be followed in relation to any PSPO made following the consultation
  - to recommend to full council that existing dog related byelaws are repealed, to avoid conflicting restrictions

- to recommend to full council to include a 2017/18 one off budget item of £12,000 to fund a communication campaign and appropriate signage to support of the introduction of any dog related PSPOs made following the consultation
  - to approve the purchase and use of body worn CCTV cameras (subject to procedural requirements) by the Dog Enforcement Wardens as a Health and Safety measure to be funded from existing service budgets
  - to recommend appropriate officers investigate the use of PSPO to control other ASB issues such as BBQs and public drinking and to make recommendations to the relevant committees (Tourism and Leisure and Public Protection).
18. The working group considered the existing bylaws on a location by location basis before deciding to replace the bylaw with a PSPO on a like for like basis or to amend/cancel the restrictions. In addition, an email was sent to all Town and Parish Councils requesting feedback on any additional locations where PSPOs may be appropriate and these were considered by the working group. Other Council departments including Parks, Coast and Countryside and Planning were also consulted as part of the process.
19. At present dog fouling is enforced with fixed penalty notices (£50) under the Dogs (Fouling of Land) Act 1996. The introduction of a PSPO requiring the immediate removal of dog faeces at all times will allow the FPN to be increased to £100 if breached, acting as a further deterrent.
20. Fylde is now the only borough in the vicinity without any form of dog control, limiting the number of dogs under the control of one person. As a result, professional dog walkers from neighbouring authorities come in to the borough to exercise multiple numbers of dogs on the beach and in parks and recreational areas. The service recently received a complaint of a dog walker with 12 dogs off the lead in the Granny's Bay area. After discussion on this issue the working group agreed that a limit of 4 dogs under the control of one person was an appropriate recommendation.
21. The Dog Enforcement Wardens (DEWs) are required to approach dog walkers who are failing to demonstrate responsible dog control. A number of these interactions can become confrontational as some dog walkers resist when they are told they are not following the rules. The DEWs are trained to diffuse these situations or to walk away if they are at risk, but unfortunately the abuse does sometimes continue. In a recent incident, one of the DEWs was spat on as he walked away after challenging a dog walker who refused to put his dog on a lead. This was understandably an extremely upsetting and stressful situation for him.
22. A number of other Local Authorities have introduced the use of body worn cameras to assist their enforcement officers. The purpose of using body worn cameras is to:
- serve as a deterrent to acts of aggression or verbal and physical abuse
  - introduce a more imposing recording system to address high levels of anti-social behaviour
  - help to protect officers at work (for Health and Safety purposes)
  - capture images close up
  - allow the officers to maintain the use of their hands and enforcement equipment whilst recording an incident
  - provide evidence to support internal investigations (complaints), the issuing of a fixed penalty notices or prosecution cases
23. Blackpool Council's H&S team have confirmed that the addition of body worn cameras has proved a valuable tool in dramatically reducing incidents of abuse towards their staff by as much as 50%.

24. Five separate instances of verbal abuse towards the DEWs have been severe enough to report through to the H&S team in the past 5 months; excluding the spitting incident; and many more less abusive issues go unreported as they are just 'part of the job'.
25. No degree of verbal or physical abuse is acceptable and an independent H&S assessment of the DEWs' duties has recommended the introduction of body worn cameras to give the officers legal backing and act as a visual deterrent to further abuse.
26. The working group are supportive of this recommendation and suggest that body worn cameras are introduced regardless of the possible future introduction of PSPOs. The use of cameras will be subject to specific procedural requirements which will be reported to a future meeting of the Operational Management Committee.

## **CONSULTATION AND PUBLICITY**

27. Before Fylde could make a PSPO, it would need to consult with the Police, the Police and Crime Commissioner, whatever community representatives the local authority thinks it appropriate to consult and the owner or occupier of land within the restricted area (unless it is Council owned land). The Council must also notify Lancashire County Council and the parish council for the area proposed to be within the PSPO. In addition, the authority must have particular regard to the rights of freedom of expression and freedom of assembly and association before making a PSPO.
28. The Operational Management Committee is requested to consider the recommendations of the working group with respect to dog control and instruct officers to carry out the consultation as required by the legislation. The Council's legal team have already confirmed that they will provide the necessary support on this. Consultation responses will be reported back to a future meeting of the Committee and if PSPO's are subsequently approved, a recommended implementation date of 1<sup>st</sup> June 2017 will be suggested.
29. The introduction of any PSPOs for dog control will need to be accompanied by a comprehensive communication campaign and improved, updated signage in all affected locations to insure that all local and visiting dog owners and walkers are fully informed with regards to the requirements of the PSPOs. A dog walking map will be developed so it is clear where dogs can be exercised off leads. The dog control budget is very limited with regards to communications and an unfunded budget increase will be proposed to full council to fund the costs of the campaign resources.

<b>IMPLICATIONS</b>	
Finance	Fixed penalties under PSPOs are payable to the Council. Additional costs would be incurred with the consultation and the requirements for new signage.
Legal	The adoption of a PSPOs instead of multiple byelaws will aid enforcement.
Community Safety	It would be considered good practice to consult widely on the proposals for implementing PSPOs especially covering any new restrictions such as exclusions in children play areas, specified number of dogs and increasing the fixed penalty notice for dog fouling.
Human Rights and Equalities	Neither the existing or proposed restrictions are believed to impact disproportionately on any particular sector of the community.
Sustainability and Environmental Impact	If the restrictions proposed for dogs on leads areas are new, it would be sensible to consider whether dog owners would be likely to use their cars to travel to more distant

	areas where dogs could exercise off their leads. This is not necessary for PSPOs that replicate present restrictions.
Health & Safety and Risk Management	Requiring dogs to be on leads in certain areas is a response to the health and safety risks that would be caused by allowing them to roam free in those areas.

LEAD AUTHOR	TEL	DATE	DOC ID
Kathy Winstanley	01253 658634	16 <sup>th</sup> August	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Appointment of Member Working Group - PSPOs	March 2016	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>

Attached documents

1. Appendix A – Locations and Restrictions for Proposed PSPOs

## APPENDIX A

Location	Proposed PSPO/comments	Amendment from original Bye-law	Considerations and Rationalisation
All adopted highways in Borough	Dogs on leads	No change	Safety considerations in relation to vehicles, pedestrians and other dogs/animals
Lytham St Annes Nature Reserve	Dogs on leads	No change	Potential increase in use with new developments. SSSI site, monitored by Natural England to confirm FBC is managing appropriately.
Promenade and Promenade Gardens	Dogs on leads	No change, bar further clarification that restriction is from Railway Track by Beach Terrace café	Historical parks area, utilised by many people including young children, flanked by adopted highways
Lowther Gardens	Dogs on leads/ dogs excluded	No change for main areas of park New restrictions, dogs excluded from water features and children play areas	Historical parks area, previous complaints
Ashton Gardens	Dogs on leads/ dogs excluded	No change for main areas of park New restrictions, dogs excluded from water features and children play areas	Historical parks area, previous complaints. Safety/cleanliness considerations for children's play area. Open sided children's play equipment. Water features – wildlife considerations and the protection of dogs from water borne infections/plants such as algae
Land between North Promenade Car Park to Bentinck Road, St Annes	No restriction	Dogs on lead restriction removed	To allow dog owners to exercise dogs without restrictions
Land between South Promenade and the sand dunes from Denford Avenue and Fairhaven Car Park, St Annes	No restriction	Dogs on lead restriction removed	To allow dog owners to exercise dogs without restriction
Fleetwood Road Playing Field, Wesham	Dogs on leads/ dogs excluded	No change and new restrictions, dogs excluded from children play areas	Safety/cleanliness considerations for football pitch on field. Need to balance varying requirements by different users  Safety/cleanliness considerations for children's play area.
Derby Road, Wesham	Dogs on leads	No change	Need to balance varying requirements by

			different users, and there is a separate dog exercise area.
Larbreck Play area, Elswick	Dogs on leads/ dogs excluded	No change for main areas of park New restriction, dogs excluded from area immediately adjacent to children play equipment	Safety/cleanliness considerations for children's play area. Open sided children's play equipment.
Roseacre Play area, Elswick	Dogs excluded	Amended from dogs on lead area to excluded	Safety/cleanliness considerations for children's play area.
Elswick Village Hall, MUGA, Orchard and Nature Reserve	Dogs Excluded	New restriction	Safety/cleanliness considerations for MUGA. Wildlife considerations and nature reserve is utilised by local primary schools for outdoor classrooms
Elswick Village Hall, playing field	Dogs on leads	New restriction to be considered if Elswick increase the size of dog exercise area (approximately double size)	Safety/cleanliness considerations for football pitch on field. Anecdotal evidence from Parish Council that professional dog walkers are utilising field to exercise numerous dogs, whilst watching from hedgerow and concerns regarding the ability to observe all dogs behaviour at once.
Staining Rise Play area, Staining	Dogs excluded	Amended from dogs on lead area to excluded	Safety/cleanliness considerations for children's play area, need to pass the children's play area to access grassed section. Previous reports of damage to children's play equipment by dogs.
Meadow Park Play Area, Staining	Dogs on leads/ dogs excluded	No change for main areas of park New restrictions, dogs excluded from area immediately adjacent to children play equipment. Recommendation to Parish Council that fencing is considered around children's play area to provide clearer boundaries	Safety/cleanliness considerations for children's play area. Open sided children's play equipment. Small grassed area with need to balance varying requirements by different users.
Kirkham Memorial Park	Dogs on leads/ dogs excluded	No change for main areas of park New restrictions, dogs excluded from	Safety/cleanliness considerations for children's play area and MUGAs. Need to

		children's play areas and MUGA (multi-use game areas)	balance varying requirements by different users, nearby areas without any restrictions. Respect considerations within a memorial area
Memorial Gardens, Freckleton	Dogs on leads (all areas of park bar Rose Garden)/ dogs excluded (from Rose Garden only)	No Change	Rose garden – respect considerations within a memorial area. Need to balance varying requirements by different users, nearby areas without any restrictions.
Hope Street Park, St Annes	Dogs on leads/ dogs excluded	No change for main areas of park New restriction, dogs excluded from area immediately adjacent to children play equipment. Recommendation to Town Council to consider dog exercise area	Safety/cleanliness considerations for children's play area. Open sided children's play equipment.  Need to balance varying requirements by different users, nearby areas without any restrictions.
Fairhaven Lake Marine Park	Dogs on leads / dogs excluded	No change for dogs on leads through-out park New restriction, dogs excluded from bodies of water, MUGAs and children play areas.	Safety/cleanliness considerations for MUGA's, children's play area.  Water features – wildlife considerations and the protection of dogs from water borne infections/plants such as algae
Lytham Green	Dogs on leads by direction at all times across full area/ Section of Lytham Green (between Fairlawns and the Windmill) dogs on lead between 1 May – 30 September	Amendment from full area being dogs on lead at all times	Need to balance varying requirements by different users at a popular location, particularly in peak season. Recognition this is a popular area to exercise dogs. Previous complaints of nuisance, dog attacks, predominantly in peak times.
Cenotpah Gardens, Freckleton	Dogs excluded	No Change	Respect considerations within a memorial area.
Beach Exclusion Zone	Dogs excluded 1 May – 30 September (Northern end of North Promenade Car Park and the	No Change	Need to balance varying requirements by different users at a popular location, particularly in peak season, nearby areas without any restrictions. Previous evidence

	area Southwards past St Annes Pier to the slipway near the new St Annes Lifeboat Station, extends out to the tideline)		and impact of dog faeces in water quality samples.
Bush Lane Playing Field	Dogs on leads on one field	Amendment of Dog Control Order, once lapsed, from dogs on lead around field and excluded from middle of field	Need to balance varying requirements by different users, one field with football pitches has on lead restriction, other field would have no restriction. Safety/Cleanliness by football pitches
Exclusions for water features including ponds, fountains and lakes	Dogs excluded	New restriction	Water features – wildlife considerations and the protection of dogs from water borne infections/plants such as algae
All Council Car Parks	Dogs on leads	New restriction	Safety considerations in relation to vehicles, pedestrians and other dogs
Lytham Cemetery	Dogs on leads	New restriction	Respect considerations within a memorial area.
Grannies Bay	Dogs on leads	New restriction	SPA (Special Protection Area), wildlife considerations. Popular picnic spot in peak season requiring need to balance requirements by different users.
Children's Play area and Multi Use Games Areas	Dogs excluded	New restriction	Safety/cleanliness considerations for children's play area/MUGAs
All public areas	Requirement for dog faeces to be removed	No change (currently covered by Dogs (Fouling of Land) Act 1996)	Safety/cleanliness of areas
All public areas	Limit of four dogs per person	New restriction	Verbal reports/concerns raised regarding numerous dogs (sometimes 10+) being exercised regularly off leads and concerns regarding the ability to observe all dogs' behaviour at once.
Blackpool Road North Playing Fields, St Annes	Dogs on leads	New restriction	Safety/Cleanliness of football pitches. Previous complaint on football pitches regarding fouling, and reports of dog attacks.

