

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE** held at Committee Room 1, Council Offices, High Street North, Dunstable on Tuesday, 24 November 2009

### PRESENT

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

Cllrs D J Gale  
Mrs R B Gammons

Cllrs Mrs M Mustoe  
P Snelling

Apologies for Absence: Cllrs J Kane  
Ms C Maudlin  
P Williams

Substitutes: Cllrs Ms A M W Graham  
A Shadbolt

Members in Attendance: Cllrs P N Aldis  
J G Jamieson (Chairman of Corporate Resources  
O&S Committee)  
D McVicar (Portfolio Holder for Safer and Stronger  
Communities)  
B J Spurr (Leader of the Council)  
J Street  
A Turner  
B Wells (Assistant Portfolio Holder for Safer and  
Stronger Communities)

Officers in Attendance: Mr D Buck Senior Strategic Infrastructure  
Officer  
Mr C Clements Performance Improvement Manager  
Mr P Cook Head of Transport Strategy  
Mr B Finlayson BEaR Project Manager  
Mr A Fleming BEaR Project Director  
Mr L Manning Democratic Services Officer  
Mr I Melville Performance Manager  
Mr J Partridge Overview and Scrutiny Officer  
Mr N Rance Head of Service Development  
Mr T Saunders Assistant Director Planning and  
Development Strategy  
Ms S Wileman Service Improvement Manager

## SCOSC/09/28 Minutes

**RESOLVED**

***that the Minutes of the meeting of the Sustainable Communities Overview and Scrutiny Committee held on 27 October 2009 be confirmed and signed by the Chairman as a correct record.***

## SCOSC/09/29 Members' Interests

(a) **Personal Interests:-**

<b>Member</b>	<b>Item</b>	<b>Nature of Interest</b>	<b>Present or Absent during discussion</b>
Cllr D McVicar	5	Poynters Road lies within his ward	Present
Cllr Mrs R B Gammons	10	Had previously considered the Luton Dunstable Busway as a South Beds District Councillor	Present
Cllr Mrs M Mustoe	10	Had previously considered the Luton Dunstable Busway as a South Beds District Councillor	Present
Cllr A Shadbolt	10	Had previously considered the Luton Dunstable Busway as a South Beds District Councillor	Present
Cllr P Snelling	10	Had previously considered the Luton Dunstable Busway as a South Beds District Councillor	Present
Cllr J N Young	10	Had previously considered the	Present

Luton Dunstable  
Busway as a  
South Beds  
District Councillor

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

None notified.

(c) **Any political whip in relation to any agenda item:-**

None notified.

**SCOSC/09/30 Chairman's Announcements and Communications**

The Chairman announced that the venue for the meeting had been changed in order to accommodate the expected high level of public attendance. He apologised to attendees for any inconvenience which had been caused to them.

**SCOSC/09/31 Petitions**

Members were aware that under Section 7 of Annex 2 of Part A4 of the Constitution a request to review the adequacy of a response to a petition for the introduction of vehicle restrictions on Poynters Road, Dunstable had been referred to the Committee for consideration. To assist Members in their deliberations the Committee had before it a copy of the officer report to the Traffic Management meeting at which the petition had first been considered, an extract from the Decisions Digest setting out the meeting's decision, a letter from Mr M Murphy on behalf of the Poynters Road Committee seeking the review and offering information in support and a letter from an officer to Mr Murphy advising that his request would be considered by the Overview and Scrutiny Committee on 24 November.

The Portfolio Holder for Safer and Stronger Communities, who was also one of the local ward Members, explained that Poynters Road was used by lorries entering and leaving the Woodside industrial estate in preference to the recommended route for such vehicles along Boscombe Road. He added that Poynters Road was a public highway and it was not possible to prevent lorries from using it if they chose to. With regard to the claims of speeding he explained that there were no traffic cameras positioned along the road to act as a deterrent. The Portfolio Holder advised the meeting that although previous attempts by Luton Borough Council to control the road's use had been unsuccessful, this issue was currently under joint consideration by Luton Borough and Central Bedfordshire Councils.

The Committee noted that the Traffic Management meeting had decided to include a proposal for a weight limit on Poynters Road in the Five Year Traffic Management programme subject to the adoption of the Freight Strategy by Central Bedfordshire. That meeting had also been aware of the proposed 'Woodside Connection' route to the north of Dunstable which could provide

alternative access to the estate from the M1. In addition the officers were writing to owners and operators to request that they encourage their drivers to use the recommended route on to Woodside.

Mr Murphy referred to the high number of HGVs recorded by Luton Borough Council using the road over the period of one week.

The meeting noted the wide ranging geographical origins of the traffic which used the road.

