

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



please ask for Leslie Manning
direct line 0300 300 5132
date 18 December 2009

NOTICE OF MEETING

SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE

Date & Time

Monday, 4 January 2010 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 J N Young (Chairman), A R Bastable (Vice-Chairman), D J Gale,
Mrs R B Gammons, J Kane, Ms C Maudlin, Mrs M Mustoe, P Snelling and
P Williams

[Named Substitutes:

Cllrs: Mrs C F Chapman MBE, P A Duckett, M Gibson, Ms A M W Graham
and A Shadbolt]

All other Members of the Council - on request

**MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING**

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for absence and notification of substitute Members.

2. **MINUTES**

To approve as a correct record the minutes of the last meeting held on 24 November 2009 (copy to follow).

3. **MEMBERS' INTERESTS**

To receive from Members declarations and the nature thereof in relation to:

- (a) Personal Interests in any agenda item.
- (b) Personal and prejudicial Interests in any agenda item.
- (c) Any political whip in relation to any agenda item.

4. **CHAIRMAN'S ANNOUNCEMENTS AND COMMUNICATIONS**

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

5. **PETITIONS**

To receive petitions from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 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 Annex 1 of Part A4 of the Constitution.

7. **CALL-IN**

To consider any matter referred to the Committee for a decision in relation to the call-in of a decision.

8. **REQUESTED ITEMS**

To consider any items referred to the Committee at the request of a Member under Procedure Rule 3.1 of Part D2 of the Constitution.

REPORTS

Item	Subject	Page Nos.
9	Draft Budget 2010/11 to 2014/15 To consider the draft budget Medium Term Financial Plan for 2010/11 to 2014/15 and submit any comments and recommendations to the Executive budget meeting on 9 February 2010.	* 1 - 70
10	Policy Approach to Enforcement of the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and Associated Legislation To consider how the Council should implement its environmental duties under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and associated legislation and make its comments and views known to the Executive meeting on 12 January 2010.	* 71 - 126
11	Gypsy and Traveller Development Plan Document for Central Bedfordshire North To seek the support of the Committee for the Development Strategy Task Force's recommended shortlist of sites for Gypsy and Traveller accommodation in the north of Central Bedfordshire and, following consideration, make a recommendation to the Portfolio Holder for Sustainable Development.	* 127 - 156
12	Work Programme 2009-2010 To consider and agree the Committee's current Work Programme and examine the need to establish any additional Task Forces.	* 157 - 170

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Meeting: Sustainable Communities Overview & Scrutiny Committee
Date: 4 January 2010
Subject: Draft Budget 2010/11 to 2014/15
Report of: Cllr Maurice Jones, Portfolio Holder for Corporate Resources
Summary: The report proposes the draft budget Medium Term Financial Plan for 2010/11 to 2014/15 for consideration by the Committee.

Contact Officer: Matt Bowmer, Assistant Director Financial Services
Public/Exempt: Public
Wards Affected: All
Function of: Executive

CORPORATE IMPLICATIONS

Council Priorities:

Please see attached report of Executive

Financial:

Please see attached report of Executive

Legal:

Please see attached report of Executive

Risk Management:

Please see attached report of Executive

Staffing (including Trades Unions):

Please see attached report of Executive

Equalities/Human Rights:

Please see attached report of Executive

Community Safety:

Please see attached report of Executive

Sustainability:

Please see attached report of Executive

RECOMMENDATION:

1. **That the Sustainable Communities Overview & Scrutiny Committee considers the attached report, particularly those parts of it relating to the Sustainable Communities directorate, and submits comments to the Executive if considered necessary.**

Introduction

1. Attached is the Draft Budget 2010/11 to 2014/15 report submitted to the Executive at its meeting on 8 December 2009, when Members agreed the proposals contained within it as a basis for consultation with the five Overview & Scrutiny Committees during December/January 2010.
2. Any comments or recommendations made by the Overview & Scrutiny Committees regarding these budget proposals will be considered by the Executive at its February meeting, after which it will recommend a budget to full Council.
3. Members of the Sustainable Communities Overview & Scrutiny Committee are therefore requested to consider the attached report, particularly those parts of it relating to the Sustainable Communities directorate, and submit comments and/or recommendations to the Executive if considered necessary.

Appendices:

Appendix – Draft Budget 2010/11 to 2014/15 Report to Executive

Background Papers: (open to public inspection)
Medium Term Financial Plan 2009/10 to 2013/14

Location of papers: Priory House, Chicksands

APPENDIX

Meeting: Executive
Date: 8 December 2009
Subject: Draft Budget 2010/11 to 2014/15
Report of: Cllr Maurice Jones, Portfolio Holder for Corporate Resources
Summary: The report proposes the draft budget Medium Term Financial Plan for 2010/11 to 2014/15

Advising Officer: Matt Bowmer, Assistant Director Financial Services
Contact Officer:
Public/Exempt: Public
Wards Affected: All
Function of: Executive
Key Decision No
**Reason for urgency/
exemption from call-in
(if appropriate)** N/A

CORPORATE IMPLICATIONS

Council Priorities:

It is of great importance that members are mindful of the Council's priorities (set out in paragraph 7) in the decision making process for setting the 2010/11 budget.

Financial:

The financial implications are set out in the report.

Legal:

Consultation on the proposals will be undertaken as set out in the section on Staffing below.

Risk Management:

The report sets out detailed proposals on efficiency, pressures and growth; officers have assessed the risk of delivery of each of these proposals. The Budget Report to Council in February will include a statutory section on the Section 151 Officer's assessment of the key risks within the budget.

Staffing (including Trades Unions):

There are a number of posts at risk here and in the detailed proposals put forward. Consequently discussions have commenced with the Trades Unions and formal consultation will be required.

Equalities/Human Rights:

The aim of equality legislation is to ensure that resources invested in public services actually benefit all those they are aimed at or who need them.

When developing proposals and making decisions, the Council has a requirement to comply with its statutory equality duties by ensuring that decisions are made in such a way as to minimise unfairness, and that they do not have a disproportionately negative effect on people from different ethnic groups, disabled people, and men and women. The effect of any proposed efficiency savings will be considered as part of the Equality Impact Assessments particularly in identified high risk areas, and a presentation will be given to the meeting of the Equalities Forum 10 December when then will have an opportunity to comment.

Community Safety:

There are no direct implications, though proposed service reductions may have an impact on the Council's capacity to deliver against this corporate priority, resources will need to be targeted accordingly.

Sustainability:

Key sustainability agendas, such as climate change, represent opportunities for the Council to make efficiency savings by decreasing energy use and the total spend on energy, for 2008/09 this was £3.4 million (including schools). Failure to take action leaves the Council vulnerable to the impact of increasing energy prices. Ofgem have predicted that price rises of up to 60% in energy bills over the next 7 years are to be expected. This would represent an increased energy bill of up to £5.4 million. The total estimated value of the increased energy costs between 2009 and 2014 comes to more than £16 million.

Higher energy costs will also impact on residents with more households falling into fuel poverty. This will mean that greater numbers of residents will need to access services provided by the Council – which will in turn increase the financial pressures in these services areas.

Summary of Overview and Scrutiny Comments:

- Corporate Overview and Scrutiny will consider the budget process at its meeting on 10 December.
- Individual Overview and Scrutiny Committees will comment on the detailed proposals for their respective directorates commencing with Business Transformation on 21 December 2009.

RECOMMENDATION(S):

1. that the Executive

agrees the draft budget proposals for 2010/11 as the basis for consultation with the Overview and Scrutiny committees and other interested parties

Reason for Recommendation(s): To enable extensive consultation on the Medium Term Financial Plan 2010/11 to 2014/15 before its presentation to Executive in February 2009 for onward approval to Council.

Executive Summary

This report updates the 2009/10 to 2013/14 Medium Term Financial Plan agreed by Council February 2009 and seeks the views of Overview and Scrutiny and others ahead of consideration by Council in February 2010. Local Government will come under increased financial pressure over the forthcoming years and it is essential that Central Bedfordshire brings forward efficiencies to meet these challenges.

Introduction

1. This report sets out the Council's draft Budget for 2010/11 for consultation and updates the Medium Term Financial Plan (MTFP) 2009/10 to 2013/14 agreed by Council at its meeting on 26th February 2009.
2. Included in the report is an update on the current economic position and the specific impacts on local government funding at this time. This, along with the closure of the legacy authority accounts and budget monitoring information from Central Bedfordshire, will inform the actions required to take the Council forward. These actions will naturally be guided by the priorities of the Council.
3. The report also sets out the proposed processes and timetable for consideration of the budget and MTFP leading up to their approval at Council on 25th February 2010.

Policy

4. The Council's constitution and related financial procedures set out the process for budget setting. In addition, the Council is required to undertake a public consultation exercise on its budget proposals.

Background

- 5 In February 2009, Central Bedfordshire Council set its first revenue and capital budgets and approved a five-year Medium Term Financial Plan. The budget was drawn from the spending plans of the then existing authorities and adjusted to reflect new spending pressures and efficiency savings identified in the Unitary bid document. The budget was put in place prior to the Council existing and before the elections to the new authority. As such, it was a 'best estimate' and the 2010/11 process was viewed as the first opportunity to relate resources to the priorities of the new authority.

Issues

- 6 The budget will need to address the following issues:
- a. The priorities of the Council and the allocation of resources to deliver those priorities;
 - b. Changes to the Medium Term Financial Plan (revised assumptions and facts);
 - c. The Revenue budget for 2010/11, including reserves;
 - d. The Capital Programme for 2010/11;
 - e. The consultation process and the incorporation into the budget of issues raised and accepted.

Council priorities

- 7 The Council published its Strategic Plan in September 2008. Members had regard to the Local Area Agreement targets and public priorities and agreed the following five priorities for the first two years of the Council:
- Supporting and caring for an aging population;
 - Educating, protecting and providing opportunities for children and young people;
 - Managing growth effectively;
 - Creating safer communities; and
 - Promoting healthier lifestyles;

It is these priorities that will drive the allocation of resources. The first Central Bedfordshire Sustainable Community Strategy is currently being developed by the Local Strategic Partnership (LSP). This document will set out the long term ambitions for the area and will need to be reflected in the Council's own strategic planning and budget deliberations in due course.

- 8 In addition, the budget needs to deliver ambitious efficiency savings and low year on year Council Tax increases whilst also ensuring that General Fund Balances are at the appropriate level.

Current Economic Outlook

9. The harsh economic climate in which the Council finds itself shows little sign of abating and there is little evidence to point to a sustained recovery in the near term. The UK economy officially moved into recession in the last quarter of 2008 with a 1.6% decline in GDP for that quarter; this was followed by a further drop of 1.6% in the first quarter of 2009. Many commentators were suggesting that the UK would follow Germany and France out of recession in the third quarter of 2009 with a modest growth of 0.2% expected. However, the recession has continued with a further decline of 0.4%. The recession is already longer lived than first thought and recovery may follow a “W” pattern with periods of strength interweaved with periods of weakness before a more general recovery takes hold. It is not true to say that there is consensus on this view. In any event, there are likely to be significant constraints on public expenditure in the year ahead
10. As predicted, inflation has fallen sharply in recent months although it took some time before the downward movement to pick up pace. The Consumer Prices Index (CPI) is currently at 1.5% (October) having risen for the first time in eight months as a consequence of increased fuel prices and the Retail Prices Index (RPI) is at -0.8%. It is expected that the former, CPI, will pick up and be in the order of 2%, the Government’s policy target for the next two years.
11. Interest and investment rates are at an historic low which put pressure on the current Medium Term Financial Plan which is insensitive to interest rates (high proportion of fixed rate debt) but is highly sensitive to investment rates with the loss of income received on investments having an impact of £5m. The global financial markets are still subdued and have only recently showed signs of stabilisation. Predictions are for the base rate to remain at 0.5% until late 2010 and hold between 0.5% and 2% well into 2011 and possibly beyond.
12. The decline in economic activity is now manifesting itself in increased unemployment, albeit that the increase has slowed in the last month. Nevertheless, the total unemployed figure for September 2009 was 2.46 million which is at its highest level since the recession in the 1980s. This is putting more pressure on demands for Council services going forward. There are increased caseloads in housing and Council Tax Benefits and the reduced economic activity is also leading to suppressed numbers of planning applications. Typical recessions would tend to indicate unemployment reaching its peak at around 2012/13 at a level in excess of three million placing additional pressures on national and local budgets.

Prospects for Local Government

13. The Comprehensive Spending Review (CSR) 2007 heralded a tightening of finance for local government with growth in the economy less buoyant than in the previous review periods. Given the economic down turn with negative growth for five quarters in a row, there is little prospect for local government to enjoy continued real terms growth in funding. The debate is not about whether there will be cuts to public spending but when. Many commentators are suggesting a 10% reduction in grant levels across the three years, 2011/12 to 2013/14.

Financial Impact from the Legacy Authorities

14. The Auditor's opinion has now been received on the final accounts of Mid Beds, South Beds and Bedfordshire. The closing general fund balances for the three legacy authorities total £15.4m which are offset by expenditure on transition costs. Brought forward reserves are broadly in line with the assumptions made in the existing MTFP.
15. Of equal importance are the earmarked reserves brought forward from the legacy authorities; analysis of the Mid and South Beds earmarked reserves was undertaken earlier in the year and £2.7m transferred to General Fund Balances. Work is still on going with Bedford Borough to disaggregate the County Balance Sheet..
16. There has been slippage on the capital programmes of all three legacy authorities which will be a first call on Central Bedfordshire's capital resources in 2009/10. This has added to the pressure on the Programme which was dependent on £15m of slippage in year. The Capital Programme has been reviewed and further borrowing or use of unapplied a capital receipts up to £8.887m has been agreed to meet these pressures. The review has also incorporated a number of new externally funded schemes into the Programme.

Budget Objectives

17. The clear message is that budget setting and medium term financial planning will be tough not just in the current year but in years to come and it is important that we have a clear sense of the objectives we wish to achieve. It is suggested that the following financial objectives may be of help in guiding budget discussions:
 1. A sustainable medium term financial plan that allows the achievement of the Council's key objectives;
 2. Realistic levels of year on year spending which are supportable via annual income streams and do not require the use of general reserves to support recurring expenditure;
 3. General reserves maintained at all times at or above the agreed minimum level;
 4. Constraining annual Council Tax increases to the minimum level with a goal to be at 'average' levels for comparable authorities within 10 years;
 5. Investment in transforming activities with a financial return on investment of at least £5 for every £1 invested
 6. A commitment to maximising efficiency savings

Emerging Pressures and Growth Priorities

18. The very nature of the construction of the first Central Bedfordshire budget has meant that close scrutiny was required right from the start of the financial year. The Council has been under significant financial pressure which needs to be managed in year if it is not to put further pressure on the longer term spending plans.
19. The key pressure on spending is in Adult Social Care where there are a number of budgets which have needed review. It is clear that the original budget build did not recognise the full level of services to be delivered by Central Bedfordshire and in a number of instances the historic data which was used as the foundation included efficiency savings that had not been delivered by the legacy authority. It is essential that budget setting for 2010/11 and beyond addresses the Social Care Health and Housing base budget.
20. In Children's services, nationally, a more interventionist approach to safeguarding following on from the high profile national cases has placed additional pressures on budgets in 2009/10.
21. Despite the significant level of pressures which have been experienced during the current financial year, the council is committed to bring expenditure in on budget.

Updated Medium Term Financial Plan

22. In February 2009, Council agreed the 2009/10 Budget Plan and Medium Term Financial Plan to 2013/14. The assumptions in the original plan are being revisited and extended to 2014/15. Appendix A summarises Central Bedfordshire's Medium Term Financial Plan for 2010/11 to 2014/15. The planning assumptions are set out below. For 2010/11, the minimal increase in Council Tax revenues and formula grant will cover inflationary pressures and leave some headroom to fund services/corporate pressures. This position is summarised in the table below with commentary in paragraph 24. to 33..

Funding	Assumptions	Budget £m
Formula Grant	2.6% increase, last year of CSR reconfirmed in Chancellor's spring statement	-50.697
Council Tax	2.5% in year one, 1.75% in year two and 1% thereafter and harmonised 1 April 2011	-124.705
		- 175.402
Base Spend		
2009/10 Base Budget		165.839
Base Budget Adjustments	Budget to reflect actual activity	5.800
Revised 2009/10 Base Budget		171.639
2010/11		
Inflation		
Pay and Prices	1.8% - CPI was 1.8% when the Strategy was drafted; it has since dipped as expected to 1.4% but is expected to pick back up in the new financial year.	3.712
Income	0.5% of pay for increments. 1.8% in line with expenditure forecast	-1.340
		2.372
Initial 2010/11 Budget		174.011
Headroom		- 1.391

23. Savings have been identified to make the Council more efficient and to put it on a strong footing to meet the inevitable pressures faced by local government at this time. The efficiencies have been categorised 'green', 'amber' or 'red' based on the ease with which they can be implemented. In broad terms those categorised as 'green' and 'amber' supported by the headroom can meet corporate pressures and those identified by services. The more difficult choices will need to be made when considering the growth proposal. All but £0.782m of these can be met from the more difficult to achieve 'red' efficiencies. Again, this position is summarised in the table below with commentary in paragraphs 34 to 49..

