

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ

**This meeting  
may be filmed.\***



**please ask for** Rebecca Preen

**direct line** 0300 300 4193

**date** 01 March 2018

## **NOTICE OF MEETING**

### **SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE**

Date & Time

**Thursday, 15 March 2018 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE:

Cllrs D McVicar (Chairman), B Saunders (Vice-Chairman), D Bowater, P Downing,  
Ms A M W Graham, J Kane, Cllr M Liddiard, K C Matthews and R Morris

[Named Substitutes:

Mrs A Barker, C C Gomm, P Hollick, I Shingler and N Warren]

All other Members of the Council - on request

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MEETING***

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## AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Members' Interests**

To receive from Members any declarations of interest and of any political whip in relation to any agenda item.

3. **Chairman's Announcements and Communications**

To receive any announcements from the Chairman and any matters of communication.

4. **Minutes**

To approve as a correct record the Minutes of the meeting of the sustainable Communities Overview and Scrutiny Committee held on 08 January and to note actions taken since that meeting.

5. **Petitions**

To receive petitions from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution.

6. **Questions, Statements or Deputations**

To receive any questions, statements or deputations from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution.

7. **Call-In**

To consider any decision of the Executive referred to this Committee for review in accordance with Part 4D of the Constitution.

8. **Requested Items**

To consider any items referred to the Committee at the request of a Member in accordance with Part 4D of the Constitution.

<b>REPORTS</b>
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- | <b>Item</b> | <b>Subject</b>   |
|-------------|--|
| 9           | <b>Executive Members Updates</b><br>To receive a brief verbal update from the Executive Member for Community Services and the Executive Member for Regeneration.   |
| 10          | <b>Planning Enforcement Task Force Update</b><br><br>To receive a report updating the Committee on progress made in relation to improvements to the Planning Enforcement service, as requested at a previous meeting.  |
| 11          | <b>Schools Parking Task Force Update</b><br><br>To receive a report updating the Committee on progress made in relation to improvements to the schools parking service, as requested at a previous meeting.  |
| 12          | <b>Community Safety Partnership Update</b><br><br>To provide the Committee with an update of the work of the Community Safety Partnership (CSP) over the past twelve months, the current CSP Priorities and to consider the focus of the CSP during 2018-19. |
| 13          | <b>Work Programme 2018/19 and the Executive Forward Plan</b><br><br>Members of the Committee will receive information regarding the Work Programme 2018/19 and Executive Forward Plan.   |

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Monday, 8 January 2018.

### PRESENT

Cllr D McVicar (Chairman)  
Cllr B Saunders (Vice-Chairman)

Cllrs D Bowater  
Ms A M W Graham  
J Kane

Cllrs Cllr M Liddiard  
K C Matthews  
R Morris

Apologies for Absence: Cllrs

Substitutes: Cllrs C C Gomm (sub for Cllr Downing)

Members in Attendance:	Cllrs A D Brown	Deputy Executive Member for Regeneration
	J Chatterley	Vice-Chairman Corporate Resources Overview & Scrutiny Committee
	Mrs S Clark	Deputy Executive Member for Regeneration
	N B Costin	
	I Dalgarno	Executive Member for Community Services
	P Downing	Vice Chairman Social Care, Health & Housing Overview and Scrutiny Committee
	F Firth	
	E Ghent	Executive Member for Assets and Housing Delivery
	Mrs S A Goodchild	
	Mrs C Hegley	Executive Member for Adults, Social Care and Housing Operations (HRA)
	J G Jamieson	Leader of the Council and Chairman of the Executive
	Mrs J G Lawrence	Chairman of General Purposes Committee
	D J Lawrence	Vice-Chairman of Audit

	Ms C Maudlin	Deputy Executive Member for Adults, Social Care, Housing Operations (HRA) and Volunteering
	T Nicols	Chairman of Licensing Committee
	Cllr B J Spurr	Executive Member for Health and Chairman of the Health and Wellbeing Board
	Mrs T Stock	Deputy Executive Member for Health
	B Wells	Deputy Executive Member for Community Services
	J N Young	Executive Member for Regeneration
Officers in Attendance:	Mr A Davie	– Development Infrastructure Group Manager
	Ms C Frost-Bryant	– Head of Strategic Growth
	Mr J Longhurst	– Director of Regeneration and Business
	Mr J Partridge	– Head of Governance
	Mrs R Preen	– Scrutiny Policy Adviser
Public	2	

#### SCOSC/17/54 **Members' Interests**

Whilst not a Member of the Committee, Cllr Maudlin declared an interest as a member of her family owned a parcel of land detailed within the Local Plan document as a possible development site.

#### SCOSC/17/55 **Chairman's Announcements and Communications**

The Chairman reminded Members that the meeting would be webcast and that due consideration would need to be taken with regards to comments made on the Local Plan document, ensuring a strategic focus. All Members would have the opportunity to comment in detail on individual elements of the Plan as part of the public consultation process which was due to commence on 11 January 2018.

#### SCOSC/17/56 **Minutes**

**RESOLVED** that the Minutes of the meeting of the Sustainable Communities Overview and Scrutiny Committee held on 23 November 2017 be confirmed and signed by the Chairman as a correct record.

**SCOSC/17/57 Petitions**

None.

**SCOSC/17/58 Questions, Statements or Deputations**

None.

**SCOSC/17/59 Call-In**

None.

**SCOSC/17/60 Requested Items**

None.

**SCOSC/17/61 Executive Members Updates**

The Executive Member for Community Services advised the Committee that a previous Call-In in relation to a decision made regarding Stuart Street Dunstable and parking permits issued to a non resident had been reconsidered by the Traffic Management Committee in December as recommended by the SC OSC. The original decision had been upheld and two permits had been issued to a resident of Clifton Road Dunstable. The Committee were also advised of a recent fire at Woburn Safari Park in which a number of animals had perished. The incident would be investigated by the Council as it was the responsible licensing authority. Members were also advised that the library at Leighton Buzzard was due to reopen on 9 January 2018 following a recent flood.

**SCOSC/17/62 Central Bedfordshire Local Plan**

The Executive Member for Regeneration advised the Committee that the latest iteration of the Local Plan set out the Council's strategic direction for homes and business development, the detail of which had been informed by a recent public consultation. Members were advised of the decision-making timeline and that comments made by the Committee would be considered by the Executive. Following Executive the document would be assessed by full Council before going out to public consultation, after which the planning inspector would make their judgement on the Plan. Members were reminded of the consequences of not having an up to date Plan or five-year land supply. Concerns had also been raised regarding the new government housing calculation, which would substantially increase the number of homes the authority would be required to deliver.

The Head of Strategic Growth delivered a presentation, which set out the implications of the Oxford to Cambridge arc and the appropriate steps taken to mitigate these. The presentation also outlined the duty to provide for Luton's unmet need, the approach to the spatial strategy and the release of some green belt land where it was deemed sustainable to do so. Members were advised that during the recent public consultation residents had expressed the

importance of limiting the expansion of existing settlements, which had been reflected in the updated Plan.

In light of the presentation Members discussed the following in summary: -

- Concerns regarding the decision making timeline and the date on which the technical evidence base, that would include small and medium growth areas and the size of countryside gaps, would be released. In response it was confirmed that the approach was standard practice and deemed appropriate.
- The site assessment matrix, which it was confirmed would be included in the documentation when published.
- Whether it was possible to fund strategic roads from developer contributions.
- The need for clarity within the document regarding settlement boundaries.
- Whether supporting the document at full Council would prejudice a Member's ability to comment in detail at a later stage. In response it was confirmed that Members would not be prejudiced from making further comments if they supported the Plan at Full Council. At Full Council Members would be asked to support the document to be released for public consultation, a further opportunity would be provided to comment on individual aspects of the Plan in the usual manner.
- That there were no plans to introduce a Community Infrastructure Levy (CIL) at this stage as the authority was still awaiting a government response to a CIL review conducted in 2017.
- That details of all partner and statutory consultees would be provided to Members on request.
- That each site within the Plan identified strategic health needs with officers liaising extensively with the CCG and NHS partners in order to identify provision for health care, thus informing the infrastructure delivery plan.
- That formal and informal public open space would be provided in addition to countryside gaps.
- That new developments would be required to detail the infrastructure requirements for each site regardless of any deficit.
- Red delineations, as outlined within the Plan, would not necessarily be filled with development, they indicated areas in which pockets of development could occur.
- Members were encouraged to attend future developer consultations and provide feedback.
- The need to strengthen policy regarding public transport, elderly accommodation and climate change (specifically the retention of water). In response it was confirmed that the wording around each of these elements would be reconsidered.
- The need to hold developers to account when projects were not completed within a timely fashion, notwithstanding the difficulties this presented due to current planning legislation.
- Members were reassured that all steps had been taken in order to meet compliance at the examination stage.
- Concerns regarding a lack of clarity and consistency within the document in relation to the number of villages proposed with the Marston Vale.



- That a contingency in the number of homes proposed would allow for the fact that some would be delivered outside of the Plan timetable, also protecting against the non-delivery of some sites.

**RECOMMENDED:-**

1. That the Executive supports the draft Pre-Submission Local Plan attached at Appendix A and that the Council agrees the document for the purposes of Publication.
2. That officers strengthen the wording within the document to protect against the coalescence of existing and future settlements wherever practicable.

**SCOSC/17/63 Work Programme 2017/18 and Executive Forward Plan**

**AGREED the Committee Work Programme subject to the following amendments: -**

- That the number of items scheduled for March 2018 be revisited due to the length of the agenda.
- The Waste Collection Contract – TBC
- Car Parking Policy – TBC

(Note: The meeting commenced at 1.03 p.m. and concluded at 2.47 p.m.)

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## Central Bedfordshire Council

### Sustainable Communities Overview and Scrutiny Committee

15 March 2018

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## Planning Enforcement Review – Outcomes of the scrutiny enquiry of planning enforcement.

Report of Nigel Young - Regeneration - Executive Member

Advising Officers: Jason Longhurst, Director of Regeneration and Business, ([jason.longhurst@centralbedfordshire.gov.uk](mailto:jason.longhurst@centralbedfordshire.gov.uk)) and Peter Keates, Head of Client & Development Services ([peter.keates@centralbedfordshire.gov.uk](mailto:peter.keates@centralbedfordshire.gov.uk) )

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### Purpose of this report

1. To summarise the findings of the planning enforcement enquiry and to provide an update in respect of the Planning Enforcement Service.

### RECOMMENDATIONS

The Committee is asked to:

1. Note the outcome of the actions undertaken of the planning enforcement enquiry.
2. Comment on the draft Planning Enforcement Plan and Member Protocol.

### Background and Resource Considerations

2. The OSC meeting in November 2017 received a verbal update regarding progress on the actions set previously by the planning enforcement enquiry.
3. At the November meeting Members were made aware of the consideration being given by Executive to allocating additional funding for Planning Enforcement resources.
4. Following the MTFP review and further discussion it was determined that further funding for the Planning Enforcement Team was not to be made available.

5. Following a directorate wide restructure, the Planning Enforcement Team now sits under the Head of Planning Delivery, Jennie Selley who will continue to monitor performance in line with the revised Planning Enforcement Plan.
6. Taking account of this Appendix A sets out the outcomes following the Executive response to the requirements from the Planning Enforcement review as far as has been achieved to date.
7. A requirement of the enquiry was to produce a Member Protocol to sit with the Planning Enforcement Plan, Appendix B sets out the proposed Member Protocol on which we welcome comments.
8. The Planning Enforcement Plan has been re drafted to take account of the recommendations and actions suggested by Planning Enforcement enquiry, the final draft of which is provided at Appendix C.

### **Council Priorities**

9. The improvement of the Planning Enforcement Service directly addresses the Council's priority of Enhancing Central Bedfordshire and ensuring a more efficient and responsive Council.

### **Corporate Implications**

### **Legal Implications**

10. The changes in the draft Planning Enforcement Plan are minor based on the resources in the team and the recommendations of the Planning Enforcement Enquiry. The new Head of Planning Delivery will discuss with the Executive Member for Regeneration to consider if the changes are significant to require the plan to be presented back to Executive.

### **Financial and Risk Implications**

11. There are no financial implications as a result of this review.

### **Equalities Implications**

12. The Council has a duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics. The recommendations included in this enquiry relate to several aspects of communication with residents and the application of existing committee procedures. If implemented it is envisaged that the recommendations would enhance communication with all residents in Central Bedfordshire.

### **Conclusion and next Steps**

13. It was acknowledged at the November OSC meeting that improvements have been noticed as a result of the Planning Enforcement Enquiry.
14. The Committee are asked to comment on the Draft Member Protocol contained at Appendix B and the Draft Planning Enforcement Plan at Appendix C.

### **Appendices**

Appendix A – Planning Enforcement Enquiry Response Sheet

Appendix B – Draft Member Protocol

Appendix C – Draft Planning Enforcement Plan

### **Background Papers**

15. None

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**Appendix A**

Ref	Recommendations of the O&S enquiry	Is the recc'n accepted by Executive?	Response including proposed action(s)	Lead(s)	Deadline for delivery
1.	That the Planning Enforcement Team's communication strategy be updated and enforced and that the automated email response detailing timescales and processes be reinstated during the current review of IT systems.	Yes	<ul style="list-style-type: none"> <li>- Auto email response not technically possible although will be reviewed as part of the wider system in the interim we have introduced a manual process through Acolaid. NB Auto emails are sent via Acolaid to Ward Cllrs and PC/TC when case opened, when breach confirmed and when case closed. Positive feedback received.</li> <li>- Timescales for notifications are as set out in enforcement plan which has been updated in consultation with the Chair of Task Force</li> <li>- The team are aware of these changes and the importance of meeting timescales</li> </ul>	Sue Cawthra	Complete

Ref	Recommendations of the O&S enquiry	Is the recc'n accepted by Executive?	Response including proposed action(s)	Lead(s)	Deadline for delivery
2.	That complainants and Ward Members receive notification of any breach of planning conditions in their area and that the level of priority of each case be set out with a clear rationale for the level of priority. Notification should also be provided when cases are not considered to be a breach of planning conditions with a detailed explanation as to how this conclusion was determined.	Yes	<ul style="list-style-type: none"> <li>- Planning Control and conditions which are treated in the same way and important to highlight here that some development is PD and therefore although we receive a complaint we may hand this on or in fact close the case very early.</li> <li>- We continue to monitor this given we have been unable to automate this process</li> </ul>	Sue Cawthra	Complete



Ref	Recommendations of the O&S enquiry	Is the recc'n accepted by Executive?	Response including proposed action(s)	Lead(s)	Deadline for delivery
3.	That the Planning Enforcement Team implement reasonable timescales for retrospective planning applications, taking into consideration the complexities of each case and adhere to timescales appropriately.	Existing practice	<ul style="list-style-type: none"> <li>- In line with NPPF we need to consider each case on its merits and apply a proportionality test although we recognise that we cannot predetermine the decision that might be made by planning committee, our planned timetable of action is based on planning assessment and proportionality.</li> <li>- That planned approach invites retrospective application within 28 days and advised regards sale of property / land to the applicant (risks). We recognise that some cases are complex and may require reports to be prepared such as a flood risk assessment or heritage statement.</li> </ul>	Sue Cawthra	Complete

Ref	Recommendations of the O&S enquiry	Is the recc'n accepted by Executive?	Response including proposed action(s)	Lead(s)	Deadline for delivery
4.	That the quality of information sharing be enhanced through collaboration with the Partnership Team to coordinate the dissemination of information, as far as it is allowed for by law or other means, to Town and Parish Councils, increasing public awareness of planning enforcement processes.	Yes	<ul style="list-style-type: none"> <li>- We have engaged in discussions with CBC Partnership to raise awareness of the plan and have issued to Town &amp; Parish Council's the link to the plan</li> <li>- We have also reintroduced notifications to T&amp;P Councils which was indentified in the plan but it became apparent that it was not happening</li> <li>- Town &amp; Parish Council Workshops (Mike Duffet) positive feedback</li> <li>- Planning Enforcement Plan on web site. Links to web site much improved.</li> <li>- Link to Plan sent to all Town and Parish Councils when notified initially of increased notification of planning enforcement cases</li> <li>- We continue to work with Peter Fraser and his team to keep</li> </ul>	Sue Cawthra	Complete

