



Democratic Services

Location: Phase II
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CMD No: 920

**To: COUNCILLOR MARTIN GODDARD
CABINET MEMBER FOR FINANCE**

**COUNCILLOR EDDIE LAVERY
CABINET MEMBER FOR RESIDENTS' SERVICES**

c.c. All Members of the Residents' Services Select Committee
c.c. Catherine Flew – Place Directorate
c.c. Perry Scott – Corporate Director of Place

Date: 4 October 2023

Non-Key Decision request

Form D

CAPITAL RELEASE REPORT (October 2023)

DEPARTMENT: PLACE DIRECTORATE

SERVICE AREA / PROGRAMME: Town Centre & Shopping Parades Initiative 2023-25

RELEASE NO: 2

Dear Cabinet Members,

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Thursday 12 October 2023** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Liz Penny
Democratic Services Officer

Title of Report: Town Centre & Shopping Parades Initiative 2023-25 - Release No: 2

Decision made:

Reasons for your decision: (e.g. as stated in report)

Alternatives considered and rejected: (e.g. as stated in report)

Signed Date.....

Cabinet Member for Finance / Cabinet Member for Residents' Services

CAPITAL RELEASE REPORT (October 2023)

DEPARTMENT: PLACE DIRECTORATE

SERVICE AREA / PROGRAMME: Town Centre & Shopping Parades Initiative 2023-25

RELEASE NO: 2

Cabinet Members	Councillor Martin Goddard Councillor Eddie Lavery
Cabinet Portfolios	Cabinet Member for Finance Cabinet Member for Residents' Services
Officer Contact	Catherine Flew, Place Directorate
Papers with report	Appendix A with capital release requests for approval Site Plan / Streetview

HEADLINES

Summary	To seek Cabinet Member approval for the release of capital funds.
Putting our Residents First Delivering on the Council Strategy 2022-2026	This report supports our ambition for residents / the Council of: Live in a sustainable borough that is carbon neutral. This report supports our commitments to residents of: A Thriving Economy.
Financial Cost	This report seeks the release of £405k from the 2023/25 Town Centre & Shopping Parades Initiative programme budget for the public realm improvements at Mulberry Parade. The works will commence upon release of the funds and are due for completion by Summer 2025.
Relevant Select Committee	Residents' Services Select Committee
Relevant Ward(s)	West Drayton

RECOMMENDATION

That the Cabinet Member for Finance and the Cabinet Member for Residents' Services agree to the project and the following capital release request of £405k from the Town Centre & Shopping Parades Initiative programme budget for the funding of the public realm improvements at Mulberry Parade.

Reasons for recommendation

The recommendation aims to improve the quality of life for local residents by increasing confidence in the area and boosting the local economy.

The proposed landscaping enhancements with extensive low-level planting and a new tree will not only be aesthetically pleasing but will also contribute towards air quality and improved health benefits for people who live, work and shop along this section of Mulberry Parade.

The project will be furthering the Council's vision to become the greenest London Borough, to protect and enhance the environment, and to provide a brighter prospect for future generations.

Alternative options considered

The Cabinet Members could decide not to accept the recommendation. This would mean that the proposed works could not go ahead as planned and the regeneration of Mulberry Parade would not be achieved.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

Investment in town centres and local shopping parades across the Borough supports the Council's commitment to residents to achieve a thriving economy.

Neighbourhood parades such as Mulberry Parade meet the day-to-day needs of the local population, mainly focusing on convenience retail (top-up small basket shopping), hospitality and everyday services within walking distance for many residents. During the Covid-19 pandemic, neighbourhood parades have shown their value in terms of their unique offering and convenience.

The recommendation will upgrade the overall look and feel of Mulberry Parade, and 'future proof' this valued local retail, hospitality, and community resource.

Public realm works are planned to boost footfall and enhance the environment for residents and local families using the parade.

