

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE** held at Council Chamber, Priory House, Monks Walk, Shefford on Monday, 4 January 2010

PRESENT

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

Cllrs D J Gale
Mrs R B Gammons
J Kane

Cllrs Ms C Maudlin
Mrs M Mustoe
P Snelling

Members in Attendance: Cllrs P N Aldis
L Birt
A D Brown
M Gibson
J G Jamieson
D Jones
K C Matthews (Portfolio Holder for Economic Growth and Regeneration)
D McVicar (Portfolio Holder for Safer and Stronger Communities)
T Nicols (Portfolio Holder for Sustainable Development)
A Shadbolt
J Street
Mrs C Turner
Mrs P E Turner MBE

Officers in Attendance: Mr G Alderson Director of Sustainable Communities
Mr S Andrews LDF Team Leader (North Team)
Mr M Bowmer Assistant Director Financial Services
Richard Fox Head of Development Plan
Ms P Khimasia Senior Planning Officer
Mr L Manning Democratic Services Officer
Mrs J Moakes Assistant Director Community Safety & Public Protection
Mr J Partridge Overview & Scrutiny Officer

SCOSC/09/1 **Minutes**

RESOLVED

that the Minutes of the meeting of the Sustainable Communities Overview and Scrutiny Committee held on 24 November 2009 be confirmed and signed by the Chairman as a correct record.

SCOSC/09/2 Members' Interests**(a) Personal Interests:-**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr Ms C Maudlin	11	The shortlisted Gypsy and Traveller sites at Woodside Caravan Park, Hatch, Sandy and Oak Tree Nursery & Magpie Farm, Upper Caldecote both lay within her ward.	Present

(b) Personal and Prejudicial Interests:-

None notified.

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

None notified.

SCOSC/09/3 Chairman's Announcements and Communications

None.

SCOSC/09/4 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/09/5 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/09/6 Call-In

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

SCOSC/09/7 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/09/8 Gypsy and Traveller Development Plan Document for Central Bedfordshire North

Members considered a report which sought the Committee's support for a recommended shortlist of possible sites for Gypsy and Traveller accommodation within the north of Central Bedfordshire. The report was introduced by the Chairman of the Development Strategy Task Force, the body tasked with the job of drawing up the shortlist.

The Chairman of the Task Force reminded the meeting that the search for possible Gypsy and Traveller sites for inclusion within the Gypsy and Traveller Development Plan Document (DPD) had first begun under the former Mid Beds District Council and that, subsequently, additional possible sites had become available when former Bedfordshire County Council land transferred to Central Bedfordshire under the recent local government reorganisation. The Chairman stated that, following the adoption of a set of criteria and scoring system against which sites would be considered by the Committee in September, the Task Force had attended a bus tour of the north of Central Bedfordshire and visited a selection of sites to consider their potential, including those which had scored the highest under the adopted criteria/scoring system. The tour had been followed by two meetings, including one with representatives of town and parish councils, following which the recommended shortlist had been produced. The Chairman stated that the criteria/scoring system had been adhered to and revisions made to the draft shortlist following input from both Members and officers. The resulting recommended shortlist of 11 sites would accommodate 40 permanent pitches and two transit pitches. The Chairman advised that the Committee was able to accept, reject or amend the shortlisted sites as it wished. Any recommended sites would go forward to the Portfolio Holder for Sustainable Development and a six week public consultation period would take place before further consideration took place by Members. Public examination under an Inspector appointed by the Secretary of State would ultimately follow.

The Chairman of the Task Force then stressed to the meeting that the work which had been undertaken towards drawing up the DPD had been carried out in order to meet Government requirements. If the Council failed to undertake this the Inspector could not only find the Council's DPD "unsound" but could also either require the Council to begin the process again or allocate sites from those previously considered by the Council.

The Chairman of the Committee expressed the Committee's thanks to both Councillor Snelling, as the Chairman of the Task Force, and to all members of the Task Force, for their hard work and the production of the shortlist. He asked that this be recorded.