Ref	Recommendations of the O&S enquiry	Is the recc'n accepted by Executive?	Response including proposed action(s)	Lead(s)	Deadline for delivery
5.	That communication be improved between Enforcement Officers and Planning colleagues in order to gauge whether conditions are enforceable. In order to achieve this it is recommended that it be included in the wider communication strategy within the department.	Yes	<ul style="list-style-type: none"> <li>- We have a review of standard conditions planned (JS)</li> <li>- Training for planning officers on planning enforcement including enforceable conditions</li> <li>- We will look to build on the training and ensure it is included in the wider communication strategy within the department but also across the Council for example with Highways colleagues</li> <li>- Standard conditions vetted by enforcement</li> <li>- Unenforceable conditions highlighted to team leaders at meetings</li> <li>- Highways conditions updated with relevant team leaders</li> </ul>	Sue Cawthra	All in progress

Ref	Recommendations of the O&S enquiry	Is the recc'n accepted by Executive?	Response including proposed action(s)	Lead(s)	Deadline for delivery
6.	That to support the efficient use of part-time staff, planning enforcement cases be shared across the team. In the absence of a dedicated officer, cases to be allocated to colleagues via a triage system, orchestrated by a suitably trained member of staff with regard being given to the urgency of the case.	Some is Existing practice	<ul style="list-style-type: none"> <li>- We do have a triage in use</li> <li>- We would like to encourage the use of the planning enforcement email system the use of which allows our processes to allocate work to another officer – information in draft member protocol</li> <li>- Our system notes allow other officers to familiarise themselves with a case but should be mindful that complex cases would be left to the return of the case officer subject to resources</li> <li>- Cases are allocated by area, workload is monitored and where required by increased workload in one area they are allocated to another officer but the area case officer is kept informed</li> <li>- Prioritisation as in Plan</li> </ul>	Sue Cawthra	Complete

Ref	Recommendations of the O&S enquiry	Is the recc'n accepted by Executive?	Response including proposed action(s)	Lead(s)	Deadline for delivery
7.	That in the absence of a full time team leader, responsibilities be shared, where appropriate, across the team and measures introduced to ensure staff cover.	Yes	<ul style="list-style-type: none"> <li>- On an interim basis the Principal Officer covers in the absence of the team leader</li> <li>- The Directorate Wide Restructure is completed and the above arrangement will be formally reviewed as a final solution</li> </ul>	Andrew Davie	In progress

Ref	Recommendations of the O&S enquiry	Is the recc'n accepted by Executive?	Response including proposed action(s)	Lead(s)	Deadline for delivery
8.	A review of out of hours cover for planning enforcement service to be undertaken to establish if a service similar to that operated by Building Control can be introduced or other cover arrangements can be put in place within existing budgets.	Yes	<ul style="list-style-type: none"> <li>- Investigations so far suggest we could introduce something such as use of an outside specialist (Constant &amp; Co) subject to procurement rules although there may be a cost to enable the service of a stop notice [this has limited effect but irrespective of cover we cannot serve an injunction when courts are closed. There use so far has been effective on a couple of sites which they have monitored for us</li> <li>- Based on a review of resources it has been determined that there are no additional funds available to resource this.</li> </ul>	Andrew Davie	Under review as business as usual

Ref	Recommendations of the O&S enquiry	Is the recc'n accepted by Executive?	Response including proposed action(s)	Lead(s)	Deadline for delivery
9.	That the department proactively seek preventative measures through the analysis of existing complaints. The service should ascertain whether enhancing the monitoring of compliance would reduce the number of enforcement actions undertaken.	Yes	Following discussion and consideration alongside priorities of the medium term financial plan it has been decided that additional funds are not available.  The monitoring of compliance is being reviewed as part of the new planning delivery structure using existing resources and is aiming to reduce the number of conditions being applied and their enforceability.	Andrew Davie	In progress – business as usual
10.	That the current Enforcement Plan be updated to include a clearer explanation of processes and a separate flowchart including detailed timescales.	Yes	Enforcement Plan updated as a result of the task force discussions and draft agreed with Chair of Task Force. Comments welcome		Complete

Ref	Recommendations of the O&S enquiry	Is the recc'n accepted by Executive?	Response including proposed action(s)	Lead(s)	Deadline for delivery
11.	That the contact list within the Enforcement Plan be updated with details of the most appropriate methods of communication and the best practice included in the examples provided by St Albans and Bristol.	Yes	Draft Enforcement Plan presented as part of this review for comment	Andrew Davie	Complete
12.	That the Plan be updated to include Gypsy and Traveller legislation.	Yes	Draft Enforcement Plan presented as part of this review for comment	Andrew Davie	Complete
13.	That a Member Protocol be developed alongside the updated Enforcement Plan and communicated to all Ward Members.	Yes	Draft Member Protocol agreed with Chair of Task Force and presented for comment	Andrew Davie	Complete
14.	That processes within the current and future plan be adhered to, particularly with regards to high priority cases.	Yes	Noted and emphasised to the team(s)	Sue Cawthra	Complete





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## Appendix B

### **CBC Planning Enforcement - Member Protocol**

This document sets out how Members should report any breaches of planning control to the Planning Enforcement Team and communicate with the Team on planning enforcement matters.

To assist in understanding the scope of planning enforcement and therefore matters the team are able to deal with, Members should refer to DCLG Guidance on Effective Enforcement:

[https://www.gov.uk/guidance/ensuring-effective-enforcement?dm\\_i=1MBJ,51I8Z,KIUXU5,JFFK8,1](https://www.gov.uk/guidance/ensuring-effective-enforcement?dm_i=1MBJ,51I8Z,KIUXU5,JFFK8,1)

Also the following CBC guidance will assist Members in understanding how reports of breaches of planning control are dealt with and what action can be taken to resolve breaches:

<http://www.centralbedfordshire.gov.uk/planning/enforcements/breaches.aspx>

#### **Member Protocol:**

The Protocol requires Members to:

- Aid investigation by providing all information obtained for an alleged breach of planning control to the Planning Enforcement Team via the on-line report a breach form at:  
[https://www.centralbedfordshire.gov.uk/officeforms/Planning\\_Enforcement.ofml](https://www.centralbedfordshire.gov.uk/officeforms/Planning_Enforcement.ofml)  
Complete all sections of the form so that all the necessary information is provided to open a case and investigate.
- Send queries about planning enforcement matters or requests for updates on open cases to the planning enforcement in-box:  
[planning.enforcement@centralbedfordshire.gov.uk](mailto:planning.enforcement@centralbedfordshire.gov.uk) .  
This in-box is monitored during working hours and all queries are dealt with as quickly as possible. Whilst individual officers may be contacted directly, please be aware that they may be out on site, at meetings or un-available for other reasons.
- Contact the Planning Enforcement Team as above prior to accessing any site. Relevant information about health and safety matters on particular sites is held by the Team and only Enforcement Officers are authorised to access sites to investigate planning enforcement matters.
- Send complaints relating specifically to highway, noise or other pollution matters directly to Highways or Pollution teams as appropriate.

- Keep complainant's details confidential and do not disclose information to a third party that could identify a complainant.

**Appendix C**

Business & Regeneration Directorate

# **Planning Enforcement Plan**

Revised Draft July 2017

<b>Contents</b>	<b>Page</b>
1. Introduction	3-4
2. What represents a breach of Planning control	5
3. Reporting alleged breaches of planning control	6
4. Priorities for action	7
<b>Flow Chart 1 – Planning Enforcement Process</b>	<b>8</b>
5. The Investigation of alleged breaches of planning control	9 -11
<b>Flow Chart 2 – Planning Enforcement Formal Action</b>	<b>12</b>
6. Enforcement action for breaches of planning control	13-15
<b>Flow Chart 3 – Enforcement Notice formal action</b>	<b>16</b>
7. Non compliance with a formal Notice	17
8. Monitoring Planning conditions and planning obligations	18-20
9. Enforcement action for listed buildings, protected trees, Untidy land and advertisements	21-22
10. Conclusion	23
<b>Appendix A</b>	DCLG Summary of available powers for dealing with illegal and unauthorised encampments by gypsies and travellers: <a href="https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments">https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments</a>
<b>Appendix B</b>	Example of a CBC Breach of Condition Notice
<b>Appendix C</b>	Example of a CBC Enforcement Notice

## 1. Introduction

- 1.1 National guidance on planning enforcement in England is given in the National Planning Policy Framework (NPPF) 2012. Government policy guidance within the National Planning Policy Framework makes it clear that:
- enforcement action is a discretionary power,
  - Local Planning Authorities should act proportionately in responding to suspected breaches of planning control
  - that enforcement action should not be taken simply to remedy the absence of a planning permission where development is acceptable on its planning merits
  - Local Enforcement Plan should set out how the local planning authority is to handle alleged breaches of planning control.
- 1.2 Planning Enforcement is part of the Council's Development Management service to promote quality buildings and environments in accordance with Government policies and the Council's development policies as detailed in the emerging Local Plan for Central Bedfordshire.

### **Minerals & Waste Planning Authority**

- 1.3 As a unitary single-tier Authority, the Council also fulfils the role of Minerals and Waste Planning Authority. The principal areas of enforcement work carried out by the Minerals and Waste Planning Authority include:
- a) The monitoring (pro-active enforcement) fee charged periodic inspection of permitted mineral and landfill related waste sites to identify and resolve non-compliances;
  - b) The regular inspection of establishments or undertakings carrying on the disposal or recovery of waste.
  - c) The investigation and resolution of alleged breaches of planning control at minerals or waste related development following receipt of a complaint.

#### Definitions

- 1.4 'The winning and working of minerals' includes the extraction/mining of minerals both in and under the surface and the operation of ancillary and associated plant, buildings and machinery for processing materials.
- 1.5 'Waste management facilities' include waste transfer stations, material recycling facilities, composting facilities, scrap metal operations; end of life vehicle dismantlers; incinerators, waste treatment facilities including sewage works and the disposal of waste to land.
- 1.6 The Minerals and Waste Planning Authority also carries out this work for Bedford Borough under a regularly reviewed Service Level Agreement. (SLA) Bedford Borough Council has adopted it's own Enforcement Plan which will apply in that area.

### **Role of the Environment Agency**

- 1.7 The Environment Agency is responsible for the licensing of waste carriers and in the detailed management of both minerals and waste operations. The Minerals and Waste Planning Authority works closely with the Agency to resolve environmental issues at individual sites. The legislative powers available to the Agency are different from those of the Planning Authority. The Environment Agency has a national 24 hours 7 days a week

emergency number to report incidents of pollution (Call 0800 80 70 60) and has staff 'on call' to deal with emergency pollution incidents.

## **What the Planning Authority and the Minerals & Waste Planning Authority aim to do with regard to breaches of planning control:**

- 1.8 We aim to provide a high quality re-active and pro-active approach to planning enforcement within the resources available.

The Council aims to provide the principles of good planning enforcement as follows:

- To publish clear standards of service and performance through this enforcement plan.
- To only investigate alleged breaches of planning control. Other non planning complaints will be forwarded to the appropriate service, and frivolous and vexatious complaints will not be investigated.
- To normally not investigate anonymous complaints and not deal with business competition complaints.
- To deal with all alleged contraveners in an open, fair and professional manner.
- To resolve breaches of planning control by investigation and through negotiation and without taking formal action whenever possible, but formal action will be taken if it is expedient to do so.
- To take action as it considers appropriate to resolve breaches of planning control in the public interest, having regard to all material planning considerations or other relevant circumstances which the Council is aware of.
- To be consistent in our investigations and decisions.
- To provide information and advice at appropriate times to interested parties on planning enforcement cases and issues and in compliance with the Data Protection Act 1998 and related legislation, guidance and policies.
- To keep complainants details confidential except where disclosure may be required by law and in compliance with Data Protection.
- To maintain and enhance the pro-active approach to the monitoring of minerals and waste related developments in accordance with national guidelines.
- To provide a pro-active approach to planning enforcement within resources available, including monitoring housing developments for compliance with pre-development conditions.

### **1.9 Enforcement Service Standard**

- We aim to resolve 80% of re-active enforcement cases within 26 weeks of the date of receipt.
- **If formal enforcement action is taken the resolution of the case usually takes in excess of 26 weeks.** *(The offender normally has a right of appeal to the Planning Inspectorate and the matter is held in abeyance until the outcome of the appeal is known.)*

### **1.10 Other legislative considerations**

- Governments Enforcement Concordat and the Regulatory Compliance Code.
- Government (Miscellaneous Provisions) Act 1976
- Human Rights Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000
- Equality Act 2010
- Localism Act 2014



## 2 What represents a breach of planning control?

### Planning Control

2.1 A breach of planning control may include any of the following:

- Failing to comply with a condition or the details of the approved plans related to a planning permission.
- Carrying out certain development without planning permission
- Carrying out certain changes of use without planning permission
- Carrying out certain demolition work in a Conservation area without consent
- Neglecting land or buildings to an extent which causes serious harm to the appearance of the area.

***Please note: It is NOT normally a criminal offence to carry out any of the above without the benefit of a planning permission (if needed).***

Please also note that the above is not an exhaustive list but is intended to be illustrative of the kind of matters that can constitute a breach of planning control and there may be other actions not listed above that could also constitute breach of planning control.

2.2 **Criminal Offences:** The breaches of planning control that normally do constitute criminal acts and can be subject to high financial penalties if found guilty in the courts include the following: -

- Carrying out works to a protected listed building without consent
- Carrying out works to a tree within a Conservation Area without consent, or works to a protected Tree Preservation Order (TPO) tree without consent
- Displaying advertisements without consent (in terms of how it is displayed, not the content of the advert)

### Retrospective planning applications

2.3 The Town & Country Planning legislation encourages the local planning authority to process a planning application for a development or change of use of land that has already taken place without permission assuming that the correct application fee is paid and the appropriate drawings are submitted and validated.

***Please note: There is currently no financial penalty imposed in England for carrying out the development/change of use and then making a retrospective planning application.***

The handling of all planning applications is by the Development Management Area Teams and normally once a respective application is received then the Planning Enforcement case file is closed and no further action will be taken pending the outcome of the application.

The fact that an application is retrospective may be taken into account when determining the planning merits.

## **Building Control is covered by the Building Regulations legislation**

- 2.4 Building Control is completely different to planning control and operates under its own Building Control legislation and adopted Council policy. The role of the service is to check that when buildings are constructed and/or altered or demolished that they comply with the current standards. The aim is to protect the health, safety and welfare of people in or around them.
- 2.5 In recent years the Building Control service has been opened up so that any developer has the option to use other organisations other than the local authority to carry out the inspections and check the compliance with the Building Regulations.

***Please note: Construction work that only needs to be the subject of Building Regulations or a Building Notice is not required to be the subject of any local or neighbour publicity. This means that the details will not be on the CBC website***

### 3 Reporting alleged breaches of planning control

3.1 The Government is keen to encourage the economic prosperity of the individual and to ensure that the regulatory provisions associated with development work is directed to the protection of the character and appearance of the locality in the public interest. Therefore before reporting an alleged breach please:

3.2 **Check that the alleged breach is not 'Permitted Development'**

- Refer to the Planning portal website for advice on whether planning permission is required. [https://www.planningportal.co.uk/info/200125/do\\_you\\_need\\_permission](https://www.planningportal.co.uk/info/200125/do_you_need_permission)

3.3 **Check that the alleged breach does not already have planning approval**

- Refer to the 'Planning' section of the CBC website <http://www.centralbedfordshire.gov.uk/PLANTECH/DCWebPages/AcolNetCGI.gov>

3.4 **Why is the alleged breach causing you harm?**

The following matters are NOT valid objections under Planning legislation;

- Adverse potential loss of value to your property
- Conflict with an established Right of Light or change to a view from your property
- Alleged trespass or land ownership/boundary encroachment
- Breaches of a covenant e.g. parking of a touring caravan on a drive
- Unfair competition with other businesses. e.g. display of advertisement boards

These are all likely to be private civil matters. The Planning authority has no legal right to become involved and if challenged by the alleged contravener, a complaint to the Council could lead to the authority being found guilty of maladministration because of the inappropriate use of resources to attempt to resolve a 'non planning' matter.