Football pitches at Park View, Lytham	Dogs excluded	New restriction	Safety/Cleanliness of football pitches. Football pitches have clear boundaries, allowing easy of identification of excluded area.
Staining Village Hall	Dogs excluded	New restriction excluding from children's play area and ponds.  Recommendation to consider excluding dogs from football fields on Village Hall if Parish Council fence area.	Safety/Cleanliness of children's play area.  Water features – wildlife considerations and the protection of dogs from water borne infections/plants such as algae  Safety/Cleanliness of football pitches, whilst still providing areas for dogs to be exercised off lead within village area.
The beach in the beach area bounded by King Edward Avenue and Queen Street (street names used as landmarks/references only)	Dogs on leads	New restriction  If implemented the recommendation is not to renew the PSPO upon review after three years as required works should be completed.	Wildlife and funding considerations.  Natural England has expressed a preference for measures to be put in place for dogs to be kept on leads in compensatory areas identified for feeding/roosting birds displaced whilst the existing concrete coast defences at Fairhaven (St Paul's Avenue) through to Lytham (Seafield Road) are replaced. The implementation of a restriction will assist in securing £19.8 million of funding from the Environment Agency.

# DECISION ITEM



REPORT OF		MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE		OPERATIONAL MANAGEMENT COMMITTEE	15 NOVEMBER 2016	5
DISPOSAL OF KIRKHAM CAR PARKS TO KIRKHAM TOWN COUNCIL				

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

Fylde Council owns three car parks in Kirkham. Mill Street car park is the main town centre car park, while Eagles Court car park and Orders Lane car park are each smaller and located on the edge of the town centre. Parking is provided free of charge in order to support town centre retailers.

Kirkham Town Council has requested that ownership of the car parks be transferred to them so that they can be managed more locally and continue to operate for the benefit of Kirkham residents and retailers. A transfer would reduce the cost to Fylde council of managing and maintaining the car parks from St. Annes.

### RECOMMENDATION

It is recommended that the freehold interests in Mill Street, Eagles Court and Orders Lane car parks be transferred to Kirkham Council at no cost, subject to covenants restricting the use of each to free car parks and recycling centres. The transfers will also be subject to clawback provisions should any part of the site be commercially developed in the future.

### SUMMARY OF PREVIOUS DECISIONS

At its meeting on the 20th July 2005 the Executive Committee considered a detailed report on a request from Kirkham Town Council to take over the management and control of Mill Street car park, Kirkham. The Committee resolved 'not to introduce charges on Mill Street car park and to authorise officers to negotiate with representatives of Kirkham Town Council about the future of Mill Street car park and that a report be brought to a future meeting of the Executive Committee'.

In February 2006 Cabinet considered a report advising members on progress with negotiations with Kirkham Town Council over the future of Mill Street car park and accepted a recommendation that members do not agree to the transfer of the asset to a trust.

In November 2008, in a report entitled 'Transfer of Assets to Parish Councils' cabinet considered, among other matters, the possible transfer of assets including Mill Street car park to Kirkham Town Council. It resolved that officers identify the more detailed operational, legal and financial implications of the transfer of such sites to the relevant town or parish council at nil or nominal consideration and report to a future meeting for consideration. As the focus of the transfer was on open spaces, Mill Street car park was subsequently removed from the schedule.

## CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	√
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	√
Working with all partners ( <b>Vibrant Economy</b> )	√
Fylde continues to be one of the most desirable places to live ( <b>Great Place to Live</b> )	
Promoting Fylde as a great destination to visit ( <b>Great Place to Visit</b> )	

## REPORT

### BACKGROUND

1. Fylde Council is the owner of three car parks in Kirkham:
  - i. **Mill Street** is the main car park for the town centre shopping area and provides free parking in order to support the local retailers. The property is a tarmac surfaced free car park comprising two main parking areas at different levels having a total site area of 0.6 hectares (1.5 acres). It is marked for 130 parking spaces plus 8 disabled spaces. 18 of the spaces are marked as reserved for the community centre. As part of the original development agreement, Santander and Coupe Bradbury Solicitors have the exclusive right to use a total of 8 parking spaces;
  - ii. **Eagles Court** car park is situated a short distance to the east of Mill Street car park in an area of mixed commercial and residential uses. The property comprises an irregularly shaped site, extending to around 450 square metres (540 square yards) which is partly tarmac surfaced and marked for 15 parking spaces; and
  - iii. **Orders Lane** car park is situated a short distance to the south-west of the shopping district. It also comprises an irregularly shaped site, extending to around 500 square metres (600 square yards). It has 15 marked, tarmac surfaced, parking bays. Four of these are used in connection with an affordable housing development which has taken place on adjacent land. There are a further two disabled bays. The site includes a utility substation to the rear.

### THE PROPOSAL

2. Kirkham Town Council has formally requested that ownership of the three car parks be transferred to them, because the Town Council feels 'that along with their Leisure Facilities, Parks and Open Spaces the addition of the car parks would allow the Town to be more autonomous. The transfer would also reduce Fylde Borough Council's maintenance and management costs'.
3. Fylde Council has supported the principle of the transfer of assets where they can be shown to be managed more effectively for the community on a local basis.
4. Following transfer, Kirkham Town Council will become responsible for all costs associated with ownership. Cost savings to Fylde Council would include the annual business rates. Other savings would be achieved from insurance and maintenance costs. These costs vary year to year though in 2016/17 the budget for rates, environmental charges and maintenance is £12,368. In addition it is anticipated that highway drainage/rainwater run-off charges will be applied to Mill Street car park in the near future and the newly published 2017 rating list shows an increase in the rateable value of Mill Street car park from £8,000 to £13,750.

5. The car parks have the potential for generating income by introducing parking charges. Fylde Council has taken the decision not to charge in order to support local businesses. Kirkham Town Council is a strong supporter of this policy and there is considered to be little likelihood that charges will be introduced following a transfer. However, it is intended to put in place a covenant restricting use of the land to free parking.
6. Valuations of the three car parks are attached to this report. These reports indicate that each of the car parks has a value for its existing use and therefore the transfers represent a sale at below market value. There is little potential to enhance this value by obtaining planning permission for development due to services under Orders Lane car park and restrictive covenants limiting use of Mill Street to parking. It is also unlikely that either the borough or the town council would wish to see the sites developed because of the adverse impact on the town centre and local community. It is, however, recommended that the disposals should be the subject of 'clawback' provisions in the unlikely event that they are developed commercially in the future.

#### **LEGAL AND POLICY CONSIDERATIONS**

7. These transfers are subject to the council's Land Transaction Procedure Rules which are included in the constitution as Appendix 3, Part D. These require the sale of property assets such as those referred to in this report to be exposed to the general market unless there are special circumstances. In this case the Town Council is considered to be a 'partner', who would occupy the land for a purpose which would further the Council's policies or objectives, which constitutes special circumstances for the purpose of the procedure rules. In accordance with these rules a disposal plan and valuations of each car park are attached to this report.
8. Section 123 (2) of the Local Government Act 1972 provides:

"Except with the consent of the Secretary of State a council shall not dispose of land under this section otherwise than by way of a short tenancy for a consideration less than the best that can reasonably be obtained."
9. In the opinion of the council's Principal Estates Surveyor the nil consideration in this transaction represents a sale at below market value.
10. The Secretary of State has given a general consent to councils to dispose of land at a consideration which is less than the best which can reasonably be obtained, so long as the council considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of the promotion or improvement of economic, social or environmental well-being in respect of the whole or any part of its area, or of all or any persons resident or present in its area.
11. Because of the location of the car parks, the town council is considered to be better placed than Fylde council to ensure they continue to provide a useful local facility in the future. This can legitimately be regarded as achieving the promotion or achievement of the economic and social well-being of the council's area and persons resident or present in it.
12. Each party will bear its own legal costs.

IMPLICATIONS	
Finance	This report proposes the transfer of 3 car parks to Kirkham Town Council. If the transfer is agreed there would be annual revenue savings to Fylde Council, including the business rates and maintenance costs, which equate to approximately £12k per annum but are subject to considerable variation from year to year. If approved these savings will be reflected in future updates of the Medium Term Financial Strategy.
Legal	A number of legal issues are raised in paragraphs 7-12 of the report. In addition, the conveyance of titles will involve some legal work.
Community Safety	No implications
Human Rights and Equalities	No implications
Sustainability and Environmental Impact	No implications
Health & Safety and Risk Management	No implications

LEAD AUTHOR	TEL	DATE	DOC ID
Gary Sams – Principal Estates Surveyor	01253 658462	5 October 2016	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Cabinet agenda & minutes	20 November 2008	<a href="#">CMIS &gt; Meetings Calendar</a>
Cabinet agenda & minutes	15 February 2006	<a href="#">CMIS &gt; Meetings Calendar</a>

#### Attached documents

1. Valuation reports of Mill Street, Eagles Court and Orders Lane car parks
2. Plans showing the boundaries of the car parks edged black.
3. Disposal plan

**VALUATION REPORT**  
**MILL STREET CAR PARK, MILL STREET, KIRKHAM PR4 2AG**



**Purpose of Valuation**

Asset valuation possible disposal purposes at a valuation date of 10 October 2016.

**Location**

The property is situated on Kirkham town centre adjacent to the main shopping street and a Morrisons supermarket. Adjacent land uses are predominantly commercial in nature including shops and offices. At the eastern end of the car park is the town's community centre, while to the north is a leisure area including memorial gardens and play facilities.

**Description**

The property is a tarmac surfaced free car park comprising two main parking areas at different levels having a total site area of 0.6 hectares (1.5 acres). It is marked for 127 parking spaces plus 8 disabled spaces. 14 of the spaces are marked as reserved for the community centre. The car park is used mainly by shoppers.

Access is from Poulton Street, the main shopping street, along Mill Street which is a public highway also serving Morrisons and a church. There are two footpaths connecting the car park to Poulton Street.

**Tenure**

The land is held freehold. There are restrictive covenants restricting its use to parking.

**Environmental Issues**

Contamination – the property is situated in a town centre area of well established commercial uses. There does not appear to be a high risk of contamination problems.

Flooding - The property is shown on the Environment Agency web site not to be in an area at risk of flooding.

**Planning**

The property is shown on the local plan to be in the town centre shopping area of Kirkham.

### **Valuation Considerations**

There may have been potential for retail or other commercial development of the site but this is prevented by restrictive covenants in the title documentation. The property comprises a busy town centre car park in the main retail district of Kirkham. There appears to be scope to generate substantial income from pay and display parking but a decision has been made to offer free parking to support local retailers.

The car park has been valued by the investment method having regard to potential income from parking charges. The valuation is given on the basis of existing use value.

### **Fair value**

The fair value of the freehold interest in Mill Street car park is £230,000 (two hundred and thirty thousand pounds).

### **Basis of Valuation**

The valuation has been carried out in accordance with the Royal Institution of Chartered Surveyors' Appraisal and Valuation Manual (The Red Book) and as agreed with the client.

Fair Value is defined as the amount for which an asset could be exchanged between knowledgeable, willing parties in an arms length transaction.

G S Sams BSc FRICS

Principal Estates Surveyor

Fylde Borough Council

10 October 2016

**VALUATION REPORT**  
**EAGLES COURT CAR PARK, KIRKHAM, PR4 2SD**



**Purpose of Valuation**

Asset valuation for possible disposal purposes at a valuation date of 10 October 2016.

