

Report to Pennington Parish Council - 10/10/2022

Due to damage of the bus shelter at Birkrigg Park, the Parish Council have considered various options in repairing/ replacing the shelter.

Recommendation/ consideration for the Parish Council:

On 20/06/2022 minute ref 8/3129 – the Parish Council resolved to uphold the previous decision to remove the old shelter and to replace it with a more modern, suitable and serviceable structure that is less targetable by vandals and more cost effective to maintain.

In accordance with Standing Order 6. Previous Resolutions a) A resolution shall not be reversed within six months except by a special motion, which requires written notice by at least 2 councillors to be given to the Clerk in accordance with standing order 8 [of the Standing Orders].

b) When a motion moved pursuant to standing order 6 (a) above has been disposed of, no similar motion may be moved within a further six months.

As no special motion has been received by the Clerk, indication would be that the decision to replace the shelter should be upheld, minuted and the final decision of the Parish Council.

Findings:

The shelter is not on an official bus route so there is no obligation to provide a shelter however, there is a clear and recognised desire from residents to retain some form of sheltered structure for the comfort and safety of children using the school bus service.

Ownership of the shelter has been confirmed through the paper trail of Cumbria County Council (CCC) grant funding provided to and paid out from the Parish Council in 2010. The paperwork clearly stating that the responsibility of the shelter becomes that of the Parish Council.

South Lakeland District Council (SLDC) through the Monitoring Officer, Locality Team Leader, Assets/ Surveyor Team and Property Solicitor confirmed that having checked the SLDC ownership mapping system, asset register and Land Registry that neither the bus shelter nor the land it sits on is owned by SLDC.

CCC have confirmed that the shelter is situated on adopted Highways land and it was also confirmed on 27/09/2022 through Transport Services and Environment & Infrastructure that the Council's Highways Asset Manager has confirmed the shelter is on adopted Highways land and that the Council would have no issue with the shelter being replaced. Like many shelters across the County, whilst it sits on Highways land, it remains in the ownership of the provider, in this case the Parish Council. So if your Parish Council wishes to remove and/or replace the current shelter, I can confirm that you are able to do so. Highways claim no ownership of the shelter and no permission would be required to replace/ remove it.

It was also suggested through CCC – Transport Services, Environment and Infrastructure that the weather may have weakened the Perspex sheets over time and contributed to the damage as the shelter is a relatively flimsy structure and there are many more robust shelters available.

This could be seen as a supporting argument for replacing it with something more suitable.

The link below also confirms the bus shelter is the responsibility of Pennington Parish Council:

<https://www.cumbria.gov.uk/roads-transport/public-transport-roadsafety/transport/publictransport/busserv/busstops.asp>

There have been a number of options considered including removing the shelter completely and relocating it to the football ground, renovating the shelter with various materials from perspex sheets, wood, sheet metal and perforated metal sheeting, replacing the shelter with a new and more serviceable structure and more recently, a request from a number of residents to purchase the shelter was received.

There are financial implications and risks involved with each option which vary and a breakdown is provided below.

Removal/ Relocation

Cost:

£300 to relocate the shelter to the football field (previously quoted) – half to be funded by the football club.

Risks:

That the work is completed safely by an approved contractor who has liability insurance and risk assessments.

Remaining footings covered adequately to ensure no injury/ damage.

Removing shelter for children from inclement weather conditions

Renovate the shelter with new sheets

Cost:

varying from £350 - £500 for Perspex (historic costs)

Risks:

Ongoing risk of vandalism and continual costs for repairs.

Ongoing financial risk.

The use of metal, although a more sturdy option is likely to block vision causing issues for those using the shelter and also encouraging antisocial behaviour inside the shelter and was advised against by an infrastructure specialist.

The use of wood, although treated encourages fire risk and was strongly advised against by an infrastructure specialist.

There is a risk of this being a greater canvas for vandalism and not in keeping with the surrounding area.

Replace the shelter with an alternate structure.

Cost:

Varying from £5600 - £8500 depending on the company/ configuration of the shelter.

Risks:

Financial risk in significant initial outlay however, grant funding is available and the Parish Council have been in receipt of CIL to help with projects of this kind. The longer delay in decision making will lead to the possibility of not being able to access funding from CCC due to LGR.

There is no guarantee that a new structure will eradicate vandalism and repairs could remain an ongoing financial risk.

There has been a request from a group of residents to purchase the shelter.

Cost:

There is no cost to the Parish Council but a possible minimum gain.

Risks:

Legalities in selling council assets for profit. The purchasers would need to provide a business case showing purchase price, public liability insurance, risk assessments, financial case for ongoing costs and maintenance and how this would be funded. There would be a potential need for a legal document transferring ownership to a community group with potential financial implications. There would be a future risk to the Parish Council if those residents moved on and no alternative group assumed responsibility for the shelter.