- **Is the alleged breach within the public highway?** : If YES then log a complaint via the CBC website: <http://www.centralbedfordshire.gov.uk/transport/report/highways-fault.aspx>
- **Does the alleged breach cause you disturbance from noise, dust, smell?** – If YES then use the CBC website: <http://www.centralbedfordshire.gov.uk/> and refer to the *Environmental issues* section.

3.5 **If you are satisfied that none of the above applies then either:**

- **Complete the e-form on-line on the Council website** ; <http://www.centralbedfordshire.gov.uk/planning/enforcements/report-breach.aspx> or
- Email: [planningenforcement@centralbedfordshire.gov.uk](mailto:planningenforcement@centralbedfordshire.gov.uk)

***Please note: Anonymous complaints will not normally be registered unless there are personal safety reasons for anonymity and the complaint relates to a high priority case such as unauthorised works to a Listed Building.***

#### **Reporting gypsy and traveller encampments**

3.6 The Planning Enforcement team deals with all types of planning issues, and with regard to travellers and gypsies the key issue is – ***where exactly have the caravans/vehicles been parked up?***

- On the public highway or on Council land– The CBC Community Safety team have responsibility because their involvement is to ensure that the welfare of the persons involved is adequately taken into account. There is a standard procedure that does NOT include a role for the Planning Enforcement team.
- On private land (where the encampment occupiers are considered trespassing) – The moving on of travellers and gypsies is the responsibility of the person(s) who owns the land to take action. The Planning Enforcement team will monitor progress.
- On private land either owned by the travellers and gypsies or where the land owner allows the use of the land as a traveller and gypsy site. The Planning Enforcement team will investigate and resolve in accordance with the normal procedures as set out in this Planning Enforcement Plan.

3.7 In order to investigate a potential breach as much information as possible is required: -

- The name and address of the complainant
- The name and address of the alleged contravener, if known
- The precise location of the site.
- The nature of the alleged breach
- The length of time that the situation appears to have continued and an indication of whether it is still continuing
- An explanation of the harm, if any, that it is causing the complainant specifically, and/or the area generally

**CONFIDENTIALITY in relation to all reports:** It is our policy not to reveal any information that is likely to identify the complainant, in line with the Data Protection Act 1998. We may be asked to reveal information under the Data Protection Act 1998 or the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Any decision we make to reveal any information would need to show that there is a public interest in doing so.

## 4 Priorities for investigation

4.1 Due to the limited resources available it is essential that we prioritise cases in accordance with the severity of the existing breach or the potential environmental impact.

4.2 **High priority cases**

- Works with the potential to cause serious irreparable harm, (for example unauthorised works to a Listed Building, demolition of buildings in a Conservation Area, works to a protected tree, deposit of waste on an environmentally sensitive site), and where the harm is likely to be reduced by immediate action.
- Non-compliance with planning permissions on construction sites, in particular where prior to commencement conditions have not been discharged.

4.3 **Medium priority cases**

- Ongoing breaches of an effective Enforcement or other formal Notice
- New complaints of serious harm to the amenities of a neighbourhood, for example unauthorised development in a Conservation Area or inert waste crushing / screening activity.

4.4 **Low priority cases**

- An ongoing investigation where little or no harm has been identified or where harm is easily reparable.
- All other new complaints, for example householder development involving an outbuilding or fence/wall, and certain breaches of planning conditions where development is not in progress

The above is not intended to be a definitive list but is used to give examples of how the Council may prioritise cases. The Council considers each case on its facts and will set the priority in individual cases based on its individual circumstances.

4.5 **Enforcement Service Standard – Initial site Visit** (where considered necessary. If all relevant information has already been provided by another source such as the planning officer or conservation officer for an initial assessment to be made, an initial site visit may not be necessary)

**1. High priority cases** – within one working day of receipt of the complaint.  
If a very serious breach of planning control is established which is likely to cause additional harm to the locality if left then action will be commenced immediately

**2. Medium priority cases** – within 5 working days

**3. Low priority cases** – A site visit will be made within 10 working days

4.6 **Enforcement Service Standard - Planning Assessment**

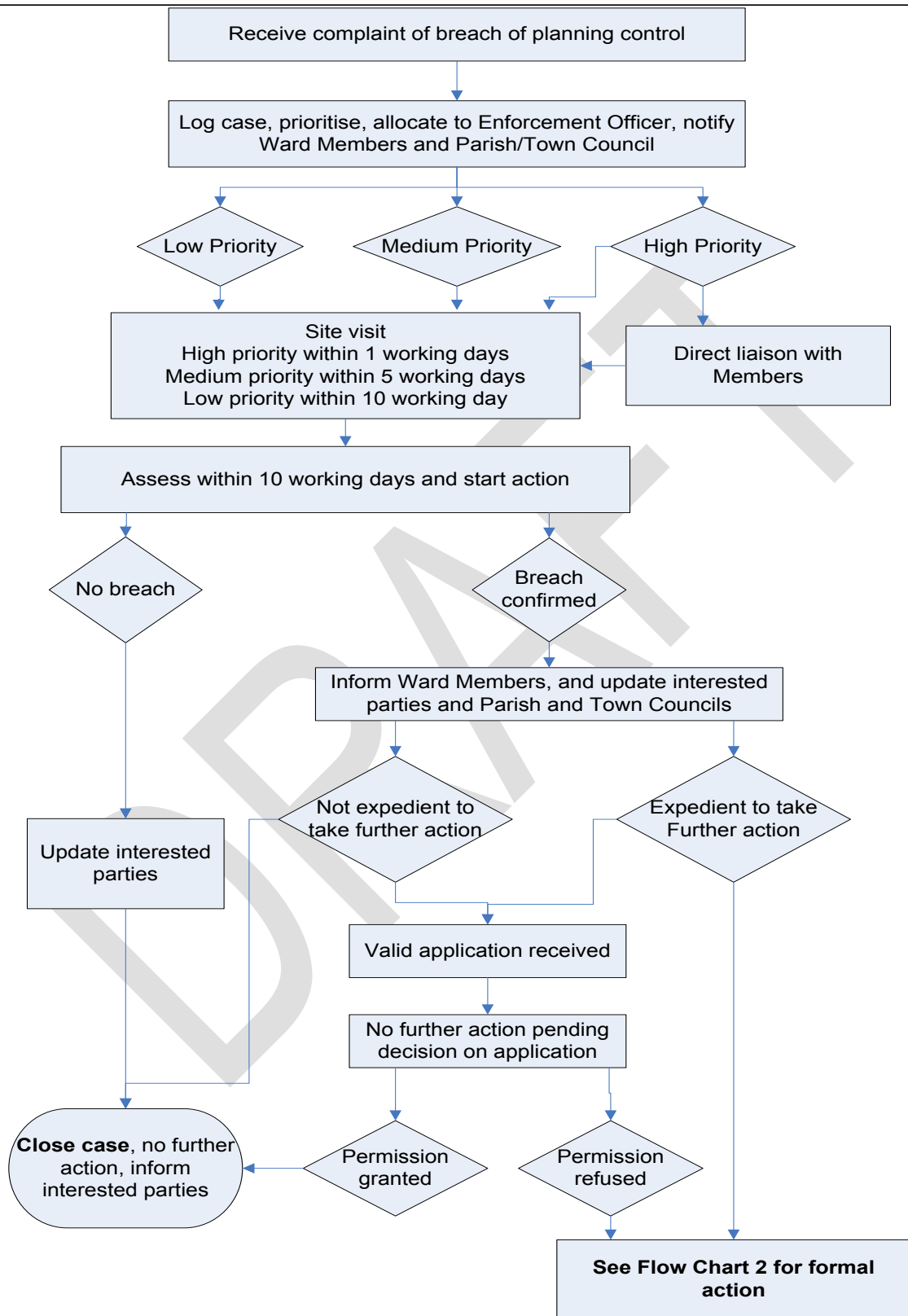
In all cases within 10 working days of receipt of a complaint an initial assessment of the case will be made. This may conclude that there is clearly no breach of planning control. Alternatively the evidence may indicate that:

- A minor breach has occurred that requires the submission of a planning application.

- That the owner/developer has been seen or identified and there are reasonable grounds to consider that the non-compliance can be resolved using negotiations.
- That the owner/developer has not been identified and further enquiries are needed
- That urgent formal action (e.g. a temporary stop notice or an injunction) should be taken in order to prevent any further irreparable harm to the amenity of the area

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### Flow Chart 1 – Planning Enforcement Process



## 5. The investigation of alleged breaches of planning control.

### 5.1 **Enforcement Service Standard - Initial timescale**

- All complaints of a potential breach of planning control are registered on the computer system with a unique reference number within 3 working days.
- All complainants are provided with an email\* acknowledgement within 3 working days of receipt. The acknowledgment sets out the address of the alleged contravention and the details of the alleged breach. *\*Where no email address is available then the acknowledgement is by phone.*

### 5.2 **Enforcement Service Standard - Ward Member & Parish/Town Council Notification**

The relevant Ward Councillor(s) and the Clerk to the relevant Parish/Town Council is provided by email with the following in all re-active investigation cases received.

- **Notification of receipt of complaint and opening a case:** Within 2 working days of receipt a notification letter is sent by e-mail that has the following:
  - The address of the alleged breach
  - The type/brief description of the alleged breach
  - The unique computer generated file reference number for the case
  - The name and contact details of the Enforcement Officer who is to carry out the investigation.
- **Notification of breach requiring investigation:** Within 2 working days of the conclusion that a breach has been established and that further negotiations, and/or enquiries need to be made, a notification letter is sent by email which gives the address of the breach and confirms that there is a breach of planning control that requires investigation.
- **Notification of decision to close the investigation case:** Within 2 working days of the decision taken by the Appeals & Enforcement Team Leader a notification letter is sent by email. The letter gives the address of the initial complaint, the case file reference and the reason why the case file has been closed, for example the breach has been resolved, or there is no breach.

### 5.3 **Enforcement Service Standard - Contact with the alleged contravener**

- Where an inspection onto the land/premises or property is required then the Enforcement Officer will normally make contact with the occupier, introduce himself or herself and explain the purpose of the visit. If the occupier cannot be reached, the officer's contact details will be left at the site entrance, requesting a call back.
- Within 10 working days of the first site visit the Enforcement Officer will normally be in a position to clarify whether or not there has been a breach of planning control, and if there has been a breach, explain the options available to resolve matters.
- Throughout the investigation the contact with the contravener will be carried out in a professional manner, either by phone, email, letter or on site. Where necessary there will be liaison with other specialists within CBC or other external bodies or organisations, such as the Environment Agency, local Wildlife Trust, etc., to resolve the breach.
- If the negotiations are not successful within a reasonable time period, then the possibility of taking formal enforcement action will be considered and this will be made known to the contravener.
- Within 2 working days of the closure of the investigation case the alleged contravener will be informed of the reason for the outcome, either by email or letter.



#### 5.4 **Enforcement Service Standard: Contact with the complainant(s)**

- Within 21 working days of receipt of the complaint the allocated Enforcement Officer will advise each complainant of the outcome of the Case Assessment.
- If the case requires negotiations then any complainant can contact the allocated Enforcement Officer by phone or email for up-dates
- All complainants are made aware by email or phone when a formal enforcement notice or similar has been served on the contravener by the Planning Authority.
- All complainants are notified by letter/email when the contravener has submitted an appeal to the Planning Inspectorate following the service of an enforcement notice
- Within 2 working days of the closure of the investigation case each complainant will be informed of the reason for the outcome, either by email or letter.

### **Types of Investigation Outcomes**

#### 5.5 **No material breach**

- The scale and or location of the works fall within the amount of development or change of use that can be carried out without planning permission. The exact details of what is 'permitted development' are set out by Central Government in the Town and Country Planning (General Permitted Development) Order 1995) and subsequent amendments.
- There is no development – *For example a moveable slide or an inflatable paddling pool is placed in a rear garden of a house.*
- It is not a planning matter – for example land boundary dispute, highway works.

#### 5.6 **Factors that influence the time taken to resolve an identified breach**

- The nature of the alleged breach
- The extent of investigations that need to be carried out
- The harm which the Council considers is being caused
- The resources that are available to the Council

#### 5.7 **It may not be expedient to take any action when:**

- The breach is minor and the harm it causes is not significant. It is likely in these circumstances that formal action would not be in the public interest, but the breach may be regularised if a planning application is submitted and granted.

***Please note: The decision to progress taking action against a breach of planning control should not be solely on the grounds that the contravener has failed to submit a retrospective planning application. In normal circumstances it is not a criminal offence to carry out development/change of use without planning permission.***

- 5.8 **Suggested Recommendation:** Within current national legislation all Planning Authorities are able to charge fees to determine a planning application, to provide pre-application advice and for the regular monitoring of mineral and landfill waste type developments in their area. To achieve some degree of fairness it is hoped that in the near future a national penalty fee will be able to be imposed for all those identified as carrying out development/change of use without planning approval who fail, when requested to make a retrospective planning application or refuse/fail to make an appeal against an Enforcement Notice on the ground that planning permission should be granted (a ground (a) appeal).

## Planning Investigation Cases Received

5.9 In a twelve month period the total number of new complaint case files opened is approximately 600

The major type of cases handled is usually as follows:

• New building works (extensions, sheds, fences)	=	36%
• Changes of use (land, buildings)	=	25%
• Non-compliance with approved plans/permissions	=	26%
• Display of advertisements	=	7%
• Untidy land/premises	=	2%
• Mineral & Waste issues	=	2%
<hr/>		
• Miscellaneous	=	2%

5.10 **Negotiations** – Wherever possible we will try to resolve the breach through negotiation if a planning application is unlikely to be successful. Where this fails, and it is in the public interest, formal legal action under the provisions contained within the Town & Country Planning legislation will be taken in liaison with CBC legal services provider.

## Planning Enforcement – Formal Action

5.11 In the same twelve month period the total number of cases that are the subject of formal legal enforcement action = 22 (less than 4% of annual cases received). The majority of these involved the serving of an Enforcement Notice.

