

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE** held in Room 15, Priory House, Monks Walk, Shefford on Tuesday, 4 August 2009

PRESENT

Cllr J N Young (Chairman)
Cllr A R Bastable (Vice-Chairman)

Cllrs D J Gale
Mrs R B Gammons
J Kane
Ms C Maudlin

Cllrs Mrs M Mustoe
P Snelling
P Williams

Members in Attendance: Cllrs J G Jamieson (Chairman of Corporate Resources O&S Committee)
K C Matthews (Portfolio Holder for Economic Growth and Regeneration)
A A J Rogers
J Street
Mrs C Turner
Mrs P E Turner MBE (Leader of the Council)
B Wells (Assistant Portfolio Holder for Safer and Stronger Communities)

Officers in Attendance: Mr G Alderson – Director of Sustainable Communities
Mr A Aldridge – Project Manager Luton Dunstable Busway (Luton Borough Council)
Mr D Buck – Senior Strategic Infrastructure Officer
Mr B Carter – Overview & Scrutiny Manager
Mr B Jackson – Assistant Director Highways and Transport
Mr L Manning – Democratic Services Officer
Mr J Partridge – Overview & Scrutiny Officer
Mr R Pope – Senior Project Manager - Highways
Mr T Saunders – Assistant Director Planning and Development Strategy
Ms S Wileman – Service Improvement Manager

SCOSC/09/9 Minutes

RESOLVED

that the Minutes of the meeting of the Sustainable Communities Overview and Scrutiny Committee held on 7 July 2009 be confirmed and signed by the Chairman as a correct record.

SCOSC/09/10 **Members' Interests**

(a) **Personal Interests:-**

None notified.

(b) **Personal and Prejudicial Interests:-**

None notified.

(c) **Prior Local Council Consideration of Applications:-**

None notified.

SCOSC/09/11 **Chairman's Announcements and Communications**

None.

SCOSC/09/12 **Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

SCOSC/09/13 **Questions, Statements or Deputations**

No questions, statements or deputations from members of the public were received in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

SCOSC/09/14 **Call-In**

No matters were referred to the Committee for a decision in relation to the call-in of a decision.

SCOSC/09/15 **Requested Items**

No items were referred to the Committee for consideration at the request of a Member under Procedure Rule 3.1 of Part D2 of the Constitution.

SCOSC/09/16 **The Overview and Scrutiny Process for Dealing with Preparation of the Local Development Framework (LDF)**

The Committee considered a report by the Assistant Director Planning and Development Strategy which asked Members to consider whether or not it wished to appoint a specific sub group, in the form of a Task Force, to deal with or assist in the preparation of Central Bedfordshire Local Development Frameworks (LDFs).

The report set out various issues for the Committee to discuss when considering whether or not a Task Force should be set up. The report also set out the following four options for the Committee to examine:

- 1 Do not set up a Task Force. Instead the Sustainable Communities O&S Committee would consider all LDF policy preparation.
- 2 The Committee would oversee LDF matters but delegate its role for detailed LDF preparation to a Task Force, with the Task Force reporting progress periodically (every 4-6 months) to the Committee.
- 3 The Committee would consider all strategic LDF policy preparation but delegate consideration of non-strategic business to a Task Force.
- 4 The Committee would consider all strategic LDF policy preparation but delegate consideration of non-strategic business to a Task Force. In addition the Task Force's remit would be widened so that it also gave detailed consideration to other associated non-strategic policy documents such as action plans and sub-strategies which delivered key policies of the Local Transport Plan and Housing Strategy and enabled an integrated approach to managing growth effectively.

The meeting was reminded that the Luton and South Bedfordshire Joint Committee had responsibility for the preparation of a joint LDF for the geographical area of Luton and the former South Bedfordshire. The meeting also noted that, under the present arrangements, the Sustainable Communities Overview and Scrutiny Committee would assist the Council in responding to the Joint Committee's consultations. However, the Portfolio Holder wished to see the Council give the Joint Committee some direction by seeking to influence consultations prior to their publication.

Following discussion the meeting stated that it favoured the creation of a Task Force. The meeting was aware that Sustainable Communities Overview and Scrutiny Committee meetings were normally held in public and the Chairman confirmed that all Gypsy and Traveller site allocation items received by the Committee would be held in public session. However, at Task Force meetings (including the LDF Task Force) public attendance was by invitation and was at the discretion of its Chairman. These would normally not be public meetings. It was also suggested that residents should put their issues through the local Councillor.