The Chairman expressed sympathy with the problems experienced by residents. He reminded the meeting that the Dunstable Northern Bypass was scheduled to begin construction in 2013 and this road should assist in reducing traffic levels on Poynters Road. The Chairman then suggested that an advisory route for lorries sign be erected on the A505 prior to the Tesco store in the hope that it might encourage HGVs to remain on that road until the Boscombe Road turn off at Sainsbury's. The Portfolio Holder undertook to raise this suggestion with the Assistant Director Highways and examine what other action could be taken to assist the residents.

### **RESOLVED**

***That the Sustainable Communities Overview and Scrutiny Committee agree with the decision taken by the Traffic Management meeting held on 20 October 2009 in its response to the petition for Poynters Road to include a weight limit on the road within the Five Year Traffic Management Programme subject to the adoption of a Freight Strategy by Central Bedfordshire Council.***

### **SCOSC/09/32 Call-In**

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

### **SCOSC/09/33 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/09/34 Questions, Statements or Deputations**

In accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution the Committee received a statement from a member of the public in relation to the work of the Development Strategy Task Force.

### **SCOSC/09/35 Development Strategy Task Force Recommendations**

The Chairman of the Development Strategy Task Force provided an oral update on the work undertaken by the Task Force. In response to the concerns expressed earlier by a member of the public (minute 09/34 refers) regarding a claimed failure to make progress on the Gypsy and Traveller

Development Plan Document (DPD) he reminded the meeting of the Task Force's wide remit and the need to concentrate first on the housing and commercial SPD. This having been accomplished the Task Force would now consider the Gypsy and Traveller DPD in December. He explained that the Task Force would be visiting preferred sites and holding meetings for evidence gathering before making its recommendations to a special meeting of Sustainable Communities, which would be held in public, in January 2010. A six week public consultation period would follow after which Sustainable Communities would consider the response. The Committee's own recommendations would then go before the Executive for consideration later in 2010 and, following adoption by Council, a further six week period of consultation would be held. The Council would then submit the draft DPD to the Secretary of State and public examination before an Inspector would take place in the summer of 2011.

The Chairman of the Committee confirmed that Task Force meetings would be held in December and that the Chairman of the Task Force would be writing to all relevant parish council chairmen inviting them to attend the meeting on 14 December to discuss a shortlist of proposed sites before the Task Force made its recommendations to Sustainable Communities for consideration in January.

A Member referred to a number of questions raised in correspondence by a Stotfold resident and stated that the officers had failed to respond to these. The Chairman asked the Overview and Scrutiny Officer to ensure that the questions were answered.

In response to a Member's comments the Assistant Director Planning and Development Strategy reminded the meeting that there would be two further periods of consultation undertaken by the Council before the Council's choices went before the Inspector and public examination.

The Chairman of the Task Force added that consultation would take place on more sites than were actually needed. He explained that it was to be expected that the public response would be negative on all of them but emphasised that, despite this, the Council could not reject all the proposed sites as the Government would then simply decide where the sites should be. He also emphasised that there would be sufficient time for the parish councils to consider and respond with their views and that adequate time had been allowed for parish chairmen to respond to the shortlist of proposed sites.

Another Member queried whether Gypsies and Travellers would be consulted on their preferred site locations. In response the Chairman reminded the meeting that this work had already been done by Mid Beds District Council as the legacy authority. Mid Beds had commissioned Vision Twentyone to undertake the consultation process and the Gypsy and Traveller community had made its preferences known through this. The Chairman stressed that although these preferences differed between groups Gypsies and Travellers shared a common wish to remain geographically separate from the settled community. This contrasted with the Government's preferences which were for site location to be within new housing developments. The Committee would need to be aware of these differences when considering site allocation.

***NOTED the report.*****SCOSC/09/36 Quarter 2 Performance Report**

The Committee received a report highlighting the Quarter 2 performance for the Directorate using those performance indicators identified as 'critical'.

The meeting first considered the indicators relating to the number of road accident casualties (all people killed or seriously injured and children under 16 killed or seriously injured) and expressed concern at the level of death or serious injury which had taken place within the first two quarters. The meeting considered in depth the various means by which vehicle speeds could be lowered including the use of driver education, reduced speed limits, physical traffic calming measures such as speed humps and chicanes (build outs) and the use of average speed cameras. The Committee noted that all such measures processed advantages and disadvantages.

A Member stated that whilst he fully supported the introduction of LED lighting in some instances the existing concrete lighting columns were not being replaced at the same time and these represented a crash hazard. He also stressed the need to focus resources on the most effective means of improving road safety and commented that, whilst upgrading street lighting was welcome, it might be unnecessary in some locations and local people could prefer the provision of traffic calming measures. The Assistant Portfolio Holder stated that he would raise these issues with the Assistant Director Highways.