**Location**

The property is situated on the fringe of Kirkham's main shopping area where retail uses to the west give way to residential properties to the east. The Market Square is a short distance to the south and there is a garage block to the west.

**Description**

The property comprises an irregularly shaped site, extending to around 575 square metres (685 square yards) which is partly tarmac surfaced and marked for 14 parking spaces. There is also an unused grassed area and a narrow strip alongside the access road which is used informally for parking. The car park is free and is used by shoppers, local workers and nearby residents.

**Tenure**

The land is held freehold.

**Environmental Issues**

Contamination – The property is within an area of mixed uses including residential, commercial and retail. There does not appear to be a high risk of contamination problems.

Flooding - The property is shown on the Environment Agency web site to be in an area not at risk of flooding.

**Planning**

The property is shown on the local plan to be within the retail district of Kirkham, apart from the grassed area, which is outside.

**Valuation Considerations**

The property could have development potential for residential or retail use, but this would be difficult due to the small and irregular shape of the site and the potential for conflict with adjacent users. Parking is currently offered free of charge and it is not considered that in this location there is much potential for generating income if charges were to be introduced, other perhaps from

contract parking for residents and workers. The property has been valued by the direct capital comparison method having regard to the potential to generate a modest income from parking fees. The valuation is on the basis of existing use value.

**Fair value**

The fair value of the freehold interest in Eagles Court car park is £14,000 (fourteen thousand pounds).

**Basis of Valuation**

The valuation has been carried out in accordance with the Royal Institution of Chartered Surveyors' Appraisal and Valuation Manual (The Red Book) and as agreed with the client.

Fair Value is defined as the amount for which an asset could be exchanged between knowledgeable, willing parties in an arms length transaction.

G S Sams BSc FRICS

Principal Estates Surveyor

Fylde Borough Council

10 October 2016

**VALUATION REPORT**  
**ORDERS LANE CAR PARK, KIRKHAM, PR4 2TN**



**Purpose of Valuation**

Asset valuation for possible disposal purposes at a valuation date of 10 October 2016.

**Location**

The property is situated on the fringe of Kirkham's main shopping area where retail uses to the west give way to residential properties to the east. The Market Square is a short distance to the south and there is a garage block to the west.

**Description**

The property comprises an irregularly shaped site, extending to around 500 square metres (600 square yards) which has 14 marked, tarmac surfaced, parking bays. Four of these are used in connection with a residential development which has taken place on adjacent land.

**Tenure**

The land is held freehold.

There is an easement in place in connection with a gas main which runs underneath the land.

The land is subject to an agreement with the adjacent developer. This allows him free permanent use of four parking spaces.

**Environmental Issues**

Contamination – The property is within an area of mixed uses including residential, commercial and retail. There does not appear to be a high risk of contamination problems.

Flooding - The property is shown on the Environment Agency web site to be in an area not at risk of flooding.

**Planning**

The property is shown on the local plan to be within the retail district of Kirkham town centre.

**Valuation Considerations**

The property is considered to have no potential for development because of the legal restrictions. Parking is currently offered free of charge and it is not considered that in this location there is

much potential for generating income if charges were to be introduced, other perhaps from contract parking for residents and workers. The property has been valued by the direct capital comparison method having regard to the potential to generate a modest income from parking fees. Regard has been had to the permanent loss of four spaces for use by residents of the new development.

**Fair value**

The fair value of the freehold interest in Orders Lane car park is £10,000 (ten thousand pounds).

**Basis of Valuation**

The valuation has been carried out in accordance with the Royal Institution of Chartered Surveyors' Appraisal and Valuation Manual (The Red Book) and as agreed with the client.

Fair Value is defined as the amount for which an asset could be exchanged between knowledgeable, willing parties in an arms length transaction.

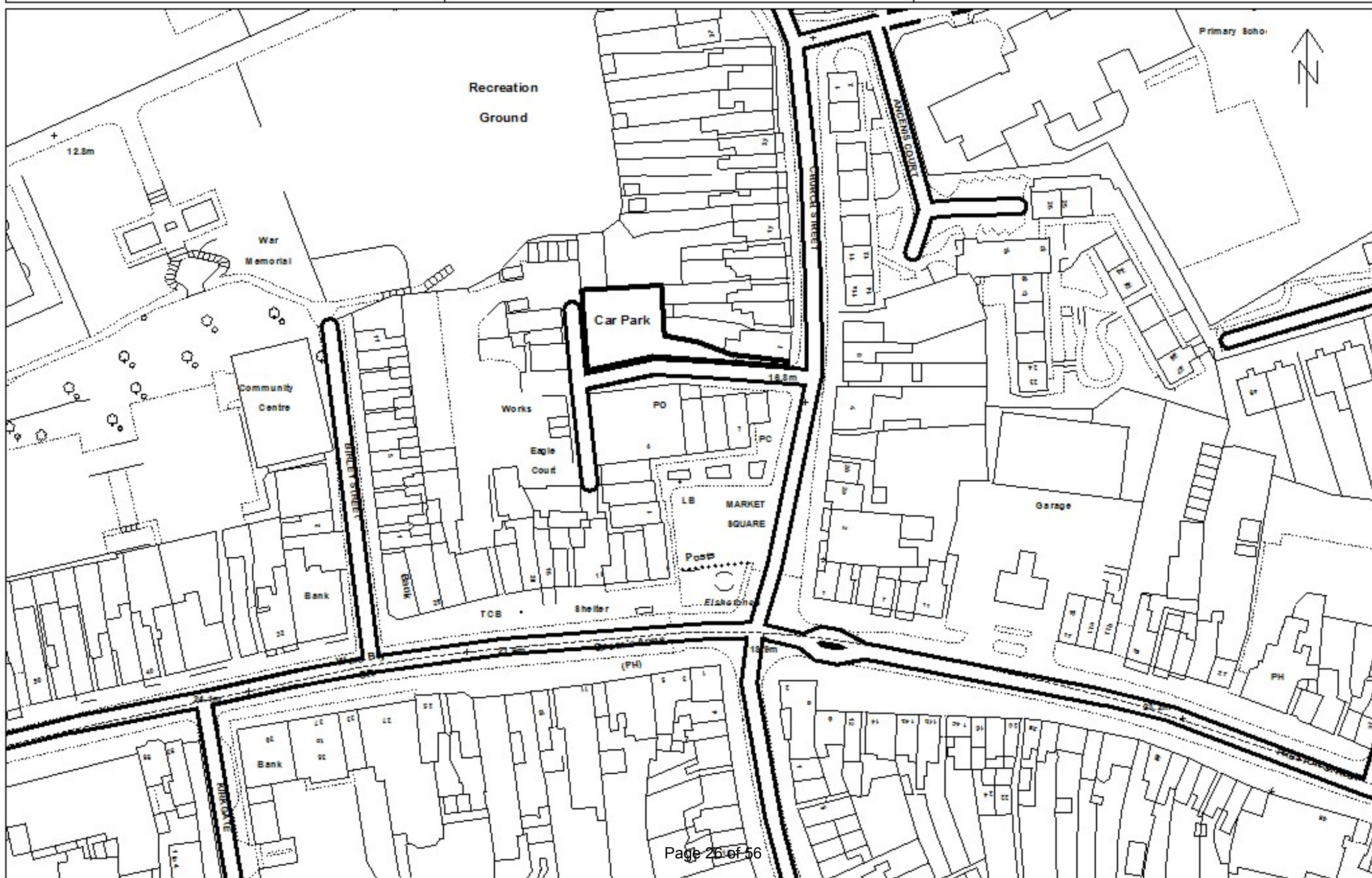
G S Sams BSc FRICS

Principal Estates Surveyor

Fylde Borough Council

10 October 2016







## **DISPOSAL PLAN FOR MILL STREET, EAGLES COURT AND ORDERS LANE CAR PARKS, KIRKHAM**

This document has been compiled in accordance with the Council's Land Transaction Procedure rules in relation to a recommendation to Operational Management Committee to transfer ownerships of the above three car parks to Kirkham Town Council. It is a disposal plan for the sites as required by section 3 of those rules. It has been prepared by the council's Principal Estates Surveyor and sets out his recommendations as to the most appropriate method for disposing of the sites.

### **THE CAR PARKS**

Mill Street is the main car park for the town centre shopping area and provides free parking in order to support the local retailers. The property is a tarmac surfaced free car park comprising two main parking areas at different levels having a total site area of 0.6 hectares (1.5 acres). Eagles Court car park is situated a short distance to the east of Mill Street car park in an area of mixed commercial and residential uses. The property comprises an irregularly shaped site, extending to around 450 square metres (540 square yards) which is partly tarmac surfaced. Orders Lane car park is situated a short distance to the south-west of the shopping district. It also comprises an irregularly shaped site, extending to around 500 square metres (600 square yards). The site includes a utility substation to the rear.

### **TENURE**

The council owns the freehold of each of the sites.

### **BACKGROUND TO THE PROPOSED DISPOSAL**

Kirkham Town Council has formally requested that ownership of the three car parks be transferred to them because the Town Council feels 'that along with their Leisure Facilities, Parks and Open Spaces the addition of the car parks would allow the Town to be more autonomous. The transfer would also reduce Fylde Borough Council's maintenance and management costs'. Fylde Council supports the 'localism' principle that local assets can be managed more effectively for the community on a local basis and a report is to be submitted to Operational Management Committee recommending the transfer of ownership.

### **LAND TRANSACTION PROCEDURE RULES**

The council's land transaction procedure rules require and disposal of an interest in land to be offered for sale unless there are special circumstances which include disposals to "a 'partner', who would occupy the land for a purpose which would further the Council's policies or objectives."

It is considered that this exception applies to these transfers as the town council is a partner authority who will continue to operate the car parks for the benefit of the community, but on a more local basis.

### **RECOMMENDATION**

It is recommended that these assets are transferred to Kirkham Town Council without first being offered for sale in the open market.

Gary Sams  
Principal Estates Surveyor  
Fylde Borough Council  
10 October 2016

# DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	OPERATIONAL MANAGEMENT COMMITTEE	15 NOVEMBER 2016	6
<b>BUS SHELTERS REPLACEMENT PROGRAMME</b>			

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

This report presents the details of a scheme for the replacement of bus shelters and the provision of new additional shelters funded from the Bus Shelter Replacement scheme that is within the approved Capital Programme for 2016/17. It is anticipated that the maintenance costs in respect of the additional shelters may be contained within the existing approved revenue budget for this purpose, at least in the short-term, although the level of the overall bus shelter maintenance budget may need to be increased at a future point as part of the budget-rightsizing exercise.

### RECOMMENDATION

Committee is recommended to approve the proposal to provide up to four replacement bus shelters and up to four new additional bus shelters as detailed in the report, with the works being funded from the approved 2016/17 capital programme scheme for this propose in the sum of £30,000.

### SUMMARY OF PREVIOUS DECISIONS

#### Full Council 2 March 2016

Resolved - 1. To approve and adopt the recommendations of the Finance and Democracy Committee as follows:

(c) The updated Five Year Capital Programme including the changes proposed by the Budget Working Group, as set out in Appendix G, with the correction of the name of the capital scheme from Warton with Westby Parish Council Play Area to the correct name of Bryning with Warton Parish Council Play Area;.

#### Operational Management Committee – 19 January 2016

#### Bus Shelters

1. To continue providing and maintaining the 68 bus shelters the council is directly responsible for.
2. To recommend the proposed capital bid of £30,000, for additional/replacement Bus Shelters, for consideration by the Budget Working Group.
3. To extend the existing agreement with Adshel/Clear Channel for a further 5 years on the same/similar terms and as part of this renegotiation ask Adshel/Clear Channel to review all 66 existing shelters in light of current bus routes and seek the provision of additional shelters where possible.
4. That Lancashire County Council be formally advised of the concerns of the borough council in

relation to the lack of proper maintenance of shelters it has erected and that LCC be asked to put in place immediate arrangements to repair and maintain those shelters.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	
Working with all partners ( <b>Vibrant Economy</b> )	
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	√
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	√

## REPORT

1. The budget approved by Council for 2016/17 includes a capital budget of £30,000 for a bus shelter replacement programme. The capital scheme is to provide for the replacement of existing bus shelters and the provision of new shelters

**Table 1 – Scheme details**

Scheme title	Budget 2016/17	Description
Bus Shelter Replacement Programme	£30,000	This scheme is for the replacement of bus shelters and the provision of new additional shelters. The current revenue budget provision is solely for the day-to-day maintenance of existing bus shelters and there is no approved budget resource for the provision of new shelters. The scheme value at £30,000 would provide between 6 and 8 replacement or new shelters.

