

## REPORT TO CABINET

Title: **OLD WINDSOR PETITION:  
ROAD WORKS AT SHOPPING CENTRE, ST LUKES ROAD  
BUS SHELTERS TO BE ERECTED AT BUS STOPS, OLD  
WINDSOR**

Date: 24 September 2009

Member Reporting: Councillor Rayner

Contact Officer(s): Stephen Brown, 01628 796770

Wards affected: Old Windsor

### 1. SUMMARY

1.1.1 This report is in two parts and responds to two petitions both promoted by the same resident, Mr MacRae.

1.1.2 The first part (A) of the report deals with the apparent dissatisfaction with the quality of roadworks promoted by and undertaken on behalf of the Old Windsor Community Partnership. The Partnership funded the project with SEERA grant funding and the Council acted as advisors and supplied the works contractor via our Term Contract.

1.1.3 The second part (B) refers to the need for additional bus shelters with seating to be provided at all Old Windsor bus stops.

### 2. RECOMMENDATION: That:

**A) The Lead Member write to the Petitioner that the Council is satisfied no further action is appropriate.**

**B) The Head of Highways & Engineering write to the Petitioner that, subject to funds becoming available, any opportunity to provide additional bus shelter(s) would be investigated.**

What will be different for residents as a result of this decision?
Part A – No actions are proposed as the scheme has achieved expected outcomes.
Part B – It maybe possible to provide one additional bus shelter to enable residents to wait in more comfort than standing by the roadside.

### **3. SUPPORTING INFORMATION**

#### **3.1 Background**

##### Part A: St Lukes - Road Partial Pedestrianisation

*“The new road works at Old Windsor Shopping Centre 13 Feb2009. Petition collected in Old Windsor and each name signed the Petition that they are in total agreement that the works are unacceptable due to abortive works being installed by the RBWM. In addition the Petition agree that all the works described as follows are totally unacceptable and that the RBWM should be instructed to rectify, replace everything to a proper specification. The Petition was asked to view all the sinking pavings, approx 3,000. In addition loose pavings are now a trip danger for shoppers. The Petition claim that the items listed are very serious, are not frivolous, and the claim by the RBWM Chief Executive that he will not carry out rectification and replacement to each item should be overturned as this is the responsibility of RBWM. The Local Government Ombudsman was called in, but that Office has confirmed that no Ombudsman visited the site at any time. In any case everything is the responsibility of the RBWM. I agree with the above and also I agree with the list attached that everything should be corrected 100%”*

- 3.1.1 This project started some 3 years ago as a locally lead initiative. The Old Windsor Community Partnership was established and made this one of its key projects. As it affected the highway and needed support for some statutory processes, as well as a works contractor to complete the project, the Council agreed to put in staff resources to help with the technical procedures etc.
- 3.1.2 Originally the scheme consisted of pedestrianising a section of St Lukes Road where it runs past the small arcade of shops on both sides of the road. This required the transfer of the B3021 from this section of St Lukes Road to St Peters Road to connect to the A308 Straight Road.
- 3.1.3 As the project developed and, in response to local pressures, the brief was amended to allow limited traffic access to the section of road that would have been pedestrian only. This required various changes to the designs and also amendment on site to meet the requirements of Safety Audit procedures. The works were undertaken by Ringways, who were the Councils Term Contractor at the time. Their contract ended in May 2007 and remedial works etc. were then completed by Balfour Beatty Infrastructure Services the incoming Term Contractor.
- 3.1.4 Mr MacRae has a long held opinion that the works were not designed, undertaken or supervised to an appropriate standard and there is extensive correspondence between the Council and Mr MacRae over this period.
- 3.1.5 In light of Mr MacRae's interest and comments our own Engineers carried out additional inspections of the works and ordered further minor remedial measures. Furthermore an independent check was carried out by Consulting Engineers and also the leaders of the Community Partnership were asked for their views on the works. There are no outstanding matters relating to the design or installation of these works.
- 3.1.6 Mr MacRae was unwilling to accept this and referred the case to the Local Government Ombudsman. However the LGO found no case to answer. Following further extensive exchanges of correspondence between Mr MacRae and several senior officers, the Chief Executive wrote to Mr MacRae to at the end of 2008 to say

that we had now exhausted all possible channels and that he has instructed the files to be closed.

- 3.1.7 Mr MacRae then raised a petition in February 2009, which was dealt with under the Heads of Service Procedure. The Head of Highways & Engineering considered all the previous correspondence and decided not to pursue the petition as it raised no new concerns or evidence. The Head of Highways & Engineering wrote to the petitioners direct to explain the situation and several letters were returned “not known at this address” which put the number of signatures below the required limit for petitions. Unsatisfied with this response, Mr MacRae obtained further signatures and clarified addresses and resubmitted the petition via Councillor Beer to Council, which requires a report to Cabinet as the Head of Service route had already been used.
- 3.1.8 The works have again been checked in response to this latest petition and there are no outstanding issues.