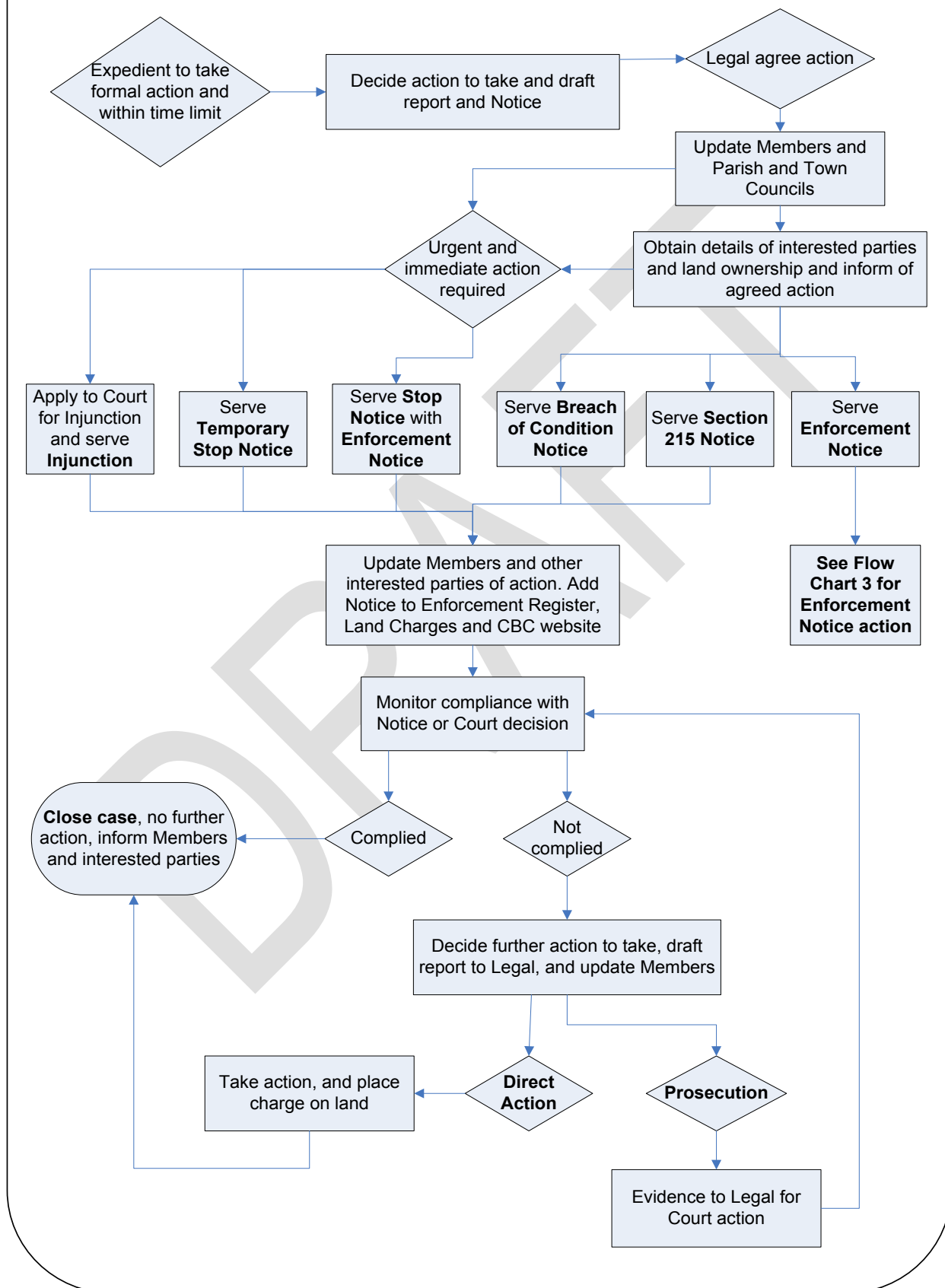
## Taking Formal Enforcement Action

5.12 Planning enforcement functions have been delegated to officers so that officers can make decisions on behalf of the Council without reference to Committee. When formal enforcement action is proposed then this is subject to a confidential Officer report for approval by the Planning Enforcement Team Leader, or the Minerals & Waste Team Leader (where applicable) prior to consultation with CBC legal services provider.

5.13 The level of action carried out by the Council has to be commensurate with the planning breach identified or in certain circumstances the potential harm likely to be caused by the breach of planning control. The more serious the breach and higher level of harm, the higher the level of intervention and action by the Council which means more “*resource commitment* (RC)” both financial and time needed.

- **Injunction** (High level RC due to immediate Court involvement)
- **Enforcement Notice with Stop Notice** (High level RC due to potential high financial compensation costs)
- **Temporary Stop Notice** (Medium level RC – Notice limited to 28 day period)
- **Enforcement Notice & Listed Building Enforcement Notice** (Medium level RC)
- **Listed Building Repairs Notice** (Medium level RC)
- **Breach of Condition Notice** (Low level RC)
- **Section 215: Untidy land/condition of building Notice** (Low level RC)

Flow Chart 2 –  
Planning Enforcement Formal Action



## 6. Enforcement Powers

***Please Note: If the breach is on Council owned land or highway land which the Council is responsible for then it is for the Council's Assets Team or the Highways Team to resolve because as owner of or responsible body for the affected land there are other enforcement related powers available.***

- 6.1 When formal enforcement action is to be taken, the Council will seek to ensure that all people served with notices, including for example those with low literacy rates, or disabilities, understand what action is to be taken, and what is required by the notice.

### Expediency to take Action

- 6.2 If planning permission is considered to be unlikely to be granted for the retention of the development carried out because, for example of its detrimental impact on the neighbourhood then the Council will ask for the built development to be removed. The person(s) responsible for the breach of planning control will be made aware that formal action will be taken by the Council.
- Officers have delegated powers to issue formal notices if it is expedient, proportionate and necessary to do so having regard to the development plan and other material considerations.
  - The Council must ensure it acts reasonably, proportionately and lawfully in taking any formal action, and be sure that the steps specified in the notice and the period for compliance with each step are reasonable taking account of relevant circumstances.

### Types of Planning Enforcement Powers

#### 6.3 Planning Contravention Notice (PCN)

- A statutory request made by the Council to obtain relevant information
- A list of questions about the site, the circumstances surrounding the alleged breach and land ownership is sent to the contravener.
- It is referred to as a statutory request because it is an offence to fail to comply with the requirements of the notice within the period set for its return, or to make false or misleading statements in reply.

The quality and quantity of the information provided in the PCN will determine whether or not there is reasonable justification for formal Planning enforcement action to be taken.

#### 6.4 Section 16 Local Government (Miscellaneous Provisions) Act 1976 and Section 330 Town and Country Planning Act 1990

- A statutory request primarily intended to establish information about the ownership and other interests in the land/property/premises where the alleged breach has taken place.
- It is referred to as a statutory request because it is an offence to fail to comply with the requirements of the notice within the period set for its return, or to make false or misleading statements in reply.

## 6.5 Planning Enforcement Order

- The Localism Act 2014 has introduced the power for Local Planning Authorities to apply to the Magistrate's Court for a Planning Enforcement Order.
- A Planning Enforcement Order may be used if the Council discovers a breach of planning control that has been concealed from the Council.
- If the Order is made by the Court the Council then has a further year in which to take formal action such as serving an Enforcement Notice.
- An Order is useful where an unacceptable use or development would become immune from enforcement action due to the passage of time and where the Council can prove that the use or development has been deliberately concealed.

## 6.6 Injunction

- The Council can apply to the County Court or High Court for an injunction to stop an actual or imminent breach of planning or listed building control, even when the identity of the person is unknown. If injunctive action is considered appropriate then the Council's Legal Providers will provide the necessary advice and assistance.
- It is essential that the Council is able to produce enough evidence to support the application to Court as well as prove that an injunction is necessary and proportionate.
- Monitoring the compliance with injunctions is carried out by the Planning Enforcement team. Failure to comply with an injunction is contempt of Court with potentially very serious sanctions including imprisonment.

## 6.7 Stop Notice with Enforcement Notice

- Stop Notice has to be served with an Enforcement notice
- Only applicable if considered that the continuing activity is causing irreparable and immediate significant harm
- Stop Notice takes effect three days after it is served and work must immediately stop. It remains in force even when an appeal against the Enforcement notice is lodged.
- There may be financial compensation liabilities for the Council if the enforcement notice is quashed at appeal.
- There is no right of appeal to the Secretary of State, but a judicial review can challenge the validity and propriety of our decision, and failure to comply with a Stop Notice is a criminal offence.

## 6.8 Temporary Stop Notice (TSN)

- Used to stop further activity or development immediately to safeguard the amenity of the area and prevent further irreparable harm.
- Notice does not have to be accompanied by an Enforcement Notice.
- It cannot require unauthorised works to be removed and it cannot prohibit the use of a building as a dwelling.
- A Temporary Stop Notice may be served to prohibit the unauthorised stationing of caravans used as main residences. Refer to Appendix A The Department for Communities and Local Government document 'Dealing with illegal and unauthorised encampments', or the Governments web site at: <https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments>.
- The TSN takes effect for up to a maximum of 28 days only.
- There is no right of appeal to the Secretary of State but a judicial review can challenge the validity and propriety of our decision.

## 6.9 Enforcement Notice

- The Notice is served on the land owner and all other parties that have some control over the land/buildings where the Council is satisfied that there has been a serious breach of planning control that is contrary to policy and / or amenity considerations.
- One or more Notices may be served at the same time on the same site to cover different types of breaches of planning control.
- Every Notice must set out clearly the necessary steps to resolve the breach and set out a reasonable compliance period.

***Please Note: All those served an Enforcement Notice have a right of appeal to the Planning Inspectorate (PINS). The PINS appeal suspends the Notice. No further action under the Enforcement Notice can be taken by the Planning Authority until the outcome of the appeal is known. The time taken for the Planning Inspectorate to determine an appeal is outside the control of the Council***

## 6.10 Enforcement Notice appeal procedure

- All interested parties, including Ward Councillors and the clerk to the respective Parish/Town Council are notified of the appeal and informed by letter of how they can make representations to the Planning Inspectorate.(PINS)
- Appeals may be determined by way of an exchange of written representations, a hearing or public inquiry before a Planning Inspector.
- Irrespective of the procedure chosen by PINS, an enforcement appeal is likely to take a minimum of 20 weeks to determine and is outside the control of the Council.
- The outcome may be to quash the Enforcement Notice, grant planning permission for what is alleged in the Notice, dismiss the appeal, or dismiss the appeal but make revisions to the Enforcement Notice.
- If the appeal is dismissed, new periods of time to comply with the Notice may apply. The compliance period for the Notice starts from the date of the appeal decision letter from PINS.

***Please Note: It is a criminal offence not to comply with the requirements of an enforcement notice within the stated compliance period/s.***

## 6.11 Breach of Condition Notice (BCN)

- This is served on the land owner and the party considered responsible for the breach. It is used when there is a non compliance with one or more specific conditions on a specific planning permission decision notice.
- In the first instance The Council would normally negotiate to try to secure compliance with the condition
- The Notice must set out clearly which condition on which permission has not been complied with, and set out the works required to be carried out to address the breach.
- There is no right of appeal to the Secretary of State against a Breach of Condition Notice. The Council will use this procedure in preference to the service of Enforcement Notices where appropriate.

***Please Note: The compliance requirement of a BCN remains applicable at all times after the date of compliance unless the BCN is withdrawn or superseded by a new permission/condition.***

***It is a criminal offence to fail to comply with a Breach of Condition Notice within the specified time period/s.***

## **Public Accountability of the Planning Enforcement Powers**

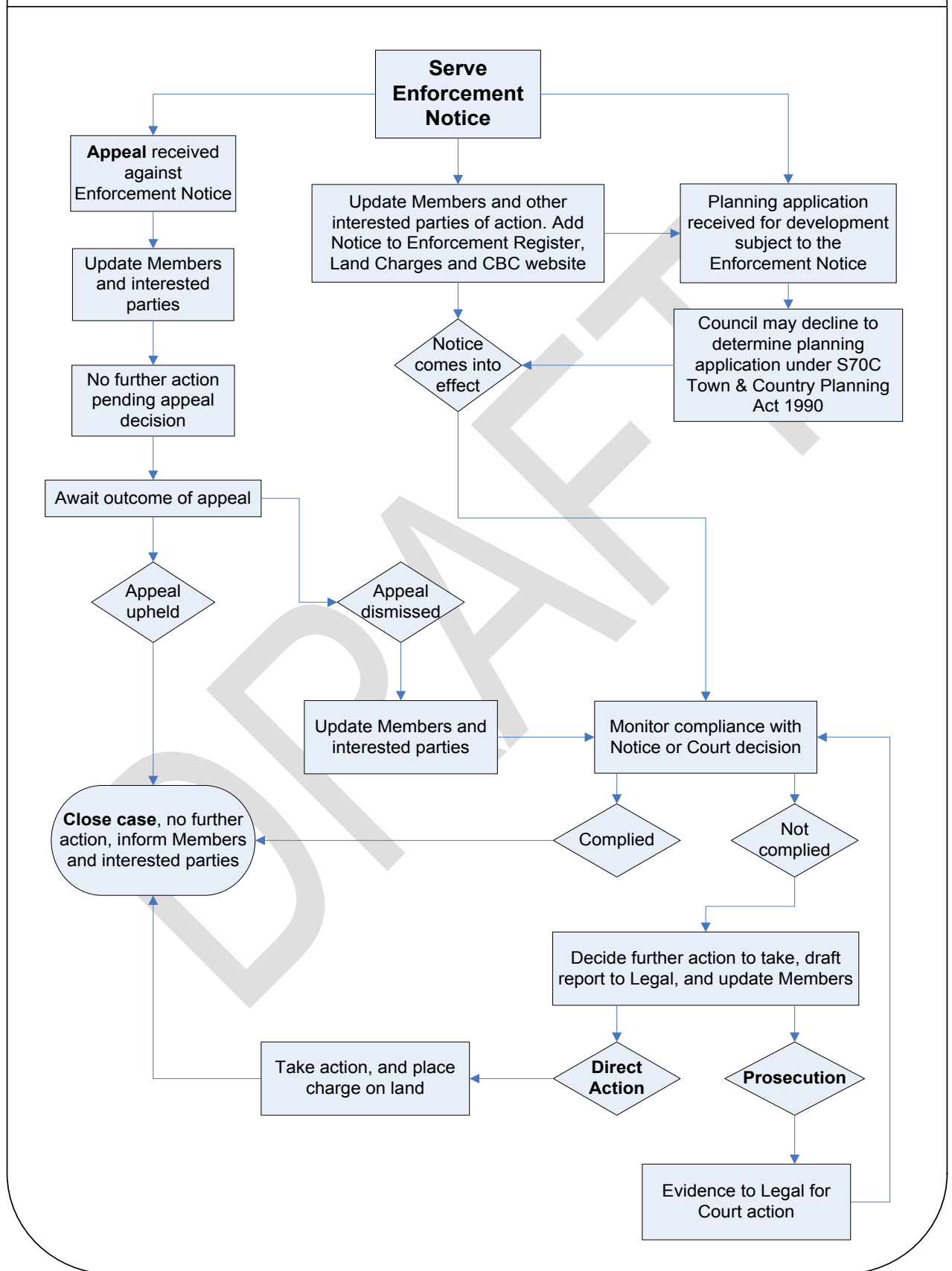
6.12 To ensure that all Members of the Council are kept regularly aware of the instances where Planning Enforcement or the Minerals & Waste Planning authority has had reasonable grounds for taking formal enforcement action under the Town & Country Planning legislation a summary table of the 'live' cases is included as a standing item on the Agenda of each Development Management Committee. The information provided for each of the sites includes:

- A description of the breach of planning control stated on the Notice
- The relevant dates of service, compliance period on the relevant type of Notice served
- The date when an appeal was made to the Planning Inspectorate(PINS) if applicable
- Whether the Notice has been complied with
- Commentary box to inform Members and the public of the latest position at the site

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Flow Chart 3 –  
Planning Enforcement Formal Action for Enforcement Notice





## 7 Non Compliance with a formal Notice

***Please Note: Non compliance with the requirements of an Enforcement Notice or a Breach of Condition Notice after the compliance period has expired is a criminal offence.***

- 7.1 If the Notice has not been complied with a report will be prepared by Planning Enforcement and submitted to the Council's Legal Services provider for consideration of commencing prosecution proceedings, and the persons responsible will be informed of this action. In such cases external circumstances will be taken into consideration that may affect compliance with a Notice.

### Prosecution

- 7.2 The Council, with the advice and assistance of the Council's Legal Services provider, will apply two tests in cases when considering whether to prosecute a criminal offence e.g. failure to comply with an Enforcement Notice, namely: -
- **Evidential test.** The Council will not start a prosecution unless there is sufficient, admissible and reliable evidence that the offence has been committed, and that there is a reasonable prospect of conviction.
  - **Public interest test.** The Council will only bring a prosecution where this is in the public interest.

The factors taken into account in deciding whether these tests are met are the same as the Code of Crown Prosecutors. The Code also covers how the Council decides what charges it will lay against a contravener, any out of court disposal options like a caution and when the Council reviews or will reconsider its decision to prosecute.

- 7.3 Court proceedings can take a considerable time, and further action may still be required to seek compliance with a Notice. A prosecution may be the Council's last resort, as the Council aims to resolve the breach of planning control and the harm this has caused to the neighbourhood, and not just to seek to punish those responsible for the breach of control.