2. The committee considered a comprehensive report in January 2016 which identified 68 shelters that the borough council was responsible for having previously installed them, 66 shelters that were under a contract with Adshel/Clear Channel and 24 shelters that were the responsibility of Lancashire County Council.
3. The previous report asked officers to formally advise Lancashire County Council of the concerns of the borough council in relation to the lack of proper maintenance of shelters it has erected and that LCC be asked to put in place immediate arrangements to repair and maintain those shelters. A letter from the Chairman Councillor David Eaves was sent off and the response at appendix 1 was received from County Councillor Fillis. There is no further progress to report with the matter.
4. Officers have surveyed the condition of the 68 shelters which are the direct responsibility of Fylde Council to ascertain any which require replacement. From the survey four shelters have been identified for replacement as set out in the table below:

**Table 2 – List of proposed replacement shelters**

Bus shelter Details	Description	Bus shelter type	Bus Services
Dixons Farm Mews, Clifton	Overall condition is Average. Some scratches, no H & S risks for users. A bus shelter user complaint about the shelter being exposed to strong winds and rain, because it is facing West, also lack of fixed seating.	Commutaports bus shelter, Pitched Roof, Polycarbonate sheets, no seating	Bus Number:61C :WREA GREEN - KIRKHAM - ASHTON - PRESTON COLLEGE,Bus Number: 61 : PRESTON -ASHTON - KIRKHAM - PEEL CORNER - BLACKPOOL,Bus Number: 73 : CLIFTON VILLAGE - BISPHAM CAMPUS,Bus Number: 598 : CLIFTON - LYTHAM ST BEDES RCHS,Bus Number: 613 : LEA TOWN - KIRKHAM CARR HILL HS,Bus Number: 695 : NEWTON - LEA - ASHTON - PRESTON OUR LADYS RCHS
Church road, St Annes, Methodist Church	Overall condition is Average. No H & S risks for users. The metal roof has got holes on the outer roof skin.	Metal, Flat Roof, Polycarbonate sheets, no seating	Bus Number: 11 : LYTHAM - ST ANNES - BLACKPOOL - GRANGE PARK,Bus Number: 68 : PRESTON - LYTHAM - ST. ANNES - BLACKPOOL,Bus Number: 68C : BLACKPOOL - ST. ANNES - LYTHAM - PRESTON COLLEGE,Bus Number: 73 : CLIFTON VILLAGE - BISPHAM CAMPUS,Bus Number: 570 : ST ANNES SPRING GARDENS - LYTHAM ST BEDES RCHS,Bus Number: 604 : LYTHAM - ST ANNES - BRYNING WARTON ST PAULS CEPS,Bus Number: 853 : ST ANNE'S - MYERSCOUGH COLLEGE,Bus Number: S5 : LYTHAM - ST MARYS HIGH
Church Road, Elms Avenue, Lytham	Overall condition is Average. No H & S risks for users. The metal roof has got holes on the outer roof skin.	Metal, Flat Roof, Polycarbonate sheets and seating provided	Bus Number: 7 : SALT COTES - LYTHAM - ST ANNES - BLACKPOOL - CLEVEL,Bus Number: 11 : LYTHAM - ST ANNES - BLACKPOOL - GRANGE PARK,Bus Number: 68 : PRESTON - LYTHAM - ST. ANNES - BLACKPOOL,Bus Number: 68C : BLACKPOOL - ST. ANNES - LYTHAM - PRESTON COLLEGE,Bus Number: 73 : CLIFTON VILLAGE - BISPHAM CAMPUS,Bus Number: 570 : ST ANNES SPRING GARDENS - LYTHAM ST BEDES RCHS,Bus Number: 604 : LYTHAM - ST ANNES - BRYNING WARTON ST PAULS CEPS,Bus Number: 688 : MARTON - LYTHAM ST BEDES HS,Bus Number: 853 : ST ANNE'S - MYERSCOUGH COLLEGE,Bus Number: 916 : ST
Preston Old Road, Stanagate to Preston, Clifton	Overall condition is Average. No H & S risks for people.	Commutaports bus shelter, Flat Roof, Polycarbonate sheets, no seating	Bus Number: 61C : WREA GREEN - KIRKHAM - ASHTON - PRESTON COLLEGE,Bus Number: 61 : PRESTON -ASHTON - KIRKHAM - PEEL CORNER - BLACKPOOL,Bus Number: 73 : CLIFTON VILLAGE - BISPHAM CAMPUS,Bus Number: 598 : CLIFTON - LYTHAM ST BEDES RCHS,Bus Number: 613 : LEA TOWN - KIRKHAM CARR HILL HS,Bus Number: 695 : NEWTON - LEA - ASHTON - PRESTON OUR LADYS RCHS

- Requests have been received previously from members and/or bus users to provide new additional shelters at bus stops where there is currently none provided. Officers have examined the current list of requests held and in total there are 18 requests on file. From this the following list of 5 additional shelters is proposed in table 3:

**Table 3 – List of proposed additional shelters**

Bus stop details	Bus Services
Bus Stop ID 2500B0250, St Leonards Road West (by), Clifton Drive North	Bus Number: 7 : SALT COTES - LYTHAM - ST ANNES - BLACKPOOL - CLEVEL, Bus Number: 11 : LYTHAM - ST ANNES - BLACKPOOL - GRANGE PARK, Bus Number: 21 : ST ANNES - BLACKPOOL TOWER - CABIN - CLEVELYS, Bus Number: 68C : BLACKPOOL - ST. ANNES - LYTHAM - PRESTON COLLEGE, Bus Number: 68 : PRESTON - LYTHAM - ST. ANNES - BLACKPOOL, Bus Number: 73 : CLIFTON VILLAGE - BISPHAM CAMPUS, Bus Number: 916 : ST ANNES KILGROMOL GARDENS - LYTHAM ST BEDES
Bus stop ID 2500LAA16035, Recreation Ground (adj), Shepherd road, St. Annes	Bus Number: 78 : POULTON - GT ECCLESTON - KIRKHAM - LYTHAM - ST ANNES
Bus stop ID 2500607, Fairhaven Hotel (o/s), Clifton Drive South, St. Annes	Bus Number: 7 : SALT COTES - LYTHAM - ST ANNES - BLACKPOOL - CLEVEL, Bus Number: 916 : ST ANNES KILGROMOL GARDENS - LYTHAM ST BEDES
Bus stop ID 2500B0275, Milner Road, St. Annes	Bus Number: 11 : LYTHAM - ST ANNES - BLACKPOOL - GRANGE PARK, Bus Number: 68 : PRESTON - LYTHAM - ST. ANNES - BLACKPOOL, Bus Number: 73 : CLIFTON VILLAGE - BISPHAM CAMPUS, Bus Number: 570 : ST ANNES SPRING GARDENS - LYTHAM ST BEDES RCHS, Bus Number: 604 : LYTHAM - ST ANNES - BRYNING WARTON ST PAULS CEPS, Bus Number: 853 : ST ANNE'S - MYERSCOUGH COLLEGE
Bus Stop ID 2500B0290, St Leonards Road West (opp), Clifton Drive North	Bus Number: 7 : SALT COTES - LYTHAM - ST ANNES - BLACKPOOL - CLEVEL, Bus Number: 11 : LYTHAM - ST ANNES - BLACKPOOL - GRANGE PARK, Bus Number: 21 : ST ANNES - BLACKPOOL TOWER - CABIN - CLEVELYS, Bus Number: 68 : PRESTON - LYTHAM - ST. ANNES - BLACKPOOL, Bus Number: 73 : CLIFTON VILLAGE - BISPHAM CAMPUS, Bus Number: 916 : ST ANNES KILGROMOL GARDENS - LYTHAM ST BEDES,

6. Usually Lancashire County Council would assist with the survey of possible locations for new shelters, undertaking utility checks, liaising with public transport providers, the preparation of technical drawings, seeking quotations for the provision and siting the shelter, removing any unnecessary/redundant poles, ensuring sufficient footway passing space, and overseeing the siting of the shelter. However Fylde has been advised that LCC no longer provides this service. Instead officers are proposing to deliver such assessments and services using in house resources. There is also consultation with neighbouring residents to see if they have any views on the siting of a new shelter as well as the seeking of permission of the highway authority to erect a structure on the footpath.
7. Officers have commenced the surveys for the 5 shelters, consultation with neighbouring residents and with the highway authority with regards to the provision of new additional shelters in the locations as shown in table 3 above. There may be issues that arise from these consultations which means one or two on the list may not be possible/feasible.
8. It is estimated that the capital programme budget of £30,000 will provide for between 6 and 8 replacement or new shelters. It is proposed that the budget is used to replace up to 4 replacement shelters as listed in table 2 and up to 4 new additional shelters as shown in table 3. The cost of providing shelters depends upon the specific ground conditions and services positioning at the different locations proposed. It is proposed that the outcome of the above consultations be considered by the Head of Technical Services in consultation with the Chairman and Vice Chairman.
9. The 2016/17 approved capital programme budget of £30,000 for this scheme will fund the provision of replacement/new bus shelters as specified in the capital bid.
10. Once the above surveys and consultations are undertaken and any issues resolved a quote for the supply of new shelters will be sought along with quotes for the installation of the shelters including the removal of any redundant shelters.
11. The existing shelters are assets currently managed and maintained by the Council and so there would not be any additional revenue costs arising. It is anticipated that the maintenance costs in respect of the additional shelters may be contained within the existing approved revenue budget for this purpose, at least in the short-term, although the level of the overall bus shelter maintenance budget may need to be increased at a future point as part of the budget-rightsizing exercise.

12. The works will be specified using accepted construction techniques which will fall within the budget available and will be procured competitively as per the Council's contract rules and procedures for small and medium sized contracts and tendered through 'The Chest'.
13. It is not anticipated that there would be any issues with cost overrun as the works are not technically complex and simple to survey and specify.
14. In specifying this scheme Officers have surveyed the sites and have considered different options and consider the locations proposed to be the recommended solution within the budget available.
15. The objectives, outputs and outcomes of the project are to provide for the replacement and additional provision of bus shelters to provide for improved facilities for users of the local bus services.
16. Relevant drawings and documents will be supplied to the contractor which forms part of the contract to be awarded.

IMPLICATIONS	
Finance	This report requests approval for the purchase of up to four replacement bus shelters and up to four new additional bus shelters as detailed in the report, with the works being funded from the approved 2016/17 capital programme scheme for this propose in the sum of £30,000 . There are no revenue implications of the recommendation at this stage.
Legal	There are no implications
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	There are no implications

LEAD AUTHOR	TEL	DATE	DOC ID
Paul Walker	01253 658431	3 November 2016	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Plans and photographs of all the bus stops and shelters		Technical Services division, Town Hall

Attached documents

Appendix 1 – Letter from County Councillor John Fillis to Councillor David Eaves dated 2 Aug 2016.

Councillor Eaves  
Sent via email:  
[sandra.connell@fylde.gov.uk](mailto:sandra.connell@fylde.gov.uk)

Phone: 01772 530694  
Email: [john.fillis@lancashire.gov.uk](mailto:john.fillis@lancashire.gov.uk)  
Your ref:  
Our ref: JF/MO/23464  
Date: 2 August 2016

Dear Councillor Eaves

### **Provision of Bus Shelters through Section 106 Request**

Thank you for your letter of 18 February 2016 in respect to the maintenance of 24 bus shelters as listed in your letter currently installed in Fylde.

Whilst I have noted Fylde Borough Council's position with interest, as you advise, officers at Fylde Borough Council and Lancashire County Council are in dispute over this matter and I understand discussions are continuing in this regard.

In respect to the one shelter of particular concern which is located at the junction of Church Road & Ledbury Avenue, Ansdell; to ensure that despite us not reaching agreement with you on this issue, we will take it upon ourselves to provide a safe shelter to local residents and as such we have arranged to install a new shelter which should be in place by the end of August 2016.

I do need to put on record that this action by the County Council is done so without prejudice and I am sure both authorities will be in further discussion to determine subsequent and future responsibilities.