A query arose regarding changes made to the scores awarded to some sites since the last Task Force meeting and whether this affected the validity of the

scoring procedure. In response the Head of Development Plan confirmed that the scores had been amended but explained that this had not been to the extent that it had altered the recommended short list.

The Chairman then reiterated the approach taken by the Task Force, how the Council was required to undertake the process by Government and how the decisions reached by the Authority would be subject to a public enquiry and could be modified by the Government's Inspector. He emphasised that the Task Force had approached its work with common sense in order to recommend sustainable and deliverable sites and to achieve harmony between the settled and travelling communities.

In accordance with the Public Participation Procedure as set out in paragraph 2 of Annex 1 of Part A4 of the Constitution the Chairman then invited those members of the public who had registered to speak on this item to address the Committee. Each speaker was permitted a maximum of three minutes. Statements were received from four speakers on the proposed development of Woodside Caravan Park, Hatch, Sandy of which three set out reasons against development of the site and one set out reasons in favour; statements were received from two speakers on the proposed development of Oak Tree Farm & Magpie Farm, Upper Caldecote of which both set out reasons against development of the site; statements were received from two speakers on the proposed development of land between A421 and Woburn Road junction, Marston Moretaine of which both set out reasons against development of the site; and a statement was received from one speaker on the proposed development of land south of Clifton and east of New Road, Clifton who set out reasons against development of the site.

At the conclusion of the public statements the Chairman explained that the planning aspects of any eventual site applications would be dealt with separately by the Council's Development Management Committee. He then reiterated that the Government appointed Inspector could overturn the Council's recommendations if it was felt that they were not sufficiently robust and that the need to locate sites was a Government requirement. He added that in many instances the existing Gypsy and Traveller community were integrating well with local settled communities.

The Head of Development Plan then advised the meeting that the possible site identified at Marston Moretaine was potentially ecologically sensitive and that further officer investigation was required. He added that should sites be excluded from the shortlist the need to find locations for 40 permanent pitches remained and this would result in either an increase in the number of pitches at the other sites or the reintroduction of possible sites that were rejected at an earlier stage.

The Portfolio Holder for Sustainable Development, whilst generally welcoming the selection process followed by the Task Force, sought clarification on the introduction of what was termed the 'field and a half' requirement which had featured in the rescoring process. He added that the Regional Planning Panel Site Sub-Committees would consider the mechanism used by the Task Force and review it. In response the Chairman explained that the Chairman of the

Task Force had met with members of the Gypsy Council and they had indicated that the adoption of a physical distance between Gypsy and Traveller sites and the settled community, described as 'a field and a half', would be welcomed by both groups. The members of the Gypsy Council had made clear that they did not want sites to be located within an existing settlement. The Chairman then stressed that whilst Members had taken account of the law and the Government's requirements they had also listened to the observations of ward councillors and others. He felt that, as a result of this consultation, the resulting recommendations were robust.

The Portfolio Holder referred to the Department for Communities and Local Government (DCLG) requirement that sites needed to be entirely sustainable. He commented that, for example, one of the shortlisted sites might not meet this criteria and might be rejected on the basis of the 'field and a half' requirement as it could, in fact, be considered to be too remote and without the appropriate local infrastructure. He therefore expressed concern that this requirement would not survive examination by either the DCLG or the Regional Planning Panel Site Sub-Committees. In response the Chairman stated that this criteria had been used to help sift rather than select the shortlisted sites.

Following further comment by Members the Committee considered the possible elimination of any of the shortlisted sites having regard to additional information supplied by Members, officers and members of the public. Members were of the opinion that the proposed sites at Woodside Caravan Park, Hatch, Sandy; Long Lake Meadow, Seddington and land between the A421 and Woburn Road junction, Marston Moretaine should be removed from the shortlist of recommended sites but, in the absence of further questions or comments from members of the Committee, the remainder should be recommended to the Portfolio Holder for Sustainable Development for adoption.