The Committee acknowledged that the members of the Task Force would be required to make a substantial contribution to the work of that body. The Chairman added that the Task Force would need to be able to meet on a regular basis with additional meetings held, sometimes at short notice, to prevent slippage. It was also commented that Members appointed to the Task Force should generally represent the whole Central Bedfordshire area and the membership should include at least one new Member of the Authority.

RESOLVED

- 1 that Option 4, as set out in the report of the Assistant Director Planning and Development Strategy, be adopted and that consideration of non-strategic matters in relation to the Local Development Framework and Local Transport Plan policy preparation be delegated to a Task Force (which would also give detailed consideration to other non-strategic policy documents such as action plans and sub-strategies which deliver key policies of the Housing Strategy and Local Transport Plan) whilst the Sustainable Communities Overview and Scrutiny Committee maintains responsibility for consideration of strategic matters in relation to the above.**
- 2 that the membership of the Task Force be drawn from all non-Executive Members of the Council, including Assistant Portfolio Holders, subject to their responsibilities not being reflected in the remit of the Task Force.**
- 3 that the Chairman and Vice-Chairman of the Committee and the Chairman of the Task Force consider and decide upon all applications for membership of the Task Force having regard to a Member's knowledge and understanding of the Core Strategy documents.**
- 4 that the membership of the task force total 8-10, including the Task Force Chairman, and that, given the knowledge and application required and the need to attend training sessions on Task Force matters, named substitutes be required.**
- 5 that Councillor Snelling be elected Chairman of the Task Force for the current Municipal Year.**
- 6 that where appropriate, and if possible, meetings of both the Committee and the Task Force be held at local venues.**
- 7 that detailed policy be signed off by the Sustainable Communities O&S Committee's Chairman in consultation with its Vice-Chairman and the Chairman of the Task Force to prevent the need for the Committee to consider the policy for a second time if the Task Force's conclusions were viewed by the Chairman as non-controversial or not needing further consideration.**
- 8 that, with regard to this Committee's role in relation to the work of the Luton and South Bedfordshire Joint Committee, the Committee respond to formal consultations published by the former which are considered to be controversial or strategic, whilst all non-controversial or non-strategic consultations are to be considered by the Task Force.**

SCOSC/09/17 Luton Dunstable Busway

The Committee considered an urgent report by the Director of Sustainable Communities which asked Members to consider the content of a report to the August meeting of the Executive seeking a decision on whether or not to approve the principle of advanced funding for advanced works for the Luton Dunstable Busway scheme.

The meeting noted that meetings with the tendering companies for the Busway scheme had highlighted an issue regarding site clearance. Contrary to the advice given by the Councils' consultants during tender preparation the tenderers' proposed programmes of works were based upon the assumption that they could undertake site clearance before the start of the bird breeding season in late February/early March. However, due to the time taken to process the tenders, which were due to be received on 23 September, and secure Department for Transport (DfT) approval the award of the contract was not likely to be made before February 2010. This was unlikely to give sufficient time for the chosen contractor to undertake site clearance work before the start of the bird breeding season leading to a delay of 8-9 months before the end of the season and earthworks could commence.

The resulting delay would have implications on the contractor's programme and, therefore, scheme cost, and this would also raise concerns for Luton Borough and Central Bedfordshire Councils as they needed to maximise expenditure in 2009/10 and meet the Regional Funding Allocation profiled for the scheme.

The report to the Executive gave two options: the first being to inform the tenderers that site clearance could not take place until early 2010, whilst the second proposed an unsecured loan being given to the scheme to fund the site clearance works in January 2010. The loan would be repaid by the government following the DfT's approval of the Busway.

The Committee noted that the total estimated cost of the works to be between £170k-£300k which included an element for contingency purposes. The loan, if agreed, would be equally divided between the two Councils at a cost of up to £180k for each authority.

However, concern was expressed by some Members that should the government fail to approve the scheme both Councils could incur a substantial loss and, as a result, the Committee had serious concerns regarding the provision of an unsecured loan to fund the clearance works.

In response the officers explained that they were exploring the possibility of reducing the financial impact by using slippage from other government programmes such as Growth Area Fund 3 (GAF 3) monies. The officers confirmed that any money taken from GAF 3 would be repaid as soon as government funding was received. Members requested that they be made aware of any specific projects receiving GAF 3 that might suffer as a result of any monies being allocated to the Busway scheme.

The officers further stated that any delay in starting the Busway scheme would put access to government funding at risk. A Member queried why, if the total cost of the works was government funded, that the government did not advance some form of funding to pay for the clearance works. However the officers advised that the DfT had refused to do so on the basis that this would not conform to its procurement regulations. The two local authorities had, therefore, been passed the responsibility of providing the tenderers with certainty regarding the works' timetable.