Stockley Recreation Ground is located opposite the parade and is benefiting from £100k Council-funded playground refurbishments this financial year. The planned public realm upgrade will complement the playground refurbishment through the provision of a new zebra crossing and pathway to link the parade with the Recreation Ground. The public realm works are programmed to commence in January 2024 and will also feature:

- New paving throughout the shopping parade
- Upgrading all street furniture, including bins and cycle stands

- Landscaping scheme with robust, drought tolerant, low maintenance planting to support local biodiversity and air quality with the potential for community planting
- Upgrading the LED street lighting
- Creating a turnover of parking spaces with the proposed introduction of a 'Stop and Shop' parking scheme (subject to statutory consultation). A resident-led petition in support of a 'Stop & Shop' parking scheme has been received.
- Unique branding for the parade including a wall mural, shutter art and footpath graphics

The extensive low-level planting supports the Council's commitment of creating and maintaining a green and sustainable Borough that is carbon neutral.

Table 1. Cost Plan for Mulberry Parade Improvements

Mulberry Parade Improvements Programme Cost plan	Estimated Cost £000s	Previously Released £000s	Release Requested £000s	Balance £000s
<u>Public Realm</u>				
Civil works including kerbs, all paving, re-surfacing, street furniture & safety audits	176	140	36	0
Install new footpath linking parade with park	20		20	0
Installation of a new zebra crossing (<i>subject to consultation</i>)	35		35	0
Street lighting upgrades	37		37	0
"Stop & Shop" scheme (<i>subject to consultation</i>)	12		12	0
New soft landscaping (<i>to complement Sainsbury's planting</i>)	60		60	0
Parade building improvement	8		8	0
Inflation allowance	75		75	0
Contingency @ 10%	42		42	0
Subtotal	465	140	325	0
<u>Mulberry Parade Signage and Public Art</u>				
Shutter Art design and artwork	20	6	14	0
Mulberry Parade mural installation (subject to planning consent)	8		8	0
Subtotal	28	146	22	0
Fees				
15% Highways & Town Centre Team Fees	74	16	58	0
Grand Total	567	162	405	0

Financial Implications

Budget £1,709k, Previously Released £654k, Capital Release Requested £405k - Appendix A

The 2023/24 Capital Programme approved by Cabinet and Council in February 2023 included a budget for the Town Centre and Shopping Parade Initiatives of £1,304k. In June 2023, Cabinet approved the rephasing of £405k from 2022/23 into 2023/24. This gives a revised budget for 2023/24 of £1,709k, funded from a combination of Section 106 funds, Transport for London Grant funds and Council resources.

Previously, £654k has been released for greening and irrigation works at Hayes Parades, Sutton Court Shopping Parade public realm, and Mulberry Parade Shopping Parade.

This report seeks release of £405k funding from the Shopping Parades Initiatives programme for the public realm improvements at Mulberry Parade outlined above to enhance the environment for residents and local families using the parade and boost footfall. The release request is based upon the Council's Highways term contractor's schedule rates and includes a project contingency of 10% of the total estimated works cost and internal engineer and town centre officers' fees of 15% of the total estimated works costs.

The remaining £650k of the Town Centre and Shopping Parades Initiatives 2022/23 budget is subject to the capital release process.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon residents, service users and communities

Well-designed and quality public space is vital to the success of town centres and high streets. The benefits to local residents and business owners include:

- Improving the look and feel of this shopping parade
- Making this stretch of Mulberry Parade more attractive for walking
- Increasing confidence in the area to help boost the local economy
- Improving air quality

Consultation carried out or required

The proposed public realm improvements have the full support of the West Drayton Ward Councillors.

Statutory consultation/s will be undertaken as required, specifically in relation to any amendments to current parking arrangements and the proposed zebra crossing.

Planning consent will be sought for the proposed Mulberry Parade wall mural.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed the report and concurs with the financial implications set out above, noting that the recommended action to agree a release of £405k the public realm improvements at Mulberry Parade outlined above to enhance the environment for residents and local families using the parade and boost footfall will be funded from the approved 2023/24 Town Centre and Shopping Parade Initiatives capital budget.