	Assumptions	Budget £m
Headroom in initial 2010/11 budget		-1.391
<u>add</u> <u>Corporate Measures</u> Reserves, Invest to Save and Capital Financing	Reserves reinstated to minimum risk assessed level, Invest to Save incorporated into base budget and revenue impact of borrowing and use of unapplied capital receipts in 209/10 Capital Programme	4.705
<u>Services Pressures</u>		6.251
<u>Funded by</u> <u>Efficiencies</u> Green		-3.204
Amber		-6.474
<u>Revised headroom after</u> <u>allowing for pressures</u>		-0.113
<u>Growth</u>		6.707
<u>Funded by</u> <u>Efficiencies</u> Red		-5.812
Net budget deficit		0.782

Funding

Formula Grant

- 24 The Chancellor's budget in March honoured the Formula Grant commitment in CSR2007 for 2010/11 of 2.6%. Beyond this point there is now an expectation of a reduction in Government funding which is at odds with the year on year increases of 2.0% from 2011/12 in the Plan. There is much speculation about Government spending plans but cuts upwards of 3% are more realistic. A 1% movement in the grant is equivalent to £0.5m. An update is expected in Alistair Darling's pre budget update on 9 December. Central Bedfordshire does not fair well in the grant settlement nationally and there is a greater burden on Council Tax compared with statistical neighbours.
25. A realistic planning assumption is for 2.6% for 2009/10 and for 0% increase from 2011/12 onwards.

Area Based Grant

26. For 2009/10, Area Based Grant (ABG) was allocated across the directorates in line with the historic specific grants which had preceded it. Indeed it has supported similar expenditure to the past and been paid out to partners in the same manner as 2008/09. This was a conscious decision to give stability at the time of the creation of the new Central Beds authority. However, ABG should not be seen as a collection of historic funding pots, it is a single grant which should be aligned to deliver the Local Area Agreement (LAA). As such the allocation of the £12.8m is under review for 2010/11.

Council Tax

27. Central Bedfordshire set its Council Tax at 2.5% for 2009/10 which was lower than the 3.0% average across the eastern region and nationally, it was the second lowest increase against Central Bedfordshire's statistical neighbours. This was in the context of indications from Government that intervention was possible where proposed increases were in excess of 4%.
28. Lower year on year increases were proposed for the remaining four years of the plan. A recent survey in Local Government Chronicle has indicated that unitary authorities nationally are intending to increase Council Tax by 2.6% in 2010/11. It would be prudent for Central Beds to secure its funding base with an increase in this order for 2010/11 with a commitment to lower year on year increase thereafter. The Plan, therefore, provides for a Council Tax increase of 2.5% at just below that for unitaries nationally in 2010/11 with 1.6% in 2011/12 and 1% per annum thereafter.
29. The Plan also includes a clear commitment to harmonisation of the rates in the north and south of Central Bedfordshire for 1 April 2012.

	2010/11	2011/12	2012/13	2013/14	2014/15
<u>% increase</u>					
North	3.0	3.0	1.0	1.0	1.0
South	2.0	0.1	1.0	1.0	1.0
	2.5	1.6	1.0	1.0	1.0
<u>Rates</u>					
North	1,302	1,341	1,354	1,368	1,382
South	1,340	1,341	1,354	1,368	1,382
	1,319	1,341	1,354	1,368	1,382

Spending

Adjustment to the Base Budget

30. There are a number of pressures which have been experienced in the current year where activity was not in line with the budget which was set. It is essential that these pressures set out in Appendix B are seen as a priority for the Council to address in order to enable directors to be given realistic budgets to manage in the new financial year.

Inflation

31. The Medium Term Plan made very broad assumptions on inflation beyond the current financial year. The general assumption was for 2.5% in general but up to 3.5% was provided for in Service directorates where there was deemed to be pressure on contracts with external providers. In the light of the current economic position and forecast for the Consumer Price Index for 201/11, these forecasts need to be revised downwards. CPI is currently 1.4% expected to fall a little further over the next few months before picking up again in the new financial year. For this reason, 1.8% is set aside for prices. This has also been used as the target for increase in fees and charges. 2% is allowed for prices and income in future years of the Plan.
32. There is growing pressure for a cash freeze on local government pay. Over the past ten years, year on year increases in the public sector have outstripped those in the private sector in percentage terms and over the past year, private sector pay has in many instance fallen or been held in light of the recession. The plan, therefore, makes no allowance for a pay award in 2010/11 and a provision of 0.5% is made for increments. Naturally, there is a risk here if nationally the pay award is agreed at greater than a freeze. Each 0.5% would cost the Council an additional £0.4m. 1% is allowed in future years of the Plan.
33. No specific allowance has been made here for additional contractual payments in 2010/11 where contracts are linked to indices other than CPI and are greater than CPI. These have been identified as pressures in individual services.

Efficiencies

34. The Chancellor's March budget raised the bar on efficiency savings with an additional 1% over the 3% in the initial settlement. There will undoubtedly be movement here beyond the current CSR too. This is a real issue with the need to contain expenditure with the expectation that resources will grow very little year on year.
35. For 2010/11, the increases in funding through Council Tax and Formula grant will only contain the inflationary pressures on current spending plans. Central Bedfordshire needs to position itself to respond not only to the challenges of the future but to demonstrate that it is a modern efficient business and that it delivers for value for money for local residents, in line with the messages from the recent residents survey. To meet all of these needs, options for efficiency savings in the order of 10% have been identified.
36. At the fore front of the drive for greater efficiency is the review of the senior management structure of the authority which will develop more effective leadership as well as ultimately delivering up to £2m of efficiencies. These savings will be included in the Plan from 2011/12 as a significant element will be needed for redundancy costs in 2010/11. There are a number of posts at risk here and in the detailed proposals put forward. Consequently discussions have commenced with the Trades Unions and formal consultation will be required. Details of all the proposed efficiencies are set out in Appendix C.

37. Central Bedfordshire is still in Transition. The future years of the Plan only include modest efficiencies to balance Inflationary pressures against lower expectations for Formula Grant and Council Tax. Transformational change will be possible through the use of Invest to Save funding set out in paragraph 39 below. More efficiencies will, therefore, be brought forward when a full assessment has been undertaken on the most effective use of these funds.

Corporate Measures

38. Central Bedfordshire does have some emerging financial pressures. There are three key issues which will need to be addressed at a corporate level:
- Reinstatement of General Fund Balances;
 - Invest to Save; and
 - Capital Financing
39. A risk assessment was undertaken earlier in the year of the minimum level of General Fund Balances which Central Bedfordshire should hold. This was assessed at £5.5m for 2010/11 and is uplifted for inflation across the remaining years of the Plan. Central Bedfordshire inherited relatively low balances on its vesting day and it is unrealistic to bring the Balances up to the minimum level in one year without putting significant pressure on services. The commitment remains to restore balances and it will be achieved over the life of the Plan, as demonstrated in Appendix A.
40. Central Bedfordshire does need to position itself to respond to the tightening public finances with inevitable reductions in Formula Grant and downward pressure on Council tax increases. In this context, changes to spending plans at the margin are not sustainable and transformation of services is essential. The commitment to Invest to Save made in February 2009 needs to continue but be given more visibility with the funds being included in the Budget Requirement and not as a transfer through reserves. The Plan allows for £1.5m per annum over the next four years.
41. The 2009/10 Capital Programme was in part funded by £8.787 unapplied capital receipts and £8.787m borrowing which was increased by £8.887m following the in year review of the Programme, reported to Council on 19 November. This has a £1.25m impact on the 2010/11 revenue budget through loss of investment interest, interest repayment on new debt and the need to set aside a Minimum Revenue Provision to repay principal. There are updates on the review of the 2009/10 Capital Programme and 2010/11 to 2014/15 Capital Programme in paragraph 45 below.

Pressures

42. Directors have brought forward pressures totalling £6.251m for 2010/11 to 2014/15 which are detailed in Appendix D. It is fair to say that the 'credit crunch' is continuing to impact on the delivery of services in Central Bedfordshire. This impact is across all directorates – increase caseloads in Revenue and Benefits, continued low interest rates impacting on investment returns, and no upturn income from land charges and planning income.

43. There are a number of other key pressures being experienced. It will be necessary to fund harmonisation of pay and conditions throughout the authority; existing policy is giving rise to increased school transport costs; the 'Baby Peter' case has inevitably led to an increase in the number of Looked After Children; contractual pressures are impacting on the delivery of residential places in Adult Social Care; and there is a continued uplift in Landfill Tax.
44. In broad terms taking efficiencies categorised as 'green' and 'amber' would enable these pressures to be incorporated into the 2010/11 Budget.

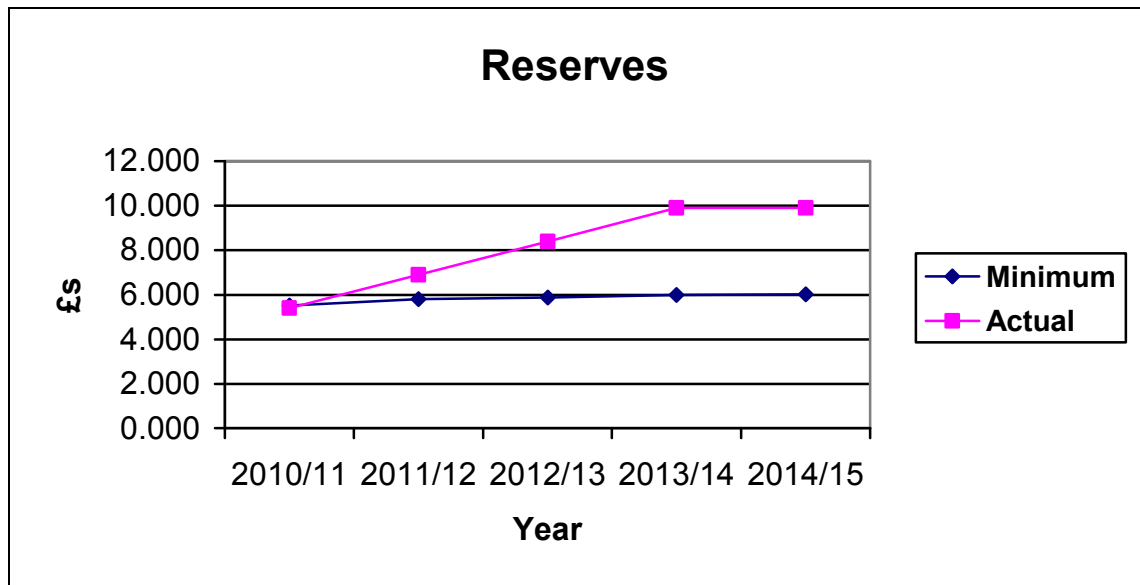
Growth

45. Directors have also come forward with growth proposals for 2010/11 to 2014/15 which are set out in Appendix E. These have been categorised as:
- Demographic;
 - New Statutory Provision; or
 - Choice
46. The key demographic pressures are in Social Care Health & Housing with the 'transition' of young adults from Children's Services to Adult Social Care provision and also the continued growth in the 85+ population.
47. There is little in the way of new statutory provision for 2010/11.
48. There are a number of growth proposals where there is genuine choice for Members. These include resources to improve community engagement, to develop the framework for school organisation changes; improved times for homecare visits, and additional capacity to take forward recovery in Adult Social Care.
49. It is possible to meet all but £0.782m of the growth proposed through the efficiencies identified. However, it would require the adoption of those efficiencies which have been assessed as 'red' – more difficult to implement and having greater impact. There will need to be consideration of the value of the growth against the impact of the efficiency.

Reserves

50. One of the key objectives for the Medium Term Financial Plan set out in paragraph 17. was that reserves are held at above the risk assessed minimum level across the life of the Plan. There is a balanced budget for all years dependent on a small level of efficiencies year on year with an annual contribution to increase the level of reserves initially to the minimum level and subsequently to a level which gives greater assurance.

	2010/11	2011/12	2012/13	2013/14	2014/15
	£m	£m	£m	£m	£m
Minimum Level	5.515	5.812	5.883	5.992	6.026
Actual Level	5.400	6.900	8.400	9.900	9.900



The Medium Term Outlook

51. The Plan currently allows for a freeze in Formula Grant from 2011/12 onwards. There is, however, uncertainty in the level of ABG and specific grants beyond the end of the CSR2007. The report has opened with an assessment of the current economic position. This has a major impact on the cost of pensions in the future. The Pension Fund has already been under pressure with the increase in life expectancy over but now also has to contend with significant reduced performance on its investment returns too. The triennial review of the Pension Fund will be undertaken in spring 2010 and will doubtless have an impact on the employer's contribution rate. It is expected to rise above the current 21%.

Capital Programme

52. Council set a five year Capital Programme at Council in February. In short, the aspirations of the legacy authorities are not sustainable financially and a radical review of the Programme is essential. £15m of slippage will be taken forward from 2009/10 into next year where there is already provisionally £36m of over programming. An extensive review of the 2010/11 Programme is now underway.
53. A more extensive programme will be possible from 2012/13 onwards when the property market has recovered and there is some certainty with capital receipts. Until that time, schemes with external funding will most likely go forward with all other schemes being funded through unapplied capital receipts which are finite and new borrowing which puts pressure on revenue in the future. Given the question of affordability, the capital programme will need to be constrained to no more than £30m net of external funding for the short term.
54. The Capital Programme 2010/11 to 2014/15 will be informed by the Asset Management Strategy also on this agenda.

Consultation

55. A number of consultations have been undertaken to inform budget setting for 2010/11 to 2014/15.
56. The results of two major surveys have become available in recent weeks – these are the Place Survey of Bedfordshire which was undertaken in 2008 with the results published this year and the Central Bedfordshire Residents Survey which was carried out in October. The two surveys give a consistent message of which services matter most to local residents – being levels of crime, road and pavement repairs and affordable housing. As is common with such surveys residents cite Council Tax as being too high. Of greater concern, though, is the view that only 19% of residents surveyed believe that Central Bedfordshire provides Value for Money. The detailed summaries of these two surveys are set out in Appendix F.
57. The Portfolio Holder for Corporate Resources attended the most recent Business Network meeting which was held on 11 November and has sought the view of local businesses on Central Bedfordshire’s Budget for 2010/11. Their views will be fed back in the Budget Report and Medium Term Financial Plan report to Executive in February.
58. The next quarterly meeting of the Equalities Forum is on 10 December and will be given a presentation on the proposals in this report for comment. Again, these will be fed back in the February report.
59. Finally, this report will be presented at Overview & Scrutiny later this month and in early January for comment.

Budget and Planning Process

60. The following table sets out the broad framework for agreeing the 2010/11 to 2014/15 Medium Term Financial Plan.

<i>December</i>	<i>Draft Revenue Budget agreed for consultation</i>
<i>December</i>	<i>Local Government Finance Settlement</i>
<i>December/January</i>	<i>Scrutiny of Draft Budget</i>
<i>January</i>	<i>Treasury Management Strategy reviewed</i>
<i>January</i>	<i>Executive recommends budget</i>
<i>February</i>	<i>Council agrees budget</i>

Appendices:

Appendix A1 – Medium Term Financial Plan Summary 2010/11 to 2014/15

Appendix A2 - Medium Term Financial Plan Summary 2010/11

Appendix B – Base budget Adjustments

Appendix C – Efficiencies

Appendix D – Pressures

Appendix E – Growth

Appendix F – Place and Residents Surveys

Background Papers (open to public inspection):

Medium Term Financial Plan 2009/10 to 2013/14

Location of papers: Priory House, Chicksands

CENTRAL BEDFORDSHIRE COUNCIL - Medium Term Financial Plan 2010/11 - 2014/15

Medium Term Financial Plan	2010/11	2011/12	2012/13	2013/14	2014/15
<u>Expressed at outturn prices</u>	£'000	£'000	£'000	£'000	£'000
Formula Grant & Council Tax					
Formula Grant	50,697	50,697	50,697	50,697	50,697
Council Tax	124,705	127,554	129,654	131,788	133,957
Council Tax Surplus / (Deficit)					
Total resources (Excl. schools DSG)	175,402	178,251	180,350	182,484	184,654
Growth		1.62%	1.18%	1.18%	1.19%
Planned Revenue Budget					
Base Revenue Expenditure	368,815	373,918	380,739	386,886	393,151
Cost Inflation	3,712	6,361	6,481	6,589	6,698
Adjustments	0	0	0	0	0
Growth	6,707	1,765	1,720	1,264	1,970
Pressures	10,956	2,033	1,907	1,432	1,296
Base Income	-197,176	-198,516	-202,486	-206,536	-210,667
Income Inflation	-1,340	-3,970	-4,050	-4,131	-4,213
Total planned spending before savings	191,674	181,591	184,311	185,504	188,235
Growth before savings (%)		-5.26%	1.50%	0.65%	1.47%
Efficiency Savings	-15,490	-1,233	-70	-20	-20
Efficiency Savings still to be allocated	-782	-2,105	-3,891	-3,000	-3,561
Total planned spending after Savings	175,402	178,253	180,350	182,484	184,654
Growth after savings (%)		1.63%	1.18%	1.18%	1.19%

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CENTRAL BEDFORDSHIRE COUNCIL - Medium Term Financial Plan 2010/11 - 2014/15