Yours sincerely



County Councillor John Fillis  
Cabinet Member for Highways and Transport

# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	OPERATIONAL MANAGEMENT COMMITTEE	15 NOVEMBER 2016	7
<b>PROVISION OF BUS SHELTERS RELATING TO SECTION 106 AGREEMENT 03/0157 QUEEN'S MANOR, ST ANNES</b>			

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

The Council have S106 developer contributions for the provision of public transport improvements from planning application 03/0157 at Queen's Manor, St Annes. This report sets out proposals to provide bus shelters at particular locations to meet the terms of the agreement.

### RECOMMENDATION

1. That the Committee note the intention to utilise the sum of £20,000 secured from the development of the approved residential development at Queens's Manor St Annes for the purposes of providing 4 bus shelters at locations identified in the report.
2. That the committee note the proposed four additional bus shelters would be added to the shelters that Fylde Council has responsibility for maintaining, repairing and replacing. It is anticipated that these costs in respect of the four additional shelters may be contained within the existing approved revenue budget for this purpose, at least in the short-term, although the level of the overall bus shelter maintenance budget may need to be increased at a future point as part of the budget-rightsizing exercise.
3. That Committee request approval by the Chief Financial Officer, for a fully-funded increase to the Bus Shelter Replacement Scheme within the approved capital programme for 2016/17 in the sum of £20,000 to fund the provision and installation of the works as described within the report, to be met from a S106 developer contribution for this purpose, which has been previously received by Fylde Council, in the same amount.

### SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	
Working with all partners ( <b>Vibrant Economy</b> )	√
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	√
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	√

## REPORT

1. The Council has secured contributions of £20,000, from the developer on application 03/0157 for the improvement of local public transport facilities within one kilometre of the site. The development is complete and the monies paid over to Fylde Council. The intention is to provide additional bus shelters to meet the terms of the agreement.
2. Usually Lancashire County Council would assist with the survey of possible locations, undertaking utility checks, liaising with public transport providers, the preparation of technical drawings, seeking quotations for the provision and siting the shelter, removing any unnecessary/redundant poles, ensuring sufficient footway passing space, and overseeing the siting of the shelter. However Fylde has been advised that LCC no longer provides this service.
3. Instead officers have been looking into the possible options for delivering such facilities using in house resources. Appendix 1 shows all bus stops within the one kilometre radius of the Queen's Manor site. This includes 34 locations in total where bus stops are located. A number of these are not on current bus routes, and they have been disregarded at this point. That leaves a possible 12 bus stops within 1 km on routes that have no shelter. It is estimated that the funding available will provide 4 shelters, depending on the final specification and so there is a need to prioritise the 12 stops. From within the 12 stops, officers have received 3 requests from users for shelters to be installed. In addition bus service usage has been checked. From this it has been possible to select the 3 requested stops, with another 1 stop, that has the most number of bus routes stopping there. Based on the above shortlist criteria, shelters at the following locations are proposed:

**Table 1 – Proposed locations for additional bus shelters**

Bus stop number	Address	Bus service usage or request from bus user.
11	Corner of Clifton Drive South and Osbourne Road	Request made councillor on behalf of local resident of Kintbury Road.
13	Corner of Clifton Drive South and Croyde Road	Request made in 2012 by the high school that now is AKS.
25	Worsley Road	Request via councillor to provide seating at this bus stop, the shelter will include seating
31	Church Road opposite Lindsay Avenue	Based on the number of services stopping at this location. Services are 11,

Bus stop number	Address	Bus service usage or request from bus user.
		68, 68C, 73, 570, 604, 853 & S5.

4. Appendix 2a, 2b, 2c., show the proposed locations of the 4 stops.
5. As part of working up proposals for the siting of the shelters officers have surveyed the locations and undertaken consultation with nearby residents. There have been a number of objections received following consultation with neighbouring properties to the proposed shelter locations. These are summarised in the table below.

**Table 2 – Representations raised from consultation with neighbouring properties and responses**

Bus stop number	Address	Objection Summary	Response to points raised
11	Corner of Clifton Drive South and Osbourne Road.	<p>Reservations in respect of loss of privacy in the house and garden</p> <p>Concern that the shelter would be an eye sore and give off possible light pollution</p> <p>Detrimental to the appearance of the area and encouraging litter and anti-social behaviour (this can be evidenced by litter at the bus shelter opposite York Road)</p> <p>Further to Council spending cuts, affecting local amenities how can this spend be justified, not just the initial cost but ongoing maintenance, for a shelter used by a limited number of people</p>	<p>The proposed shelter is in the same location as the bus stop</p> <p>The shelter is of a standard design and will not be lit</p> <p>Again, the shelter is of a standard design, any anti-social behaviour will be referred to Fylde Community Safety Partnership</p> <p>The shelters are paid for by way of developer's contributions, although as confirmed in the report, ongoing maintenance has to be paid for by Fylde.</p>
13	Corner of Clifton Drive South and Croyde Road	<p>The existing bus stop is adequate and use is limited, the bus service is regular, meaning no one waits for more than 5 minutes. There are other bus stops with shelters, within a short walk of this</p> <p>The design of the shelter is not in keeping with the</p>	<p>This is on a route with the highest number of buses servicing it</p> <p>The proposed shelter is of a standard design</p>

Bus stop number	Address	Objection Summary	Response to points raised
		<p>design of houses in this area</p> <p>Visual intrusion as this shelter would be directly opposite residents living room, they have no wall or gate or bushes to block this view</p> <p>The pavement is too narrow to take the shelter</p>	<p>used throughout the borough</p> <p>The shelter is in the same location as the bus stop, depending on how the shelter is placed the seating may face away from the property</p> <p>The pavement has been measured and is within tolerances for this installation</p>
25	Worsley Road	<p>The pavement is too narrow</p> <p>This stop has limited use</p> <p>Concern over how it will affect the road and a request that the shelter is located on school grounds</p>	<p>The pavement has been measured and is within tolerances for this installation</p> <p>Routes servicing this stop have been checked and this stop is used more than others within the area</p> <p>Again the shelter will be of a standard design, the shelter could not be located in the school grounds as this is private land not in control of the council, this would also limit the use and benefit of the shelter when the school was closed</p>
31	Church Road opposite Lindsay Avenue	No comments received	

6. It is requested that a fully-funded increase in the sum of £20,000 is made to the Bus Shelter Replacement Scheme within the approved capital programme for 2016/17 to provide for the works as described within the report, to be met from a portion of a S106 developer contribution for this purpose, which has been previously received by Fylde Council, in the same amount. This money has to be spent or returned to the developer and none of this money can be used for future maintenance costs.

The maintenance cost of these four additional shelters may be contained within the existing approved revenue budget for this purpose at least in the short-term, although the level of the overall bus shelter maintenance budget may need to be increased at a future point as part of the budget-rightsizing exercise.

IMPLICATIONS	
Finance	<p>This report requests approval to the use of s106 developer contributions in the sum of £20,000 to provide an additional 4 bus shelters as detailed within the body of the report.</p> <p>The Committee is recommended to request that a fully-funded increase in the sum of £20,000 is made to the Bus Shelter Replacement Scheme within the approved capital programme for 2016/17 to provide for the works as described within the report, to be met from a portion of a S106 developer contribution for this purpose, which has been previously received by Fylde Council, in the same amount.</p> <p>There are no revenue implications of the recommendation at this stage.</p>
Legal	There are no implications
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	There are no implications

LEAD AUTHOR	TEL	DATE	DOC ID
Karen Hodgkiss	01253 658515	6 September 2016	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Application 03/0157 section 106 agreement	10 <sup>th</sup> March 2005	<a href="#">Council web site</a>

Attached documents

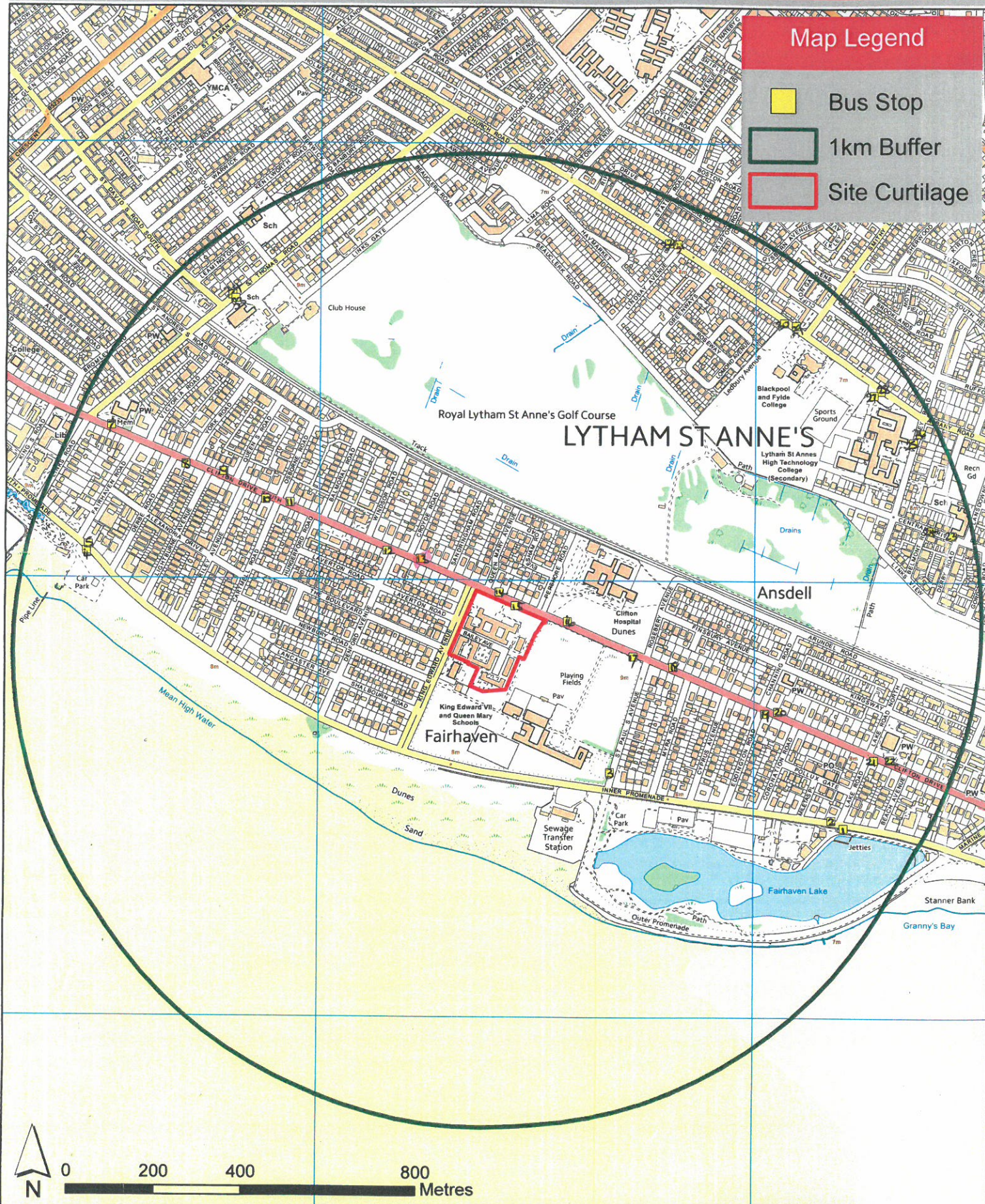
Appendix 1 – Bus stops within 1km of the Queen’s Manor site.