RESOLVED that the following be deleted from the shortlist of possible sites for Gypsy and Traveller accommodation, as submitted by the Development Strategy Task Force, for the reasons given:

a) Woodside Caravan Park, Hatch, Sandy

A number of planning applications for this site have been refused previously by the planning inspectorate, which has ruled on a number of occasions that permanent planning permission for a Gypsy and Traveller site in this location is not appropriate. Temporary planning permission was granted by the Secretary of State on the basis that it does not set a precedent and is based on the personal circumstances of the site owner. The Sustainable Communities Overview and Scrutiny Committee therefore, did not feel it was appropriate to recommend a site which, on these occasions, had quite clearly been identified by the planning inspectorate as inappropriate for a Gypsy and Traveller site.

b) Long Lake Meadow, Seddington

There is poor access from this site on to the highway which has given rise to an objection from the Highways Agency and the site is located on a flood plain giving rise to an objection from the Environment Agency. Overall the site scored very poorly in the assessment for suitability.

c) Land between the A421 and Woburn Road junction, Marston Moretaine

There is the possibility of this site being ecologically sensitive and further investigation would be required to establish its status, the site is also adjacent to a flood plain and would require draining and raising to be acceptable for use.

RECOMMENDED to the Portfolio Holder for Sustainable Development that the following possible sites for Gypsy and Traveller accommodation, as submitted by the Development Strategy Task Force, be considered for adoption:

- ***Land rear of 197 Hitchin Road, Arlesey***
- ***1 Old Acres, Barton Road, Pulloxhill***
- ***Hermitage Lane, Hillside Farm off Westoning Road, Greenfield***
- ***Oak Tree Nursery & Magpie Farm, Upper Caldecote***
- ***Land between Common Road and Myers Road, south of Gypsy and Traveller site, Potton***
- ***Land south of Dunton Lane, Biggleswade***
- ***Land south of Clifton and east of New Road, Clifton***
- ***Sutton storage compound, south of Sutton***

SCOSC/09/9 Draft Budget 2010/11 to 2014/15

The Committee considered a report which set out the draft budget Medium Term Financial Plan for 2010/11 to 2014/15. Members noted that the report had originally been submitted to the Executive on 8 December 2009 when it had been agreed that the proposals within it should form the basis for consultation with the Council's Overview and Scrutiny Committees. Members further noted that the Committee's comments, if any, were sought with particular reference to those parts of the report relating to the Sustainable Communities Directorate. These would be submitted to the Executive for consideration at its meeting on 9 February 2010 when the Executive would recommend a budget to full Council.

Members noted that the budget needed to address the following issues:

- The priorities of the Council and the allocation of resources to deliver those priorities.

- Changes to the Medium Term Financial Plan (revised assumptions and facts).
- The Revenue Budget for 2010/11, including reserves.
- The Capital Programme for 2010/11.
- The consultation process and the incorporation into the budget of issues raised and accepted.

The Assistant Director Financial Services introduced his report to Members during which he drew their attention to the financial pressures being experienced within the Council as a result of the affect of the “credit crunch”, harmonisation and other factors. He explained that approving the proposed efficiencies identified as ‘green’ and ‘amber’ as set out within Appendix C to his report would enable the pressures to be incorporated into the 2010/11 budget. The Assistant Director also referred to Directors’ growth proposals for 2010/11 to 2014/15 set out in Appendix E to his report and Members noted that it would be possible to meet all but £0.782m of the proposed growth through the efficiencies identified as ‘red’ within Appendix C. The officer advised that these efficiencies were the more difficult to implement and would have a greater impact. As such there would need to be full consideration of the benefits of growth set against the impact of the efficiency.

The meeting then worked through the report with Members raising a number of issues for lengthy and thorough discussion. Amongst the issues raised the meeting expressed concern regarding what was perceived as a lack of information to enable Members to judge whether or not inefficiencies existed. In addition comment was made regarding the provision of new ICT equipment to Members when existing hardware was still adequate and which, it was suggested, gave the impression of a culture of waste.

With reference to efficiency proposals within the Sustainable Communities Directorate Members expressed particular concern regarding the possible introduction of charges for the collection of garden waste. Members felt that this would not only be unpopular with the public but could lead to an increase in fly tipping or the use of household waste bins for the disposal of garden waste. In response the Director of Sustainable Communities explained that the provision of the service was discretionary and the Council was free to impose a collection charge if it wished to. Furthermore, although an increase in fly tipping had been predicted following the introduction of the bi-weekly household waste collections this had not occurred. Furthermore, due to the bi-weekly collections there was little space in household bins to accommodate garden waste.