***Please note: Often there can be significant financial benefits obtained by the contravener in association with the continued non-compliance with a Notice. The Council will always consider taking action through the courts under the Proceeds of Crime Act legislation (POCA) to collect this financial gain in addition to planning prosecution action.***

### Direct Action

- 7.4 We do have the power, in special circumstances and as a last resort, to ensure a formal notice is complied with by carrying out the required steps ourselves in default of the owner or occupier's action. We would consider direct action for example where a Section 215 (untidy land) Notice has not been complied with. We will seek to recover costs incurred from the owner.

***Please note: Where the Council cannot immediately recover costs we will register a charge on the property/land with the Land Registry so that the costs are obtained back when there is a change of ownership of the property/land.***

## Planning Enforcement Register

- 7.5 When formal enforcement action has been taken, (for example serving an Enforcement Notice), the details are entered into the Planning Enforcement Register by site address and available for public inspection on the Councils website at <http://www.centralbedfordshire.gov.uk/planning/enforcement>. The public inspection of enforcement notices issued in connection with minerals and waste uses can be arranged by contacting the Minerals and Waste Team (See paragraph 10.5).

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## 8 Monitoring Planning Conditions and Planning Obligations

### Conditions on Planning Permissions

8.1 Planning permission is usually granted subject to certain conditions. There are three types of conditions:

- **Pre Commencement conditions** – These require that details are submitted or action is taken before any development takes place.
- Conditions to be discharged during the implementation phase:
- Conditions related to the built development or change of use

#### 8.2 Pre commencement conditions

- These are set out **in bold type** on the permission decision notice
- Require action or details to be submitted by the developer for approval before the development commences.
- Failure to comply with this type of condition may invalidate the planning permission and/or lead to enforcement action.
- A Temporary Stop notice (TSN) may be served to ensure that no further work takes place until requested details of materials for example are submitted and approved by the Planning authority.

8.3 Recent case law has sought to distinguish between conditions requiring no work to take place until certain actions have taken place or details submitted, and conditions which require details to be submitted before development commences. The former are true pre-development conditions. Case law will continue to influence our interpretation of pre-commencement conditions.

#### 8.4 Conditions that require to be discharged during the implementation phase

- It is the developer's responsibility to ensure that all work progresses in accordance with approved plans and details. For example where the approval of external brick/tiles is required by condition, or the details of landscaping need to be submitted that this is done at the correct time so the relevant condition can be discharged.
- When it is brought to the attention of the Council that these types of conditions have not been discharged then an investigation case file will be opened and the developer contacted.
- If within a reasonable time period (usually 4 weeks) the requested details have not been submitted then formal action may be taken either by the service of a Breach of condition Notice or Enforcement notice.
- Once the developer is made aware of the non compliance then he will be advised that any further work related to the breach will be "*at their own risk.*"

#### 8.5 Conditions related to the approved built development or change of use.

- An investigation into the non-compliance of these types of conditions will only be carried out as a result of a complaint received where some type of harm or

nuisance is being caused. For example hours of operation are not in accordance with the hours permitted by a condition to the planning permission.

- The alleged breach of planning control may lead to either a Breach of Condition Notice or Enforcement Notice being served. The contravener may also make a planning application to remove or vary the restriction.

## **Residential: Removal of Permitted Development Provisions**

- 8.6 Where the residential Permitted Development (PD) provisions for extensions and/or the placing of structures within the residential curtilage of houses has been removed by condition on a planning permission any complaints made by those directly affected by the work carried out which has not been the subject of a planning application in the normal manner.

## **Mineral Permissions: site monitoring**

- 8.7 Conditions on planning permissions for mineral workings are monitored pro-actively by the Council's Minerals and Waste Planning Authority. Mineral extraction and landfill operations are large scale developments which, by their nature, have the potential to cause significant harm to the amenity of the local area, often over a period of many years or even decades. It is therefore essential that these developments are regularly and proactively monitored through from the implementation to the final land restoration phase.
- 8.8 On all active mineral sites the monitoring is carried out with regard to the compliance with the conditions on the relevant planning permission(s) for the particular site and operator. Two types of report are prepared:
- **Annual audit report:** Comprehensive report with the precise wording of each condition included, and checked at a pre-arranged site inspection with the operator
  - **Focussed report:** A summary of the relevant permission with wherever possible a Yes/No compliance box completed.
- 8.9 Associated with both types of reports is a reminder box to enable the Planning Authority to remind the operator of the need to submit certain information at some forthcoming date to comply with a specific condition.
- 8.10 Following the site inspection the Monitoring Report is sent to the operator and where non compliances have been identified assists in discussions to resolve the breach and so reducing the likelihood of the need to serve a formal Breach of condition Notice.

## **National Fee Charge Monitoring**

- 8.11 Since 2006 all mineral operators or developers in England who are considered to be carrying out a landfill type operation are obliged by legislation to pay a nationally set fee for each site monitoring inspection carried out by the Minerals & Waste Planning Authority. An active site may require four visits each year to ensure that the identified non compliances have been resolved by the time of the next visit. The annual finance generated from this pro-active enforcement work is sufficient to employ a full-time Monitoring Officer (Minerals & Waste) in the Council's Minerals and Waste Team.

## Planning Obligations

- 8.12 Planning obligations are Planning Agreements or Unilateral Undertakings that relate to large scale developments, usually new housing, and often aim to ensure that the associated infrastructure and community facilities are provided at the appropriate time.
- 8.13 **Planning Agreements** (also known as Section 106 Agreements) are agreements made between the Local Planning Authority and a developer. Unilateral undertakings are made by the developer. A unilateral undertaking like a Section 106 agreement is a legal deed where developers covenant to perform planning obligations. However, unlike Section 106 agreements they don't have to be entered into by the local authority. Both Unilateral undertakings and Section 106 Agreements aim to make proposed development acceptable and accord with planning policies. Such obligations may restrict development or use of land, may require certain operations to be carried out, or may require payments to be made to the Authority.
- 8.14 Particular staff in Development Management monitor the planning obligations to ensure that operations are carried out and payments made within the required timescales.

### Breach of a Planning Obligation

- 8.15 Planning obligations run with the land so if the terms of an obligation are not complied with any enforcement action may be taken against persons acquiring an interest in the land. Should there be a breach of a formal obligation there are three methods of enforcement open to the Council:
- The Council can apply to the Court for an **Injunction**. The Council must prepare a high level of evidence to convince a judge that an injunction is necessary. Failure to comply with an injunction is contempt of Court and can lead to an unlimited fine and/or imprisonment.
  - We can **enter the land to complete works** and will seek to recover costs where certain operations or works have not been carried out, but must give at least 21 days notice of our intention.
  - We may **place a charge on the land** in order to assist the Council in proceedings to recover costs incurred.

## 9 Enforcement Action for Listed Buildings, Protected Trees, Untidy Land and the display of advertisements

### Listed Buildings

- 9.1 The Council attaches particular importance to ensuring that any alterations to listed buildings are properly monitored. There are within the CBC area a total of over 1500 listed buildings
- The statutory provisions for the preservation of buildings of special architectural or historic interest are contained in the Listed Buildings and Conservation Areas legislation.
  - It is a criminal offence under the legislation to carry out unauthorised works to a listed building which could affect its character.
  - The owner of a listed building or those who have an interest in the property or who have carried out the works may be prosecuted by the Council irrespective of whether consent is later obtained retrospectively or the unauthorised works later made satisfactory.
  - A person found guilty of an offence may be liable to a substantial fine, and/or a term of imprisonment.
  - There is no time limit upon the Council to pursue Listed Building Enforcement Action.
  - A Listed Building Enforcement Notice or Repairs Notice may also be served requiring remedial works to the building within a certain time scale. There is a right of appeal to the Planning Inspectorate.
  - Failure to comply with a Listed Building Enforcement Notice is an offence, which is liable to a substantial fine on summary conviction.

### Protected Trees

- 9.2 Under the Town and Country Planning legislation the local planning authority has the right to make provision for the preservation of trees in their area by making Tree Preservation Orders.
- Any person that carries out unauthorized works to a protected trees (TPO) without the appropriate prior approval commits a criminal offence, and is liable, if found guilty on summary conviction, to a fine.
  - In addition to the criminal penalties for the felling or other unauthorised works to protected trees, the landowner is also under a duty to replace a protected tree that has been removed. The Council may serve a **Tree Replacement Notice** to require a suitable replacement tree to be planted or the Council may do the work and recover costs from the landowner.
  - **Trees in Conservation Areas** are also afforded a degree of protection under the planning legislation because trees are often considered to make a significant positive contribution to the visual amenity of a Conservation Area. Unauthorised work to and/or removal of trees without prior notification constitutes an offence. However the Council will exercise discretion in deciding whether or not it is appropriate to pursue prosecution.

## **Section 215 Notice: Untidy land and/or buildings**

Refer to Government Best Practice Guidance at:

<https://www.gov.uk/government/publications/town-and-country-planning-act-1990-section-215-best-practice-guidance>

- 9.3 If the visual appearance of the private land or buildings is considered to have a seriously detrimental impact on the amenity of an area then the use of Section 215 Notice may be appropriate.
- A warning letter is first sent to the land owner advising that the current condition of the site is unacceptable and needs immediate attention.
  - A period of negotiation may be reasonable if the land owner provides a positive response and some actions are carried out to address the key issues.
  - The Section 215 Notice, if served, requires the owners and occupiers of the land to take certain steps as specified, related to the characteristics of the site to secure an improvement in its appearance within a given time scale.
  - The recipient(s) have a right to appeal to a magistrates' court.
  - Failure to comply with the notice is an offence and the Council has on certain occasions taken prosecution action in the Magistrates Court to penalize those responsible for the non compliance.
  - There are no time limits over when the Section 215 Notice can be served

## **Advertisements**

- 9.4 The display of advertisements is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2010. An application to display an advertisement is decided in the interests of amenity and public safety. The rules are complicated and seek to control amongst other things the height, size, and illumination of advertisements.
- It is an offence to display an advertisement without the consent required
  - It is open to the Council to take a prosecution in the Magistrates Court for an offence under the Advertisement Regulations. The continued display of an advertisement without consent, or after consent has been refused, may well result in prosecution. On conviction a fine may be imposed by the Court with an additional daily fine on conviction of a continuing offence.
- 9.5 Advertisements are divided into three main groups: -
- Advertisements with 'express consent' – not controlled by the Council.
  - Advertisements with 'deemed consent' - the planning authority's consent is not required provided the advertisement meets certain criteria.
  - Advertisements which require being the subject of advertisement consent from the local planning authority.

### **Advertisements placed within the public highway**

- 9.6 Any complaints received about obstructions or presence of advertisements displayed on public highway verges and pavements is a matter for the CBC Highways Section to resolve. Their contact details are via the CBC website: *Transport, roads, parking* section.
- 9.7 **Free standing Placard and poster displays**
- The Council has the power to remove or obliterate any placard or poster displayed illegally.

- The Council is required to give at least two days notice in writing, or other appropriate format, to anyone we can identify as being responsible for displaying unauthorised placards or posters
- The Council also has the power to remove advertisement display structures providing it has first served a Removal Notice.

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## 10 Conclusion

- 10.1 It is the Council's policy to provide a reliable, efficient and good quality corporate planning enforcement service, maximising the use of the resources available, to protect the local environment and the level of amenity enjoyed by local residents and local businesses.

***Please Note: It is essential that Planning enforcement resources are not used to handle non-planning issues.***

*For example, the investigation of the display of property sale boards following a complaint solely made by a business competitor. This is because not only would there be an adverse impact upon the efficiency of the legitimate planning enforcement service to the local community, but because everyone has a right to make a formal complaint if it is considered that the actions taken by Council are unreasonable or unjustified. The Council may be found guilty of maladministration because in these circumstances the actions taken to require the removal of the property boards may be considered to be not in the public interest but in the specific interests of a particular business competitor.*

- 10.2 Planning is a LAND USE discipline and Planning Enforcement is essentially involved in the investigation of alleged breaches of planning control and their resolution by negotiation and co-operation whenever possible. While land may have an approved type of use and activities, Planning Enforcement powers cannot be used to address the behaviour of the parties and any nuisance that may cause. Nuisance caused by the behaviour of the occupier should be addressed to the Council's Anti Social Behaviour team at: <http://www.centralbedfordshire.gov.uk/community-safety/anti-social/report.aspx>
- 10.3 **The Enforcement Service standard** is to aim to resolve 80% of cases received within a period of 6 months. In the April-June 2016 period the figure was 78%.
- 10.4 In general **over 95%** of investigation cases are closed/resolved without the need for formal enforcement action.

***Please Note: In the annual period from January to the end of December 2015 more than 500 case files were opened. In the same period formal enforcement action was taken with regard to a total of 22 sites. This represents about 4% of the number of cases opened in the same period.***

### **Require further information about the Planning Enforcement Service?**

- 10.5 For planning enforcement procedures associated with the investigation of all types (other than mineral and waste matters) of re-active planning non-compliance complaints e-mail [planning.enforcement@centralbedfordshire.gov.uk](mailto:planning.enforcement@centralbedfordshire.gov.uk)

For Minerals & waste issues associated with the investigation of re-active planning non-compliance complaints and the pro-active monitoring of compliance with planning conditions at all minerals and waste sites e-mail [mwapapplications@centralbedfordshire.gov.uk](mailto:mwapapplications@centralbedfordshire.gov.uk)

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## Central Bedfordshire Council

**COMMITTEE:** Sustainable Communities Overview and Scrutiny  
Date: 15 March 2018

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### **Report title Overview and Scrutiny enquiry into schools parking – update on recommendations**

Report of: Executive Member for Sustainable Communities  
([Ian.Delgarno@centralbedfordshire.gov.uk](mailto:Ian.Delgarno@centralbedfordshire.gov.uk))

Responsible Director(s): Marcel Coiffait. Director for Sustainable Communities  
[Marcel.Coiffait@centralbedfordshire.gov.uk](mailto:Marcel.Coiffait@centralbedfordshire.gov.uk)

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### **Purpose of this report**

1. To provide an update on progress towards implementing the recommendations of the Overview and Scrutiny Task Force enquiry into school-run parking pressures.

### **RECOMMENDATIONS**

The Committee is asked to:

1. Note the update on the delivery of the Task Force's recommendations regarding school-run related parking pressures.
2. Give consideration to reviewing and updating the authority's Sustainable Modes of Travel Strategy in preparation for Issue 4 of the Local Transport Plan.

### **Background**

1. At the meeting on 12 January 2017, members of the Sustainable Communities Overview and Scrutiny Committee (SCOSC) recommended that the Council's Executive give consideration and support to sixteen recommendations designed to help mitigate school-run related parking pressures.
2. These recommendations were considered by the Executive at their meetings on 4 April 2017 and 20 June 2017. At the second of these meetings, the Executive determined:

- a. Two of the recommendations were not accepted, specifically 7 and 14. It was noted that the timing of no-stopping restrictions and liaison with local transport providers were a matter for local decision making, taking into account the specific circumstances of individual schools.
- b. Eleven of the recommendations related to existing practice and would be progressed as 'business as usual' by the responsible directorate.
- c. Three of the recommendations required specific action. Of these:
  - i. Recommendations 5 and 6 related to enforcement, with a deadline of 25 April 2017 set for their implementation.
  - ii. Recommendation 16 related to the use of community-based car parking capacity, with a deadline of 31 March 2018 set for its implementation.

The Executive's response to each recommendation is reproduced at Appendix A.

3. This report provides an update on progress in delivering recommendations that are not considered 'business as usual' and offers additional comment and observations for members' consideration.

### **School Travel Plan support**

4. The most recently school travel census was issued in September 2017 and completed by approximately 60% of schools. The results showed that the share of pupils driven to school has climbed above 30%.

WALK	CYCLE	CAR	CAR SHARE	SCHOOL BUS	PUBLIC BUS	TRAIN	TAXI	OTHER
12189	1118	8031	425	2601	127	81	137	72

5. The Task Force report acknowledged the impact of the previous partnership work undertaken with schools to promote sustainable travel. The momentum behind this work largely dissipated when the authority's four-strong Sustainable Transport Team was disbanded, with individuals being allocated to new roles.
6. Very recently, the post of Travel Plan Officer was re-established within the Highways Development Management team and an officer recruited to the role. A key responsibility for this officer will be to encourage schools to update and reissue their Travel Plans as some of these, particularly those completed voluntarily and outside of the planning process, are out of date.
7. Support from Ward Members in requesting updated copies of School Travel Plans from the schools directly would be of considerable value.