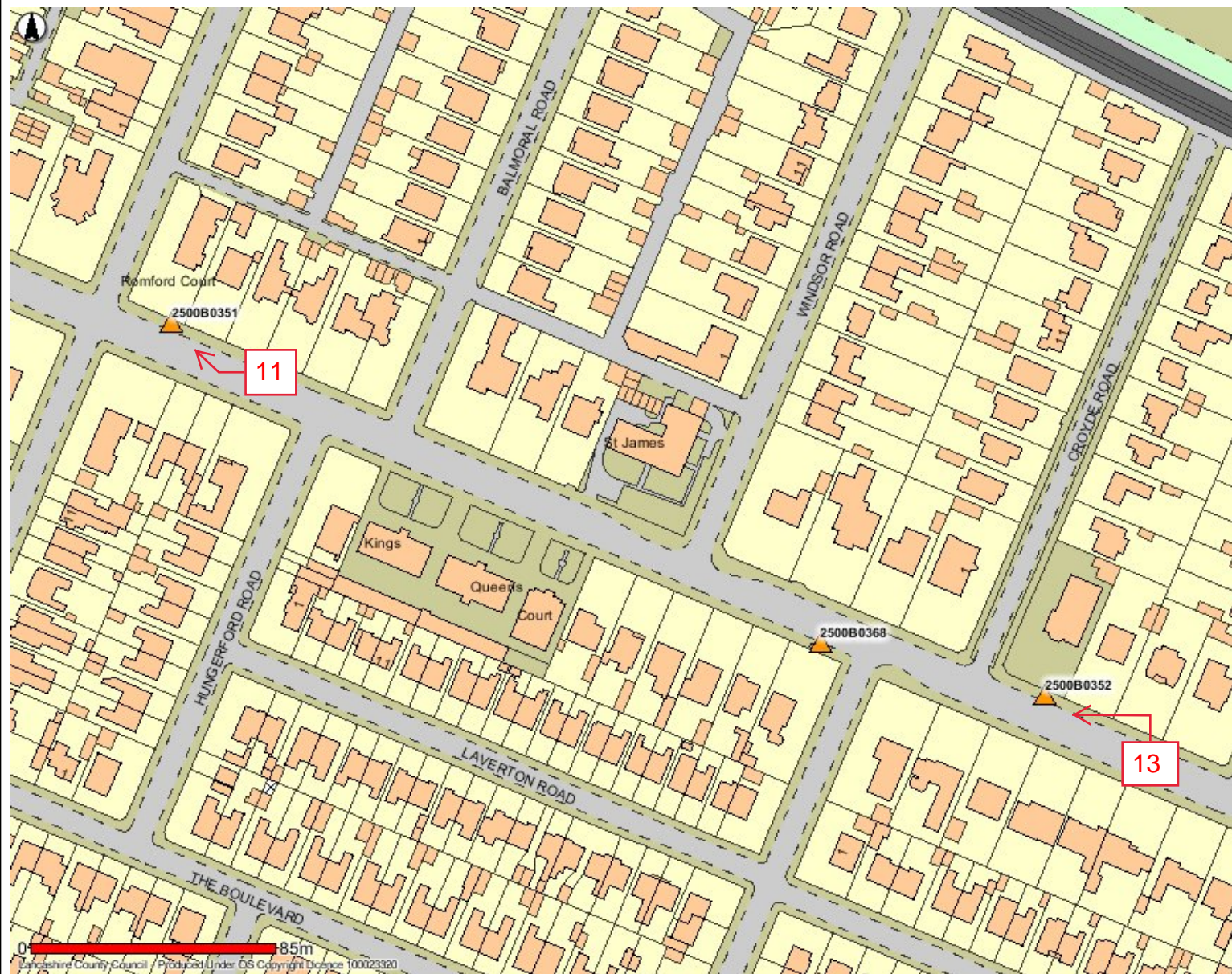
Appendix 2 (a, b, c) – Locations of suggested shelters.

# Bus Stops within 1km of Site

Map created : April 2016

Map scale : 1:8,000





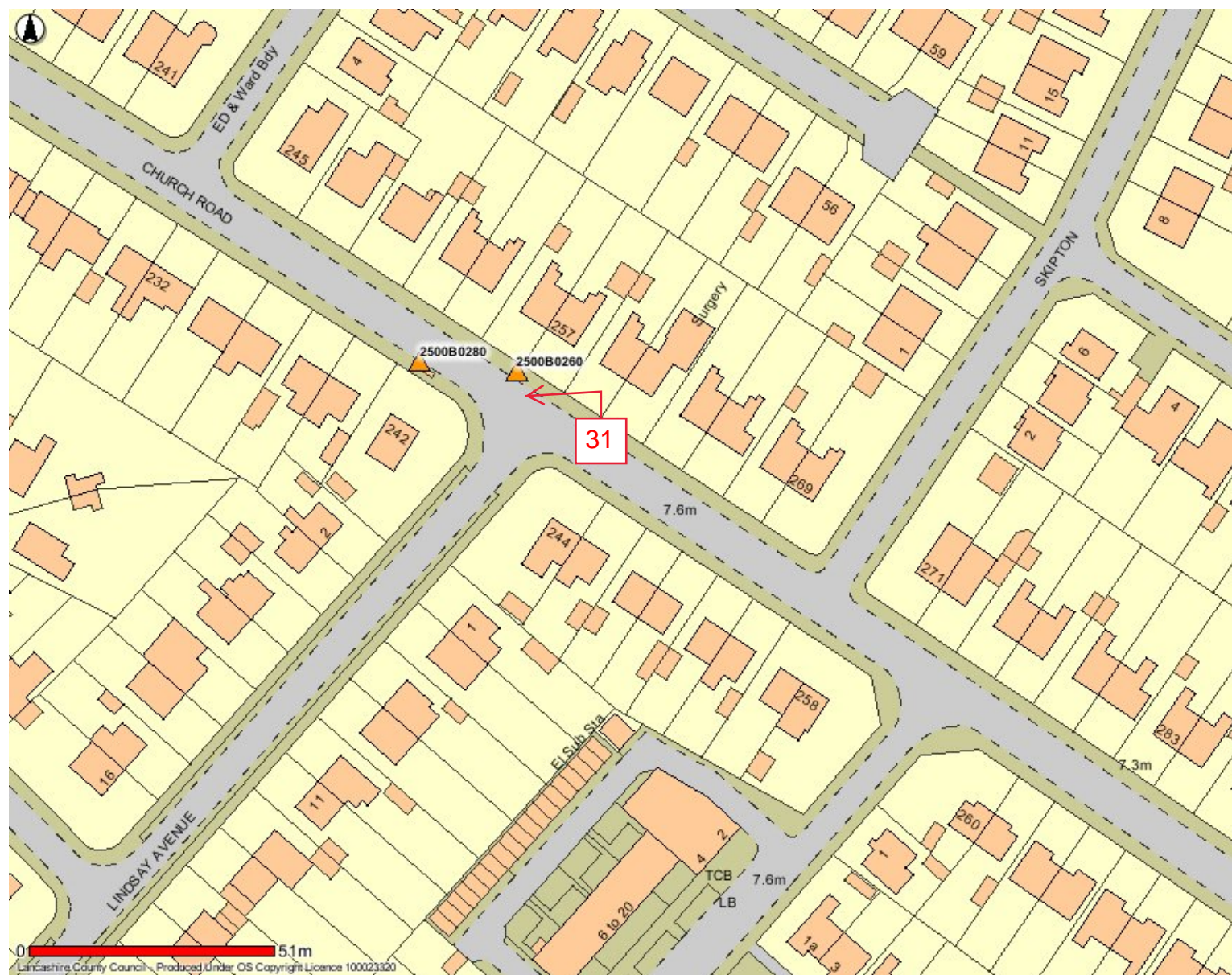
- Bus Stops**
- Custom Stop
  - Hail and Ride
  - Bus Stop
  - Tram Stop
- Districts**
- Other District/Unitary Authority
  - Lancashire Districts

Proposed Shelter locations 11 & 13



- Bus Stops**
- Custom Stop
  - Hail and Ride
  - Bus Stop
  - Tram Stop
- Districts**
- Other District/Unitary Authority
  - Lancashire Districts

Proposed Shelter locations 25



- Bus Stops**
- Custom Stop
  - Hail and Ride
  - Bus Stop
  - Tram Stop
- Districts**
- Other District/Unitary Authority
  - Lancashire Districts

Proposed Shelter location 31

# DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	OPERATIONAL MANAGEMENT COMMITTEE	15 NOVEMBER 2016	8
<b>SNOWDON ROAD DEPOT, VEHICLE WASH-DOWN BAY</b>			

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

## SUMMARY

This report presents the details of constructing a new vehicle wash-down facility at Snowdon Road depot for Parks and Greenspaces and Operational Services vehicles funded from the capital budget.

## RECOMMENDATIONS

Committee is recommended

1. to approve the proposal to provide a fit for purpose wash-down facility at Snowdon Road depot as detailed in the report, with the works being funded from the approved 2016/17 capital programme scheme of £25,000
2. to note that ancillary works to provide a screen will be delivered as part of the overall scheme and will be funded from the approved revenue budget for repairs and maintenance for 2016/17.

## SUMMARY OF PREVIOUS DECISIONS

Full Council 2<sup>nd</sup> March 2016

Resolved - 1. To approve and adopt the recommendations of the Finance and Democracy Committee as follows:

(c) The updated Five Year Capital Programme including the changes proposed by the Budget Working Group, as set out in Appendix G, with the correction of the name of the capital scheme from Warton with Westby Parish Council Play Area to the correct name of Bryning with Warton Parish Council Play Area;.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	√
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	√
Working with all partners ( <b>Vibrant Economy</b> )	
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	

## REPORT

1. The budget approved by Council for 2016/17 includes a capital budget of £25,000 for a wash-down bay facility at Snowdon Road depot.

**Table 1 – Scheme details**

Scheme title	Budget 2016/17	Description
Vehicle Wash-down Facility Snowdon Rd Depot	£25,000	This scheme relates to the construction of a new vehicle wash-down bay at the Snowdon Road Depot site. Currently vehicles are washed adjacent to the entrance of the site. This area is unsuitable and has a number of health and safety risks. The new facility would allow waste water from the process to drain into the foul drainage system through a petrol interceptor and would reduce the risks of accidents.

2. It was originally intended that the facility would not require screening from the rest of the depot/adjoining land and as such the capital bid was for an estimated amount that would cover the construction of an unscreened wash down area. As the specification and location on the site for the scheme developed it was evident that screening would be necessary to prevent nuisance and disturbance to the rest of the site and adjoining land, as well as a health and safety requirement to protect against strong winds when FMS are required to steam clean vehicles at height as part of MOT prep. The additional cost of the screening is estimated at £15,000, which can be provided from within the approved revenue budget for repairs and maintenance as a result of in year efficiencies. The revised cost of the scheme incorporating screening is in the order of £40,000.
3. Currently vehicles are washed adjacent to the entrance of the site, this area proved unsuitable because of a number of health and safety risks. The area is adjacent to large vehicle movements and has no barrier protection. The area is also subject to water pooling rather than washing away and is slippery during icy conditions. There is also no connection to the foul sewer drainage system in this part of the site.
4. The project involves the construction of a new wash down bay at Snowdon Road depot, St. Annes. The wash down bay measures 16.3m x 8.75m and will be comprised of a new concrete slab, 4m high screens to 3 sides, silt trap, petrol interceptor and associated drainage. The project also involves supplying water and electricity to the wash down bay from the nearby parks building.
5. There is some urgency for the work to take place due to vehicles currently being washed adjacent to the site entrance, presenting a number of health and safety risks.
6. A scheme for the work has been designed and tendered through 'The Chest' which is the Council's agreed procurement portal.
7. Five quotes for the work were received via the Chest system from:

**Table 2 – Summary of quotations received**

Company	Quotation
William Pye Limited	£38,050.00
J & C Devlin Ltd	£38,770.00
Landscape Engineering Ltd	£39,690.50
Clement Dickens & Sons Ltd	£48,998.00
Pipescan Ltd	£54,420.40
Monks	declining to quote

Garry Carr	declining to quote
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8. An evaluation was carried out using cost, methodology, experience and health and safety as criteria with Landscape Engineering's quote scoring highest.