RECOMMENDED to Executive

That a sum of £180k be made available as an unsecured loan to provide advanced funding towards the costs of site clearance works for the Luton Dunstable Busway scheme.

SCOSC/09/18 Highways Maintenance Programme 2010-2011

The Committee received a report by the Director of Sustainable Communities which sought Members' views on a strategy adopted for developing a five year forward programme of highways maintenance and improvement works. The aim of the strategy was, through consultation, to ensure that budgets and work programmes were managed in a way which developed the Council's highways priorities at best value.

As a part of the above Members' views were sought on the proportion of the highways budget allocated to the Parish Partnership Scheme (PPS) which currently stood at £0.64 million or 5% of the £13.8 million capital budget for highways. The meeting noted that the PPS provided funds to town and parish councils to allow them to contribute towards schemes they wished to see progressed but which would not normally receive priority in the forward programme. The officers explained that the apportionment of £0.64 million between the town and parish councils was made according to the length of public road to be found within the town or parish boundary. It was further explained that this system had been used by Bedfordshire County Council and inherited by Central Bedfordshire from the legacy authority.

In response to a Member's query the meeting was advised that, originally, the funds could be used for any highways related purpose but the criteria had since been more closely defined and the funding was now used for improvements to existing assets.

A Member emphasised the importance of the PPS funding. He also stated that, contrary to the officer's report, he did not believe an increase in the funding level would divert resources to such an extent that it would have an adverse influence on the Council's own priorities and targets. Another Member also suggested the funding level be increased to enable schemes with strong local support to be implemented. She referred to schemes included within the five year plan which had repeatedly failed to come to fruition due to slippage. In response the officers explained that the schemes were within a rolling programme based on criteria within the Local Transport Plan. However,

Members were also required to inform the officers what schemes they felt should be added to the programme.

In response to a further query the officers explained that it was not being suggested by them that the PPS be altered. The report had been placed before Members to provide them with an opportunity, should they so wish, to review a scheme which had been inherited from another authority.

RECOMMENDED to Executive

that the strategy for developing a five year forward programme of highway maintenance and improvement works in Central Bedfordshire be endorsed subject to the following:

- a) **that although the consultation process is sufficient Members should be reminded that it is critically important that they take up the opportunities offered to them to be involved in all stages of the process, particularly regarding their own area.**
- b) **that a Member Advisory Group be established for consultation on the proposed programme of highway works.**
- c) **that the Group be composed of the following members of the Committee:**

**Cllrs Bastable
Gale
Kane
Ms Maudlin
Williams**
- d) **that the proportion of the capital budget set aside for Parish Partnership Scheme (PPS) funding be set at 5% or no less than £650k whichever is the higher.**

RESOLVED

- 1 **that information be circulated to all Members outlining the criteria currently used to allocate funds under the Parish Partnership Scheme and that the amount of road within each town and parish be expressed in % terms rather than just monetary terms, together with the type of works permitted under the Scheme.**
- 2 **that during the creation of the programme of highways maintenance and improvement works officers research the level of funding made available by other by other local authorities together with any best practice in this area.**
- 3 **that the officers investigate and establish what mechanism exists to allow town and parish councils to enhance a Central**

Bedfordshire highways scheme by contributing their own funding towards it.

SCOSC/09/19 Strategy for Managing Highways Lighting

The Committee considered a report by the Director of Sustainable Communities which sought Members' views on a proposed strategy for managing the Authority's highways lighting. The aim of the strategy was to provide the level of service that people expected in a sustainable way by:

- saving on energy costs.
- reducing the cost of capital renewals by adopting new local street lighting standards aimed at reducing the luminance levels, and therefore the number of lighting columns where it was safe to do so.
- applying similar lighting standards to new developments through the planning approvals process to reduce future energy, maintenance and renewal liabilities
- reducing energy consumption to meet the Council's Carbon Reduction Commitment (CRC)

The meeting noted that, to prevent an increase in crime and disorder or the fear of crime as a result of reducing or removing lighting, consultation would take place both internally and externally with partner organisations to ensure that only suitable areas were selected.

The Committee further noted that two sites, one in Flitwick and one in Dunstable, had been selected to pilot elements of the strategy including the installation of LED white light units. The pilots were timetabled to begin in Flitwick in August and in Dunstable in September.

The meeting was aware that the report included, as an appendix, a document entitled 'Central Bedfordshire Council Lighting Report' which contained a more detailed summary of the proposed lighting strategy.