This would signal to schools the continued importance placed by the authority on collaborative travel planning as a mechanism for promoting road safety and sustainable travel choices.

### **Information sharing and promotion**

8. The production and distribution of a parking leaflet has been programmed for the summer of 2018 to coincide with the start of the new school year. This initiative is being coordinated by the Highways Road Safety Team and is linked with the first-year's implementation of the parking management strategy for the period 2018-2021.
9. An externally-funded 'Sustainable Travel Access at Railway Stations (STARS)' initiative indirectly benefits schools through the work of a Promotions Officer. STARS funding was secured from central government via a competitive bidding process in collaboration with Luton and Bedford Borough Councils. The funding supports local sustainable transport developments and runs to March 2020.
10. The authority promotes 'Modeshift', a national scheme that recognises schools who have demonstrated excellence in supporting walking and other forms of sustainable transport. Schools are also encouraged to participate in Living Street's 'Walk to School Week', which runs annually in May.
11. The authority also funds (through the STARS initiative) the Sustrans 'Bike It' programme. Two Bike It officers have worked intensively with 34 schools to promote cycling and will extend their engagement to a further 10 schools in the Ampthill and Flitwick area over the period 2018-20.

### **Minimising risk and prioritising safety**

12. The SCOSC report made reference to the various types of restriction used by the authority to help regulate parking pressures outside schools, specifically 'No Stopping at any time' - yellow zig zags - and 'No Waiting at any time' – double yellow lines and 'No waiting between defined times' – single yellow lines.
13. With reference to 'zig zags', members recommended that these restrictions be placed along the entire frontage of all schools and are *"fully enforced"*. With reference to double and single yellow lines, members recommended they are *"robustly deployed and enforced, taking into account existing resources"*.
14. In its response, the Executive noted that the layout of the highway will often constrain the maximum extent of zig-zag lines and that their review / extension would need to be completed in line with available resources and

priorities. Also, they noted that schools and local members have an important role to play in feeding back to the parking team where restrictions are regularly flouted.

15. The SCOSC report also stressed the importance of enforcing parking discipline during the school-run period. Reference was made to the appointment of an additional enforcement officer, enabling this area to be given a specific focus. However, this appointment did not proceed because of budgetary constraints.
16. A report of the visits made to schools over the eight-month period 1 June 2017 to 31 January 2018 is provided at Appendix B. This report shows:
  - a. 57 schools<sup>1</sup> received a visit from a civil enforcement officer (CEO) over the period. On an average school day<sup>2</sup> there were 3.25 visits and 4.41 penalty charge notices (PCNs) issued. The value of these PCNs is ~£28,000, assuming all are paid promptly.
  - b. 2 schools were visited at least weekly on average. 22 were visited at least monthly.
  - c. The mostly frequently visited school was Icknield Lower in Dunstable, with 33 visits and 50 PCNs issued.
  - d. Nearly 50% of visits were made to schools in Dunstable and Leighton Buzzard
  - e. Of the 556 PCNs issued in total, 18% were for parking on 'School Keep Clear' markings and 69% were for parking on a yellow line.
17. Central Bedfordshire continues to operate without an explicit policy on the enforcement of waiting restrictions, providing discretion to the Parking Team to direct its resources in response to reported pressures. This is likely to change with the adoption of a Parking Management Strategy, as agreed by SCOSC at its meeting of 14 September 2017.
18. In response to the publication of the Task Force report, highways officers programmed a rolling review of safety outside of the school gate. This review, funded from the Local Transport Plan Integrated Programme, is being undertaken over a 3-4 year cycle and involves:
  - a. Documenting the nature and extent of restrictions at each school.
  - b. Checking consistency between restrictions and associated traffic regulation orders (TROs).
  - c. Instructing small works to resolve issues such as incorrectly laid or worn markings, missing / inadequate signage.
  - d. Measuring vehicle movements and speeds outside of schools and reviewing data on collisions over the most recent 3-year period.

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<sup>1</sup> Not all schools have restrictions in place, or have parking issues.

<sup>2</sup> The period covers 126 school days, excluding holidays and training days.

- e. Developing improvement scheme proposals to address issues such as excessive speeds.
19. The Highways Integrated Programme has ring-fenced funding for 'Safer Routes to School' schemes. Priorities are (re)assessed yearly as part of the Highways Annual Plan process. Improvements schemes planned, in progress or completed since the Task Force report was published include:
- a. New waiting restrictions and 20mph zone, Alameda School, Station Road Ampthill.
  - b. New waiting restrictions and extension of 20 mph zone, Clipstone Brook and Leedon Lower Schools, Brooklands Drive, Highfield Road Leighton Buzzard.
  - c. New waiting restrictions and removal of guard railing, Leighton Middle School, Bridge Street Leighton Buzzard.
  - d. School Safety Zone, Greenleas School, Kestrel Way Leighton Buzzard.
  - e. Extension of 'School Keep Clear' markings and new waiting restrictions, Southcott Lower School, Bideford Green Leighton Buzzard.
  - f. School Safety Zone, Biggleswade Academy, Mead End Biggleswade.
  - g. Safety Camera installation and 'School Keep Clear' markings, Arnold Academy, Hexton Road Barton-Le-Clay.
  - h. New waiting restrictions and related measures, Greenfield School, Pulloxhill Road Greenfield.
  - i. Footway widening and shared use path provision, All Saints Academy, Houghton Road Houghton Regis.
  - j. Various measures, Silsoe Lower, Chestnut Way, Silsoe.
  - k. School Safety Zone, Roecroft Lower, Buttercup Road, Stotfold.
  - l. School Safety Zone, Cranfield Lower School, Braeburn Way, Cranfield
  - m. Cycle route enhancements, Etonbury School, Arlesey Road Stotfold.

### **Partnership working**

20. The requirement to agree a Travel Plan is a powerful mechanism for facilitating partnership working with those schools seeking a planning permission. However, once permission has been granted, there are few incentives for schools to follow up agreed actions. In the past, the authority has invested in a system that automatically prompts when milestones become due. However, this has proven too resource intensive to maintain. Issues are compounded where schools opt not to nominate a Travel Plan coordinator as a point of contact. Officers are of the view that Travel Plan responsibility should also be vested with the Governing Body.
21. The delivery of travel plan actions and the measurement of their efficacy are of considerable importance to the authority. When actions are not implemented, or prove ineffectual, this can undermine the soundness of the transport assessment on which the original development decision was predicated. Underperformance has cost and reputation implications for

the authority, particularly where the outcome is to add to delays on the local road network. This issue is equally applicable to the travel plans approved for commercial and residential developments.

22. For this reason, officers are keen to explore the possibility of making the publication of travel plan performance reports a condition of a planning approval. Performance reports would be required one year on from commencement and annually thereafter, ceasing on the five year anniversary following completion unless agreed otherwise.
23. Officers also propose that consideration be given to securing a bond to fund the compilation of travel plan performance reports for sites over a certain threshold, where these are not provided by the developer. Such funding would be held in escrow and could contribute towards the cost of additional mitigating measures should travel plan actions prove ineffectual.

### **Design principles**

24. It is part of the planning process to consider the design of school gate arrangements, including provision for school buses. The positioning of new school sites within a wider development is an important consideration, accepting there is a tension between opting for a central and highly accessible location and an edge site where land has a lower intrinsic value.



## Head teacher, parent and resident engagement

25. A high-performance school travel planning process is key to meeting aspirations for the effective engagement of head teachers, parents and governors in dealing with school-run related parking issues. This process is the vehicle for discussing staggered start times, walking buses, lift-sharing, park and stride schemes and other sustainable travel initiatives. Members may therefore be concerned that the authority's knowledge and expertise in this area is at risk of being lost.
26. It is also of concern that there is no readily available source of information for members on the number of residents' complaints and requests related to school-run parking. This is in most part because of the difficulty in collating the data given complaints are routed via multiple channels.
27. To address this issue, officers will in future ask residents to complete a request form when seeking measures to address parking pressures. As part of this procedure, members will be alerted to requests affecting roads in their ward. The proposed form for registering new requests is provided at Appendix C.

## Sustainable Modes of Travel Strategy

28. The Task Force report referenced the 'Education and Inspections Act 2006' (EIA 2006), which placed a general duty on local authorities to assess travel and transport needs of all pupils and to promote sustainable travel choices to children and young people of compulsory school age receiving their education in the local authority's area.
29. In 2011, the authority published its Sustainable Modes of Travel Strategy (SMoTS), providing the policy framework for discharging its statutory responsibility. It contained a vision of Central Bedfordshire as...
- "... a place where every school, college and other centre of education provision is easily accessible by sustainable modes. Every education provision will benefit from a network of walking and cycling and bus routes linking to nearby conurbations to make sustainable travel to schools and colleges a realistic alternative to the car, particularly for journeys of less than 5 miles."*
30. The document set out four elements for the promotion of sustainable school travel within Central Bedfordshire, namely:
- Assessment of the travel and transport needs of young children and young people.
  - Audit of the sustainable travel and transport infrastructure within the authority that might be used when travelling to, from or between schools/ institutions.

- c. Strategy to develop the sustainable travel and transport infrastructure within Central Bedfordshire so that the travel and transport needs of children and young people are better catered for.
- d. Promotion of sustainable travel and transport modes on the journey to, from and between schools and other institutions.

31. At the time the strategy's publication<sup>3</sup>, some 76.3% of pupils travelled by sustainable modes. As previously noted, this figure has since dropped to 67.6%, based on the latest available survey data.

32. What is unclear is the extent to which the increase in car use mode share is attributable to a rise in pupils travelling out of catchment rather than attitudinal or behavioural change. Members may therefore wish to endorse action to model the interaction of the various policies that impact individual travel behaviour choice. This work would inform a refresh of the SMoTS strategy as the guiding framework for the authority's investment in promoting sustainable travel choices.

### **Reason/s for recommendations**

33. It is appropriate that the Council periodically reviews its effectiveness in discharging its statutory responsibility to assess travel and transport needs of all pupils and to promote sustainable travel choices to children and young people of compulsory school age receiving their education in the local authority's area.

34. In response to members' concerns, the Task Force recommended a range of actions to mitigate school run-related parking pressures stemming from increased car use. Recommendations focused on strengthening the application of current measures and policy levers, including the consistent and robust enforcement of waiting restrictions. The Task Force report also called for the development of a closer working relationship between Council officers and schools to address current issues and to minimise their occurrence for new build or expanding schools.

35. Progress on delivering a number of the recommended actions has been made within the confines of available resources. A new Travel Plan Officer has recently been recruited and this should see further progress made.

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<sup>3</sup> Survey data collected in January 2010

## **Council Priorities**

36. Addressing parking pressures outside of schools directly addresses the Council's priority of Enhancing Central Bedfordshire and ensuring it is a 'Great Place'.

## **Legal Implications**

37. As was noted in the Task Force Report, The Highway Authority has a wide discretion as to the circumstances in which it can make new Traffic Regulation Orders. Whether new Orders are required will depend upon specific aims and individual site circumstances. All new orders involve a process of statutory consultation, the procedures for which are prescribed by regulation. Where restrictions are in place they can be enforced, subject to available resources.

## **Financial and Risk Implications**

38. The ability to progress several recommendations has been constrained by the loss of dedicated resources and restrictions on recruitment. This situation is likely to continue into 2018-19.

## **Equalities Implications**

39. The Traffic Management Act 2004 allows the authority to take any action which will contribute to more efficient use of its highway network including reducing congestion and other disruptions to the movement of traffic<sup>4</sup>. This action may involve the exercise of any power to regulate or coordinate the uses made of any road.
40. The duty this Act places on the authority is to 'make the best use of existing road for the benefit of all road users'. In performing its duty, the authority must at all times act fairly and without discrimination.

## **Conclusion and next Steps**

41. The Committee are asked to note that progress has been made and give consideration to:
- a. supporting a review and update of the authority's Sustainable Modes of Travel Strategy, in preparation for Issue 4 of the authority's Local Transport Plan.

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<sup>4</sup> 'Traffic' includes pedestrians as well as vehicles.

## **Appendices**

- Appendix A:** Executive Response to Overview and Scrutiny Enquiry on School Parking – Copy of Appendix 1
- Appendix B:** Schools Parking Patrols Report for 1 Jun 2017 to 31 August 2018
- Appendix C:** Proposed Parking Request Form

## **Report author(s):**

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## **Background Papers**

A – School parking Task Force Enquiry, Report  
<http://centralbeds.moderngov.co.uk/documents/s69452/170112%20Item%2014%20SC%20OSC%20Schools%20Parking%20Task%20Force%20report.pdf>

B – School Parking – recommendations from the Overview and Scrutiny Enquiry Executive, Report  
<http://centralbeds.moderngov.co.uk/documents/s71534/School%20Parking%200Recommendations%20from%20the%20Overview%20and%20Scrutiny%20Enquiry.pdf>

C – Executive Response to Overview Scrutiny Enquiry on School Parking - Report  
<http://centralbeds.moderngov.co.uk/documents/s72654/Executive%20Response%20to%20Overview%20Scrutiny%20Enquiry%20on%20School%20Parking.pdf>

D – Central Bedfordshire Sustainable Modes of Travel Strategy -  
[http://www.centralbedfordshire.gov.uk/Images/sustainable-modes-travel\\_tcm3-13388.pdf](http://www.centralbedfordshire.gov.uk/Images/sustainable-modes-travel_tcm3-13388.pdf)

## Appendix A

### Executive response in respect of Schools Parking Overview and Scrutiny Enquiry

Date received by Executive: **04/04/17**

Date of response to Executive: **20/06/17**

Executive Member(s) responsible for preparing response:

Cllr I Dalgarno

Ref	Recommendation of OSC enquiry	Is rec'n accepted?	Executive response including proposed action(s)	Lead Director(s)	Deadline
1.	RECOMMENDED that officers work closely and proactively with schools, taking into account current resources and staffing levels to regularly promote school travel plans and existing health programmes that encourage active and sustainable travel for children within catchment.	Existing practice	CBC has resource in place to support schools in the production of travel plans and works with school clusters to improve these outcomes.	J Longhurst	Ongoing
2.	RECOMMENDED that every school be encouraged to produce an active and regularly updated travel plan, maintaining the relationship with Council officers when providing travel data.	Existing practice	Schools are already encouraged to do so.	J Longhurst	Ongoing

Ref	Recommendation of OSC enquiry	Is rec'n accepted?	Executive response including proposed action(s)	Lead Director(s)	Deadline
3.	RECOMMENDED the production of a school's parking leaflet similar to that of a neighbouring authority with distribution electronically where possible to schools, parents and via the Council's website and social media outlets.	Existing practice	Road Safety Officers to review neighbouring authority leaflet and produce suitable copy to send out to all schools for electronic distribution by schools.	M Coiffait	Ongoing
4.	RECOMMENDED regular (termly) communication between Council Officers and Head Teachers, reinforcing the promotion of school travel plans and sustainable travel solutions.	Yes	Include details in the monthly education bulletin distributed to all schools and governors.	J Longhurst / S Harrison	Ongoing
5.	RECOMMENDED that the Council fully enforce inappropriate parking on yellow 'zig zags' which are placed along the entire frontage of all schools, ensuring they are always positioned to the maximum enforceable length.	Yes	CBC is funding and recruiting 4 additional parking officers and these will help support the enforcement of parking at schools. Highways layouts restrict the ability to enable the maximum length of zigzags to be implemented at all school locations. However, this needs to be done in line with available resources and against overall priorities. Zigzag lengths can be influenced by physical space and therefore might be shorter than the maximum allowed	M Coiffait	25/04/17

