

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

1 MARCH 2013

REFERENCE FROM COUNCIL

A.1 PROVISION OF A BUS SHELTER AT LITTLE BROMLEY

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report to Cabinet a question, pursuant to Council Procedure Rule 14, submitted to the meeting of the Council held on 12 February 2013.

EXECUTIVE SUMMARY

This report sets out a question, pursuant to Council Procedure Rule 14, submitted by the Chairman of Little Bromley Parish Council, Councillor Steve Wilcox, to the meeting of the Council held on 12 February 2013, relating to the provision of a bus shelter at Little Bromley and which was referred to the Cabinet by the Council for consideration in accordance with the provisions of Council Procedure Rule 14.9.

RECOMMENDATION(S)

That, following consideration of Councillor Wilcox’s question, the Cabinet decide what action, if any, should be taken.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

At the meeting of the Council held on 12 February 2013, the following question, pursuant to Council Procedure Rule 14, was put by Councillor Wilcox to the Leader of the Council and answered and then, in accordance with Council Procedure Rule 14.9, stood referred to the Cabinet for consideration:

“Little Bromley Parish Council members are most anxious to have a bus shelter in the village as there is no protection from adverse weather conditions anywhere near our village bus stop.

We have obtained the necessary planning permission, however, Tendring District Council have refused to grant permission to position the shelter, measuring 2.6 x 1.00 in the corner of the existing car park, which is owned by them. My members and the village residents just cannot understand the complete lack of co-operation with or consideration of our residents.

We may be a small council but we are still one of 27 in Tendring who look to Tendring District Council to help us, not to brush aside our reasonable request for help.

Can the Leader of the Council give me some reasons why our request to site a bus shelter on Our District’s Land is being refused?”

The Leader of the Council gave the following answer to Councillor Wilcox's question:

"Thank you Chairman and I thank Councillor Wilcox for his question.

Councillor Wilcox is quite correct to state that planning permission was given to Little Bromley Parish Council to erect a bus shelter on the Housing Revenue Account car park located on Shop Road, Little Bromley in 2011. However, I understand that the Parish Council had previously been advised not to submit the planning application prior to determining whether a disposal of the land would be agreed but decided to proceed, ignoring officer advice. It is important to clarify that this car park is provided solely for the benefit of council tenants living in Little Bromley and it is the council tenants who pay for the upkeep and maintenance of this car park and as such is subject to different consultation mechanisms as compared to other Council assets.

Following granting of planning permission, the Parish Council again contacted the housing department and requested that the land be gifted to them so that they could put up the shelter. Thereafter, I understand that a protracted and somewhat difficult dialogue took place with the Parish Council as it was pointed out to them that the housing service had a legal and binding duty to consult affected tenants and it wasn't just a foregone conclusion that the service would or could be prepared to give away part of its asset or that such consultation couldn't just be ignored. The housing service was also aware that not all residents' of Little Bromley were happy with the proposal.

In November 2011, the then Clerk, was written to seeking answers to various concerns that the housing department had which it wanted allayed before it would even consider taking the issue forward. I understand the housing department finally received a response to these questions a year later.

Having considered the responses, together with other consultation responses, the officers concluded that the Parish Council had not demonstrated either an operational necessity for a bus shelter at this location by reference to its likely usage or public demand and had not quantified the risk of it attracting antisocial behaviour or how it would tackle this if it did arise. It is understood that a public telephone box in the same car park suffered such extensive vandalism that it was removed. Other operational concerns were also not fully addressed.

Whilst the transfer of the site is feasible, it is unlikely to have any financial benefit to the Council in terms of income or saving in cost. Conversely, restriction on future use or potential development of the site by transfer of an area of land within its curtilage is likely to adversely affect the value of the car park site as a whole.

If the Parish Council had wanted the Council's assistance, I would suggest that it would have been helpful to start with genuine and meaningful dialogue and not to have ignored the officers advice which had been freely and openly offered but clearly not heeded prior to seeking planning permission on land which the Parish Council did not own."

In accordance with the usual procedure Councillor Wilcox will be invited to attend the meeting.