Appendix A2

Projections - 2010/11

	2010/11								
	Base Revenue Expenditure £000	Cost Inflation £000	Growth £000	Pressures £000	Base Income £000	Base Income Inflation £000	Net Revenue Expenditure Before Savings £000	Efficiency Savings £'000	Net Revenue Expenditure after savings £'000
Formula Grant & Council Tax									
Formula Grant									50,697
Council Tax									124,705
									175,402
									2.9%
Planned Revenue Expenditure									
Business Transformation	75,889	255	672	2,430	-69,274	-28	9,944	-605	9,339
Children' Young People & Families	105,842	1,099	1,398	2,522	-66,603	-464	43,794	-3,417	40,377
Corporate Management Team	309	2	30	0	0	0	341	0	341
Corporate Resources	25,842	282	1,379	1,709	-6,114	-101	22,997	-1,959	21,038
Debt Servicing & Other Corporate Costs	16,725	43	0	1,250	-2,140	-3	15,875	-343	15,532
Social Care, Health & Housing	94,532	1,346	3,021	485	-42,759	-636	55,989	-4,640	51,349
Sustainable Communities	49,676	685	207	2,560	-10,286	-108	42,734	-4,526	38,208
Unallocated	0		0	0	0		0		0
Total Planned Expenditure	368,815	3,712	6,707	10,956	-197,176	-1,340	191,674	-15,490	176,184
Efficiencies Yet to be Identified								-782	-782
TOTAL								-16,272	175,402

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Base Budget Pressures

Detail of pressure	Category Note 1	Priority Note 2	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
BUSINESS TRANSFORMATION								
<u>Customer Services</u> Customer Services: Budget recharges error in 09/10 in Registrars	S	1	Correction to base budget.	0.185				
				0.185	0.000	0.000	0.000	0.000
CHILDREN'S FAMILIES & LEARNING								
<u>Leisure & Culture</u> Outdoor Education, Duke of Edinburgh and Kempston Joint use facilities Sandy & Houghton Regis PE and Sport Grant Leighton Buzzard Theatre				0.136				
				0.018				
				0.082				
				0.119				
				0.355	0.000	0.000	0.000	0.000
CORPORATE RESOURCES								
<u>Property</u> Properties: Ampthill Courthouse, no budget awarded despite loss of income from MBDC	D	1=	Ongoing costs unavoidable unless building vacated	0.018				
Properties: Dunstable Courthouse, no budget awarded (legacy of BCC shortfall never resolved)	D	1=	Ongoing costs unavoidable unless building vacated	0.035				

Detail of pressure	Category Note 1	Priority Note 2	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Properties: Bedford Square, common costs re CBC occupiers (estimate only as development is new)	D	1=	Ongoing costs unavaoidable unless building vacated.	0.050				
				0.103	0.000	0.000	0.000	0.000
SOCIAL CARE HEALTH & HOUSING								
<u>Adult Social Care</u>								
Adult Mental Health Purchasing Budget - 08/09 budget was £210k only 20k allocated for 09/10. Current forecast variance circa £340k	S	1		0.340				
Older People and Physical Disabilities - non achievement in 09/10 of 200k efficiency target set for day care & continuing health care	S	1		0.317				
Extracare Housing - £310k undercosting in staffing establishment	S	1		0.310				
Asst Director Cost Centre - £170k undercosting in staffing establishment	S	1		0.170				
LuDon Worksop and Workstep Sheltered Employment Schemes - £109k omission of payroll costs associated with scheme participants	D	1		0.109				

Detail of pressure	Category	Priority	Impact	2010/11	2011/12	2012/13	2013/14	2014/15
	Note 1	Note 2	Note 3	£m	£m	£m	£m	£m
Income target - non-achievement of a balancing income target of £556k in Assts Directors Cost Centre introduced to balance the overall budget to the Council's cash limit	S	1		0.556				
Occupational Therapy - unachievable income target re PCT Funding	S	1		0.087				
Omission of Social Worker 3% recruitment and retention bonuses	S	1						
Incorrect pay grades LD nurses	S	1						
Unachievable Meals income targets in LD day centres	S	1		0.100				
Demand Pressures								
LD Assessment & Commissioning - £1.4m	S	1		1.200				
OP/PD Assessment & Commissioning - Take off 1.2m growth and 194k carers grant	S	1		2.800				
				-1.394				

Detail of pressure	Category	Priority	Impact	2010/11	2011/12	2012/13	2013/14	2014/15
	Note 1	Note 2	Note 3	£m	£m	£m	£m	£m
<u>Commissioning</u> BUPA block contract - client contribution not being fully achieved. In addition to paying for voids under the contract, beds to equivalent number are being spot purchased from other providers. This is not being quantified but would be considerably more than this figure.	S	1		0.387				
<u>Business Performance</u> Unachievable efficiency target	D			0.070				
Unfunded area office staff	D			0.050				
Underfunded Business Support SLA	D			0.020				
				5.122	0.000	0.000	0.000	0.000
SUSTAINABLE COMMUNITIES wef 1/10/09 Government change to planning application fees	S	1	Loss of income to service mid year	0.035				
				0.035	0.000	0.000	0.000	0.000
Total				5.800	0.000	0.000	0.000	0.000

Note 1 - Category: S - Statutory Service D - Discretionary Service

Note 2 - Each budget pressure must be ranked the first being the one most difficult to avoid

Note 3 - Departments should consider the service delivery, political and reputational damage implications to the Council.

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
BUSINESS TRANSFORMATION									
Communications: Revised approach to council tax leaflet production	S	1	E	Lowers costs achieved either through partnership or through scaled down design and print model.	0.010				
Communications: Revised approach to media subscription services.	D	1	E	Press office to use alternative means of sourcing some publications on a needs based approach.	0.005				
Communications: Review of corporate subscriptions. (Corporate savings)	D	1	E	Savings predicated on assumed efficiency of 1% of corporate subscription budget through economies of sale and efficient procurement.	0.020				
Communications: Revised approach to procurement of design and print across the authority - streamlined to approved list of suppliers. (Corporate savings)	S/D	1	E	Savings predicated on assumed efficiency of 1% of corporate budgets through economies of scale and efficient procurement.	0.020				
Customer Services: Reduction in overhead expenditure, mainly in Registration Services.	S	1	S	Reduced Furniture & Equipment budget may impact on functionality of registration rooms.	0.013				
Customer Services: Transfer of Registrations appointment process to Customer Services and self service via the web.	S	1	E	Increase capacity to register appointments and allow multiple enquiries to be resolved in a single contact.	0.015				
Customer Services: Migration of Biggleswade Customer Services Centre into shared location.	D	1	E	Savings in premises related costs	0.023				
Customer Services: Streamlining of Service - reduction of staff numbers	D	1	S	Improved working practices required to maintain customer service levels	0.075				
Policy, Partnerships & Performance: Reduce discretionary spend	D	1	E	Reduction in training, support/licenses and printing budgets.	0.007				
Policy, Partnerships & Performance: Policy - Other	D	1	S	More targeted spending	0.010				
Policy, Partnerships & Performance: Partnerships - Other	D	1	S	Reduced market research activity	0.010				
Revenues & Benefits: Single location for Customer Accounts back office processing results in saving of management posts. Dependent on accommodation strategy.	D	1	E	No impact provided the team are located on one site	0.080				
Sub total green Business Transformation					0.288	0.000	0.000	0.000	0.000
Policy, Partnerships & Performance: Freeze post of Policy Advisor	D	2	E	More targeted activity	0.052				
Policy, Partnerships & Performance: Freeze post of Community Intelligence Officer	D	2	S	More targeted activity	0.040				

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Revenues & Benefits: Customer Accounts stay at same resource level as 09/10 but contractors are removed as productivity is increased	S	2	E	Improved working practices required to maintain customer service levels	0.160				
Sub total amber Business Transformation					0.252	0.000	0.000	0.000	0.000
Customer Services: Reduction in opening times for registration services	S	3	S	Will reduce service available to public	0.015				
Revenues & Benefits: Streamlining of Service - reduction of staff numbers	S	3	S	Improved working practices required to maintain customer service levels	0.050				
Sub total red Business Transformation					0.065	0.000	0.000	0.000	0.000
Sub total all Business Transformation					0.605	0.000	0.000	0.000	0.000
CHILDREN FAMILIES & LEARNING									
Policy, Planning & Commissioning: Reduction of headcount through role merging and restructure	D	1	E	Improved working practices required to maintain customer service levels	0.040				
Policy, Planning & Commissioning: Contract renegotiations for transport costs	S	1	E	Minimal	0.100				
Integrated Services: Staff advertising	S	1	E	Minimal	0.020				
Integrated Services: Venue hire and transport recharge	S	1	E	Minimal	0.019				
Integrated Services: Special facilities and conferences	S	1	E	Minimal	0.035				
Integrated Services: Education Welfare Service re-alignment of service provision	S	1	S	Manageable through business improvement	0.022				
Integrated Services: End Profile Support provided by external provider	S	1	E	Internal ICT function to take over this function - minimal service impact	0.054				
Integrated Services: Restructure of IT Team	D	1	E	Structural reorganisation of line management of one team would be required as part of business improvement.	0.050				
Integrated Services: Accommodation and IT Team savings	D	1	E	Impact should be minimal and service would be uninterrupted by change	0.012				
Integrated Services: Savings in NEET Team	S	1	E	Can be absorbed as part of local delivery of services	0.024				
Integrated Services: Re-alignment of Training and Development Team	S	1	E	Impact will be manageable as part of business improvement processes.	0.025				
Leisure & Culture: Adult Community Learning - Streamlining of service via merger of vacant posts and restructure	S	1	S	Improved working practices required to maintain customer service levels	0.063				
Leisure & Culture: Music - Streamlining of Service - reduction of staff numbers	D	1	S	Improved working practices required to maintain customer service levels	0.037				
School Organisation and Capital Planning: Realignment of Service Provision	D	1	E	Reduction in admin support and increased work load for remaining team members	0.012				
Sub total green Children, Families & Learning					0.513	0.000	0.000	0.000	0.000

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Learning & School Support: Children's Workforce Development - Reduce operational costs and Increase income	S	2	S	Improved working practices required to ensure modernised and integrated children's workforce	0.019				
Learning & School Support: Restructure of Governor Training Team	D	2	S	Look at strengthening the service through partnership arrangements with another provider	0.012				
Learning & School Support: Admissions	S	2	S	Need to ensure that statutory functions are maintained despite reduced funding.	0.010				
Learning & School Support: School Improvement - Restructuring School Improvement arrangements including provision of SIP's to schools.	D	2	S	Need to ensure robust arrangements are in place through commissioning to ensure that there is universal, targeted and specialist support to schools which leads to accelerated improvement.	0.037				
Learning & School Support: Curriculum Support - Restructure	D	2	S	As above	0.041				
Learning & School Support: Universal & Targeted Support to Schools - Restructure	S	2	S	As above	0.026				
Learning & School Support: Restructure Area Education/Governor Training Team	D	2	E	Look at strengthening the service through partnership arrangements with another provider.	0.004				
Learning & School Support: Admissions	S	2	E	Need to ensure that statutory functions are maintained despite reduced funding.	0.004				
Learning & School Support: School Improvement - Restructuring School Improvement arrangements including provision of SIP's to schools.	D	2	E	Need to ensure robust arrangements are in place through commissioning to ensure that there is universal, targeted and specialist support to schools which leads to accelerated improvement.	0.015				
Learning & School Support: Curriculum Support - Restructure	D	2	E	As above	0.017				
Learning & School Support: Universal & Targeted Support to Schools	S	2	E	As above	0.010				
Leisure & Culture: Libraries - Reduced relief staffing	S	2	S	Will require alternative contingency staffing arrangements to be in place	0.060				
Leisure & Culture: Libraries - Reduced budget for vehicles	S	2	S	Reduced amount could lead to some restrictions in the mobile service.	0.010				
Leisure & Culture: Music - Proposed fee increases	D	2	S	Balance between maintaining effective service and charging competitive fee levels	0.045				
Leisure & Culture: Countryside Services - Restructure of service delivery	S	2	S	Improved working practices required to deliver performance against Outdoor Access Improvement Plan including ability to generate external funding for projects	0.036				

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Leisure & Culture: Countryside Services - Restructure of Project Team	S and D	2	S	As above	0.036				
Leisure & Culture: Countryside Services - Reduction of partnership funding	D	2	S	Requirement to manage relationships with 3rd sector partners	0.010				
Leisure & Culture: Libraries - Reduced relief staffing	S	2	E	Will require alternative contingency staffing arrangements to be in place	0.020				
Leisure & Culture: Countryside Services - Reduction of partnership funding	D	2	S	Requirement to manage relationships with 3rd sector partners	0.010				
Leisure & Culture: Countryside Services - Realignment of marketing promotions and service delivery	D	2	E	Performance against Outdoor Access Improvement Plan	0.027				
Leisure & Culture: Music - Restructure of management team lowering headcount	D	2	E	Improved working practices required to maintain customer service levels	0.071				
School Organisation: budget	D	2	E	Improved working practices needed to maximise potential capital grant	0.029				
Integrated Services: Restructure of specialist education officers	S	2	E	Manageable with HR support to combine roles	0.024				
Integrated Services: Deletion of Contact Assistant post currently filled by a temp.	S	2	E	Largely works on Bedford SLA. If SLA was to end, post could be deleted without significant impact on CBC activity.	0.022				
Integrated Services: Deletion of Youth Post provided by the Voluntary Sector.	D	2	E	New commissioning arrangements will maintain voluntary sector involvement in meeting priorities of the CYP.	0.031				
Sub total amber Children, Families & Learning					0.626	0.000	0.000	0.000	0.000
Policy, Planning & Commissioning: Policy change on transport provision if agreed would provide possibility of savings and/or increased revenue.	S	3	S	Need to evaluate the impact of this change	Work in progress to evaluate savings				
Learning & School Support: Education Development Plan Commissioning/Finance/Premises	S	3	S	Improved working practices required to maintain functions	0.013				
	S	3	E		0.013				
Learning & School Support: Ethnic Minorities, Travellers Achievement Service (EMTAS)/Behaviour Support Team/Learning Support Team - Restructuring of Services	S	3	S	Potential reduction in service levels for children and young people	0.063				
	S	3	E		0.063				
Learning & School Support: Greys Education Centre (Shared Service with Bedford Borough hosting). Disaggregation and restructuring of resources	S	3	S	Need to commission new services and monitor delivery to ensure the needs of young people are met.	0.106				
	S	3	E		0.106				

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Learning & School Support: Children's Workforce Development - Reduce operational costs and increase income	S	3	S	Improved working practices required to ensure modernised and integrated children's workforce	0.017				
Learning & School Support: Restructure Area Education/Governor Training Team	D	3	S	Look at strengthening the service through partnership arrangements with another provider.	0.007				
Learning & School Support: Admissions	S	3	E	Need to ensure that statutory functions are maintained despite reduced funding.	0.006				
Learning & School Support: School Improvement - Restructuring School Improvement arrangements including provision of SIP's to schools.	D	3	E	Need to ensure robust arrangements are in place through commissioning to ensure that there is universal, targeted and specialist support to schools which leads to accelerated improvement.	0.023				
Learning & School Support: Curriculum Support - Restructure	D	3	S	As above	0.025				
Learning & School Support: Universal & Targeted Support to Schools	S	3	S	As above	0.015				
Leisure & Culture: Countryside Services - Reduction of sites maintenance budget	S	3	S	Need to manage impact to maintain appearance, avoid an increase in risks and avoid a deterioration of site infrastructure	0.012				
Leisure & Culture: Music - Streamlining of Service - reduction of staff numbers	D	3	S	Improved working practices required to maintain customer service levels	0.063				
Leisure & Culture: Libraries - Reduced relief staffing	S	3	S	Will require alternative contingency staffing arrangements to be in place	0.025				
Leisure & Culture: Libraries - Reduced budget for vehicles	S	3	S	Reduced amount could lead to some restrictions in the mobile service.	0.005				
Leisure & Culture: Music - Close Music Centres (up to 2)	D	3	S	Direct impact on service provision	0.045				
Leisure & Culture: Countryside Services - Reduction of partnership funding	D	3	S	Requirement to manage relationships with 3rd sector partners	0.010				
Leisure & Culture: Countryside Services - Restructure resources of Outdoor access team	S and D	3	E	Potential for reduced performance against Outdoor Access Improvement Plan including ability to generate external funding for projects	0.042				
Leisure & Culture : Leisure - Team Beds and Luton	D	3	S	Requirement to manage relationships with 3rd sector partners	0.010				
School Organisation: budget	D	3	E	Improved working practices needed to maximise potential capital grant	0.029				
Specialist Services: Recommissioning of externally contracted family support services and placements		3		Savings predicated through economies of sale and efficient procurement (see individual items below)	0.500				