### Part B: Bus Shelters

*“The Petition is for the bus shelters to be erected at each bus stop in the Old Windsor. Many residents, OAP and others have a long distance to walk to the bus stops and have to stand in the weather at the bus stops, with no shelter. The following list are the Petition members in support, with phone numbers.”*

- 3.1.9 At present, there is only one bus shelter in Old Windsor, outside the Toby Carvery on the main A308 Straight Road. J C Decaux provides this shelter at no cost to the Council, in return for the advertising opportunity.
- 3.1.10 The Passenger Transport Team have inspected the bus routes through Old Windsor. After visiting the area, and reviewing the existing infrastructure, there is only one possible location for a further shelter, and this is at the stop by the junction of Straight Road and Meadow Way. There is an area of grass, behind the pavement, that could potentially accommodate a shelter.
- 3.1.11 The cost of a shelter to the Council would be in the region of approximately £4,000 to £6,000, depending on the style and specification, there is currently no budget available.
- 3.1.12 ‘J C Decaux’ have been requested to review the location and advise whether there is potential to provide and maintain a new shelter and a response is awaited. Funding for non-advertising bus shelters is often secured through external funding, such as Section 106 monies. However, a review of existing Section 106 funds has been undertaken and there are currently no suitable contributions that could be applied.
- 3.1.13 None of the other bus stops in Old Windsor are suitable to be equipped with bus shelters, as there is not sufficient room without obstructing the footpath or being sufficiently clear of overhanging vehicles/mirrors etc.
- 3.1.14 It is always prudent to consult with residents in the immediate vicinity of a proposed new bus shelter. Not all residents see a bus shelter as an enhancement to the locality, due to the possibility of anti-social behaviour, especially in the evening. It is, therefore, proposed that if funding can be secured in the future the views of local residents be obtained both through the Parish Council and directly.

## 4. OPTIONS AVAILABLE AND RISK ASSESSMENT

### 4.1 Options

	Option	Comments	Financial Implications
	<b>Part A</b>		
1.	Inspect the site and undertake any further work now identified. <b>Recommended</b>	This has been done and only wear and tear items identified which will be addressed in the usual upkeep of the street.	Revenue - from normal Highway Maintenance budgets  Capital – None
2.	Do Nothing	This would not bring the matter to a conclusion, which is essential to reduce officer involvement.	Revenue - None  Capital - None
3.	Write back to Mr MacRae that Cabinet has considered the situation and that the scheme has satisfactorily achieved the required outcomes and that no further correspondence will be entertained. <b>Recommended</b>	The Petitioner is unlikely to be content with this decision but it is not practicable to commit further time and effort in continuing to correspond on this Community Partnership Project.	Revenue - None  Capital - None
	<b>Part B</b>		
4.	Investigate where additional bus shelters could be installed. <b>Recommended</b>	This has been undertaken and only one suitable site exists due to space and road safety constraints. A resident consultation would be undertaken if funds become available.	Revenue - None  Capital – £4-6000. No suitable budget exists. No S106 funds have been identified.
5.	Do Nothing	This would not address the issues.	Revenue - None  Capital – None

	<b>Option</b>	<b>Comments</b>	<b>Financial Implications</b>
6.	Write to JCD to see if they would be interested in this location on a commercial basis. If so full consultation with Parish/Ward Councillors etc would be required.	This would be a low (initial) cost solution if supported by JCD.	Revenue – None for implementation but ongoing Business Rate liability approx £220pa for shelter including advertising.  Capital – None
7.	Write back to petitioners that if and when funds can be identified, the site mentioned above would be further investigated.  <b>Recommended</b>	Consultation with Parish and Ward Councillors and affected Residents would be undertaken and if no adverse reaction the shelter could be installed.	Revenue - None  Capital - None

## 4.2 Risk assessment

- 4.2.1 A) The scheme was completed sometime ago on behalf of the Community Partnership. There are no significant residual risks.
- 4.2.2 B) If funding were forthcoming there is a risk that residents near the proposed shelter might be against its provision.

## 5. CONSULTATIONS CARRIED OUT

- 5.1.1 None at this stage.

## 6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

- 6.1.1 This report was considered by the Planning & Environment Overview & Scrutiny Panel on 8<sup>th</sup> September 2009. The comments of the panel were:

*Resolved: that the report be submitted to Cabinet for approval.*

*However, it should be noted that Councillor Beer (Old Windsor) had visited the works in St. Lukes Road and no significant loose paving's were evident. The Panel was, therefore, not supportive of the petition relating to St. Lukes Road.*

## 7. IMPLICATIONS

- 7.1.1 There would be an ongoing business rate liability if a further advertising shelter were installed.
- 7.1.2 The following implications have been addressed where indicated below.

<b>Financial</b>	<b>Legal</b>	<b>Human Rights Act</b>	<b>Planning</b>	<b>Sustainable Development</b>	<b>Diversity &amp; Equality</b>
✓	✓	✓ or N/A	N/A	N/A	✓ or N/A

Background Papers: None