**Table 3 – A breakdown of the quote from Landscape Engineering**

Item / element	Cost (£)
Preliminaries	1,500.00
Plane off and dig down for wash down bay and silt trap	2,280.00
Construction of wash down bay and silt trap	9,588.50
Install petrol interceptor and associated drainage	7,130.00
Dig trenches and supply water and electricity to wash down bay	1,980.00
Provide and install 4m high screens to 3 sides of wash down bay	16,212.00
Extra cost for extra over dig	1,000.00
	39,690.50

9. The 2016/17 approved capital programme budget of £25,000 for this scheme will fund the works specified in the initial capital bid. The additional cost of screening can be met from the approved revenue budget for repairs and maintenance for 2016/17.
10. It is proposed that the works will be undertaken by Landscape Engineering in the sum of £39,690.50 with supervision of the contract undertaken by the Technical Services team.
11. The depot is an asset currently managed and maintained by the Council and so there would not be any additional revenue costs arising as a result of the capital scheme, with all ongoing maintenance costs being met from existing revenue budgets, the wash down facility will add to the value of the asset as an operational depot
12. The works have been specified by using accepted construction techniques which will fall within the budget available and have been procured competitively as per the Council's contract rules and procedures for medium size contract and tendered through 'The Chest'.
13. It is not anticipated that there would be any issues with cost overrun as the works are not technically complex and simple to survey and specify.
14. In specifying this scheme Officers have surveyed the site and considered different options and consider the wash down bay designed to be the preferred solution within the budget available.
15. The objectives, outputs and outcomes of the project are to provide a fully functioning wash down bay at Snowdon Road depot for Parks and Greenspaces and Operational Services vehicles as currently vehicles are washed in an area that is unsuitable and has a number of health and safety risks.
16. Relevant drawings and documents will be supplied to the contractor which forms part of the contract to be awarded.

IMPLICATIONS	
Finance	<p>This report details the capital scheme to provide a wash down facility at Snowdon Road depot as contained within the 2016/17 capital programme.</p> <p>The report requests approval to the commencement of the scheme at an estimated cost of £40,000. Of this the main elements of the scheme to be funded from the approved 2016/17 capital programme scheme in the sum of £25,000.</p> <p>It is proposed that ancillary works to provide a screen will be delivered as part of the overall scheme and will be funded from the approved revenue budget for repairs and maintenance for 2016/17.</p>
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	Identified risks are dealt with in the report.

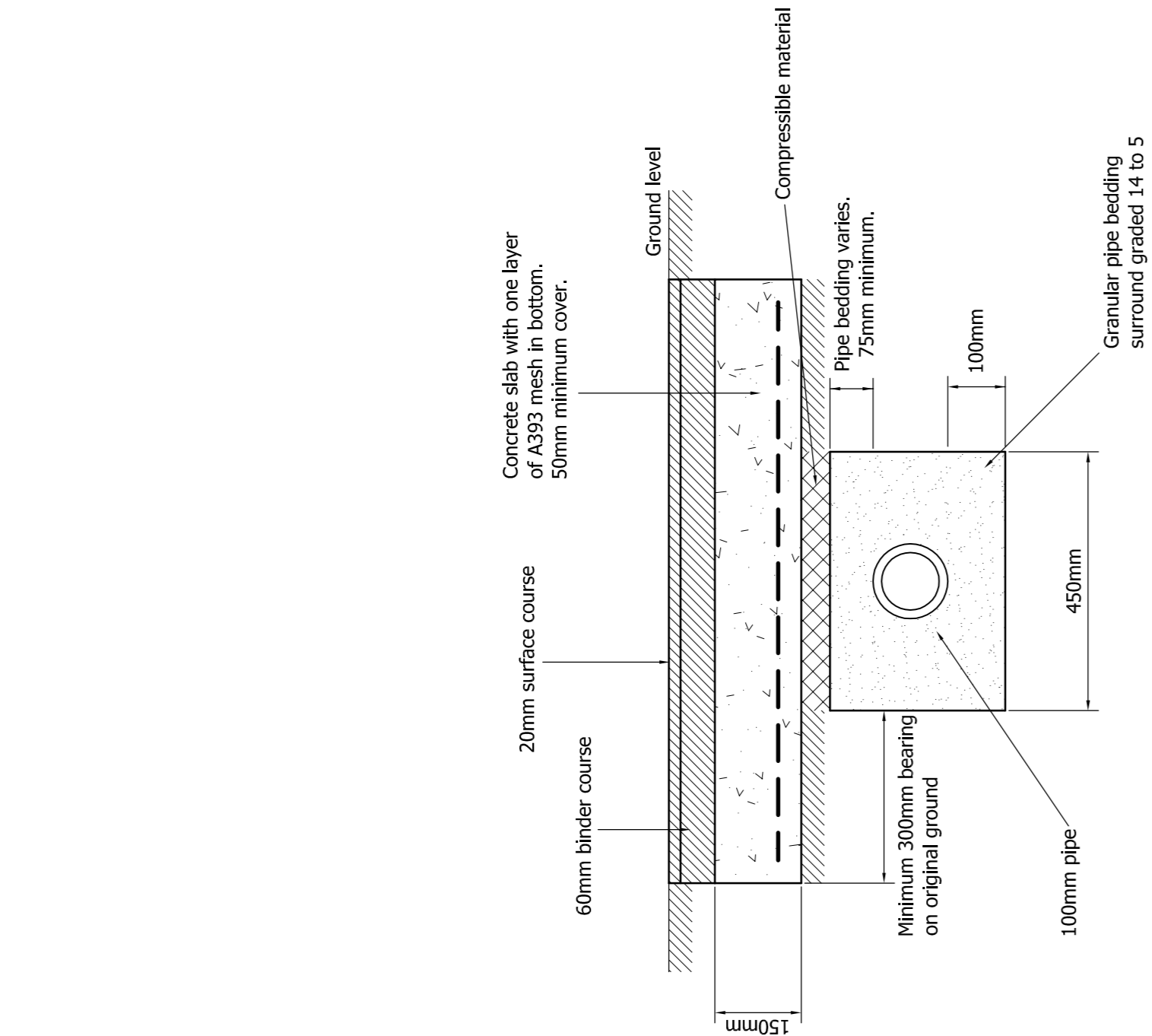
LEAD AUTHOR	TEL	DATE	DOC ID
Mike Byrne	01253 658492	29 <sup>th</sup> September 2016	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Council Minutes	2 March 2016	<a href="#">Council Website</a>

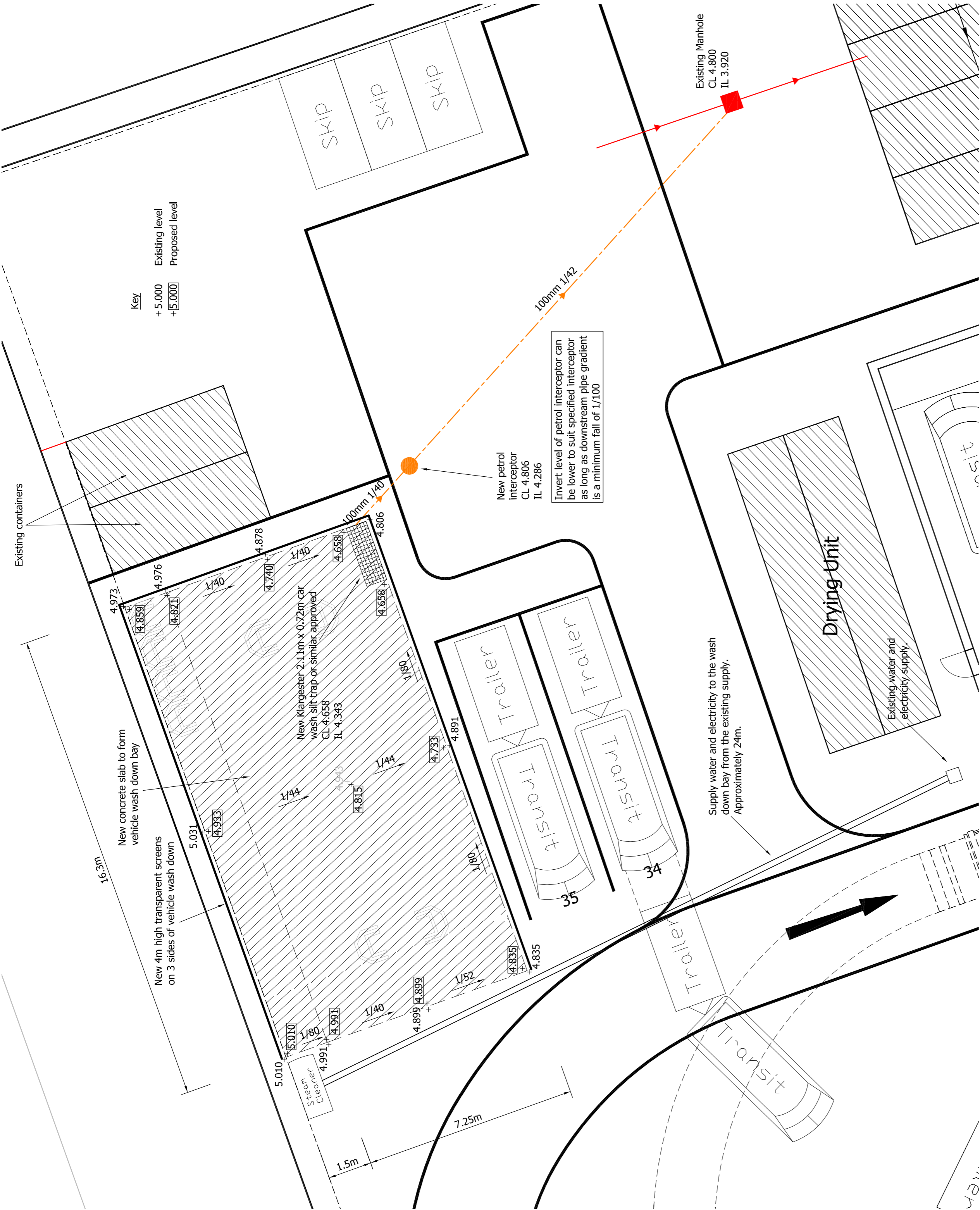
#### Attached Documents

Appendix 1      Drawing No. TS11025/08A – Proposed Wash Down Bay and Drainage

Notes	
Concrete Specification	
Wash Bay Slab:	
Designated Mix:	200mm thick reinforced slab, tamped finish, placed by hand using a poker. Exposure class severe, subject to freezing whilst wet, chlorides present as used for de-icing in winter. P/W 2 : 1 with 5.5% air entrainment, 20mm limestone aggregate, 50mm slump.
Concrete Surround and Reinforced Base to Wash Bay Tank:	
Designated Mix:	FND2. Cement to BS4027, coarse and fine aggregate to BS882. Nominal aggregate maximum size 20mm, Grade C35, minimum cement content 340 kg/cu.m, to retain aqueous liquids, maximum free-water/cement ratio 0.5.
Pipe Specification	
	110mm diameter clay pipes to be Hepworth Supersleeve plain ended pipes to BS EN 295-1:2013, with push fit polypropylene flexible couplings, or similar approved.
	110mm diameter uPVC pipes to BS EN 13476 to be Hepesal Plastadrain plain ended pipes, with push fit polypropylene flexible couplings, or similar approved.
	Band seal couplings to be Naylor or similar approved to WIS 4-41-01.
Silt Trap	
	Silt trap to be Klargester 2.11m x 0.72m car wash silt trap or similar approved.
Manhole Covers (Petrol Interceptor)	
	To be single piece ductile iron to BS EN 124:1994 Group 4 - Class D400, with full single air tight seal. Minimum clear opening to be 600mm square.
	The Contractor is deemed to include in his rates the cost of making good any surfacing areas around manhole covers.
Wash Bay Screens	
	PROVISIONAL ITEM: There will be a provisional item for supply and installation of 16.3 x 8.75 x 16.3m U shaped jet wash screen at 4m high with associated bolted down base plate/foundation pads.
Excavation	
	Excavation should be priced to excavate through 60mm of tarmac and 150mm thick reinforced concrete slab.
	PROVISIONAL ITEM: There will be a provisional item for costing the extra for excavating through 60mm tarmac and full construction depth of reinforced concrete slab.
General	
	The nearest electrical supply and water supply is at the Parks depot building approximately 18m from the working area.



Section Through New Pipe Bedding (Scale 1:10)



# INFORMATION ITEM



REPORT OF		MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE		OPERATIONAL MANAGEMENT COMMITTEE	15 NOVEMBER 2016	9
GREEN WASTE SUBSCRIPTION SERVICE				

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

## SUMMARY OF INFORMATION

The report provides an update on the recommendation to introduce a subscription based service for the collection of green waste in 2017.

## SOURCE OF INFORMATION

Kathy Winstanley, Head of Health and Environment

## LINK TO INFORMATION

[Information note: Green Waste Subscription Service](#)

## WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The information is being provided to the committee to update members on progress and recommendations with regards to the introduction of such a scheme.