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Specialist Services: Make efficient use externally commissioned services - target grants to Voluntary organisations to direct service functions.	S	3	E	Reduction in Family Support Services. Need to ensure minimum Impact on early intervention	↓				
Specialist Services: Reduce out of county placements for social care	S	3	E	Significant issue. Need to balance available funding against range of placements and ability to match					
Specialist Services: Improve placement commissioning through needs analysis. Develop mixed economy including new model for in-house service.	S	3	E	Better matching of service provision to need/demand in the medium term. Improved procurement more efficient deployment of resources through reduction in spot purchasing.					
Specialist Services: Establish local placement strategy for unaccompanied asylum children	S	3	E	Significant issue. Need to balance available funding against range of needs					
Specialist Services: Undertake a review of residential care, provider delivery and financing	S	3	E	Await outcome of review but recognise need to manage impact on individual young people					
Specialist Services: Integrated family support through localisation	S	3	E	Local delivery of integrated services will result in improved preventative work and earlier intervention. Service available locally should reduce escalation to high cost specialist services for some children.					
Specialist Services: Review use of out of county Special Educational Needs placements. Develop alternative provision.	S	3	E	Improved local provision with schools should reduce the frequency with which out of authority placements are required. Improved procurement/contract management processes result in improved VFM.	0.500				
Specialist Services: Restructuring of LAC and LAAC Teams	S	3	E	Impact on management capacity and supervision ratios	0.085				
Specialist Services: Review of Specialist Education Needs functions in Specialist schools and Learning and Schools sub directorates	S	3	S	Significant issue. Need to balance available funding against range of needs	0.040				
Specialist Services: Reduce establishment	D	3	E	Improved working practices required to maintain service levels	0.118				
Specialist Services: Increase service income from schools where full economic cost is not being charged	D	3	S	Need provide quality services at a competitive price to avoid schools seeking alternative sources	0.260				
Specialist Services: Staffing structure review and review of role content for Social worker and assistants	S	3	E	Will need to manage carefully to avoid risk to service performance, recruitment & retention	0.060				

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Specialist Services: Review Family support services	D	3	S	Careful management needed in order to ensure that capacity to intervene earlier is not impacted resulting in more recourse to Child Protection Processes & Care					
Integrated Services: Ending of free school uniforms	D	3	S	Significant issue. The ending of this discretionary scheme could impact a small number of families	0.017				
Sub total red Children's, Families & Learning					2.278	0.000	0.000	0.000	0.000
Sub total all Children, Families & Learning					3.417	0.000	0.000	0.000	0.000
CORPORATE COSTS									
Financing: Savings in cost of servicing debt	D	1	E	Debt already rescheduled	0.343				
Sub total green Corporate Costs					0.343	0.000	0.000	0.000	0.000
Sub total all Corporate Costs					0.343	0.000	0.000	0.000	0.000
CORPORATE RESOURCES									
Audit: Freeze Head of Strategic Risk post (100% of post)	D	1	E	Improved working practices required to maintain service levels	0.061				
Legal & Democratic: Executive Research Officer post to be reduced to 3 days a week (2 days are currently vacant)	D	1	S	No additional support to Executive	0.008				
Legal & Democratic: Removal of posts	D	1	S	Improved working practices required to maintain service levels	0.065				
Property: Net savings generated by consolidating Bedford properties	D	1	E	Work underway	0.200	0.100	0.050		
Finance: Introduction of Optical character Recognition in payments process	D	1	E	More efficient processes	0.012				
Finance: Introduction of Purchase Cards	D	1	E	Reduced administration in directorates, would be a top slice on service budgets.	0.062				
HR: Heart - increased profit target	D	1	E	Greater commercial approach.	0.010				
HR: Reduction in printing / stationery / office overheads	D	1	E	Consolidation of team (accommodation)	0.010				
HR: Reduction in administrative costs	D	1	E	Consolidation of team (accommodation)	0.035				
HR: Additional Reduction in professional services	D	1	E	Greater reliance on in-house resources	0.005				
HR: Reduction in administrative costs	D	1	E	Consolidation of team (accommodation)	0.024				
ICT: Revised pricing on key ICT agreement	D	1	S	Renegotiation of a key ICT agreement, resulting in better value for money and a reduction in costs from £750k to £250k.	0.500				
Sub total green Corporate Resources					0.992	0.100	0.050	0.000	0.000

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Finance: Streamline vendor set up process		2	E	More efficient processes	0.028				
Finance: Charge schools full cost for payroll / reduce costs to fit in with current charge.		2	E	Need provide quality services at a competitive price to avoid schools seeking alternative sources	0.040				
Finance: Review transactional activity in Business Finance		2	E	More efficient processes	0.028				
Finance: Review of training, conferences and subscriptions budgets for Financial Services		2	E	Reduced professional development - consider alternatives	0.030				
Finance: Review of financial shared service arrangements with the Borough		2	E	Further discussions needed to assess impact	0.030				
Finance: Review no. of Manager posts in Financial Services		2	E / S	Improved working practices required to maintain service levels	0.057				
HR: Reduction in Learning & Development for HR team	D	2	S	Reduced professional development - consider alternatives	0.015				
HR: Heart -additional increased profit target	D	2	E	Commercialisation	0.005				
HR: Reduction in professional services	D	2	E	Greater reliance on in-house resources	0.010				
ICT: Software		2	E	Improved working practices required to maintain service levels	0.010				
ICT: Telecoms		2	E	Comprehensive review of Telecoms budget - targeted spending	0.200				
Sub total amber Corporate Resources					0.453	0.000	0.000	0.000	0.000
Legal & Democratic: Review of Member support to the Executive	D	3	S	Re-prioritise Member Support	0.035				
Legal & Democratic: Reduction in one Members' Services post (post is vacant) retain £10k for external PDP support	D	3	S	Careful management to ensure that reduction does not impact on achieving EERA Charter	0.026				
Property: Increased service charge income	D	3	E	Receipt of commercial charge	0.080				
Property: Reduction in fee budget for contract	D	3	S	Reduction in work activity undertaken by contractor	0.020				
Property: Increase of specific property service income	D	3	S	Seek to improve return on assets	0.020				
Property: Increase of rent income from specific properties	D	3	E	Seek to improve return on assets	0.100				
Property: Reduce R & M spend	S/D	3	S	Target spend effectively	0.082				
Property: Relinquish storage offset by rent forgone at replacement site	D	3	E	This is a net change to budgets which provides a saving.	0.012				
Property: Rent reviews	D	3	S	Seek to improve return on assets	0.040	0.040			
HR: Deletion of MI Manager vacant post	D	3	E/S	Contingent upon SAP development of employee/manager self service.	0.059				
ICT: Training		3	S	Reduced professional development - consider alternatives	0.040				
Sub total red Corporate Resources					0.514	0.040	0.000	0.000	0.000
Sub total all Corporate Resources					1.959	0.140	0.050	0.000	0.000

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
SOCIAL CARE HEALTH & HOUSING									
Delete vacant manager post in older people and physical disabilities team	S	1	E	Improved working practices required to maintain service levels	0.035				
Delete vacant operational manager post in older people and physical disabilities team	S	1	E	Improved working practices required to maintain service levels	0.050				
Review provision of Community Alarm Service	S	3	E	Delivers a Central Bedfordshire wide approach with minimal impact	0.100				
Review administrative support to senior managers	S	5	E	Reduction in support to managers	0.030				
Delete vacant post in brokerage team	S	1	E	Improved working practices required to maintain service levels	0.035				
Capitalise Private Sector Housing salaries (linked to 2010/11 capital bid) - Allowable under SORP	S	1	E	This would be further capitalisation and would need to manage impact on customers	0.100				
Increase in IT and business support efficiencies				Improved working practices required to maintain service levels	0.020	0.020	0.020	0.020	0.020
Review reception/area office admin	S	8	E	Will reduce cover in offices	0.010				
Sub total green Social Care, Health & Housing					0.380	0.020	0.020	0.020	0.020
Review Learning Disabilities Direct Services Management	S	2	E	Redistribution of workload	0.080				
Additional client income through improved business process	S	3	E	Some service users, not previously charged will be.	0.400				
Travellers Site (General Fund) - income from increased pitch fee	S	5	E	Consistent with charging policy for other tenants	0.100				
Efficiency savings following introduction of Personal Budgets	S	6	E	Improved working practices required to maintain service levels	0.000	0.100			
Review costs of out of county placements in Learning Disabilities	S	8	E	Improved working practices required to maintain service levels	0.065				
Customer Finance Business Process Efficiencies	S	8	E	Improved working practices required to maintain service levels	0.050				
Review Supporting People - SLA with BBC	S	8	E	Further discussions needed to assess impact	0.125				
Review Supporting People Contract Arrangements - SLA with BBC	S	8	E	Further discussions needed to assess impact	0.200				
Review approach to service user support and commissioning	S	8	E	Improved engagement and commissioning activity	0.040				
Review support for voluntary sector organisations in light of emerging Preventative Strategy	D	10	E	Review to determine organisations focusing most on outcomes / transformation agenda.	0.040				
Harmonisation of Housing Needs Services	S	8	E	Efficient processes	0.000	0.070			
Review of Care Management role in response to Personalisation	S	8	E	Support planning/personal budgets will lead to workforce changes	0.050				
Review Fairer Charging Policy	S	10	E	Would need statutory consultation	0.250				
Sub total amber Social Care, Health & Housing					1.400	0.170	0.000	0.000	0.000

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Review supported employment services	D	10	S	Improved working practices required to maintain service levels	0.100				
Reduction in demand for long term residential services due to reablement	S	8	E	This is consistent with government policy and savings achieved in other local authorities. It is linked to growth proposals for Occupational Therapy equipment/adaptations/minor works.	0.250	0.250			
Review services commissioned through special grants	S	9	E	Improved working practices required to maintain service levels	0.300				
Review the use of residential and nursing placements within the context of developing more community based solutions	S	10	S	Could increase pressure on domiciliary services. Careful management needed to avoid adverse impact on income	0.695				
Review of Welfare Rights Service	D	8	S	Efficient processes	0.105				
Modernisation of day services for older people	S	10	E/S	Improved working practices required to maintain service levels	0.175	0.175			
Reduction in demand for community care services due to reablement	S	10	S	This is consistent with government policy but may lead to a reduction in income received.	0.143				
Modernisation of day services for people with learning disabilities	S	10	E	Improved working practices required to maintain service levels	0.200				
Further reduction in the use of care home placements	S		S	This is consistent with government policy but would further increase pressure on community based services	0.542				
Further reductions in community care packages	S	10	S	Would impact on our ability to reduce the number of Care Home placements	0.150				
Review council contribution to special grant funded activities	S	10	S	Need to ensure compliance with audit and performance conditions.	0.200				
Sub total red Social Care, Health & Housing					2.860	0.425	0.000	0.000	0.000
Sub total all Social Care, Health & Housing					4.640	0.615	0.020	0.020	0.020
SUSTAINABLE COMMUNITIES									
Development Management: Contracts for consultants not renewed or terminated:-									
a) Major applications consultant	S		E	Improved efficiency	0.060				
b) Historic Building and Conservation consultant	S		E	Improved efficiency	0.027				
Development Management: Adjustments for inaccurate budgets	S		E	None	0.100				
Planning & Development Strategy: Reduction in Housing Strategy Team Professional Services budget through more efficient approach to Stock Condition Survey. Reduce Housing Strategy Professional Services budget further to take account of reduced assumed costs of further SHMA work	S		E	Improved efficiency	0.042				

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Planning & Development Strategy: Deletion of vacant posts	D		R	Improved working practices required to maintain service levels					
Waste Services: Contractor to distribute food waste sacks.	D		E	Full year effect of change in process made in 2009/10	0.100				
Waste Services: Reduce number of grass cuts	D		R	Significant issue. Need to balance available funding against range of needs	0.035		P		
Waste Services: Delete contract supervisor post (vacant)	D		R	Improved working practices required to maintain service levels	0.020				
Service Development: Deletion of vacant posts	D/S		E	Improved working practices required to maintain service levels	0.059				
Highways: Highways Contract inflation	D/S		E	Actual contract inflator lower than forecast	0.180				
Highways: Integrated Transportation Schemes NOTE: These are mostly small scale surveys and feasibility studies (generally under £10k) to make minor, but important improvements to local areas, and policy development. This category also includes advanced preparation of major projects for future years	D		R	Reprofiling a 4 year work programme over 5 years	0.045		P		
Planning Development Strategy: Reduction in Local Transport Plan (LTP) Professional Services Budget from £270k to £250k	S		R		0.020				
Sub total green Sustainable Communities					0.688	0.000	0.000	0.000	0.000
Development Management: Re-structure of service following Business Process Re-engineering, and implementation of interim accommodation strategy.	S		E/R	Proposals reflect increase in efficiency of service resulting from implementation of new computer systems, business process re-engineering, interim accommodation strategy and increased capability of teams from competency based career development framework	0.323	0.125			
Community Safety & Public Protection: Deletion of posts following implementation of Integrated Environmental Management System & business process re-engineering.	S		E	Deletion of posts dependent on implementation of new Integrated Environmental management system	0.210	0.017			
Community Safety & Public Protection - Operational budget public protection	S		R	Careful management as reduces flexibility on sampling and monitoring work, working with others and capability for one off projects.	0.038				
Community Safety & Public Protection: Reduction on posts	S		E	Dependent on implementation of integrated environmental management system (IEMS)	0.041	0.014			

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Economic Growth & Regeneration - Removal of Town Centre Management grants	D		R	Reduction in CBC funding to 3 Town Councils. Possibly replaced by funding provided to individual members drawn from other budgets	0.101				
Waste Services - Merge Waste Services with another service area within Sustainable Communities and re-structure	S		E/R	1 Assistant Director, 1 Head of Service & 3 other posts deleted wef 1/4/10	0.275				
Waste Services - Charge for garden waste	D		R	Garden waste is currently collected free of charge. A review of the level of service provided to be undertaken.	2.000	SHOULD BE SHOWN IN RED			
Waste Services - Leachate treatment for BBC	D		E	Issue being assessed.	Work in progress to evaluate savings				
Waste Services -Harmonisation of street cleansing standards	S		R	Significant issue. Need to balance available funding against range of needs	0.120				
Highways - Reduction in Area team budget NOTE: This funding includes expenditure on "Category 1" (immediate repairs for safety reasons) which is a statutory service and "Category 2" repairs which are discretionary. Savings proposed are within the discretionary element of the expenditure.	D		R	Reductions would affect Category 2 repairs and low level maintenance such as gully cleaning and weeding. The parish and town councils work closely with the area teams to identify and prioritise this work.	0.400				
Highways - Supported bus services - additional full year affect of subsidy reductions agreed by Executive 15/09/2009	D		R	Significant issue. Need to balance available funding against range of needs	0.048	0.130			
Highways - Community Transport NOTE: Reduction in grants to Community Transport Groups subject to outcome of passenger transport review.	D		E/R	Need to manage relationships with voluntary sector. Impact would be a reduction in support to community	0.000	0.192			
Planning Development Strategy - Reduce support to community & voluntary groups	D		R	Need to manage relationships with voluntary sector. Impact would be a reduction in support to community	0.033				
Planning Development Strategy - Reduction in Community Involvement Team	D		R	Reduces the resource available to engage with community groups when delivering on major new developments. However, may be possible to gather contributions from developers to pay for this resource in future once applications start coming in.	0.030				
Planning Development Strategy - Reduction in annual Local Development Framework Fund contribution	S		R	Minimal impact	0.010				
Planning & Development Strategy - Streamline structure	S		R	Improved working practices required to maintain service levels	0.114				
Sub total amber Sustainable Communities					3.743	0.478	0.000	0.000	0.000

Detailed of efficiency proposal	Category Note 1	Priority Note 2	Type Note 4	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Highways: 20 School Crossing Patrols	D		E	This service is discretionary. Children's safety cannot be compromised but could be devolved to those schools that benefit from its provision. It would be proposed to replace each crossing patrol with a signalised crossing facility requiring capital investment of around £45k for each site	0.095		P		
Sub total red Sustainable communities					0.095	0.000	0.000	0.000	0.000
Sub total all Sustainable Communities					4.526	0.478	0.000	0.000	0.000
Total					15.490	1.233	0.070	0.020	0.020

Note 1 - Category: S - Statutory Service D - Discretionary Service

Note 2 - Each efficiency saving must be ranked the first being the easiest to achieve

Note 3 - Departments should consider the service delivery, political and reputational damage implications to the Council.

