

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

14 DECEMBER 2021

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### PRIVATELY OWNED ADVERTISING BUS SHELTERS

#### 1. Purpose of report

- 1.1 The purpose of this report is to seek cabinet approval to enter into a deed of variation to vary the terms of an existing agreement in relation to the erection and maintenance of bus shelters and grant of advertisement rights on bus shelters.

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

- 3.1 On the 19<sup>th</sup> August 1997 the authority entered into a Bus Shelter Agreement with More Group UK Limited under which it granted to the other party the right to display advertisements upon those bus shelters which More Group UK Limited erect and/or maintain under the terms of the Agreement. More Group UK Limited were acquired by Clear Channel UK Ltd in 1998

- 3.2 The Bus Shelter Agreement was for an initial period of 15 years and allows for that agreement to be extended for successive periods of 5 years.

- 3.3 The company have provided 25 shelters which they cleanse and maintain

- 3.4 In terms of delivery the company has maintained, cleansed and kept in good repair the shelters provided and responded promptly when any issues have been advised to them.

#### 4. Current situation / proposal

- 4.1 Clear Channel UK Ltd have approached the authority to request a variation to the terms of the agreement, to meet current advertising requirements. To vary the Agreement, BCBC are required to enter into a deed of variation with Clear Channel UK Ltd. Therefore, Cabinet approval is sought to approve entering into the deed of variation subject to negotiations on the terms of the deed of variation taking place between parties and an agreement being reached.

4.2 It is therefore proposed that Cabinet delegate authority to the Corporate Director Communities to negotiate and agree the final terms of the deed of variation in consultation with the Chief Officer – Legal and Regulatory Services and HR & Corporate and the Interim Chief Officer – Finance, Performance and Change. If, following negotiations, final terms cannot be agreed between the parties or any perceived risks to BCBC exist that cannot be removed or mitigated then BCBC will not proceed with the deed of variation.

## **5. Effect upon policy framework and procedure rules**

5.1 There is no direct impact on the Council's policy framework and procedure rules.

## **6. Equality Act 2010 implications**

6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

## **7. Wellbeing of Future Generations (Wales) Act 2015 Implications**

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment Template has been completed and a summary of the implications from the assessment relating to the five ways of working is outlined below in respect of the proposal:

- **Long-term**  
The provision of shelters provides support to sustainable travel
- **Prevention**  
The provision aide's encouragement for public transport
- **Integration**  
The provision assists persons utilising public transport to encourage modal shift
- **Collaboration**  
The provision is made in conjunction with a private sector company which benefits residents of Bridgend.
- **Involvement**  
The provision can be utilised by all members of the community in accessing services, employment, and education through the use of public transport.

## **8. Financial implications**

8.1 The costs for the provision and maintenance of the bus shelters is provided by the company through the agreement.

8.2 Included in this contract is a barter arrangement where Clear Channel has supplied services to the council and vice versa. As there is no actual charge

passing between the parties VAT only invoices/self-bill invoices are used to reflect and account for the VAT element of these barter transactions.

## **9. Recommendation(s)**

9.1 It is recommended that Cabinet, subject to the terms of the Deed of Variation being agreed as set out in Section 4 of this report:

- Approves entering into the Deed of Variation to vary the Bus Shelter Agreement between the Council and Clear Channel UK Ltd;
- delegates authority to the Corporate Director – Communities to negotiate and agree the final terms of the deed of variation and to arrange execution of the Deed of Variation on behalf of the Council subject to such delegated authority being exercised in consultation with the Chief Officer – Legal and Regulatory Services and HR & Corporate Policy and the Chief Officer – Finance, Performance and Change.

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**Background documents: None**