The Head of Transport Strategy informed the meeting that the Government supplied funding for road safety under the Integrated Transport Budget and this provided an opportunity for Members to influence matters. He explained that accidents, where they had once occurred at recognised 'Black Spots', now occurred almost at random and, as such, were difficult to address. He also referred to the need to use alternative methods of reducing vehicle speeds other than traffic calming measures which were not, generally, as effective as was required. In connection with this point he referred to a forthcoming Member Development session on 22 January 2010 which would consider integrated street design as an alternative to the current approaches toward traffic calming. The Chairman also reminded the meeting that a Member briefing would take place on highways and waste on 15 January 2010 which would explain the processes currently used and consider how these might develop and improve. He encouraged members to attend the briefing.

The meeting considered the benefits of introducing 20 mph speed limit zones, illuminated speed signs and raised tables around schools and to slow traffic. The meeting acknowledged that problems regarding enforcement could arise and that individual school suitability would need to be investigated.

The meeting next considered National Indicator 32 which dealt with the rate of repeat victimisation for those domestic violence cases reviewed by the Multi-Agency Risk Assessment Conference (MARAC). A Member queried what action could be taken if an abused partner remained in the family home and the

Overview and Scrutiny Officer undertook to find out and forward the information on. It was noted that fairly small numbers of people were involved.

A Member next referred to National Indicator 193 which dealt with the percentage of municipal waste land filled. Discussion followed regarding the levels of waste recycled and the lack of a local digester for food waste originating in the south of Central Bedfordshire. The Assistant Portfolio Holder for Safer and Stronger Communities advised the meeting that issues of harmonisation relating to waste management were under consideration.

### **RESOLVED**

- 1 That National Indicator 192 be included in future performance reports to the Sustainable Communities Overview and Scrutiny Committee.**
- 2 That a detailed report be submitted to a future meeting of the Committee on performance relating to the number of road accident casualties (all people killed or seriously injured and children under 16 killed or seriously injured).**

## **SCOSC/09/37 Quarter 2 Budget Management Report**

The Committee received a report setting out budget management information for the Sustainable Communities Directorate for the Quarter 2 period (the end of September 2009) and the forecast position at the end of the financial year. The Head of Service Development reported that, although there was an overspend of £182,000 as at September, measures were being taken to address this and he believed that the Directorate's budget would be broadly balanced by the end of 2009/10.

The meeting considered the measures taken to deal with the overspend during which a Member expressed concern regarding the possible affect on both service quality and the speed of service delivery through the policy of delaying recruitment to fill vacant posts. The Assistant Director Planning and Development Strategy explained that, whilst unable to comment on specific posts, a pragmatic approach had been adopted to ensure services continued to be provided. Members commented on the need for information relating to the Directorate's staffing structure and, although Members were reminded that this information was available on the Intranet, a Member commented that the information was not readily accessible in its current format. The Overview and Scrutiny Officer stated that he had copies of the guide to staffing in the Directorate for distribution which would provide some of the information Members sought.

In reply to a Member's query on the use of interim staff the Assistant Director commented that, as an example, with a vacancy rate of 25% within his service area it had been necessary to use agency staff to ensure that services continued to be provided. He added that as vacancies were filled the use of agency staff could be scaled back. He further added that the budget for agency staff was within salary costs.

A Member referred to a reference in the report that several key contracts would receive their annual inflation and announcements on several key Government grant awards in October and sought details of the outcome. In response the Head of Service Development undertook to supply the information to her.

***NOTED the report.***

#### SCOSC/09/38 **Work Programme 2009-2010**

The Committee considered a report by the Overview and Scrutiny Officer which asked the meeting to consider the Committee's current work programme for the 2009-2010 municipal year and beyond and sought any comments and amendments. In addition Members were asked to consider the draft work programme for the Development Strategy Task Force for the same period. The Overview and Scrutiny Officer introduced revised copies of both work programmes, drawing Members' attention to the provisional date of 6 January 2010 for a special meeting of the Committee to consider the Gypsy and Traveller DPD and to the holding of Task Force meetings in December to consider the same topic.