Note 4 - S - Service Reduction or E - Efficiency

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Budget Pressures

Detail of pressure	Category Note 1	Priority Note 2	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
BUSINESS TRANSFORMATION								
Comms & PP&P: Staff costs - arising from Budgeted grade for posts not aligning with the actual grade, and not fully costed car allowances (Comms £33k, PP&P £56k)	D	1	Base budget overspend	0.089				
CS,R&B: Increased enquiries and caseload due to economic climate (Cust Accounts £355k, Customer Services £20k). 20% growth in benefits caseload in 09/10	S	1	If not resourced the service will remain in the bottom quartile of performance for the processing of benefit claims. NI180 from 22 days to 35 days. 10 people to replace the 14 contractors.	0.375				
CS,R&B: Harmonisation of pay (Cust Accounts £150k, Cust services £150k, Revenues £50k)	D	1	Part of creating Central Bedfordshire that has to be completed.	0.350				
PP&P: Freedom of Information / Data Protection compliance officer post and Cllrs Data Protection Act registration (<u>Corporate</u> pressure)	S	2	CBC failure to comply with statutory requests and failure to comply with Data Protection Act. Possible CBC reputational damage.	0.022				

Detail of pressure	Category Note 1	Priority Note 2	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
R&B: Child Benefit changes October 09 causing a 10% increase in case load	S	2	If not resourced the service will remain in the bottom quartile of performance for the processing of benefit claims. NI180 from 22 days to 35 days.	0.040				
R&B: Demographic and growth effect. (Cust Accounts £9k, Revenues £4k in 2010/11)	S	3	If not resourced the service will remain in the bottom quartile of performance for the processing of benefit claims. NI180 from 22 days to 35 days.	0.013	0.018	0.031	0.025	0.031
CS: Increased demand on Registration Service:- Nationality Checking requirement, Population increase, Weekend weddings	D	3	Whilst these service generate income, there will be additional registration resource required.	0.041	0.015	0.015	0.015	0.015
Sub total Business Transformation				0.930	0.033	0.046	0.040	0.046
CHILDREN FAMILIES & LEARNING								

Detail of pressure	Category Note 1	Priority Note 2	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Policy, Planning & Commissioning - Schools and SEN transport - historic BCC written policy adopted by CBC is affecting costs and clearer needs analysis has increased projected demand. Transport policy review initiated by CFL and wider transport review initiated by Sustainability Communities directorate, findings and timing of actions may reduce pressures.	S	1	Reducing service is not viable in the short term. Need to await outcome of Transport policy review initiated by CFL and wider transport review initiated by Sustainability Communities directorate. Any change to transportation could have an effect on the reputation of the council so soon after creation of CBC.	0.761				
Integrated Services - Under one Roof initiative - Pilot refurbishment of Dukeminster House - Grant £180k costs £210k (dependant on timing of lease payments). Lease Costs	D	3	The under one Roof initiative is the innovative pilot which will help inform the learning and roll-out for local delivery of services across Central Bedfordshire. This is a priority contained in the children and young peoples plan, arranged of staff including voluntary sectors colleagues are due to move into the building in January 2010.	0.030				
Leisure & Culture - School Organisation - Uncertainty over accuracy of current salary budget.	S	2		0.020				
Specialist Services - Increased cost of placements for Looked After Children in line with financial risk identified by CFL Director in October 2008.	S	1	Continued overspend against a demand led statutory function.	0.500				

Detail of pressure	Category Note 1	Priority Note 2	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Specialist Services - Structural underfunding of the disabled children's residential service.	S	1	Failure to comply with regulatory requirements and high profile service delivery compromised.	0.300				
Specialist Services - Increased number of Social workers to meet increased case load demand. Children in need increased by 160 net since 31st March 2009.	S	1	Allocation of child protection and looked after children. Serious regulatory risk and safeguarding service compromised.	0.200				
Specialist Services - 5% vacancy factor established in budgets for Safeguarding Social workers and regulated services.	S	1	Where vacancies occur cover must be provided to comply with registration standards for regulated services, or to maintain safe caseloads in safeguarding teams. Agency staff sometimes required for cover.	0.020				
Specialist Services - Recruitment and retention of social workers allowances not in budget	S	1	Current recruitment and retention scheme not factored in to establishment budgets. Very difficult recruitment environment in Children's Social Work, scheme needs reviewing but loss would be very likely to lead to increased demand for agency staff to cover essential posts.	0.074				
Specialist Services - If Social workers leave (through above) then 30% cost to replace with agency staff.	S	1	Agency costs increase pressure on staffing budgets	0.147				

Detail of pressure	Category Note 1	Priority Note 2	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Specialist Services - LSCB chair - Maggie Blyth payments managed through Carlisle recruitment cost not in budget	S	1	Independent Chair required for LSCB agreed by Shadow Executive 17/03/09. Not currently funded in base budget.	0.015				
Specialist Services - Asylum support grant being capped for next year	S	1	Home Office have indicated that they will cap support to fund costs of accommodating UASCs next year. LGA negotiating. Details not yet available so difficult to model precise impact.	unknown				
Sub total Children Families & Learning				2.067	0.000	0.000	0.000	0.000
CORPORATE RESOURCES								
L&D: Elections - CBC (assumes rolling fund)	S	1	Statutory requirement . Currently we have £47k p.a. in the budget to build a fund for elections every 4 yrs. We estimate we need £290k for each election (£73k p.a.)	0.026				
L&D: Elections - CBC (being held after only 2 yrs) - require £146k additional by 2011/12, then normal budget requirement only from 2012/13	S	1	As the next elections will be in 2011 we will not have had the usual 4 years contributions to build a sufficient fund. There will be a shortfall for <u>the 2011 election only.</u>	0.073	0.000	-0.073		
Prop: Difference between staff actual costs and budgets awarded	D	1	Cuts in fte would lead to service level reductions	0.110				
Sub total Corporate Resources				0.209	0.000	-0.073	0.000	0.000
SOCIAL CARE HEALTH & HOUSING								

Detail of pressure	Category Note 1	Priority Note 2	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Commissioning - BUPA Contract currently negotiating with a view to extending the contract. Aims to reduce voids but contract price likely to increase.	S	1	The alternative would be to take back this service and staff in-house and buy in additional management capacity would cost considerably more than likely outcome of an agreement with BUPA.	0.400	0.000	0.000	0.000	0.000
Housing General Fund - Job evaluation	S	1	The HR process is resulting in higher grades, predominantly for former South Bedfordshire District Council staff.	0.085	0.000	0.000	0.000	0.000
Sub total Social Care Health & Housing				0.485	0.000	0.000	0.000	0.000
SUSTAINABLE COMMUNITIES								
1. Transitional Funds	D/S	1	Affects service delivery across directorate. This was an amount of transitional funding that was to be applied in 2009/10 to recognise additional cost pressures until harmonisation of services progressed.	0.500				
2. Unbudgeted Employee Allowances, overtime and car allowances	S	1	Based on current year spend to August 31st. These were omitted from the base budget build for 2009/10 and are a contractual entitlement.	0.290				

Detail of pressure	Category Note 1	Priority Note 2	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
3. Reduced Planning Application Fee Income due to Government change introduced 1/10/09	S	1	Loss of income to support the delivery of this statutory service	0.180				
4. Increased salary costs likely as a result of job evaluations which will come into effect through pay harmonisation process	S	1	This pressure relates to the cost of harmonising pay rates from the legacy Councils. The extent of this will not be known until job evaluation is completed. This is an estimated figure.	0.250				
5. Revenue funding to enable employment related capital schemes to be delivered.	D	1	Revenue required at feasibility stage to enable capital schemes to develop. GAF funding accounts for some £10m capital investment to 2012. The leverage of private investment by getting the feasibility studies completed to accelerate and maximise the public value in our key employment sites is difficult to estimate but a figure based on the EEDA would value each job created at £20,000. The job investment programme in total accounts for some 8,300 possible jobs, so that would equate to some £166m over the 3 year life of the programme. So say £160m minimum over 3 years.	0.250				

Detail of pressure	Category Note 1	Priority Note 2	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
6 Govt. review of Schedule 2 - controlled waste regs.	S	1	This may increase the range of waste materials that the council must collect free of charge. Autumn/ winter 2009 - publication of consultation on options to amend the legislation. This is expected to be for the standard 12 week period. February 2010 - anticipated response to consultation. Expect changes to legislation to be introduced 1st Oct 2010. Government workshop November 09, after which we will update financial implications.	?				
7. Landfill Tax uplift	S	1	Central Government imposed tax on municipal waste, which is sent to landfill. The tax is increased by £8 per ton pa up to 2013/14.	0.500	0.500	0.500	0.500	
8. BEaR (Bedfordshire Energy and Recycling) Project - additional net cost	S/D	1	Project to procure a substantial waste management solution which avoids payment of Landfill Allowance Trading Scheme (LATS) penalties. Increase in costs a result of Bedford Borough Council withdrawel from Project.	0.140		-0.066	-0.358	

Detail of pressure	Category Note 1	Priority Note 2	Impact Note 3	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
9. Passenger transport services subsidy to public bus operators	D	1	Fully considered by Executive September and October 2009. Relates to full year cost of decision to support a range of public bus services. Major review of all passenger transport services underway.	0.140				
10. What HPDG will be budgeted for 2010/11? What will be received? 2009/10 announcement in Nov/Dev 2009 which will enable a recalculation for 2010/11. Assumes removing from base budget over 3 years.	S	1	The funding is used to support the delivery of core planning services.	0.250	0.250	0.250		
11. Possible, as yet unknown, costs of completing Sundon Landfill Restoration	S/D	2	We are seeking to capitalise the bulk of the restoration costs, but there may be a revenue cost. A report is currently being produced to quantify both revenue and capital costs. £60k pressure if can't capitalise.	0.060				
Sub total Sustainable Communities				2.560	0.750	0.684	0.142	0.000
TOTAL				6.251	0.783	0.657	0.182	0.046

Note 1 - Category: S - Statutory Service D - Discretionary Service

Note 2 - Each budget pressure must be ranked the first being the one most difficult to avoid

Note 3 - Departments should consider the service delivery, political and reputational damage implications to the Council.

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Growth Proposals

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
BUSINESS TRANSFORMATION									
Comms: News Central: Production & Distribution. Reduced production of News Central to 6 editions a year with advertising revenue of £2k per page and four pages per edition. (20ppgs total).	C		1	Primary source of direct communication between CBC and its' communities.Reduced reputational impact and editorial opportunities for marketing to the community.	0.145				
PP&P: VCS Budget - cut for 09/10 but commitments maintained	C		1	Funded from Transition in 09/10 - failure to plug the gap will result in VCS budget cuts of at least 10%	0.035				
PP&P: Neighbourhood Manager post - end of LSP c/f funding	C		2	Could be funded from Community Engagement growth investment?	0.020				
CS: Trainers removed to business transformation. Need replacing. One found from team but other one still required.	C	3	2	Provide training resource internally to avoid external spend.	0.024				

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
PP&P: Community Engagement	C	All	3	Delivery of key component of Unitary bid (66 Members to have an allowance of £5k each)	0.330				
R&B: Income management processing under resource from the Creation of Central Bedfordshire	D	3	1	Maintain existing service level. Impact would be a potential loss in collection revenue. Currently funded by transition fund.	0.118				
Sub total Business Transformation					0.672	0.000	0.000	0.000	0.000
CHILDREN FAMILIES & LEARNING									
Policy, Planning & Commissioning - Pressure of Central Government 16-19 commissioning changes and transfer of LSC functions to the LA. Staffing is funded but the implications of administering the attendant financial responsibilities are unclear. As 14-19 costs are not being fully funded by Central Government, a review of additional costs will need to be performed once the grant value is known.	S	2	1	Impact unknown but there might be a need to allow for growth to cover unforeseen aspects of the transfer.	unknown				

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Learning & School Support - National Strategies ending March 2011. Green paper expected in Spring 2010 - Council will not be allowed to be a provider of services, role of council unclear. Impact unknown but transition costs, grant funding pressures and head count reduction expected.	C	2	2	Pressure on service supplied during transition period 2010/11 as a result of possible attrition of staff. Expectations of schools in delivery of service.	0.324				
Learning & School Support - TDA & CWDC both provide funding for Childrens Workforce Development. The figures produced here assume that this funding will continue in future years. Amounts quoted are 2009/10	S	2	3	Pressure on this service if these grants are withdrawn	0.231				
Leisure & Culture - Music - Falling student numbers in fee paying lesson settings due to economic down turn	C	2	9	Falling income levels, surplus staffing capacity leading to possible redundancy implications - level unknown as yet	0.050				

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Leisure & Culture - Libraries - Library for Cranfield* (NB: This proposal is based on a lease arrangement with the NHS - if we were to enter into a Capital arrangement for the building, the revenue cost for 2010/11 would be £40k and £80k in future years)	S	1,2,3&4	5	New library in partnership with the NHS in a growth area. The NHS will be proceeding with a community building on a site in Cranfield which will offer the Council a cost-effective opportunity to provide a new facility.	0.057	0.056			
Leisure & Culture - Playbuilder	C	2,4	6	DCSF grant of £1m over 2 years. Yr 1 undertaking 11 play spaces of which £10k for maintenance of 2 new play spaces. Executive decision 09. Existing budget inadequate. Budget required for Health & Safety inspection and maintenance. Yr 2 anticipates an additional £10k.	0.010	0.010			

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Leisure & Culture - Creasey Park Football Development Centre	C	2,4	8	13/10/09 Executive consideration to approve capital expenditure of £2.4m in 2010/11 and to fund Town council revenue guarantee for managing the facilities.	0.020				
Leisure & Culture - Team Beds and Luton and BOOST	C	2,4	7	Request from the partnership	0.026			-0.006	
Leisure & Culture - Recreation and Open Space/Leisure Strategy preparation	C	2,4	10	Required to produce CBC strategy to determine developer contributions and have embedded in LDF	0.080	-0.080			
School Organisation - BSF (approx figures, based on LEP)	C	2	4	Inability to maximise potential capital grant	0.600	0.600		-0.800	-0.100
Sub total Children Families and Learning					1.398	0.586	0.000	-0.806	-0.100
CORPORATE COSTS									
Members' Costs: Members' IT Allowance	C		2	Required for effective working. This year 09/10 costs: £30,000	0.030				
Sub total Corporate Costs					0.030	0.000	0.000	0.000	0.000
CORPORATE RESOURCES									

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Prop: LDF activity - no Budget awarded for this ongoing activity Potential Capital Receipts post 2010/2011	C		1	Potentially loss of future capital receipts, of significant value.	0.150				
ICT: 5 x extra staff (BGH) in ICT Major Apps	C	1,2	1	Current team working to capacity supporting Swift. 9 more major applications to be taken on and insufficient staff to provide effective support to front line services. Implication that support and development of apps such as LAMP, Flair, Contact Point, IBS, Tribal will not be possible.	0.227				

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
HR: Requirement for continued transitional funding to deliver to key priorities (£800k in 09/10 budget) . HR function is on an improvement journey. Need for transitional funding will reduce as efficiencies are realised through process reviews, technology development.	C		2	If further transitional funding not made available, improvement work will not be carried out, service will be reactive, and will struggle to deliver to the organisation's core and strategic people priorities - at a time of continued major change and transformation. Chief Executive announcement on restructuring will add significant work pressures.	0.700	-0.350	-0.350		
Dir of CR: Programme Manager position (not included in base budget 09/10)	C	3/5	2	One of only two posts dealing with issues across Corporate Resources directorate. Loss would impact the ability to deliver change programme.	0.060				

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Prop: 1 x Business Relationship Manager (BGE) These posts would help service areas proactively manage proposed ICT developments and staff expectations. This will lead to more effective planning at service level and provide an improvement and development programme for ICT across CBC	C	3	3	Expectations of services will not be managed, leading to conflict between services and ICT. Efficiencies difficult to quantify in financial terms and may be spread over a number of service area	0.063				
L&D: Staff resource levels to support child protection	S/C	2	1	Necessary to support the increase in the number of looked after children.	0.079				
HR: Independent Safeguarding Authority (ISA) implementation	S/C	2	1	Safe recruitment & employment - implementing service to meet national standards and developments.	0.030	-0.030			

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
ICT: Government Connect - Security issues. Annual health check and maintenance of software.	S/C	1,2,	1	Leaves the authority vulnerable to viruses, hacking, licence issues and non compliance with Government code of connection (co-co) which will affect statutory services. If the authority is not Co-Co compliant revs and bens services will not be able to be provided. Major reputational issue if Co-Co compliance is not maintained.	0.050	-0.020			
L&D: Elections - Parliamentary (temp support)	S/C	ALL	2	Significant resource required for the short period of time between election being called and the date of election, to meet statutory timetable. Central funding insufficient to cover this.	0.020	-0.020			
Sub total Corporate Resources					1.379	-0.420	-0.350	0.000	0.000
SOCIAL CARE HEALTH & HOUSING									

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Adult Social Care - Annual running costs of introducing an electronic rostering system interfaced with CM2000	C	1	5	Should provide for more efficient scheduling of services, more accurate charging and identification of no-calls	0.050	0.000	0.000	0.000	0.000
Adult Social Care - Full Year costs of Learning Disabilities transitions new starts & full year effect of previous years	S	2	1	Services which meet the needs of young adults with eligible care needs	0.800	0.800	0.800	0.800	0.800
Adult Social Care - Circa 5.5% Increase in +85 older persons population	D	1	1	Meeting the needs of an increasingly aging population; maintaining eligibility criteria	0.900	0.900	0.900	0.900	0.900
Adult Social Care - Increase in demand for OT purchasing budget	D	1 & 2	2	Meeting the needs of an increasingly aging population; maintaining eligibility criteria, enabling all adult groups to live at home, providing support to children with disabilities	0.150	0.150	0.150	0.150	0.150
Adult Social Care - Joint Equipment	D	1 & 2	2	Meeting the needs of an increasingly aging population; maintaining eligibility criteria, enabling all adult groups to live at home, providing support to children with disabilities	0.200	0.200	0.200	0.200	0.200

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
Adult Social Care - Reducing the use of 15 min homecare visits	C	1	3	Improving the quality of care for service users	0.400	0.000	0.000	0.000	0.000
Business Performance - Capacity required to improve services to required levels/recovery plan	S	1	1	Significant service delivery and reputational impact	0.400	-0.400	0.000	0.000	0.000
Business Performance - Ending of MacMillan Rights Taper requiring council funding	C	1	4	Shared service with BBC, external funding coming to an end	0.021	0.064	0.000	0.000	0.000
Business Performance - Swift Interface requirements (e.g. with Complaints System) - some service delivery and reputational impact	C	1	6	To be passed to the capital programme with grant funding	0.000	0.000	0.000	0.000	0.000
Housing General Fund - Stock condition assessment (Housing in the whole community) is due to be done every 5 years.	S	3	1	It is a statutory requirement to undertake this at least every 5 years, and this is now overdue.	0.100	-0.080	0.020	0.020	0.020
Sub total Social Care Health & Housing					3.021	1.634	2.070	2.070	2.070
SUSTAINABLE COMMUNITIES									