Legal

The Council has powers, in its capacity as the freeholder of Mulberry Parade, to improve it. In addition, pursuant to the Council's leases to tenants of premises along the parade, it may also have certain obligations in relation to upkeep. Works carried out must not be contrary to any restrictions in the deeds, title register, and leases with tenants.

There are a number of legal provisions that specifically empower or require the Council to carry out the types of improvements proposed for Mulberry Parade in this report. For example:

- Paving, re-surfacing, maintaining kerbs, and installing new footway:
Mulberry Parade is a publicly maintainable highway, therefore the Council has a duty to maintain the fabric of it pursuant to Section 41 of the Highways Act 1980. Pursuant to Section 62 of the Highways Act 1980, the Council also has a general power of improvement in relation to Mulberry Parade as a highway; this power extends to improvements not otherwise covered in Part 5 of the Highways Act 1980.
- Street lighting upgrades:
Section 97 empowers the Council to provide lighting on Mulberry Parade as a highway.
- Upgrading street furniture such as bins:
Section 89 of the Environmental Protection Act 1990 imposes on the Council a duty to ensure that the land and highways under its control are, so far as is practicably possible, kept clear of litter and refuse.
- Installing a new zebra crossing:
Section 23 of the Road Traffic Regulation Act 1984 empowers the Council to establish crossings for pedestrians on roads for which it is the traffic authority subject to carrying out the consultation prescribed and subject to the crossing meeting any regulations created under Section 23.
- 'Stop and Shop' car parking scheme:
Part 3 of the Road Traffic Regulation Act 1984 provides the Council with various powers in relation to providing and charging for car parking spaces subject to any regulations made under the Act, such regulations being capable of imposing a statutory consultation duty. Variation to charging schemes requires public notice.
- Planting:

Section 96 of the Highways Act 1980 empowers the Council to plant trees and shrubs and lay out grass verges in Mulberry Parade provided that the plants do not hinder the reasonable use of the highway or cause nuisance or injury to owners and occupiers of adjacent land.

With regards to the mural on the Parade, this can be erected on property belonging to the Council. The mural is likely to constitute 'development' for the purposes of the Town and Country Planning Act 1990. If the mural is to be painting work on the exterior of a building, there may be scope for it to be considered a permitted development within Class C of Part 2 of Schedule 2 to the General Permitted Development Order 2015 unless the mural serves advertisement, announcement or direction purposes. It would be prudent to seek planning permission if the mural does not fall within this permitted class. The report highlights the intention to seek planning permission in any event. The terms of any granted permission must be complied with.

Any consultations carried out for the proposed improvements must meet any statutory rules for the consultation and must be fair and adequate in order to fulfil the lawful standard.

Provided that the improvements to Mulberry Parade comply with the above-cited rules and regulations, there are no legal impediments to authorising the capital release sought by this report. Any contract that is entered into, or existing term contract used, as part of the improvements programme must comply with the Council's Procurement and Contract Standing Orders.

Infrastructure / Asset Management

Not applicable.

Planning

The project expenditure in this report is ineligible for financing from planning obligations, i.e. balances received from Section 106 agreements.

The reason for ineligibility is because the project does not fit the criteria of any S106 agreements with existing unallocated balances.

Capital Release Protocol

The release of all capital funds, and certain revenue funds, held by the Council is to be made by a formal democratic decision. No expenditure can be placed or committed by officers until this formal approval is given by Democratic Services. Release of funds must be for identified projects only and strictly not for the general release of funds for projects to be identified at a later date. No block releases of capital or funding will be allowed, except if authorised by the Leader of the Council in advance to Corporate Finance. The release of funds will only be made if previous Council, Cabinet or Cabinet Member agreement has been given to the project and only if there is an approved budget.