Ref	Recommendation of OSC enquiry	Is rec'n accepted?	Executive response including proposed action(s)	Lead Director(s)	Deadline
6.	RECOMMENDED that where parking restrictions exist, current measures are robustly deployed and enforced, taking into account existing resources.	Yes	Schools and councillors reinforce the issue by feeding back to CBC where restrictions exist but need support of the parking team. List as regular item in the Member Information bulletin.	M Coiffait	25/04/17
7.	RECOMMENDED that visible signage be displayed outside all schools where deemed necessary, prohibiting parking and waiting between the hours of approximately 8-9am and 3-4pm, acknowledging that individual schools may have differing opening times, taking into account the impact of any restrictions upon residents within the area and existing budget constraints.	No	Parking and waiting bans should be addressed through local decision making. With the removal of ANPR vehicles enforcement is now via mobile officers and is targeted.	M Coiffait	Not applicable
8.	RECOMMENDED the introduction of 20mph zones outside of new schools and existing schools, assessing the most appropriate radius to place them in.	Partially	CBC to make it policy for new schools to have 20 mph limits out side of them. On established schools whilst supportive of the principle we cannot make it policy and it is part of the local decision making process. This depends on the location of each school and the traffic flows around the area	M Coiffait	As appropriate

Ref	Recommendation of OSC enquiry	Is rec'n accepted?	Executive response including proposed action(s)	Lead Director(s)	Deadline
9.	RECOMMENDED that planning conditions already within the Council's remit be applied when considering school expansions and new builds, without the need to amend current policy.	Existing practice	This is already current practice.	J Longhurst	Ongoing
10.	RECOMMENDED that lower and primary schools be encouraged to allocate a designated member of staff to manage collection and drop off of children at the start and end of the school day.	Existing practice	This should be part of the school travel plan if appropriate and is the responsibility of schools.	J Longhurst	Ongoing
11.	RECOMMENDED that new schools and expansions include provision for school buses, access and turning wherever possible.	Existing practice	It is part of the planning process to consider school access as part of planning applications and where applicable would be included. This also part off individual school travel plans.	J Longhurst / S Harrison	Ongoing
12.	RECOMMENDED that schools promote a staggered start and finish time where a number of schools are in close proximity to one another in order to alleviate the pressure on parents needing to drop off children of differing ages to different schools.	Existing practice	School start and finish times are a local decision and the responsibility of the school. Commissioned new school places by the council already work with schools to ensure school days are managed to support parental pick up and relieve traffic congestion at peak times.	S Harrison	Ongoing



Ref	Recommendation of OSC enquiry	Is rec'n accepted?	Executive response including proposed action(s)	Lead Director(s)	Deadline
13.	RECOMMENDED that schools promote walking buses where practical, further strengthening schemes to encourage walking, cycling, scooting and other means of sustainable travel.	Yes	This is a local decision and should form part of the school travel plan.	J Longhurst / S Harrison	Ongoing
14.	RECOMMENDED that middle and upper schools be encouraged to work with local transport providers to facilitate subsidised travel for out of catchment children, where practical.	No	This is a local decision and not part of CBC's role.	M Coiffait/ S Harrison	Not applicable
15.	RECOMMENDED that schools work closely with catchment area children and parents to minimise as much as possible any unnecessary short distance car journeys, taking into account the time constraints faced by working parents.	Yes	This should form part of individual school travel plans.	J Longhurst / S Harrison	Ongoing

Ref	Recommendation of OSC enquiry	Is rec'n accepted?	Executive response including proposed action(s)	Lead Director(s)	Deadline
16.	RECOMMENDED that schools be encouraged to work closely with the local community in order to maximise shared resources including utilising village hall car parks, local supermarkets, park and stride solutions and liaison with parish councils in order to support improvements and closer partnership working.	Yes	CBC to produce best practice script to distribute to all schools to support development of school travel plans highlighting the value to local communities of having them in place. However, ultimately this is not a CBC negotiation but a local agreement between the school and local provider.	J Longhurst / S Harrison	31/03/18

## Appendix B

# Patrolled Schools - 8 month period from 1st June 17 - 31st January 18

				PCNS				
LOCATION	ROAD NAMES & SCHOOL	REQUESTED PATROL	VISITS	CODE 48	CODE 01	CODE 99	CODE 27	CODE 85
Area 1/2								
Caddington,	Five Oaks, Willowfield Lower	Y	4	1	2			
Dunstable,	Brewers Hill Road, Weatherfield School		4		6			
	Goreham Way, St. Christophers Lower	Y	8	3				
	Ridgeway Ave, Hillcrest Special		4	1				
	Beach Rd, Glenwood Special		2		2			
	Leighton Court, Ashton St. Peters		1					
	Canesworde Road/ Langdale Rd, Queensbury Academy	Y	2		4			
	Burr St, Icknield lower		33	19	31			
	Britain St, Priory Academy	Y	13	11	3			
	Bull Pond Lane, Watling Lower	Y	6	1	20			
	Lowther Rd, Hillyfields, Langdale Rd, Ardley Academy	Y	11	2	3	8		
	Lancot Drive, Lancot Academy		1		1			
	Westfield Rd, Beecroft Academy	Y	9		9			
	Goldstone Crescent, Willow Nursery & Hadrian Lower		1	1				

Toddington,	Park Road, Parkfields Middle		2	2	1		2	
	Manor Road, St. Georges Lower		4	1				
Houghton Regis,	Tithe Farm Road, Tithe Farm Lower		3	4	66	3	1	
	Grove Road, Thornhill Lower		6		3			
	Angels Lane, The Bedford Sq. Centre, Thomas Whitehead *	Y	8					52
	Houghton Road, All Saints Academy		5		16	1		
Slip End,	Rossway, Slip end Lower	Y	9	3	4			
Stanbridge	Tilsworth Road, Stanbridge Lower		1	1				

Area 3/4								
Leighton Buzzard,	Bideford Green & Soulbury Rd, Southcott Lower		1		1			
	Leopold Rd, Linslade Lower		15		23			
	Mentmore Rd, Cedars Upper		10	5	3			
	Poplar Close, Doverly Down Lower		13	1	1			
	Basset Road, Dogget St, Mary Basset Lower	Y	19	2	20		4	
	Judges Lane & Church Sq, Leighton middle		6	1	8			
	Brooklands Drive, Brooklands Ave, Brooklands Middle/Clipstone Brook Lower		20	1	4			
	Appenine Way, Gemini Close, Beaudesert Lower	Y	6					
	Highfield Rd, Leadon Lower		10	1	7			

Area 5/6								
Flitwick,	Kingsmoor Close, Easton Rd, Easton Close, Kingsmoor Lower		7		6			
	Kendal Drive, Malham Close, Kendal Lower/Woodland Middle School		15		11			
	Temple Way, Flitwick Lower	Y	2		5			

Amphill,	Station Rd, The Firs Lower	Y	8		21			
	Saunders Piece & Queens Rd, Russel Lower & Alameda Middle	Y	18		9			
Aspley Guise,	Weathercock Lane, Fullbrook Middle/Swallowfield Lower		3		2			
Husborne Crawley,	School Lane, Husborne Crawley Lower		1					
Maulden,	Amphill Rd, Church Rd, Silsoe Rd, Clophill Rd, Maulden Lower School		18	1	2	1		

Area 7/8/9								
Biggleswade,	The Baulk, The Lawns Nursery		1		23			
	Brunts Lane, St Andrews		4		25			
	Kitelands Rd, Biggleswade Academy		7					
Potton,	Mill Lane, Potton Middle School		1					
Sandy,	Kestral Way & Hawk Drive, Maple Tree Lower		4	3	1			
	Laburnham rd, Laburnham Lower		2					
	Dapifer Drive, Robert Peel Lower		14	1	1			
	Park Road, Sandye Place Academy		1		2		2	
Stotfold,	Stotfold Rd, Arlesey Rd, Eatonbury Middle		2	1	5			
	Rook Tree Lane, St Marys CofE		8	5			2	
Clifton,	Church St, All Saints Academy/ Woodlands Pre-school		2	2				
	Shefford Road, Samuel Whitbread Academy		2					

Arlesey,	High St, Gothic Mede Lower		2		2			
Blunham,	High St, St Johns	Y	12	1	3			
Upper Caldecote,	Manor Place, Caldecote Academy	Y	5	5				
Meppershall,	High St, CofE Academy	Y	8	3				
Shefford,	Bloomfield Drive, Robert Bloomfield Middle	Y	25	16	25			
Langford,	Church St, Langford Village Academy		1					

			VISITS	CODE 48	CODE 01	CODE 99	CODE 27	CODE 85
Totals			409	99	381	13	11	52
Average PCNs per visit								

NOTES:	
VISITS:	Visits to mean the location around the school was patrolled.
	Including adjacent roads where there are DYLS/SYLS, Dropped kerbs, Pedestrian Crossings
CODES:	<b>The following codes have been included as they have an impact on road safety.</b>
01	PARKED IN A RESTRICTED STREET AT PRESCRIBED HOURS (DYLS and SYLS)
27	PARKED ADJACENT TO A DROPPED FOOTWAY
48	IN A RESTRICTED AREA OUTSIDE A SCHOOL IN SCHOOL TERM TIME
85	<i>PARKED IN A PERMIT SPACE WITHOUT A VALID PERMIT (CAR PARK) *</i>
99	STOPPED ON PEDESTRIAN CROSSING OR ZIG ZAGS
*	<i>School is located at the end of a small road. Angels Lane - Thomas Whitehead</i>
	<i>They don't have a TRO for the school markings, however parents use the permit only car park next to the school to</i>

	<i>park. The road is very dangerous and busy with parked cars from residents on Angels Lane.</i>
	<i>CEOs often report foul language and abuse from drivers dropping off their kids to school.</i>
	<i>There is an adjacent road, Churchfield Rd, with an access alley to the school - some parents use this.</i>
<i>SYLs</i>	<i>Single Yellow Lines - time plates are different in each location and may be used to restrict parking around school times.</i>
<i>DYLs</i>	<i>Double Yellow Lines- 24/7</i>

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Appendix C

## Application Form - New Parking Restrictions

This document describes how to apply for a new parking restriction. All requests are assessed using the process set out below.

Please complete the attached form, describing your proposal with as much detail as possible. It helps your request if you can demonstrate support from:

- Neighbours / people living locally. The attached form will assist in canvassing support.
- Your local ward councillor(s).

Completed forms should be sent to:

**Post:** Traffic Management Team  
Bedfordshire Highways  
Thorn Turn  
Thorn Road  
Houghton Regis  
Dunstable LU5 6GJ

**Email:** [Traffic.consultation@centralbedfordshire.gov.uk](mailto:Traffic.consultation@centralbedfordshire.gov.uk)

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### **What happens next?**

- We check the information supplied is sufficient and send an acknowledgement.
- An officer investigates the request. This will often involve a site visit and a survey.
- The officer recommends whether the request should proceed, or be declined. Where a request is declined, we will explain why.
- We add a new scheme proposal to our rolling Highways Annual Plan, updated each autumn. For scheme proposals that are complex or involve residents' only parking, we calculate expected costs and benefits to help determine a relative priority.
- For schemes that require a Traffic Regulation Order (TRO), we draft a 'Public Notice' to explain the proposal.
- We advertise the proposal on our web site, in the local paper and by posting a notice in the street.
- Where there are objections to the proposal, we prepare a report to be considered at our Traffic Management Meeting.
- Where the proposal is approved to proceed, we instruct our highways contractor to install the necessary 'lines and signs'. At an agreed date, we start enforcement.

# Application Form

## New Parking Restrictions

Please use **BLOCK CAPITALS** when completing this form and send it to:

**Post:** Traffic Management Team  
Bedfordshire Highways  
Thorn Turn  
Thorn Road  
Houghton Regis  
Dunstable LU5 6GJ

**Email:** [Traffic.consultation@centralbedfordshire.gov.uk](mailto:Traffic.consultation@centralbedfordshire.gov.uk)

Applicant's name:

Address:

Postcode:

Email address:

Telephone no.:

Signature:

Please state which councillors(s) supports your proposal:

Councillor(s):

Ward:

Town:

Please describe the issue you wish to be resolved.

What is your proposed solution? *Please tick one box only.*

*Where a restriction is limited in duration, please complete 'proposed times of operation'.*

☐

**No Stopping at Any Time - School Keep Clear marking**

☐

**No Waiting at Any Time - double yellow line**

☐

**No Waiting during Specified Hours - single yellow line**

☐

**Parking for Residents only** *(Note: permit eligibility rules and charges will apply)*

☐

**No parking on verges and pavements**

☐

**Other – please specify**

**Proposed times of operation:**

**Days:**

Mon

☐

Tues

☐

Wed

☐

Thurs

☐

Fri

☐

Sat

☐

Sun

☐

**Hours:**

From

to

and from

to

**Supporting statement / sketch plan.**

**Evidence of local support**

*Please provide details of local support for your proposal.*

If you need assistance to complete this form, please contact the Traffic Management Team on 0300 300 <extn. no.>

*Data Protection Act: Please be advised that details all initial parking requests and the person making the request are kept on a computer database. Personal details are never revealed to other organisations.*

## Parking Restriction Request Petition Form

This request for parking restrictions is being collated by:

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Address on request form:

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Location:

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Type of scheme requested:

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By signing this form, you are giving support for the proposed parking restrictions as detailed on the attached request form. Only entries completed in full can be accepted.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

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## Central Bedfordshire Council

### SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE

Thursday, 15<sup>th</sup> March 2017

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#### Community Safety Partnership Priorities – 2018-19

Report of: Cllr Ian Dalgarno, Executive Member for Community Services  
(ian.dalgarno@centralbedfordshire.gov.uk)

Responsible Director: Marcel Coiffait,  
[Marcel.coiffait@centralbedfordshire.gov.uk](mailto:Marcel.coiffait@centralbedfordshire.gov.uk)

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#### Purpose of this report

1. To provide the committee with an update of the work of the Community Safety Partnership (CSP) in the last twelve months, update on the current CSP Priorities and to advise what is planned for the CSP in 2018-19.

#### RECOMMENDATIONS

The Executive or Committee is asked to:

1. To agree that the CSP should adopt two new emerging issues for 2018-19:  
County Lines  
Unauthorised Encampments.

#### Central Bedfordshire Community Safety Partnership Strategy 2016-2019

1. The Community Safety Partnership (CSP) brings together five responsible authorities; Bedfordshire Clinical Commissioning Group, Bedfordshire Fire and Rescue Service, Bedfordshire Police, Central Bedfordshire Council and Offender Management Services<sup>1</sup>. Within Central Bedfordshire we also work with partners from the Youth Offending Service, Public Health, Criminal Justice Sector, Adult Safeguarding, Children's Services and the Voluntary and Community Sector. Collectively these organisations work together with one aim – to make Central Bedfordshire a safer place to live and work.
2. Community Safety is an area of concern for all communities. It is consistently a high public priority, and one that can affect the quality of life for individuals and entire communities. Partnership approaches to tackling crime and

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<sup>1</sup> BeNCH Rehabilitation Company and the National Probation Service

disorder are largely built on the principle that no single agency can deal with, or be responsible for dealing with, complex community safety and crime problems.

3. Each CSP is required to produce a three year plan. This plan builds on the annual Partnership Strategic Assessment which provides an overview of the crime and disorder in the local area and identifies the priorities which the CSP will focus its efforts into addressing. The current CSP Strategy covers the period April 2016 – March 2019.

**Table 1 : CSP Priorities for 2016 – 2019**

Community Safety Partnership Priorities 2016 - 2019				
Priorities		Protecting the Vulnerable	Dealing with Domestic Abuse	Protecting our Communities
		Modern Day Slavery	BME	Anti-Social Behaviour - environmental
		Trafficking	Under 18's	Nuisance Motorcycles
		Prevent	Medium Risk	Street Drinking
		CSE		
Causal Drivers	Alcohol	✓	✓	✓
	Drugs	✓	✓	✓
	Mental Health	✓	✓	✓
	Young People	✓	✓	✓
	Open Spaces	✓		✓
Community Priority				✓

### CSP Achievements in 2018-2019

- 4 A Pan-Bedfordshire Modern Day Slavery (MDS) Co-ordinator, funded by the Office of the Police and Crime Commissioner (OPCC), was appointed and sits within Bedfordshire Police. This post is developing a Pan-Bedfordshire MDS Strategy and Action Plan.
- 5 Through OPCC funding, approximately 1000 front line staff, across the partnership, attended MDS awareness training. This training was delivered by a leading national charity; Unseen<sup>2</sup>.
- 6 The Prevent Group have reviewed and updated Central Bedfordshire Council's (CBC) Prevent Protocol, increased communications, reviewed CBCs venue hire policy and carried out a Learning Needs Assessment of CBCs staff.