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
1. New statutory responsibility to lead on the management of local flood risk developing a local strategy, map flood risk assets, tackle local problems and produce surface water management plans.	S	1	S	The devastating flood of 2007 highlighted significant shortfalls in the way various bodies managed and responded to the flooding - P.H Review. New duties to be addressed through a new drainage engineer post.	0.052				

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
2. Pressure to increase inward investment and marketing activity in partnership with the Local Delivery Vehicles. Renaissance Bedford and Luton Gateway and the regional investment agencies.	D	2	C	We support Luton Gateway to the sum of £50K. No additional funding is allocated to Renaissance Bedford. We need to secure further training and support from regional agents EEI to up skill our staff and extend support to our businesses and move towards proactive marketing. This I estimate to require a minimum of £30K in 2010/11. The total request in this area is £120K, £30K as above and £90K in the growth items.	0.030				

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
3. Pressure to increase inward investment and marketing activity in partnership with the Local Delivery Vehicles. Renaissance Bedford and Luton Gateway and the regional investment agencies.	D	3&4	C	We support Luton Gateway to the sum of £50K. No additional funding is allocated to Renaissance Bedford. We need to secure further training and support from regional agents EEI to up skill our staff and extend support to our businesses and move towards proactive marketing. This I estimate to require a minimum of £30K in 2010/11. The total request in this area is £120K, £30K as above and £90K in the growth items.	0.090				

Growth Proposals	Category Note 1	Council Priority Note 2	Priority Note 3	Outcome Note 4	2010/11 £m	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
4. Staff capacity to support the IDP planning and engage in the work of establishing new financing models such as Accelerated Development Zones or new tax incremental financing schemes.	D	3&4	C	This is difficult to access but within our team or planning we need approximately 1-2 days senior FTE is support this work at a cost of £30-35k. We will not make any progress in this area without this and be on the coat tails of both Bedford and Luton in being able to articulate the infrastructure needs for Central Beds. It directly supports the delivery of the LDFs.	0.035	-0.035			
Sub total Sustainable Communities					0.207	-0.035	0.000	0.000	0.000
TOTAL					6.707	1.765	1.720	1.264	1.970

Note 1 - Category: D - Demographic, S - New Statutory Requirement, C - Genuine Choice

Note 2 - Link to Council Priority 1 Supporting and caring for an aging population

2 Educating, protecting and providing opportunities for children and young people

3 Managing growth effectively

4 Value for money

Note 3 - Each budget growth must be ranked the first being the one most difficult to avoid

Note 4 - Departments should consider the service delivery, political and reputational damage implications to the Council.

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Residents Survey 2009

A total of 3,500 questionnaires were mailed out to randomly selected addresses between 28 August and 16 October 2009. Two full reminder questionnaires were sent out to households who had not responded.

1,335 valid responses were received, representing an adjusted response rate of 38%.

Data are weighted by gender, age, ethnicity and work status using 2001 Census data and 2006 mid-year ONS estimates where available.

Where results do not sum up to 100, this is due to multiple responses, computer rounding or the exclusion of don't know/not stated.

An * indicates a score less than 0.5%, but greater than zero.

Results are based on all respondents (including don't know and not stated etc) unless stated. Responses to questions taken from the Place Survey are based on all valid responses for comparison.

Where relevant, results from the 2009 Central Bedfordshire Employee Survey and the 2008/09 Place Survey have been included for comparison. Please note that:

* The 2008/09 Place Survey results for Central Bedfordshire are aggregated from the scores for the former Mid-Bedfordshire and South Bedfordshire District Councils.

* The results for the CIPFA group average are an average of Place Survey results for the following local authorities: Cheshire West and Chester, Bedford, Cheshire East, Warrington, Stockport, Wiltshire, South Gloucestershire, Solihull, Bury, Swindon, Bath and North East Somerset, Medway, West Berkshire, Milton Keynes and Calderdale.

Survey Question	Survey Answers	2009 Resident Survey	2008 Place Survey	2008/09 CIPFA group average (2008 Place Survey)	All Unitaries (2008 Place Survey)	Cheshire East (2008 Place Survey)	CheshireWest & Cheshire (2008 Place Survey)	East of England average (2008 Place Survey)	England average (2008 Place Survey)
To what extent do you agree or disagree that Central Bedfordshire Council provides value for money?	Strongly agree	1	1						
	Tend to agree	18	18						
	Neither agree nor disagree	39	37						
	Tend to disagree	29	28						
	Strongly disagree	13	8						
	Agree	19	19	28	29	25	28	35	33
	Disagree	42							

Survey Question	Survey Answers	Mid Beds	South Beds
To what extent do you agree or disagree that Central Bedfordshire Council provides value for money?	Strongly agree	1	1
	Tend to agree	17	19
	Neither agree nor disagree	43*	35
	Tend to disagree	28	30
	Strongly disagree	11	15
	Agree	18	12
	Disagree	39	45

* indicates the result is significantly different from the overall result and the result from South Beds residents.

Survey Question	Survey Answers	2009 Residents' Survey (%)	Mid Beds (%)	South Beds (%)
Why do you say that Central Bedfordshire Council does not provide 'value for money'? (All who disagree that Central Bedfordshire Council provides value for money)	Council tax is too high	82	80	84
	The Council wastes money	54	52	52
	The Council does not provide enough services for the money it receives	51	55	47
	The Council does not listen enough to local people	47	45	49*
	Residents are not able to influence the Council	43	36	49
	The Council does not achieve enough	28	27	28
	The Council does not provide enough information about what services cost	25	26	24
	I don't make use of many of the Council's services	21	22	21
	The Council does not work effectively with other public services	18	19	17
	The Council is not easy enough to contact	15	17	12
	Refuse/recycling collection/bins should be collected weekly	3	3	3
	Salaries are too high/pension costs/expenses	2	1	2
	Road/pavement maintenance is poor	1	1	2
	The Council is inefficient/difficult to get straight answer/don't appear to know the answers	1	1	1
	The Council has not been in existence long enough	1	1	1
	The amalgamation was supposed to save us money/lower tax/had better services for less before	1	1	1
	Expensive/poor transport facilities	1		
	Town centre needs improving/area needs updating	1		
	Does not deal with parking problems	*		
	Some areas overlooked/forgotten	*		
	Repair work is insufficient/poor	*		
	Shop closure/business rates too high	*		
	Poor street cleaning/area is dirty	*		
	Too much red tape/bureaucracy	*		
	Other	5		
	Nothing	0		
Don't know	0			
Not stated	1			

* indicates the result is significantly different from the overall result and the result from South Beds residents.

Survey Question	Survey Answers	2009 Residents' Survey (%)
Which three of the following, if any, do you think should be priorities for the Council to focus on over the next five years? <i>Please note this question has been compared to "what most needs improving?" from the place survey</i>	The level of crime	41
	Road and pavement repairs	35
	Activities for teenagers	33
	The level of traffic congestion	29
	Affordable decent housing	23
	Clean streets	22
	Making the area cleaner and greener	22
	Health and social care services	21
	Job prospects	17
	Public transport	16
	Education provision	15
	Facilities for young children	13
	Shopping facilities	12
	Wage levels and the local cost of living	10
	Sports and leisure facilities	9
	Community activities	8
	Cultural facilities (e.g. libraries, museums)	7
Immigration and race relations	5	
Making opportunities open to all (tackling inequality)	1	
None of these	*	
Not stated	4	

Identified from the place survey as a priority - both needs improving and important

Identified in the place survey as needing improvement but not so important

Meeting: Sustainable Communities Overview & Scrutiny Committee

Date: 4th January 2010

Subject: Policy approach to enforcement of the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and associated legislation

Report of: Cllr McVicar, Portfolio Holder for Safer & Stronger Communities

Summary: The report proposes to consider how the Council, through its Sustainable Communities Directorate implements the range of environmental duties (including environmental crime) for which it is responsible, under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and associated legislation. It is due to be considered by the Executive at it's meeting on 12th January 2010, comments from this Overview and Scrutiny Committee will be included in that report.

Contact Officer: Gary Alderson, Director of Sustainable Communities

Public/Exempt: Jane Moakes, Assistant Director Community Safety and Public Protection

Wards Affected: All

Function of: Executive

RECOMMENDATION:

- 1. That the Overview & Scrutiny Committee consider the contents of this report and any comments be forwarded for inclusion in the report to Executive for consideration at it's meeting on 12th January 2009.**

Reason for Recommendation: That the views of the Sustainable Communities Overview and Scrutiny Committee are taken into consideration as the Executive considers the proposed policy approach to the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and associated legislation; with consistent and proportionate action taken to deal with the range of environmental crime, antisocial behaviour, nuisance etc in Central Bedfordshire.

CORPORATE IMPLICATIONS

Council Priorities:

The implementation of environmental legislation through prevention, education, intervention and enforcement activities can make a significant contribution to the physical environment and quality of life experienced by local residents and communities. It also contributes to the delivery of the Councils community safety priority of 'Creating Safer Communities' to reduce crime, fear of crime, anti social behaviour and increase public confidence.

Financial:

In implementing the agreed policy approach officers will have regard to the Councils financial position and make best use of existing resources to provide a more effective, efficient and harmonised service, that provides value for money. Income generated from fixed penalty notices will be ring fenced to the service and used to invest in service delivery (e.g. publicity and information)

Legal:

The duties and responsibilities the Council has under this legislation are clearly laid out. Guidance from government departments and the 'Working Better Together' agreement between the Local Government Association and Environment Agency, support and provide more detail on the application and enforcement of these duties to address issues locally. These will be used as a framework for working procedures.

In taking a new approach as proposed, there is a potential for more offences to be identified, fixed penalty notices served and further legal action (including prosecutions) taken. This may have an impact on resources within the legal service.

Risk Management:

There is reputational risk should the Council not agree a new approach for the whole area, as potentially different action for similar environmental crimes and offences in the north and south of Central Bedfordshire could be taken.

There are potential environmental and financial implications if enforcement action is not undertaken as part of the overall approach as the Council would continue to bear the costs for removal and disposal of fly tips , fly posters and litter.

There are also potential risks and challenges to working in partnership with the Police, Environment Agency and others, due to their expectations, should the Council not agree a policy approach in respect of its duties and responsibilities.

Staffing (including Trades Unions):

Implementation of a new approach will have an impact on current ways of working. Staff involved in this work are in teams within the Sustainable Communities Directorate (Community Safety, Public Protection and Waste); staff in Private Sector Housing (Adult Social Care and Housing) also undertake an element of the activity. All staff concerned will be consulted on the proposed way forward and any organisational changes required as a result, in line with HR guidance and support. In the main this will form part of the organisational review within Sustainable Communities. Private sector housing colleagues and the trade unions will also be consulted.

Equalities/Human Rights:

Enforcement of environmental legislation can have a positive impact for vulnerable equality groups who are often disproportionately affected, especially in areas of deprivation which are often hot spots. Therefore an equalities impact assessment of the policy will be undertaken to highlight underlying patterns and trends for different sections of the community and identify whether further action is required to improve outcomes for our communities and in particular vulnerable equality groups.

Community Development/Safety:

The detrimental impact that illegal waste disposal, fly tipping and other environmental crime, litter, fly posting and anti social behaviour of this nature continue to be raised by local residents through surveys and other mechanisms. In agreeing a new approach to address these matters more effectively should help improve the quality of life for our communities, and help reduce crime, fear of crime and anti social behaviour.

The recently completed strategic assessment for the Community Safety Partnership recently completed for Community Safety shows no priority concerns around environmental issues although these are clearly linked to locality issues around anti-social behaviour. The issues outlined in the report clearly highlight areas for consideration in the next strategic assessment process.

Sustainability:

Enforcement of environmental legislation can make a significant contribution to effective waste management, quality of the physical environment, tackle those responsible for environmental crime and anti social behaviour and prevent further offences.

Introduction

1. The report including detailed appendices attached, sets out the legislative background and rationale for the powers and duties to more effectively tackle poor environmental quality, environmental crime and anti social behaviour, within the Environmental Protection Act (EPA), Clean Neighbourhoods and Environment Act (CNEA) and associated legislation.

2. The report proposes a new policy approach of prevention, intervention, enforcement, applied under the 'fair regulation' principles of proportionality, consistency, transparency and appropriate targeting in the context of local circumstance. It also recommends that new local agreement with the Environment Agency is entered into to support this.
3. In considering the approach and report details attached, the Committee should note that organisational arrangements and operational practice will need to be reviewed and reconfigured and that this will form part of the organisational review within the Sustainable Communities Directorate.
4. The Committee is also asked to note that it is not the intention at this stage , or in the report to the Executive to consider the detail of the organisational arrangements that will be responsible for the enforcement of the legislation, neither is it to consider the development of a uniformed or visible presence; this report is currently planned as a separate report to be considered by the this Committee and the Executive in March 2010.

Conclusion

6. It is important that Central Bedfordshire has an agreed policy that sets out how it will implement and enforce the provisions of the EPA, CNEA and associated legislation and that this policy is relevant to local circumstance and responsive to the needs of the area.
7. It is also important that the new approach is communicated to local residents, the wider public and businesses in the area, so they can support the Council and we can work together in keeping the area clean, protect the environment and support good practice in respect of waste handling, anti social behaviour and lower level environmental crime; all of which have an impact on the local environment.
8. It is also important that the Council operates in a fair, proportionate, transparent and consistent manner in undertaking enforcement and that there is common understanding on this. Also, that in introducing the new approach, it is underpinned and supported by proactive communication with appropriate publicity and information, this will involve colleagues within Sustainable Communities and Communications.

Appendices:

Appendix 1 – Draft report for Executive meeting 12.1.10

- Appendix A - Summary of comments from Sustainable Communities Overview & Scrutiny (to follow)
- Appendix B - Environmental Protection Act 1990 – additional items that came into force Oct 2005
- Appendix C - A summary of the main provisions of the EPA and national picture
- Appendix D - Protocol on fly tipping and illegal waste activities
- Appendix E - Main provisions of CNEA
- Appendix F - Current Position and Services involved
- Appendix G - Outline of Proposed Policy on Enforcement of the EPA, CNEA & Associated Legislation

APPENDIX 1

Meeting: Executive
Date: 12th January 2010
Subject: Policy approach to enforcement of the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and associated legislation
Report of: Cllr McVicar, Portfolio Holder for Safer & Stronger Communities
Summary: The report proposes to consider how the Council, through its Sustainable Communities Directorate implements the range of environmental duties (including environmental crime) for which it is responsible, under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and associated legislation.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Jane Moakes, Assistant Director Community Safety and Public Protection
Public/Exempt: Public
Wards Affected: All
Function of: Executive
Key Decision Yes
Reason for urgency/ exemption from call-in (if appropriate) N/A

CORPORATE IMPLICATIONS

Council Priorities:

The implementation of environmental legislation through prevention, education, intervention and enforcement activities can make a significant contribution to the physical environment and quality of life experienced by local residents and communities. It also contributes to the delivery of the Councils community safety priority of 'Creating Safer Communities' to reduce crime, fear of crime, anti social behaviour and increase public confidence.

Financial:

In implementing the agreed policy approach officers will have regard to the Councils financial position and make best use of existing resources to provide a more effective, efficient and harmonised service, that provides value for money. Income generated from fixed penalty notices will be ring fenced to the service and used to invest in service delivery(e.g publicity and information)

Legal:

The duties and responsibilities the Council has under this legislation are clearly laid out. Guidance from government departments and the 'Working Better Together' agreement between the Local Government Association and Environment Agency, support and provide more detail on the application and enforcement of these duties to address issues locally. These will be used as a framework for working procedures.

In taking a new approach as proposed, there is a potential for more offences to be identified, fixed penalty notices served and further legal action (including prosecutions) taken. This may have an impact on resources within the legal service.

Risk Management:

There is reputational risk should the Council not agree a new approach for the whole area, as potentially different action for similar environmental crimes and offences in the north and south of Central Bedfordshire could be taken.

There are potential environmental and financial implications if enforcement action is not undertaken as part of the overall approach as the Council would continue to bear the costs for removal and disposal of fly tips, fly posters and litter.

There are also potential risks and challenges to working in partnership with the Police, Environment Agency and others, due to their expectations, should the Council not agree a policy approach in respect of its duties and responsibilities.

Staffing (including Trades Unions):

Implementation of a new approach will have an impact on current ways of working. Staff involved in this work are in teams within the Sustainable Communities Directorate (Community Safety, Public Protection and Waste); staff in Private Sector Housing (Adult Social Care and Housing) also undertake an element of the activity. All staff concerned will be consulted on the proposed way forward and any organisational changes required as a result, in line with HR guidance and support. In the main this will form part of the organisational review within Sustainable Communities. Private sector housing colleagues and the trade unions will also be consulted.

Equalities/Human Rights:

An equalities impact assessment of the policy will be undertaken.

Community Safety:

The detrimental impact that illegal waste disposal, fly tipping and other environmental crime, litter, fly posting and anti social behaviour of this nature continue to be raised by local residents through surveys and other mechanisms. In agreeing a new approach to address these matters more effectively should help improve the quality of life for our communities, and help reduce crime, fear of crime and anti social behaviour.