BACKGROUND PAPERS

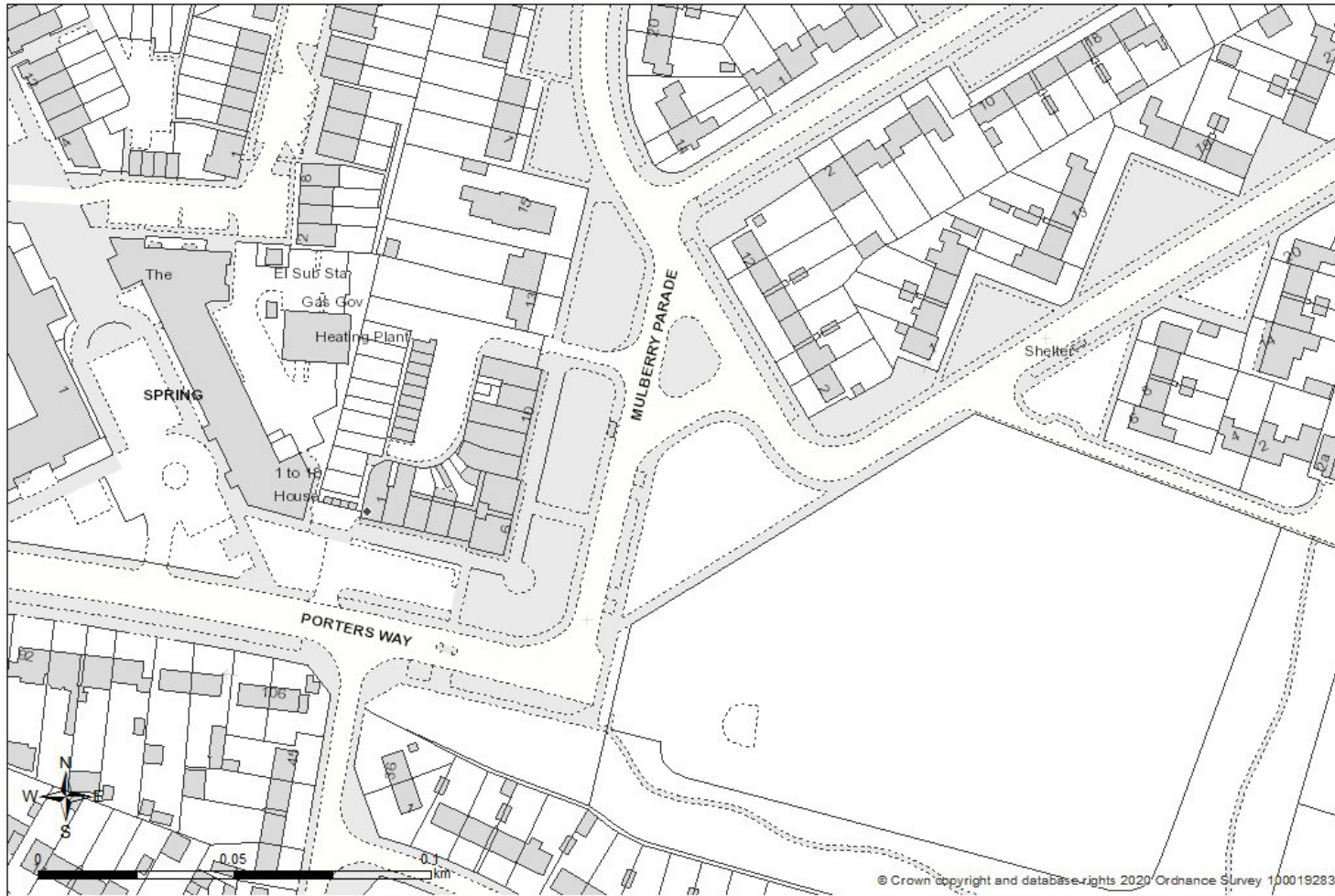
NIL.

APPENDIX A

Town Centre & Shopping Parades Initiative 2023-24: Capital Release 2

Location	Project / Expenditure Title	Information	Funds Release Sought £000s	Approve	Hold	More Information Required
West Drayton	Mulberry Parade, West Drayton	Public realm improvements	405			
Total seeking release			405			
Previously released			654			
Budget			1,709			
Remaining budget			650			

Hillingdon Browser



Map Notes

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Current street view