<sup>2</sup> <https://www.unseenuk.org/>

- 7 The CSP is working closely with Bedford Borough Council and Luton Borough Council to develop Pan-Bedfordshire responses. Pan Bedfordshire options are being progressed for both Prevent and Violence Against Women and Girls (VAWG).
- 8 Intelligence workshops were delivered; these explained the intelligence process, its importance and submission process. This year has seen an increase in intelligence submissions to Bedfordshire Police from Central Bedfordshire Council and partners.
- 9 The Bedfordshire Domestic Abuse Partnership (BDAP) website was updated and relaunched – there was a 156% (896) increase in visitors compared to the previous 12 months. BDAP also launched on social media, and saw their messages reach over 40,000 Facebook and Twitter accounts.
- 10 The Domestic Abuse Champion scheme continued to be promoted and training delivered. Champions received a number of training sessions free of charge, this enabled them to be a “champion” in their team, to assist with risk assessments and to signpost their colleagues to support services for victims. There were approximately 60 trained champions.
- 11 The CSP supported Stepping Stones<sup>3</sup> (a local women’s charity) with a Tampon Tax grant application. This grant was successful, with £270,000 awarded to provide an outreach search to victims of domestic abuse in Central Bedfordshire. The “Stepping Out<sup>4</sup>” Service is now up and running and embedded in CBCs Children’s Services.
- 12 A grant was submitted to the Department for Communities and Local Government (DCLG) – a £134,000 grant was awarded to support domestic abuse victims who wish to leave their relationship but are unable to access current refuge provision.
- 13 The two-tier domestic abuse training programme continued, with over 150 professionals attending. The Domestic Abuse Team also delivered basic awareness training to over 150 General Practitioners (GP).
- 14 From 1<sup>st</sup> September 2017 the Domestic Abuse Team was moved from Community Safety and now sits within Children’s Services. Although the CSP will continue to have domestic abuse as a priority, the work within CBC will be lead by our colleagues in Children’s Services.
- 15 Bedfordshire Police continues to run Operation Meteor, the policing response to nuisance motorcycles. They have invested in a number of off-road bikes to improve their effectiveness in dealing with this issue.

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<sup>3</sup> <http://www.steppingstonesluton.co.uk/>

<sup>4</sup> 1-1 support, advice and advocacy for victims of domestic and sexual abuse

16 321 fly-tipping cases were reported to the Community Safety Operation Team between 1<sup>st</sup> February 2017 – 31<sup>st</sup> January 2018, these being fly-tips with evidence or those on private lane. These cases resulted in:

- 6 Fixed Penalty Notices (FPN) issued for failure to produce waste transfer notes
- 4 FPNs for failure to produce waste carriers licence
- 11 FPNs for small scale fly-tipping
- 5 successful prosecutions for fly-tipping
- 4 successful prosecutions for duty of care
- 1 successful prosecution for failing to respond to section 108 request for information regarding fly-tipping
- 4 files with Legal for fly-tipping (awaiting court dates)
- 2 files with Legal for failing to respond to section 108
- 1 file with Legal for breach of Community Protection Notice (CPN) – failure to clear land
- 4 warrants for arrest for failing to attend court for fly-tipping offences

17 A judge ordered that a fly tippers vehicle was crushed following a successful prosecution. A member of the public reported the fly-tipping incident and took the vehicle registration. Enquiries to the DVLA provided the owners details and a case was built. The court awarded a fine and for the vehicle to be crushed.

18 An Environmental Protection Officer in the Community Safety Operations Team was recently awarded an award from Keep Britain Tidy for “Excellence in Enforcement”.

19 The Environmental Protection Team is working closely with Bedford Borough Council and Luton Borough Council, through the Pan Beds Fly-Tipping Group, to work in partnership to reduce fly-tipping across the whole of Bedfordshire.

20 The Anti-Social Behaviour Team has issued a number of Community Protection Notices on persistent street drinkers and are currently progressing an injunction with barristers which if passed would provide increased enforcement options, including the banning of a number of persistent street drinkers from certain Town Centres.

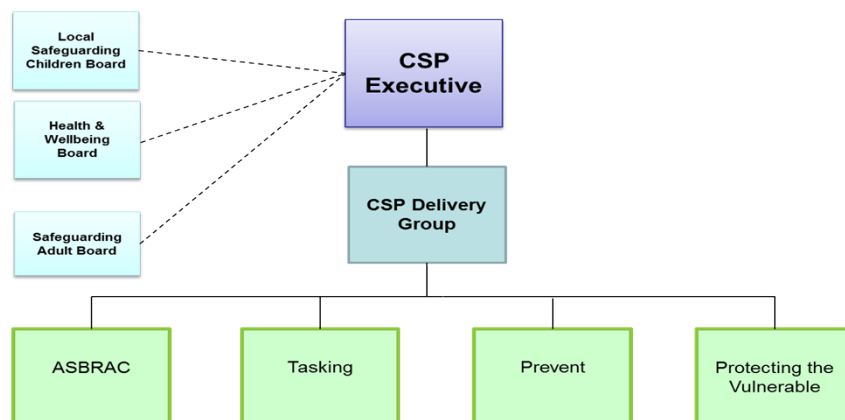
21 Biggleswade’s Community Alcohol Partnership (CAP) continues to run and is due to be evaluated by the end of March 2018. First indications show that there has been a reduction of street drinking in Biggleswade.

## **CSP Review**

22 In Q3 2017-18 the CSP structure was reviewed, looking for opportunities for improvement and increased efficiency. The review recommendations were taken to the CSP Executive in December 2017 and the following was agreed:

- 23 Revised meeting structure to be implemented – reducing the number of meetings, reviewing attendance and ensuring groups are coordinated to the current CSP priorities

**Diagram 1: Revised CSP meeting structure**



- 24 The CSP would be branded to help to increase its profile, especially with the community. The re-branding would include a CSP website, social media and a multi-agency communication plan.
- 25 A new CSP Performance Report to be produced, with an aim to increase data provided from the wider partnership.

### **Plans for 2018-2019**

- 26 Implementation of the recommendations from the CSP review – new meeting structure, branding and revised performance report.
- 27 Following an analytical review it was confirmed that the priorities should not change for 2018-19. It was recommended that there were two emerging issues which the CSP need to focus effort on in 2018-19; unauthorised encampments and ‘County Lines’<sup>5</sup>.
- 28 Review and implement the CSP recommendations from the Home Office’s Serious Youth Violence review once published.
- 29 Implement the recommendations in the Local Government Association’s “Tackling Modern Slavery – A Council Guide”.
- 30 Increasing community engagement – rebranding, website, social media and community events.

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<sup>5</sup> County Lines – Drug dealers from other towns and cities, predominantly London, travelling to the area and establishing a drug dealer network, often using young people.

- 31 Further training for CBC staff & partners, including Prevent, MDS and Intelligence.
- 32 Continued partnership communications on key issues such as Prevent, MDS and CSE to continue to raise awareness, encourage information and intelligence sharing and signposting to suitable support services.
- 33 MDS 'Train the Trainer' programme to be delivered to key professionals in a variety of service areas, training to then be cascaded to teams.
- 34 Development of a Pan Bedfordshire 'Violence against Women & Girls' strategy.
- 35 The development of a CBC procedure for the seizure of vehicles used in fly-tipping.
- 36 To increase the use of Section 108<sup>6</sup> to obtain vital information from businesses and individuals to further investigations in to fly-tipping
- 37 Develop the use of Community Protection Notices (CPN) for landlords and agents of areas where waste is a constant problem, especially where there is a high turnover of tenants, making them responsible for maintaining the land.
- 38 CBCs Unauthorised Encampment Enforcement Officer will be the single point of contact for members of the public. This officer will provide a community approach to dealing with encampments, taking into account the needs of travellers along with the impact on the community.
- 39 Continue work on an application for an injunction to prevent named individuals from unlawfully camping in CBC and to protect specific parcels of land from encampments. This will primarily be for the villages along the B4012, A5007 and C94 from Ridgmont to Marston Moretaine. Once achieved further injunctions will be progressed in the Houghton Regis and Woodside link area.
- 40 Target hardening against unauthorised encampments will continue, with ongoing projects currently for Go Bowling and Grove Theatre Car Parks in Dunstable.

## **Council Priorities**

- 41 The CSP has a statutory duty to work with partners to reduce crime and disorder in Central Bedfordshire. Working towards the priorities with an aim to enhance Central Bedfordshire; making it a safer place to live and work. We

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<sup>6</sup> Section 108 of the Environment Act 1995 – can compel suspects/persons to attend interviews or answer questions in relation to waste offences.

aim to work with the community to deliver on their priorities and to keep them informed and in turn increase public confidence.

- 42 The CSP continues to look for opportunities to increase effectiveness and efficiency and to deliver value for money. In the next twelve months the CSP will continue to work closely with the other two local authority areas in Bedfordshire and look for opportunities to align processes and increase efficiency and reduce demand.
- 43 The new “Protecting the Vulnerable” group’s aim is to create a multi agency group working on those areas which affect some of the most vulnerable individuals in our area.

### **Corporate Implications**

- 44 None

### **Legal Implications**

- 45 The CSP has a statutory Duty under the Crime and Disorder Act 1998 to:
- Set up a strategic group to direct the work of the partnership
  - Regularly engage and consult with the community about their priorities and progress achieving them
  - Produce an annual strategic assessment
  - Set out a partnership plan and monitor progress
  - Commission domestic violence homicide reviews

### **Equalities Implications**

- 46 The Equality Act 2010 applies to public and private sector bodies and replaced previous anti discrimination laws. The aim of the legislation is to ensure services are available to all sections of society, in relation to the following protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 47 The CSP Strategy sits alongside an Equalities Impact Assessment which has been produced with support from CBCs Community Intelligence Manager, this ensures that those with protected characteristics are

considered in all pieces of work. The CSPs current priorities all focus on those who may be marginalised and with a specific focus on those with protected characteristics.

## **Conclusion and next Steps**

- 48 The CSP has made significant strides in 2017-18, however, with such complex priorities further work will always be needed. The CSPs focus in 2018-19 will be implementing the recommendations from the CSP review and developing the Protecting the Vulnerable Group, ensuring that effective multi-agency work continues to protect the most vulnerable members of the CBCs population.
- 49 Continued research and analysis is needed to understand the two new emerging issues in Central Bedfordshire, Unauthorised Encampments and County Lines. To understand why such a significant increase was seen in unauthorised encampments in the last 12 months and to identify to long term solutions to this issue. To understand the impact of County Lines on Central Bedfordshire, those involved, those impacted and to look for prevention, supportive and enforcement solutions.

## **Appendices**

**None**

## **Report author(s):**

Lisa Scott, Community Safety Strategy Officer, Community Safety  
[lisa.scott@centralbedfordshire.gov.uk](mailto:lisa.scott@centralbedfordshire.gov.uk)



**Central Bedfordshire Council**

**SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE**

**15 March 2018**

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**Work Programme & Executive Forward Plan**

Advising Officer: Rebecca Preen Scrutiny Policy Adviser  
rebecca.preen@centralbedfordshire.gov.uk

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**Purpose of this report**

The report provides Members with details of the currently drafted Committee work programme and the latest Executive Forward Plan.

**RECOMMENDATIONS**

The Committee is asked to:

1. Consider and approve the work programme attached, subject to any further amendments it may wish to make;
2. Consider the Executive Forward Plan; and
3. Consider whether it wishes to suggest any further items for the work programme and/or establish any enquiries to assist it in reviewing specific items.

**Overview and Scrutiny Work Programme**

1. During 2016/17 Members have been invited to share their experiences of the overview and scrutiny process and make suggestions to the Overview and Scrutiny Coordination Panel (OSCP) on future ways of working. This feedback was subsequently considered by the OSCP who resolved to encourage the OSCs to apply the following principles for ways of working:-
  - a. activity be led by the OSCs and residents as well as the Executive Forward Plan;
  - b. more policy development activity be undertaken through the exploration of proposals and principles at the earliest opportunity of commencement of strategy development;
  - c. shorter more focused agendas through prioritisation of items that add value and enable outcomes; and
  - d. create more time for Members outside of formal meetings in addition to providing more opportunity to brief Members informally on some topics.
2. In addition, the OSCP agreed that given the current experience with regard quarterly performance and budget reports a trial should be

undertaken whereby these reports will only be received by the Corporate Resources OSC from April onwards. This trial will enable Members to determine whether this approach provides greater focus on these aspects of scrutiny. All Members will be able to request an item to be added to the agenda of any the OSCs on aspects of budget or performance. The Corporate Resources OSC will also be able to refer matters to the relevant OSC for a 'deep-dive' of any topic if there is a particular concern.

3. The Committee is requested to consider the work programme and the indicated outcomes at **appendix 1** and to amend or add to it as necessary.
4. In considering which items should be added to the work programme Members are encouraged to minimise duplication, focus on those items that have been requested by residents and the committee and to focus on those items where Members can add value.
5. The work programme aims to provide a balance of those items on which the Executive would be grateful for a steer in addition to those items that the Overview and Scrutiny Committee (OSC) wishes to proactively scrutinise.

### **Overview and Scrutiny Task Forces**

6. In addition to consideration of the work programme, Members may also wish to consider how each item will be reviewed, i.e. by the Committee itself (over one or a number of Committee meetings) or by establishing a Member Task Force to review an item in greater depth and report back its findings.

### **Executive Forward Plan**

7. Listed below are those items relating specifically to this Committee's terms of reference contained in the latest version of the Executive Forward Plan. The full Executive Forward Plan can be viewed on the Council's website at the link at the end of this report.

Item	Indicative Exec Meeting date
Waste Collection & Street Cleansing - Service Design and Delivery Method	10 May 2018 (Special Meeting)
Non Key Decisions	Indicative Exec Meeting date
None at present	

## **Corporate Implications**

8. The work programme of the Sustainable Communities Overview & Scrutiny Committee will contribute indirectly to all 5 Council priorities. Whilst there are no direct implications arising from this report the implications of proposals will be details in full in each report submitted to the Committee.

## **Conclusion and next Steps**

9. Members are requested to consider and agree the attached work programme, subject to any further amendment/additions they may wish to make and highlight those items within it where they may wish to establish a Task Force to assist the Committee in its work. This will allow officers to plan accordingly but will not preclude further items being added during the course of the year if Members so wish and capacity exists.

## **Appendices**

**Appendix A:** Sustainable Communities OSC work programme.

## **Background Papers**

Executive Forward Plan (can be viewed at any time on the Council's website) at the following link:-

<http://centralbeds.moderngov.co.uk/mgListPlans.aspx?RPId=577&RD=0>

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## Appendix A – SC OSC Work Programme 2018/19

OSC Date	Report Title	Outcomes we are seeking to achieve
24 April 2018 (special OSC)	Waste collection contract	To receive a report following the outcome of a public consultation on the new waste collection contract
24 April 2018 (special OSC)	Police Performance Update	To discuss with the Police and Crime Commissioner and senior officers within the Force, progress made following the 2017 HMIC report
24 May 2018	Highways performance update	To receive an update on the highways improvement plan delivered at an earlier meeting
12 July 2018	Well Managed Highways Policy	To receive a report in relation to managed highways and the asset management strategy
July/September 2018	Parking Management strategy	To receive a progress update on the parking management strategy
TBC	Regeneration of Dunstable High Street	To consider the timetable of proposals in relation to the regeneration of Dunstable High Street

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