

**TAVISTOCK TOWN COUNCIL  
BUDGET AND POLICY COMMITTEE  
TUESDAY 30<sup>th</sup> AUGUST, 2022**

**BRIEFING NOTE  
BUS SHELTERS**

**1. INTRODUCTION**

- 1.1 Members may or may not be aware that the Town Council has, as part of our asset base, ownership of nine bus shelters (but not necessarily the land on which they sit), two located near Bishopsmead, two opposite Lidl, one by Texaco Garage, two opposite Tavistock College, one outside the Church and one on Whitchurch Road.
- 1.2 On June 1<sup>st</sup> 2010 the Council entered into a contract with Fernbank Advertising. The terms of this agreement granted Fernbank the sole and exclusive right to promote, market and sell advertising space on the bus shelters, being entitled to 100% of the fee amount invoiced to the advertiser, and in return, Fernbank would take on the responsibility of cleaning and maintenance, including dealing with vandalism and insuring the nine shelters in question. The contract duration was set for a period of 20 years, with 5-year break clauses. Note: this agreement was less than two pages, without any explicit detail around responsibilities for maintenance or conditions around advertising. Fernbank are understood to have a separate agreement with Devon County Council which is understood to permit erection of shelters by third parties on its land.
- 1.3 Extraneous to the contract above, a meeting was held between DCC, Livewest and Greenland's Residents Association in March 2022 specific to two bus shelters at Green Lane and Tavy Road, with particular focus on the lack of cleaning and maintenance and if seating could be installed to the shelters. On investigation, DCC ascertained that the bus shelters were not on their asset register, and it appears that the same specification of shelters were purchased by TTC in 2004.
- 1.4 On receipt of this information, TTC were approached to enter into discussions around what could be considered to improve the assets in this area. It is worth noting, for clarity, that TTC have not admitted ownership or liability for the two shelters at Green Lane and Tavy Road to date.

- 1.5 That being said, your Officers took the opportunity to re-visit the Fernbank Advertising contract and to explore options, re: future arrangements, with a meeting held on 8<sup>th</sup> August.

## **2. REVIEW**

- 2.1 Arising from that meeting it was confirmed that current arrangements included:
  - 2.1.1.1 That for every shelter Fernbank Advertising are allowed to advertise on, they will maintain an additional non-advertising shelter. Note: TTC current agreed ratio is 4 advertising/5 non-advertising.
  - 2.1.1.2 Effectively, the contract allows for a two-weekly cycle of: week 1, remove and install new advertising mediums and visually check shelters, week 2, carry out maintenance and cleaning responsibilities.
- 2.2 Upon clarification of the existing arrangements, terms and conditions were negotiated, based upon if TTC agreed to extend the existing contract for a further 11 years, to 2041, which would be co-terminus with the contract period between DCC and Fernbank Advertising.
- 2.3 If the extension was agreed, amendments negotiated could include:
  - 2.3.1.1 In 2022, Fernbank Advertising would enter into a more detailed explicit contract arrangement comparable to DCC, which would include such aspects as target response times, e.g. emergency damage 8 hours, offensive graffiti cleaning 2 working days and advertising restrictions
  - 2.3.1.2 Fernbank Advertising would include the shelters at Green Lane and Tavy Road as part of their schedule, and operate off a ratio of 5 advertising/6 non-advertising. Effectively, TTC would then be agreeing to adopt the additional two assets with this arrangement.
  - 2.3.1.3 They would agree to advertising revenue share of 2.5% from 2026, and would offer advertising space and erect free of charge, when there are unsold panels, and irrespective would include time slots for Council promotional material for events and assets e.g. Goose Fair, Tavistock Country Garden Show, Butchers' Hall, Guildhall Gateway Centre.
  - 2.3.1.4 All eleven shelters would be replaced over a three-year transition period by Fernbank, with seating installed if practical, dependent on access widths, therefore project completion by the last quarter of 2025. The specification agreed, UK sourced, as part of the Council's ongoing sustainability and environment commitment would be a living roof shelter with sedum cassettes, including a solar powered light (dusk till dawn sensor), aiding with carbon capture and encouraging wildlife. (Installation Schedule to be agreed)

- 2.4 With further research, it has been clarified that none of the bus shelters listed above are on the DCC asset list, but that they are all located on DCC highway land. There are also no records of an agreed easement, tenancy or license arrangement, copy registration or equivalent document. DCC have confirmed that bus shelters can be installed on Highway Maintainable at Public Expense land, if deemed in a good position and safe, as assessed by Road Safety, Neighbourhood or Highway Department, and TTC have received written confirmation on 22<sup>nd</sup> August 2022 by DCC, that the eleven shelters as they are historic, can remain on highway land.
- 2.5 With the above in mind, if endorsed by Full Council on 13<sup>th</sup> September 2022, it would be your Officers intention to enter into a new formal agreement with Fernbank Advertising to take effect from 3<sup>rd</sup> October 2022, which will include formally agreeing the installation schedule and Council advertising programme for 22/23 calendar years.
- 2.6 It should be noted that, subject to the terms of the agreement (and associated break clauses), the provision of bus shelters on third party land by the Town Council in order to financially assist the County Council to discharge its statutory role as Highway Authority is purely discretionary, and as such incurs no ongoing obligation to provide same in future.

### **3. RECOMMENDATION**

- 3.1 To that end the Recommendation of your Officer is as follows:
- a) consider and endorse the approach outlined in para's 2.3.1.1 to 2.3.1.4;
  - b) to extend the existing term for a further 11 years to 2041, adopting the format used with DCC;
  - c) to authorise the General Manager to agree the installation schedule, advertising programme and to sign the contract on behalf of TTC.

**WAYNE SOUTHALL  
GENERAL MANAGER  
TAVISTOCK TOWN COUNCIL  
AUGUST 2022**