Contacts/ Resources

South Lakeland District Council

Monitoring Officer
Locality Officer
Locality Team Leader
Assets/ Surveyor Team
Property Solicitor
Ownership mapping system
Asset register
Land Registry
Elected member
Environment and Enterprise
Scheduled Bus Services Officer, Transport
Services and Environment & Infrastructure

Cumbria County Council

The Office of Simon Fell MP
Cumbria Association of Local Councils
Externiture – Bus Shelter and Infrastructure
specialists
ACE Shelters – previously used company
Wards Glass Specialists
WL Jones Engravers
Various ideas/ costings from residents

Attached is a timeline of the resolutions relating to the Birkrigg Park Bus Shelter.

1st August 2020 – I was advised that the shelter had been damaged and it was suggested that I contact 'Wards' to repair it as they had done so previously: in February 2015 at a cost of £235.57, in September 2017 at a cost of £279.45 and November 2017 at a cost of £320.06. In December 2020, Wards replaced the damaged Perspex again at a cost of £428.20. Within weeks, the panes were damaged again. I believe the police were involved all of which I was informed of by SLDC as recorded in minutes from 08/03/2021 minute ref 9/ 3056.

08/03/2021 - minute ref 9/3056 - Parish Council began considering replacing the Perspex panes with other material such as wood or metal and the aesthetics of this along with practicality and loss of visibility that would result were considered.

08/03/2021 - minute ref 9/3057 - Councillors agreed to make initial enquiries for feedback with residents of Birkrigg Park.

19/04/2021 - minute ref 9/3063 - Councillors were informed that initial contact indicated that the bus shelter was not used by the children and it was suggested that if this was the case, removing it might be another option to consider. It was agreed to canvas public opinion on a preferred course of action.

04/05/2021 - minute ref 12/3069 - Councillors informed that no feedback from residents had been received. It was agreed to amend canvassing material with a date to respond by and was re-advertised via Parish Council website, parish noticeboards, Parish Council social media page, additional community social media pages, Parish Council community email group, the community chat magazine that reaches all houses in the parish, the Birkrigg Park community noticeboard, the shelter itself and the Birkrigg Park residents community chat/ social media. I have confirmation that the last 3 were done on 21st May 2021 by a resident of Birkrigg Park who offered to do this on the Parish Council's behalf. It was agreed to continue researching alternative panel options.

21/06/2021 – minute ref 10/3076 Councillors informed that the responses received, overwhelmingly supported removal of the shelter. It was suggested to re-locate it to the football field (if they wanted it) so as still to benefit the community. It was stated that the football club should be responsible for any costs involved.

12/07/2021 - minute ref 10/3082 - It was confirmed that notices had been circulated informing residents that the shelter would be removed. This done via the channels as listed in paragraph 6, confirmation by a resident of Birkrigg Park who offered to put the information on the Birkrigg Park community noticeboard, the shelter itself and the Birkrigg Park residents community chat/ social media on the Parish Council's behalf that this was done on 6th July.

13/09/2021 – minute ref 10/3087 - Report that the football club were grateful of the offer of the shelter and further discussions with the football club would follow.

Parish Council were informed that the cost of removing the shelter would be £300. It was requested that the Parish Council consider paying half towards this as it was still a fraction of repairing the Perspex and a donation to benefit a community group at the same time. After consideration, the Parish Council agreed to this request.

08/11/2021 - minute ref 24/3098 - Parish Council received requests from the Miners Arms and the Loppergarth Community Group for a donation of Christmas Tree Lights and a Christmas Tree respectively. Due to the lack of community events allowed during Covid lockdown, the Parish Council agreed to donate £150 to each group in line with the donation towards half of the cost of removing the shelter.

13/12/2021 - minute ref 7/3101 - a donation of the same amount (£150) towards repair of storm damage/ fallen tree removal in the cemetery at Pennington Church was agreed.

11/04/2022 Councillors were informed that the original contractor was unable to carry out removal of the shelter and to date, an alternative contractor has not been found.

1st July 2022 – Email received informing of graffiti to the shelter in addition to damaged Perspex panes.

CCC confirmed that after 12 years, there is no “tie-in” period for retaining the bus shelter having been purchased through grant funding.

Following communication from residents, the Parish Council have put the bus shelter at Birkrigg Park back on the agenda, they have spoken personally again with residents, made contact via social media groups and following this:

20/06/2022 minute ref 8/3129 - Resolved to uphold the decision to remove the old shelter and to replace it with a more modern, suitable and serviceable structure that is less targetable by vandals and more cost effective to maintain.

07/09/2022 Confirmation received from SLDC that neither the bus shelter or the land it is sited on are SLDC property.

12/09/2022 Item remains on the agenda for discussion. – meeting cancelled to the sad passing Her Majesty The Queen.

27/09/2022 Confirmation from CCC that the land is the preserve of Highways but CCC claim no ownership of the shelter and no permission is required to remove/ replace it.

10/10/2022 Item remains on the agenda for discussion.