## FURTHER INFORMATION

Contact Kathy Winstanley, Head of Health and Environment, [kathyw@fylde.gov.uk](mailto:kathyw@fylde.gov.uk), 07921363760.

# INFORMATION NOTE

## Green Waste Subscription Service

At the Operational Management Meeting, held on 13<sup>th</sup> September 2016, it was RESOLVED to recommend to full Council:

*The introduction of a year-round green waste subscription service, at a charge of £30 per waste bin per annum, in order that the service may be ready for implementation from April 2017; and that the income arising from the introduction of the charge, if approved, be reflected within the Councils budget for 2017/18 onwards.*

A Green Waste Project Board, comprising Members and Officers, has been established to discuss policy and logistics associated with the introduction of a subscription service. The Board held an initial meeting on 20<sup>th</sup> October and the following proposals were agreed:

1. Bins will be charged at a fixed price of £30 **per bin per annum**. There will be no refund for a part year subscription, discounts for multiple bins or personal circumstances and subscriptions will be non-transferrable between properties.
2. There will be no 'take back' facility for the collection of non-scheme green bins where residents do not initially sign up to the service. This will be reviewed after 2 years once the scheme has matured, with no refunds on non-scheme bins.
3. A suggested start date of 1<sup>st</sup> May 2017 was agreed with subsequent years running from 1<sup>st</sup> April to 31<sup>st</sup> March. The delayed start in year 1 was proposed to avoid a significant increase in enquiries to the One Stop Shop during March, the busiest time for dealing with council tax enquires.
4. A full promotion and communication program will support the introduction of the service to ensure maximum publicity and participation. This will commence following the outcome of the full Council meeting in December 2016 with a press release and updates through social media and roadshows. Pre-scheme literature will be delivered in February 2017 highlighting the scheme and detailing the web link for further information. This will be followed by a detailed information pack delivered to all properties through the letterbox in March.
5. The preferred option for residents to enrol into the scheme will be online to include the payment of the £30 annual fee. The process will be the same if the contact is made via phone or in person at the One Stop Shop with CSS specialists assisting to process the subscription.
6. Subscribed bins will be distinguished from non-subscribed bins via scheme stickers detailing the property address. Subscriptions will also be linked against the property address through the in cab technology Bartec that is linked live to the customer service team. Non-scheme bins presented for collection will be rejected, stickered and highlighted on Bartec so that information literature can be distributed to properties to further promote the scheme.

These proposals will feed into the report to be presented to full Council on 5<sup>th</sup> December 2016. If the scheme receives approval to commence in May 2017 the Project Board will continue to meet on a regular basis to finalise the operational arrangements and agree the supporting IT, finance and communication considerations. The Operational Management Committee will receive regular updates with respect to the progress of the scheme. Based on initial discussions with the IT and finance teams as well as learning from other authorities that have implemented subscription service schemes in recent years, it is evident that a significant proportion of the first year income will be

required for set up costs in particular improved online payment facilities.

A Green Waste Consultation was conducted between 18<sup>th</sup> March and 13<sup>th</sup> September, 477 responses were received during this time. The consultation was not statistically or geographically representative but was carried out to obtain a view on the potential introduction of a subscription service. The questions were the same as neighbouring authorities had asked and the results very similar which have been attached as Appendix 1 to this information note.

Other local authorities that have carried out similar research with similar results have reached in excess of 60% participation in the subscription service within the first two years therefore giving officers the confidence that estimates forecast to date will be achieved at Fylde.

The difficult question that asks respondents if they would pay for something that they previously received free was asked with the predictable response. It has been made explicit in the communications to date that the funding for the provision of this scheme is being withdrawn by the County Council and that the District council does not have the resources to fund the scheme without an optional charge.

#### **FURTHER INFORMATION**

Kathy Winstanley, Head of Health and Environment, [kathyw@fylde.gov.uk](mailto:kathyw@fylde.gov.uk), 01253 658634.

## **Appendix 1: Consultation on Green waste Subscription Service**

### **Question 1: How often do you use the Council's green waste recycling service (green bins)?**

**Answered:** 477      **Skipped:** 0

- 51%    Every collection
- 44%    Sometimes
- 4%     Never

**Commentary:** Results demonstrate that of the sample surveyed, 95% of respondents present a green bin for collection by Fylde Council

### **Question 2: How often do you use the service – answer all that apply?**

**Answered:** 207      **Skipped:** 270

- 43%    Monthly
- 97%    Quarterly
- 16%    Other

**Commentary:** Results demonstrate that of the sample surveyed, 97% of respondents present a green bin for collection by Fylde Council, supporting the result of Q1 above

### **Question 3: Please tell us why you don't use the service – answer all that apply?**

**Answered:** 21      **Skipped:** 456

- 71%    Don't produce garden waste
- 10%    Home compost
- 5%     Take to tip
- 14%    Other

**Commentary:** Results demonstrate that of the sample surveyed, only 21 respondents do not use the service as they don't generate garden waste for collection by Fylde Council

### **Question 4: How many green bins do you currently use?**

**Answered:** 445      **Skipped:** 32

- 89%    One
- 11%    Two or more

**Commentary:** Results demonstrate that of the sample surveyed, 89% of respondents present at least one green bin for collection by Fylde Council

### **Question 5: To enable the service to continue, do you think the proposed charges are?**

**Answered:** 467      **Skipped:** 10

- 93%    Too much
- 7%     Acceptable or unsure

**Commentary:** Results demonstrate that of the sample surveyed, 93% of respondents think the proposed charges are too high. This is consistent with the initial findings of other subscription schemes where the majority of respondents object to a charge regardless of the amount proposed. Once the scheme is introduced, many acknowledge it is cheaper and more convenient than other disposal routes and support for the scheme increases.

**Question 6: Are you likely to subscribe to the service?**

**Answered:** 468      **Skipped:** 9

23%    Yes or maybe

76%    No

**Commentary:** Results demonstrate that of the sample surveyed, 76% of respondents indicate they are unlikely to subscribe to the service. This is consistent with the findings from other subscription schemes where the majority of respondents object to a charge regardless of the amount proposed. Once the scheme is introduced, many acknowledge it is cheaper and more convenient than other disposal routes and support for the scheme increases. New subscription services can take as long as 2 years to reach full maturity with maximum participation.

**Question 7: As you are unsure, or not likely to subscribe to the Council's service, please tell us how you would plan to dispose of your green waste?**

**Answered:** 426      **Skipped:** 51

24%    Home composting

37%    Household waste recycling centre

59%    Other

**Commentary:** Results demonstrate that of the sample surveyed, the majority of respondents would consider alternate means of green waste disposal. This is consistent with the initial findings of other subscription schemes where the majority of respondents initially indicate a preference for using the local tip. Over time the chargeable scheme is recognised as cost effective and convenient and support for the scheme increases. Home composting will be promoted as the most environmentally favourable option in Fylde for residents not wishing to subscribe to the kerbside scheme.

**Question 8: How many green bins are you likely to require under the subscription service?**

**Answered:** 442      **Skipped:** 35

45%    One

8%    Two or more

47%    Not applicable

**Commentary:** Results demonstrate that of the sample surveyed, 53% of respondents would require at least one green bin for collection by Fylde Council and that certainly in the early stages a number will not participate.

# INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	OPERATIONAL MANAGEMENT COMMITTEE	15 NOVEMBER 2016	10
FAIRHAVEN AND CHURCH SCAR COASTAL DEFENCE PROJECT			

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

## SUMMARY OF INFORMATION

The report provides an update on the project to replace sea defences at Fairhaven and Church Scar.

## SOURCE OF INFORMATION

Cabinet decision 15th January 2014 to commission a Strategic Headlands Study, fully funded from a grant from the Environment Agency.

## LINK TO INFORMATION

[Information Note - Fairhaven and Church Scar Coastal Defence Project](#)

Previous report to [Operational Management Committee 24 November 2015](#)

## WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The information is being given to committee to inform members on progress with the replacement hard sea defences at Fairhaven and Church Scar.

## FURTHER INFORMATION

Contact Andrew Dickson, Head of Technical Services, [andrew.dickson@fylde.gov.uk](mailto:andrew.dickson@fylde.gov.uk) Tel 01253 658675

# INFORMATION NOTE

## FAIRHAVEN AND CHURCH SCAR COASTAL DEFENCE PROJECT

### **Background**

Fylde Council is undertaking the Fairhaven and Church Scar Coastal Defence scheme to reconstruct the sea walls to prevent any coastal erosion and flooding, at an estimated cost of circa £19.825M. The Environment Agency has approved the project appraisal report which subject to the necessary approvals and consents will grant £19.425m towards the project with £400k being met from Fylde Council as part of the agreed capital programme. The necessary approvals include planning permission, acquisition of a Marine Licence and consent from Natural England.

The previous report to Operational Management Committee in November 2015 approved the use of Lot 4 of the Water and Environment Management (WEM) Framework for the procurement of design and construction of the Fairhaven and Church Scar coast protection scheme. This framework has been used for the procurement of a consultant to undertake an Environmental Impact Assessment, Appropriate Assessment and the preliminary designs for the hard sea defences. Volker Stevin, Boskalis Westminster and Atkins joint venture were appointed to undertake this work.

### **Current Position**

#### **Proposed scheme**

The scheme proposed is to replace the existing sea defences at Church Scar and Fairhaven. At Church Scar with a sloping concrete revetment and at Fairhaven with stepped concrete revetment. Both locations include provision for a replacement promenade with reinstatement of surrounding levels and associated landscaping. The work at Fairhaven includes resurfacing of the car park. The scheme is a grant aided coast defence scheme and does not include funding for public art or other public realm improvements. Officers are looking for funding opportunities from external sources to supplement the work undertaken as part of the coast defence project with further public realm enhancements which will be the subject of further reports.

#### **Approvals and Consents**

The Environmental Impact Assessment, Appropriate Assessment, Environmental Impact Statement and preliminary designs, are now being finalised. A pre application discussion is being arranged with the Marine Management Organisation the Marine Planning Authority prior to the application for a Marine Licence which will enable the scheme to be delivered. Natural England consent will be picked up as part of the planning application process.

To enable the scheme to be submitted for planning permission, preliminary designs for the public realm and soft landscaping, a Design and Access Statement and a community involvement strategy were required. Stuart Ryder Landscapes a team of landscape architects and environmental consultants were commissioned to undertake this work.

The scheme will be submitted for planning permission in November 2016. The preliminary designs for the hard sea defence and the public realm and soft landscaping will be used as the basis for the application together with a design and access statement, community involvement strategy, Appropriate Assessment and the Environmental Impact Statement.

Prior to submission of the planning application a consultation exhibition with members was arranged for the 26<sup>th</sup> October 2016.

### **Engagement of Contractor**

Running in parallel with the approvals and consents process is the engagement of a main contractor to construct the hard sea defences. There are five contractors on the Environment Agency WEM (lot 4) framework who are suitable to undertake this scope and scale of work which will be asked to submit a tender.

To assist with the procurement process Brian Farrington Ltd a procurement specialist has been engaged to prepare a procurement strategy, provide advice on detailed procurement issues and assist with tender evaluation and the preparation of a tender evaluation report.

A procurement workshop was held to make key decisions in terms of form of contract, price to quality ratio and the weightings on the quality evaluation criteria. The WEM framework requires the use of an NEC form of contract, options A, C and E were discussed. Having weighed up all the advantages/disadvantages and risk to the Council option A was chosen which is a fixed price contract sum and assures cost certainty but relies on the works information incorporating all the Councils requirements. A price to quality evaluation of 40% price to 60% quality was agreed upon as this will allow enough flexibility to engage the right contractor on a quality basis whilst taking price into account. The quality evaluation model was put together using several key quality criteria.

### **Programme**

Currently the team are preparing contract documentation including a detailed works information package. The WEM Framework contractors will be invited to discuss the scheme prior to tender with a view to the tender documents going out before Christmas 2016 with a 10/ 12 week tender period. Tenders will be evaluated in March 2017 with the award of tender in April 2017. It is anticipated that the contractor will start on site in June 2017.

All of the above is being delivered in line with the Councils financial regulations and contract procedure rules.

### **FURTHER INFORMATION AVAILABLE FROM**

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