Full discussion then took place during which Members raised a number of queries. In response to these the officers responded that:

- the possible use of solar power as an energy source had been examined but it was evident that the technology was not yet sufficiently advanced for highways lighting use.
- some people in rural communities complained of the light pollution in the countryside caused by the existing levels and type of street lighting.
- accident and crime 'hotspots' would not see a reduction in lighting standards.
- lighting standards would be determined by local needs.
- LED lanterns were brighter and more directional in their lighting output and the contrast between light and dark could give rise to temporary visibility problems as peoples' eyes adjusted. However, this problem could be overcome by reducing the levels of brightness whilst still retaining acceptable levels of visibility.

- reflective materials would be used where the de-illumination of signs and bollards took place.
- there was no direct mention of Health and Safety issues arising from the condition of the lighting columns in the report but there was reference to their general age, that a number had been in service between 25-40 years and that these would be the first to be replaced.
- parish council highways lighting was not included in the strategy. However, this matter could be raised for consideration during the consultation procedure.
- a heritage version of the LED lanterns was available for use in conservation areas.

The Chairman stated that he had been impressed by the LED lanterns. Although the light emitted was more focused, leaving some areas such as front gardens in darkness, which some people felt could encourage burglars, this could be overcome by using dedicated lighting. In addition, the meeting noted that there had been a positive response by residents to the proposed use of the new technology and many had wished to see the new lights erected in their area.

The Chairman then queried the necessity for lengthy consultation regarding the introduction of new lighting technology given that cities such as Manchester and Sheffield had already undertaken this process with their residents and it should be possible to contact these authorities to establish what views and concerns, if any, had been expressed. He also queried why it was necessary to delay the introduction of this technology in new developments as there were no existing residents to consult. In response the Assistant Director explained that the new technology had not been widely tested and it was felt that, because the lanterns gave out a brighter light, it was necessary to consult with the public and secure their support for the new technology.

Another Member referred to a major trial in Buckinghamshire which involved a reduction in the number of hours that street lights were in operation and asked that the officers secure feedback on the results.

RECOMMENDED to Executive

that the proposed strategy for the management of highways lighting in Central Bedfordshire be endorsed subject to the following:

- a) that all new developments within Central Bedfordshire be constructed using LED lanterns.***
- b) that the Director of Sustainable Communities seek feedback from other local authorities such as Buckinghamshire County Council to establish what the impact of the introduction of new technology and de-illumination schemes had been in order to determine the potential benefits to the Council of implementing such schemes locally with a view to minimising the need for pilot schemes in Central Bedfordshire.***

- c) ***that in view of the environmental and economic benefits the Committee would wish to see the introduction of LED lighting technology throughout Central Bedfordshire as quickly as possible.***
- d) ***that the Director of Sustainable Communities investigates whether it would be necessary to use 30 mph signage in urban areas to replace street lighting removed through the introduction of a de-illumination scheme.***

SCOSC/09/20 Sustainable Communities Overview and Scrutiny Committee Work Programme

Arising out of a decision at the last meeting of the Committee (minute SCOSC/09/7 refers) the meeting considered a draft Work Programme for the 2009-10 municipal year and beyond. The Overview and Scrutiny Manager reminded Members that the Programme content would now need to be revised to take account of the Committee's earlier decision to establish a Task Force to consider the non strategic items within the Programme.

The Chairman referred to the Development of a Congestion Strategy, which was due to be considered at the Committee's next meeting, and asked that the report on parking be circulated to Members as soon as it was possible. He emphasised that all aspects of parking would be covered. The Director of Sustainable Communities explained that the next meeting would not be considering a strategy as such but the development of a strategy.

Turning to the possible establishment of any further Task Forces the Director stated that, given the decision to establish the LDF Task Force and Member Advisory Group earlier in the meeting, it would be appropriate to defer this matter until the Work Programme was revised.

RESOLVED

- 1** ***that the Overview and Scrutiny Officer revise the Committee's draft Work Programme by removing those items which are to be considered by the Task Force.***
- 2** ***that the Overview and Scrutiny Officer resubmit the revised draft Work Programme to the next meeting of the Committee for approval and adoption.***

SCOSC/09/21 Executive Forward Plan

The Committee considered the Executive Forward Plan for the period 1 August 2009 to 31 July 2010.

NOTED

SCOSC/09/22 Date of Next Meeting

NOTED

that the next meeting of the Committee will be held on 1 September 2009.

(Note: The meeting commenced at 10.00 a.m. and concluded at 12.50 p.m.)