***RESOLVED that the Overview and Scrutiny Officer notify Members of the timetable and location for the Development Management Task Force meetings in December once these details have been decided.***

#### SCOSC/09/39 **EXCLUSION OF PRESS AND PUBLIC**

***RESOLVED***

***that in accordance with Section 100A (4) of the Local Government Act 1972 the Press and Public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under paragraph 3 of Part 1 of Schedule 12A of the Act:***

- (a) The report and exempt paragraphs from Appendix D to the report referred to in Minute No. SCOSC/09/40.***
- (b) Appendix B to the report and the presentation referred to in Minute No. SCOSC/09/41.***

#### SCOSC/09/40 **Luton Dunstable Busway**

*[Exempt – Paragraph 3]*

Members received a revised report which sought the Committee's support for the content of a report to a meeting of the Executive on 8 December 2009 on the Luton Dunstable Busway. The meeting noted that the report to the Executive sought Members' approval to progress the Department for Transport (DfT) funding application and, on a successful funding offer, support Luton Borough Council in awarding a contract for the construction of the Busway.



Members gave full consideration to the information contained in the exempt part of Appendix D to the report which dealt with the scheme's capital expenditure. In addition, the meeting examined the contribution the scheme would make towards reducing congestion in Luton and Dunstable town centres. With regard to the latter the Committee expressed concern that the proposed measures appeared to be inadequate for the purpose and the outcome therefore contained an element of uncertainty.

***RECOMMENDED to Executive that it:***

- a) ***Confirms the Council's support on the Luton Dunstable Busway to Luton Borough Council and the Department for Transport, subject to the following comment:***

***That whilst the Sustainable Communities Overview and Scrutiny Committee recommends that the Council's support on the Luton Dunstable Busway be confirmed to Luton Borough Council and the Department for Transport there are serious concerns that the plans are not fully developed and it seems unlikely, based on current information, that congestion in Dunstable and the centre of Luton will be reduced. The Committee therefore wishes to see a full report which would suggest measures to mitigate congestion prior to the Executive making its final decision.***

- b) ***Agrees to proceed with the award of a contract for the Busway in accordance with the legal agreement between Central Bedfordshire Council and Luton Borough Council as approved at the Shadow Executive on 17 March 2009 subject to the Department of Transport's full approval/funding offer; and***
- c) ***Agrees to delegate to the Director of Sustainable Communities, in consultation with the Director of Corporate Resources, authority to deliver the scheme, subject to 6 monthly bulletin reporting; and***
- d) ***Makes a future revenue budget allowances for maintenance of the Busway currently estimated at £50k for financial year 2012/13 increasing annually to £250kpa by year 3.***

SCOSC/09/41 **Bedfordshire Energy and Recycling (BEaR) Project - PFI Outline Business Case Approval**

Members received a report which sought a recommendation from the Committee to the Executive that the latter endorse the revised Outline Business Case (OBC) for Private Finance Initiative (PFI) funding for the Bedfordshire Energy and Recycling (BEaR) Project, the purpose of which was to deliver a waste treatment solution for Central Bedfordshire Council and Luton Borough Council. The meeting noted that the revised OBC took account of the changes to the Project and that, due to the extent of these changes, approval was being sought from the Executive of each authority to continue. It

was also noted that the PFI funding would help the authorities to bridge the affordability gap between projected waste budgets and the future cost of waste disposal.

To assist Members further the report included details of the revised affordability envelope for the Project which took account of the latest market conditions and updated sensitivities. In addition the report sought to refresh the Project following the withdrawal of Bedford Borough Council from the partnership to seek its own long term waste treatment solution.

The Committee gave consideration to various aspects of the Project assisted by the BEaR Project Manager who provided full explanation and clarification in response to Members' queries. In particular Members gave attention to the decision by Buckinghamshire County Council to award preferential bidder status to Covanta for a possible alternative scheme within Central Bedfordshire.

In response to a Member's query the Project Manager outlined both his own extensive experience in PFI projects and that of the Project's advisors in waste matters.

Appendix D (Part) and Presentation  
*[Exempt – Paragraph 3]*

Following the discussion outlined above the Committee moved into closed session to discuss the details contained in exempt Appendix D (Part) and received a presentation on the same issues.

***RECOMMENDED to Executive that it:***

- 1a) Notes the revised Outline Business Case (OBC) for Private Finance Initiative (PFI) funding;***
  - b) Approves the revised affordability envelope, procurement costs and application for PFI credits;***
  - c) Gives delegated authority to the BEaR Project Board to commence the procurement of a waste treatment solution on a technology neutral basis following PFI approval;***
  - d) Re-affirms its commitment to achieve recycling/composting targets laid down in the Waste Strategy 2007 and where possible exceed these targets with the aim of achieving 60% recycling in the long-term future.***
- 2a) Commits to Central Bedfordshire's division of the Reference Project cost over the period between 2016 and 2041, in the total sum set out in the exempt Appendix B; and***

**b) Commits to bridging the affordability gap to the sum indicated in exempt Appendix B based on the Reference Project assumptions and affordability envelope.**

**3 Approves the revised Joint Working Agreement.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 3.00 p.m.)