The recently completed strategic assessment for the Community Safety Partnership recently completed for Community Safety shows no priority concerns around environmental issues although these are clearly linked to locality issues around anti-social behaviour. The issues outlined in the report clearly highlight areas for consideration in the next strategic assessment process.

Sustainability:

Enforcement of environmental legislation can make a significant contribution to effective waste management, quality of the physical environment, tackle those responsible for environmental crime and anti social behaviour and prevent further offences.

Summary of Overview and Scrutiny Comments:

- Sustainable Communities Overview & Scrutiny considered a report on 4th January 2010 and a summary of their comments is below:
- Full details are contained in Appendix A

RECOMMENDATION(S):

1. **that the Executive agree the new policy approach for undertaking its duties and responsibilities under the Environmental Protection Act, Clean Neighbourhoods and Environment Act and associated legislation; in line with the ‘Working Better Together’ Memorandum of Understanding agreed between the Local Government Association and Environment Agency.**
2. **In agreeing this approach that the Executive**
 - (a) **Delegate authority to the Director of Sustainable Communities in consultation with the Portfolio Holder to negotiate a new local agreement, to suit local circumstances with the Environment Agency**

<i>Reason for Recommendation(s):</i>	<i>To ensure a harmonised approach is implemented in respect of the legislation, with consistent and proportionate action taken to deal with the range of environmental crime, anti social behaviour, nuisance etc in Central Bedfordshire.</i>
--------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Executive Summary

The report proposes to consider how the Council, through its Sustainable Communities Directorate implements the range of environmental duties (including environmental crime) for which it is responsible, under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and associated legislation.

It sets out the legislative background and rationale for powers and duties contained to more effectively tackle poor environmental quality, environmental crime and anti social behaviour.

The report proposes a new policy approach of prevention, intervention, enforcement applied under the fair regulation principles of proportionately, consistently, transparency and appropriate targeting in the context of local circumstance. It recommends that a

new local agreement with the Environment Agency is entered into to support this.

In undertaking this new approach it notes that organisational arrangements and working practice will need to be reviewed and reconfigured and this will be undertaken as part of the organisational review within the Sustainable Communities Directorate.

In conclusion a new policy approach will ensure consistent operational practice and positive outcomes to keep the area clean, support good waste handling practice and reduce lower level environmental crimes across the Central Bedfordshire area from April 2010.

Background

1. This report deals primarily with environmental legislation that provides Local Authorities and the Environment Agency powers to tackle waste, including illegal dumping of waste, fly tipping, waste transfer and licensing; poor environmental quality, anti social behaviour, nuisance, abandoned vehicles, litter, graffiti, noise and dogs.
2. It set out the key provisions, background and powers under the Environmental Protection Act 1990 (EPA) and the Clean Neighbourhoods and Environment Act (CNEA) 2005.

Environmental Protection Act 1990

3. Under the EPA, a number of provisions relating specifically to the deposit and disposal of waste came into force in June 2005. These provisions make it an offence to deposit, treat, keep or dispose of controlled waste other than under and in accordance with a waste management licence or to treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.
4. Other amendments under the Act were also brought in at this time, notably: removing the defence of acting under employers instructions; penalties on conviction that increased the maximum available fine on conviction from £20,000 to £50,000 and raised the maximum term of imprisonment on conviction on indictment for non hazardous waste offences to 5 years. These changes were significant, identifying illegal waste activities as criminal offences. Other sections, relating to waste handling, came into force in October 2005 and are listed in Appendix B. A summary of the main provisions of a national picture is attached as Appendix C.
5. Local Authorities and the Environment Agency have powers and duties that largely complement each other in respect of waste, waste transfer and licensing that contribute towards the protection of the environment and enhancing the quality of life of local communities. The 'Working Better Together' Memorandum of Understanding, agreed in January 2005 by the Local Government Association and the Environment Agency contains a commitment to work together to deliver specific environmental outcomes, supported by a series of protocols.

6. The protocol on fly tipping and Illegal waste activities seeks to bring about the protection and improvement of local environmental quality through the eradication of fly tipping and other illegal waste activities, and increasing the level of compliance with the law relating to waste management. It was considered that over time this would reduce fly tipping and other waste crimes and reduce the costs of clearing up fly tipped materials, although it was also recognised that tightening of other waste management regulations could result in increases in incidence of fly tipping.
7. A copy of the protocol is attached as Appendix D. It is proposed that this is used as the basis for the Councils new policy approach. This sets out the role of local authorities in respect of keeping streets and public open spaces clear of litter and refuse, with local intelligence and local political accountability, taking the lead role in tackling most fly tipping .

Clean Neighbourhoods and Environment Act 2005

8. The Clean Neighbourhoods and Environment Act was also enacted in 2005; this Act is complementary to the EPA and deals with many of the problems affecting the local environment and quality of life of people living in our communities, forming part of the continuum with anti social behaviour, vandalism, disorder and levels of crime.
9. The CNEA provides local authorities and the Environment Agency with more effective powers and tools to tackle poor environmental quality and anti social behaviour and it introduced new offences for a range of environmental offences (often referred to as environmental crime).
 - Nuisance vehicles and abandoned vehicles
 - Litter and refuse – fixed penalty notices for littering, street control notices
 - Graffiti and fly posting
 - Waste – transportation, deposit and disposal of waste
 - Noise – alarm notification orders, noise abatement notices
 - Abandoned shopping and luggage trolleys
 - Statutory nuisance from insects and lights

A summary of the main provisions of the CNEA is attached as Appendix E.

10. The prime responsibility for implementation of environmental legislation falls to local authorities. The legacy authorities, adopted approaches based on local needs and priorities. Appendix F briefly sets out the current position, teams and services involved.
11. It is not the intention of this report to consider the detail in respect of organisational arrangements that will be responsible for the enforcement of the legislation; it is proposed that this is undertaken as part of the organisational review within Sustainable Communities. (Neither is it to consider the development of a uniformed or visible presence – currently planned as a separate report to be considered by the Sustainable Communities Overview and Scrutiny Committee and the Executive in the new year). This report is to consider and agree a new policy approach for Central Bedfordshire.

Next Steps and Policy Approach

12. With regard to the EPA duties in respect of illegal waste management and fly tipping, it is proposed that we adopt and work in line with the formally agreed 'Working Better Together' Memorandum of Understanding and relevant protocols. It is proposed that an approach of prevention, intervention and enforcement is adopted, underpinned by advice and information to local residents and the public.
13. An outline of the proposed policy is attached as Appendix F.
14. In addition it is proposed that we enter into a new local agreement with the Environment Agency that is relevant to local circumstances in Central Bedfordshire; and that this supports the delivery of the Council priority of 'Creating Safer Communities', those of the Community Safety Partnership and the emerging Sustainable Communities Strategy.
15. In respect of the CNEA, it is proposed that a similar approach is taken; one of prevention, intervention and enforcement and that we set our approach to each element in the context of protecting the environment; reducing littering, flyposting and lower level anti social behaviour and environmental crimes, all of which have a negative impact on quality of life of our communities. As above, it is proposed that this approach is underpinned by advice and information to local residents and the public.
16. The policy will also include reference to and be in compliance with the Council's approach to enforcement as detailed in the Enforcement Policy agreed by the Executive on 20th January 2009.
17. Once the Executive has agreed the new approach, it is proposed that the detailed implementation arrangements are developed, supported by a communications plan to be launched in April 2010.

Conclusion

18. It is important that Central Bedfordshire has an agreed policy that sets out how it will implement and enforce the provisions of the EPA and CNEA and associated legislation and that this is relevant to local circumstances and responsive to the needs of the area.
19. It is also important that our policy and approach is communicated to local residents, the wider public and businesses in the area, so they can support the Council and we can work together in keeping the area clean, protect the environment and support good practice in respect of waste handling, anti social behaviour and lower level environmental crime that has an impact on quality of life and is detrimental to the environment.
20. It is also important, that in this approach the Council operates in a fair, proportionate, transparent and consistent manner in undertaking any enforcement and that there is common understanding and clarity on this.

Appendices:

- Appendix A - Summary of comments from Sustainable Communities Overview & Scrutiny (to follow)
- Appendix B - Environmental Protection Act 1990 – additional items that came into force Oct 2005
- Appendix C - A summary of the main provisions of the EPA and national picture
- Appendix D - Protocol on fly tipping and illegal waste activities
- Appendix E - Main provisions of CNEA
- Appendix F - Current Position and Services involved
- Appendix G - Outline of Proposed Policy on Enforcement of the EPA, CNEA & Associated Legislation

Background Papers: (open to public inspection)

Environmental Protection Act 1990

Location of papers:

Dunstable Offices

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APPENDIX B

**ENVIRONMENTAL PROTECTION ACT 1990,
ADDITIONAL SECTIONS RELATING TO WASTE HANDLING
THAT CAME INTO FORCE IN OCTOBER 2005**

1. Investigation and Enforcement Costs
2. Clean-up Costs
3. Forfeiture of Vehicles
4. Failure to Furnish Documentation : Fixed Penalty Notices
5. Power to Search and Seize Vehicles
6. Offences Relating to Waste Receptacles : Fixed Penalty Notices
7. Power to Require Owner of Land to Remove Waste

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APPENDIX C

**SUMMARY OF MAIN PROVISIONS OF THE EPA
AND NATIONAL PICTURE**

1. In summary the new toolkit of powers was introduced to provide a more flexible range of measures that allows Fixed Penalty Notices for the more minor regulatory offences whilst increasing the maximum penalties for the main offence of illegal waste disposal.
2. These measures were in line with the Government's desire to take a tougher stance on environmental crime and stress the seriousness of disposing of waste illegally. Part of the rationale for the introduction of these duties was that illegal handling of waste was becoming quite a prevalent practice during the 1990s, resulting in a greater incidence of fly tipping due to improper practice, rogue trader skip and waste operations, and individuals unknowingly being drawn into illegal waste business practices.
3. This was also against the backdrop (late 1990's) of increasing pressure to reduce waste to landfill, increasing disposal costs and the national drive for local authorities to meet demanding national targets for recycling and composting, responding to the increasing cost of landfill and make use of the newly introduced Landfill Allowance Trading Scheme. To support local authorities in this the Waste Performance and Efficiency Grant Scheme was introduced, (starting 2005/06).

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Working Better Together Protocol Series

Protocol 6

FLY-TIPPING AND ILLEGAL WASTE ACTIVITIES

This technical protocol is one of eight protocols, introduced to support the joint Environment Agency and Local Government Association/Welsh Local Government Association memorandum of understanding 'Working Better Together'

Jointly agreed¹ January 2005

¹ Signed by Councillor David Sparks for the LGA, Councillor Richard Harry Hughes for the Welsh-LGA and Baroness Young and Sir John Harman for the Environment Agency.

A 'WORKING BETTER TOGETHER' PROTOCOL

1. In February 2003, the Local Government Association (LGA) and the Environment Agency (Agency) agreed and signed a joint agreement "Working Better Together". This updated and replaced the first Working Better Together for England signed on 15th December 1999. Previously, Environment Agency Wales and the Welsh Local Government Association produced a separate Working Better Together in Wales. The 2003 version is now a joint England and Wales document.
2. Local Authorities and the Agency have powers and duties that largely complement each other in contributing towards the protection of the environment and enhancing the quality of life of local communities. Working Better Together contains a commitment to work together to deliver specific environmental outcomes.
3. A series of local 'protocols' set out how the Agency and each local authority can work better together to deliver these outcomes. These protocols are locally flexible in that the targets and methods of assessing progress (Part 2) may be re-written and agreed locally, within the national template.
4. The protocol series is as follows:
 - 1) Air Quality Management
 - 2) Management of Flood Risk
 - 3) Arrangements to implement the requirements of the IPPC Directive
 - 4) Waste strategy and waste management planning
 - 5) Land Contamination
 - 6) Fly-tipping
 - 7) Town and Country Planning
 - 8) One further protocol 'Fire Service Issues' has not been updated as part of this 2003 review. It remains in its original form, last updated 8/8/02.
5. This protocol comprises the following sections:

Part 1 – The National Context – this sets out roles and responsibilities for tackling illegal waste activities and fly-tipping, followed by specific information with regard to local authorities, the Agency and others. Some of the roles and responsibilities set out here may not be current practice; however, it is envisaged that, overtime, they will be achieved in all areas by all partners with a fly-tipping problem. They will not normally be varied from through the "local agreement".

Part 2 – The Local Agreement – this sets out roles and responsibilities for the Agency and local authorities that may be subject to local agreements as to who carries them out and the arrangements for carrying them out in line with *Working Better Together*. Local authorities and the Agency are encouraged to agree practical, local approaches for tackling fly-tipping and illegal waste activities, particularly in local hot-spots of illegal activity.

Appendix 1 – examples of who should do what

Appendix 2 – a summary of legislation – powers and duties

Appendix 3 – guidance on developing local working agreements

PART 1 – The national context

1. ROLES AND RESPONSIBILITIES

- 1.1 This protocol sets-out the respective roles of local authorities and the Agency in tackling illegal waste activities including fly-tipping. In this document, "local authority" is generally taken to mean "Waste Collection Authority", although other local authority departments (e.g. Environmental Protection) or other local authorities (e.g. waste disposal authorities) can also make a contribution to the working of this protocol. In England, County Councils can play a co-ordinating role in relation to tackling and preventing fly-tipping as well as providing waste disposal facilities.
- 1.2 This protocol sets out how the national framework and local arrangements can help local authorities and the Agency tackle the problems of fly-tipping and other illegal waste activities. It is recognised that local authorities and the Agency have limited resources available for this work. Clarity of working arrangements, especially at the local level is important to ensure efficient, effective working including partnership approaches. The protocol outlines current (at the time of drafting) best practice. Progress in adopting all aspects of the protocol may take some organisations longer than others. The Local Government Associations and the Environment Agency consider it important for all partner organisations to work towards adopting the arrangements as envisaged by this protocol at the local and national level. The protocol provides sufficient flexibility to enable the local agreement to be implemented to meet local needs.
- 1.3 This protocol seeks to address several key policy objectives. It seeks to bring about the protection and improvement of local environmental quality through the eradication of fly-tipping and other illegal waste activities, and increasing the level of compliance with the law relating to waste management. If successful in reducing fly-tipping and other waste-crimes this is likely, over time, to reduce the costs of clearing-up fly-tipped materials, although tightening of other waste management regulations could well lead to increases in the incidence of fly-tipping. Eradication of fly-tipping and compliance with legislative requirements are likely to require high-profile campaigns promoting the need for householders and businesses to take full responsibility for the waste that they produce and publicising the enforcement work undertaken including "naming and shaming" where appropriate.
- 1.4 This protocol does NOT address arrangements for dealing with abandoned vehicles,² litter³ or shopping trolleys. Together, local authorities and the Agency should endeavour to ensure that the full range of fly-tipping on public and private land are effectively dealt with.
- 1.5 Illegal waste activities, such as fly-tipping, unauthorised transfer stations, landfill sites and other illegal waste activities are a criminal offence and are anti social. It is estimated that local authorities, the Agency and landowners spend more than £100 - £150 million every year tackling the problem.
- 1.6 Fly-tipping reduces the quality of life and enjoyment of the environment and it can begin a spiral of decline in local environmental quality. It may cause serious pollution of the environment, can be a risk to human health and may harm wildlife and farm animals.

² Arrangements for dealing with abandoned cars vary, and there are several good examples of partnership working between local authorities and the Police aimed at tackling this problem.

³ For the purpose of this protocol, litter is defined as less than one bin-bag of rubbish.

- 1.7 Penalties in Magistrates' courts include a fine of up to £20,000 and/or 6 months imprisonment. In higher courts the fine may be unlimited and a prison sentence may be imposed of up to 2 years – up to 5 years if Special⁴ waste is involved.
- 1.8 Fly-tipping and other illegal waste activities take many forms and can occur almost anywhere – in both urban and rural settings. Examples include: dumping of a bag of household refuse in a lay-by, dumping a washing machine or fridge, traders failing to comply with the Duty of Care, the “man with the van” offering cheap waste removal and dumping the waste in a quiet road or lay-by, running an unauthorised waste transfer station, dumping hundreds of tonnes of construction and demolition waste on a piece of unoccupied land, the abandonment of drums of hazardous wastes and organised gangs of criminals deliberately flouting the law as a means of making large amounts of money.
- 1.9 Both local authorities and the Agency have a range of powers and duties to assist them in tackling illegal waste activities and fly-tipping; a summary of these powers is set out in Appendix 2. A recent survey for Defra⁵ suggests that between 1998 and 2003, only around a quarter of local authorities have prosecuted offenders for fly-tipping offences. This protocol envisages local authorities that have a problem with fly-tipping develop a planned approach to tackling the problem using the full range of investigative, enforcement and clean-up powers available to them and in appropriate partnership with the Agency and others such as the Police and landowners.
- 1.10 The national database, *Flycapture*, requires local authorities and the Agency to collate and submit summary data including the number and type of fly-tipping incidents that they deal with and enforcement actions taken. This will provide a national picture of the scale of the problem and, through a series of standardised reports, will enable comparisons to be made between local authorities and between Agency areas based on comparable data. Local authorities, the Agency and Government will be able to use the information to inform policy and strategy decisions for tackling problems and to see how effective their approaches have been. *Flycapture* also includes the ability to enter registration details of vehicles involved in fly-tipping to determine whether they have been involved in similar crimes elsewhere in the country. This enables the appropriate local authority or Agency officer(s) to make contact with each other and plan how to tackle the offender.
- 1.11 Well-publicised enforcement action is an essential part of a programme of work to reduce and tackle fly-tipping. Experience has also shown that partnership working between local authorities and the Agency can be an effective means of tackling persistent illegal waste activities such as large-scale illegal dumping.
- 1.12 This protocol envisages that local authorities and the Agency will establish local working arrangements to plan and organise their responses to illegal waste activities and fly-tipping. Local partnership arrangements could cover training, enforcement, identifying and tackling problem areas and sharing of resources such as surveillance equipment. Reviews of the local working arrangements may be needed to take account of fluctuations in workload and the availability of resources in partner organisations. Part 2 and Appendix 3 of this protocol provide further examples of what might be included in a local agreement. Reference should also be made to Appendix 1.