Members also considered the efficiency proposal for the removal of the town centre management grants, currently awarded to the three towns in the south of Central Bedfordshire as part of a legacy authority policy, and their possible replacement by the provision of funding to individual ward Members for allocation as they saw fit. The meeting noted that this proposal had its origins in a policy originally adopted by Bedfordshire County Council. The Committee expressed particular concern at this proposal as it was felt that providing relatively small sums of money to individual Members would result in an inefficient use of resources in a time of economic constraint. Instead it was felt

that, if necessary, alternative funding arrangements should be investigated so that funding would continue to be awarded to towns as a whole and allocated as they determined. In response the Portfolio Holder for Economic Growth and Regeneration commented that funding was only awarded to three towns in the south of the Council and that rural areas received no funding at all. A Member reminded the meeting that rural areas with the old South Beds had received funding and suggested that, if funding provision for towns was replaced rural areas should receive similar consideration.

RESOLVED that the Executive be advised that:

- 1 the Sustainable Communities Overview and Scrutiny Committee accepts the financial integrity of the draft budget Medium Term Financial Plan 2010/11 to 2014/15 report submitted for consultation.**
- 2 the Committee accepts the growth proposals suggested for the Sustainable Communities Directorate as set out within the report.**
- 3 the Committee accepts the efficiency proposals suggested for the Sustainable Communities Directorate as set out within the report with the following exceptions:**
 - a) whilst accepting the removal of the Town Centre Management Grants these should not be replaced by funding provided to individual members;**
 - b) the introduction of charges for the collection of garden waste.**

SCOSC/09/10 Policy Approach to Enforcement of the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and Associated Legislation

The Committee considered a report regarding how Central Bedfordshire Council, through the Sustainable Communities Directorate, should implement its duties under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and associated legislation. The Assistant Director Community Safety and Public Protection explained to the meeting that the aim was to harmonise the different policy approaches previously adopted by the legacy authorities. As such the report proposed a new policy approach of prevention, intervention and enforcement applied under the 'fair regulation' principles of proportionality, consistency, transparency and coupled with the appropriate targeting of enforcement in the context of local circumstances.

Members noted that the meeting was not being asked to consider the organisational arrangements required for the enforcement of the legislation as it was proposed that this was undertaken as part of the organisational review within the Sustainable Communities Directorate. In addition the Assistant Director stressed that the meeting was not being asked to consider the development of a uniformed or visible presence as this would be the topic of a separate report to the Committee in February.

In response to a Member's query regarding the need to ensure clarity for the responsibility of enforcement the Assistant Director stated that, in order to achieve this, it was proposed to enter in to a new memorandum of understanding with the Environment Agency.

The Chairman commented that the principles of 'total place' needed to be considered within the context of the report and that, during further consideration of the manner in which these services were delivered by the Council, the Committee should consider how communication with the public was undertaken.

RECOMMENDED to Executive that it:

- 1 agrees the new policy approach for undertaking the Council's duties and responsibilities under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and associated legislation; in line with the 'Working Better Together' Memorandum of Understanding agreed between the Local Government Association and Environment Agency and as set out in the report of the Portfolio Holder for Safer and Stronger Communities.***
- 2 in agreeing the approach outlined in recommendation 1 above, delegates authority to the Director of Sustainable Communities in consultation with the Portfolio Holder for Safer and Stronger Communities to negotiate a new local agreement, to suit local circumstances, with the Environment Agency.***

SCOSC/09/11 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 an indicative work programme for the Development Strategy Task Force for the same period.

RESOLVED that the work programmes for both the Sustainable Communities Overview and Scrutiny Committee and the Development Strategy Task Force, as submitted by the Overview and Scrutiny Officer, be approved and adopted.

(Note: The meeting commenced at 10.00 a.m. and concluded at 2.25 p.m.)