⁴ Forthcoming changes in the law will introduce a definition of “hazardous waste” that is likely to include more wastes than are currently considered “Special Wastes”. The potential for a five-year prison sentence on indictment makes illegal dumping of Special Waste an arrestable offence.

⁵ Trends in Environmental Sentencing in England and Wales. ERM, 2003. (Available from www.defra.gov.uk)

- 1.13 Organisations other than local authorities and the Agency have legitimate concerns regarding fly-tipping. They may, for example, be unwitting victims of fly-tipping on their land. The National Fly-Tipping Prevention Group includes a range of representatives of land-owners, businesses and potential victims of fly-tipping as well as English and Welsh national and local governments, Scotland, EA Wales and the Agency. It seeks to identify good practice in preventing and tackling fly-tipping and to advise government as to the problems and potential solutions with regard to fly-tipped wastes.
- 1.14 The local arrangements envisaged in this protocol could include partnerships with local representatives of those organisations on the National Fly-Tipping Prevention Group such as Network Rail, The National Trust, the National Farmers Union, the Country Land and Business Association, ENCAMS, British Waterways as well as other key local stakeholders.

2 LOCAL AUTHORITIES

- 2.1 As locally based organisations responsible for keeping the streets and public open spaces clear of litter and refuse, with local intelligence and with local political accountability, waste collection authorities have a number of incentives to take the leading role in tackling most fly-tipping. They are also well placed to do so. Waste disposal authorities also face the increasing cost of disposing of fly-tipped waste.
- 2.2 In England, County Councils, may wish to play a co-ordinating role on fly-tipping prevention work, spreading good practice, providing training and equipment and offering storage pounds for seized vehicles, etc. The Capital Standard, which is supported by the Mayor of London, has started to take on this role with respect to training in London. County Councils provide waste disposal facilities (re-use and recycling centres), which need to be well advertised to encourage the legitimate disposal of bulky household waste. County Councils may also take planning enforcement action against illegal waste sites and provide reception facilities for waste for businesses.
- 2.3 Local authorities have a broad range of powers such as those relating to planning, public health and trading standards as well as those relating specifically to waste. Local authorities produce municipal waste strategies that will include the local authority's policy on tackling fly-tipping. As an increasingly strategic approach is taken to fly-tipping, this protocol envisages that local authorities will move towards carrying out more preventative work and the investigation and enforcement of smaller-scale incidents of fly-tipping. Local authorities will take the lead in investigating and prosecuting those responsible for fly-tipping incidents and on clearing-up fly-tipped wastes as set out in this document. See Appendix 1 for further examples of responses to incidents.
- 2.4 Local authorities believe that provision of an adequate network of waste management facilities is important in preventing illegal waste activities and fly-tipping. Through their waste-planning role, local authorities will seek to ensure that a network of waste management facilities is available as a means of encouraging compliance with the law and deterring illegal waste activities and fly-tipping. Land-use planning powers available to local authorities also provide some effective enforcement tools for responding to some types of illegal activity.
- 2.5 Local authorities will ensure that waste management facilities are subject to appropriate planning approval and will carry out enforcement action against activities without such approvals, in line with a range of policies and practices.
- 2.6 Local authorities will ensure adequate collection arrangements for household refuse are in place including well-publicised arrangements for collecting bulky items. In particular, they will endeavour to ensure adequate arrangements are in place for the collection of waste from flats above shops and from houses in multiple-occupancy. For example, so that the

waste is not placed on the street prior to refuse collection day in such a way as to be seen by the public as fly-tipping as this can attract other dumping and make the area look run down and dirty.

- 2.7 Where fly-tipping on private land has an adverse effect on the environment, local authorities are encouraged to take steps to ensure that the waste is removed, appropriate enforcement action taken and costs recharged wherever possible. Many local authorities already do this.
- 2.8 Local authorities are also encouraged to advise the landowner or their representative of suitable measures to deter further fly-tipping and may get involved in the investigation of repeated incidents of fly-tipping to prevent further occurrences – possibly through partnership working with landowners, occupiers of land and the Agency.
- 2.9 In summary, local authorities will normally investigate and take appropriate enforcement action against:
- fly-tipping of quantities of waste up to and including a single tipper load of waste deposited at one time (i.e. up to approximately 20m³ in a single deposit)
 - accumulations of waste from several small-scale fly-tipping incidents
 - householders abandoning or dumping waste
 - waste management operations that do not have the appropriate planning consent
 - waste producers not complying with their Duty of Care
 - waste producers who illegally dump or abandon their wastes
 - unregistered waste carriers and brokers (for example through organised vehicle stop-checks)
- 2.10 Local authorities will normally, remove, investigate and take appropriate enforcement action with regard to:
- illegal dumping and fly-tipping of waste on public land including a road or other public highway
 - illegally dumped or abandoned hazardous wastes other than those which the Agency deals with (see section 3 below)
 - fly-tipped waste (including animal carcasses or remains) on private land or in watercourses that is giving rise to an adverse effect on the amenity or that is impeding the flow of water such as to give rise to an actual or imminent threat of a significant flood risk from an Ordinary Watercourse⁶ (see below for Agency responsibilities)
- 2.11 Local authorities will also:
- aim to remove fly-tipped wastes as quickly as possible to maintain the cleanliness of the area, discourage further fly-tipping at the same location and prevent wastes causing pollution or harm to health
 - enter data on to the *Flycapture* database on a monthly (or other agreed) basis.

3. THE ENVIRONMENT AGENCY

- 3.1 The Agency is a national organisation with a regional and local presence. As such it is well placed when tackling illegal waste activities to act across geographical boundaries that may present more of a difficulty for local authorities. The Agency has the capability to respond to the most serious incidents reported to its hot-line (0800 80 70 60) "out of hours" and will report non-serious incidents to the appropriate LA the following working day. The Agency also has a Memorandum of Understanding (MoU) with the Maritime and Coastguard

⁶ As defined in the Land Drainage Act 1991

Agency (MCA) and will respond to waste washed ashore in intertidal areas in accordance with that MoU.

- 3.2 In general, the Agency will focus its resources on investigating and taking appropriate enforcement action against large-scale illegal dumping of waste, organised criminal involvement in waste crime and the dumping of certain special and hazardous wastes⁷. In doing so, the Agency will seek to recover any costs associated with tackling illegal waste activities and fly-tipping, including any costs associated with "clean-up". Ideally, this will be from the polluter but may also include the occupier or those responsible for the affected land.
- 3.3 The Agency regulates much of the waste management industry and major waste producing industries. It maintains a register of waste management activities that are "exempt" from requiring a licence or permit and it issues appropriate licenses, permits or authorisations to a range of waste managers including carriers and brokers of waste and those whose business it is to recycle or dispose of waste. The Agency will monitor and inspect waste management activities, including carrying out enforcement action against both breaches of authorisations and illegal activities in line with its published Enforcement and Prosecution Policy and its published Customer Charter.
- 3.4 The Agency believes in firm and fair regulation supported by the following principles:
- **Proportionality** on the application of the law and in securing compliance
 - **Consistency** of approach
 - **Transparency** about how the Agency operates and what those regulated may expect from the Agency
 - **Targeting** of enforcement action
- Further details on how these are applied are contained in the Agency's Enforcement and Prosecution Policy available at www.environment-agency.gov.uk
- 3.5 The Agency also believes that provision of an adequate network of waste management facilities is important in helping to prevent illegal waste activities and fly-tipping. The Agency will provide data and information to local authorities and others to assist them in identifying the local requirements for waste management facilities in accordance with the Agency-LGA protocol on Waste Strategy and Waste Management Planning. The Agency will provide advice and guidance on the relevant legislation and requirements imposed by any authorisation to those operating or seeking to operate waste management facilities – but ultimately it is for the operator to fulfil their legal obligations by obtaining and relying on their own independent advice.
- 3.6 The Agency will consider applications for registration as a waste carrier or a waste broker and will maintain a register of successful applicants, access to which is available to the public, including businesses and local authorities through local Agency offices. In line with its published Enforcement and Prosecution Policy, the Agency will take appropriate enforcement action against unregistered waste carriers and brokers and those who are registered yet break the law.
- 3.7 The Agency will normally investigate and take appropriate enforcement action against:
- illegal waste activities such as illegal transfer stations and un-permitted landfill sites
 - large-scale fly-tipping i.e. tipping of more than a lorry load (more than approximately 20m³)

⁷ Unless otherwise agreed locally (e.g. in Wales where an addendum to the protocol has been agreed), the Agency will normally tackle incidents involving special or hazardous waste in containers with a capacity of 75 litres or greater and any special or hazardous waste dumped in a way that is likely to give rise to an actual or imminent threat to human health or the environment.

- illegal dumping of hazardous waste in drums or other containers with a capacity of 75 litres or greater
- unregistered waste carriers and brokers including those identified through national and local stop exercises
- registered waste carriers and brokers that commit a relevant offence (e.g. those specified in the Control of Pollution (Amendment) Act 1989 and in the Waste Management Licensing Regulations 1994 – as amended)

3.8 The Agency will also normally investigate, arrange for the removal of and take appropriate enforcement action with regard to:

- waste (including animal carcasses or remains) dumped in Controlled Waters⁸ that is giving rise to an actual or an imminent threat of water pollution
- waste (including animal carcasses or remains) that is impeding the flow of water such as to give rise to an actual or imminent threat of a significant flood risk in a Main River⁸
- any waste described in 3.7 above that is dumped in a way that is giving rise to an imminent threat to human health or of serious harm to the environment

Where the problems identified are not “actual or imminent” the Agency may intervene where to do so will have significant benefits such as preventing future problems arising.

3.9 The Agency will continue to make use of suitable opportunities to promote the Duty of Care with producers of waste and will enforce the law in line with its published Enforcement and Prosecution Policy.

3.10 The Agency will, subject to continuation of funding from Defra and the Welsh Assembly Government, maintain and make agreed modifications to *Flycapture*, the national fly-tipping database, so that it remains a viable, operational database.

3.11 The Agency will continue to seek ways of providing guidance, training and passing on knowledge and expertise to local authorities or other organisations affected by or with responsibility for tackling fly-tipping and other forms of illegal waste activity.

3.12 The Agency believes that the work of the National Fly-Tipping Prevention Group (NFTPG) is important for assisting landowners and their representatives identify good practice in preventing and tackling fly-tipping and also to advise government as to the problems and potential solutions with regard to fly-tipped wastes. The Agency will continue to support and promote the work of the NFTPG.

4. OTHERS

4.1 As described above, in developing local working arrangements between local authorities and the Agency it may well prove beneficial to include other key stakeholders in local fly-tipping prevention partnerships. For example, in Internal Drainage Districts where the Internal Drainage Board (IDB) has responsibilities over ordinary watercourses it may be beneficial to enter into agreement with the IDB to ensure that waste is removed from these watercourses if there is an actual or imminent risk of significant flooding.

4.2 Working with the Police is especially important in tackling the problem. Local authorities and the Agency are encouraged to involve the Police in local partnerships for tackling fly-tipping (including working together through local Crime and Disorder Reduction Partnerships - CRDPs). The Agency currently has a Memorandum of Understanding (MoU) with the Association of Chief Police Officers (ACPO).

⁸ The definition of “controlled waters” can be found in the Water Resources Act 1991, with additional “Main River” controls detailed in the Land Drainage Act 1991.

PART 2 – The local agreement

(The local agreement should suit local circumstances).

5. WORKING ARRANGEMENTS

5.1 There is scope for local flexibility as to how individual local authorities and the Agency work together to tackle illegal waste activities and fly-tipping. It is envisaged that local authorities and the Agency will enter in to local agreements for tackling hot-spots of illegal waste activity and fly-tipping.

5.2 Local agreements should bear in mind the general principals set out here.

The Agency will focus its resources on investigating and taking appropriate enforcement action against large-scale illegal dumping of waste, organised criminal involvement in waste crime and the dumping of certain hazardous wastes as set out in section 3 of part 1 of this protocol.

Local waste collection authorities will take the lead on investigating and prosecuting all other fly-tipping cases and on cleaning-up fly-tipped wastes as set out in section 2 of part 1 of this protocol.

5.3 Some local authorities will already be undertaking the full range of activities set out in this protocol, other local authorities may need to move towards carrying out more preventative work and the investigation and enforcement of smaller-scale incidents of fly-tipping. This local agreement should be used as the means to describe how and when this will be done with the expectation that the arrangements set out in this protocol and in the appendices will be operational by April 2005.

Who does what, when?

5.4 Appendix 1 gives specific examples of "who does what". Local agreements should reflect this. Here are some of the areas where further details might need to be covered in a local agreement.

- Investigation and enforcement action where one or more van loads up to a single tipper load of waste are found fly-tipped
- Investigation and enforcement action where there is fly-tipping of multiple small loads of waste which in aggregate exceed the volume of a single tipper load (i.e. greater than 20m³)
- Investigation and enforcement action where there are sequences of smaller-scale illegal dumping or fly-tipping where evidence suggests repeat offences by an individual or group of individuals that might indicate an "organised" crime element
- Surveillance of local fly-tipping "hot-spots", information and technology sharing, prioritisation of "hot-spots" for investigation, enforcement and prevention work
- Passing information to each other on fly-tipping "hot spots", suspects (and whether they are registered waste carriers or holders of waste licences/permits), vehicles (particularly where seizures are planned), prosecutions planned and achieved, etc
- Use of the *Flycapture* vehicle hot-list database record of suspect vehicles

- Keeping each other informed about vehicle “stop” exercises designed to catch unregistered waste carriers “in transit”
- Getting quick access to the register of waste carriers for vehicle stop exercises
- Police liaison/partnerships
- Storage arrangements for seized vehicles
- Advice and assistance to landowners including riparian landowners, covering
 - removal of illegal dumped or fly-tipped wastes
 - techniques to prevent or deter illegal dumping or fly-tipping
 - measures that can be taken to secure conviction of those guilty of illegal dumping or fly-tipping
- Involving local victims of fly-tipping in a more formal way to gather/share information/publicise successes etc
- Information sharing and action in relation to occupiers of land who will not remove illegally dumped waste when required to do so, for example by a notice served under section 59 EPA
- Cleaning up fly-tipping in rivers/water courses, enforcement action and practical arrangements for utilising Agency skills and equipment in removing waste (including animal carcasses and remains) from water courses on behalf of the LA where the Agency would not otherwise intervene⁹ (for example where the Agency may not have powers to act) and where funding arrangements may benefit from pre-planning
- Promotion of compliance with the Duty of Care by traders
- Clean-up of illegally dumped hazardous waste including any contractual arrangements with specialist waste contractors
- Publicity, campaigning, “naming and shaming”, press releases, leaflets, etc.
- Publicity around facilities for waste generated by jobbing builders, bulky waste collections and other targeted efforts to tackle waste-crimes
- Working arrangement with Planning Authorities dealing with waste-issues on tackling waste-crimes
- Training and “sharing” of officers and best-practice between LAs and Agency to tackle fly-tipping problems

These local agreements will be made between the appropriate local authority (probably the Waste Collection Authority) and the Agency. For LAs that are in more than one Agency area, local agreements should ideally be agreed with all affected Agency areas. Similarly for Agency areas covering more than one LA – a single local agreement is ideal. The sign-off of local agreements is a matter for each authority and the Agency area(s) concerned. However, sign-off

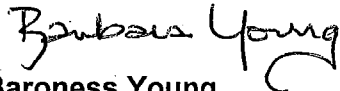
⁹To facilitate a rapid response to dumping of waste in controlled waters, LAs and Agency areas may wish to ensure pre-emptive shared understanding of local watercourse designations, riparian ownership and navigational powers and duties. Such arrangements form part of the *Working Better Together* approach and should also take account of any local arrangements under protocol 2 – *Management of Flood Risk*.

should be by someone who is in a position to represent that authority/Agency area and who can ensure that they agreement is adhered to.

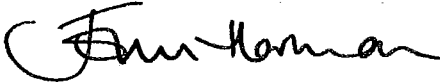
6. REVIEW ARRANGEMENT

- 6.1 Parts 1 and 2 of the protocol may be amended by the LGA, WLGA and the Agency to take account of legislative changes, improved technology, the review and implementation of best practice and organisational changes. It is envisaged that Part 2 will be reviewed after a period of not less than 12 months operation and in any case within 36 months of implementation.

Signed by:



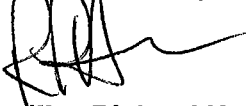
Baroness Young



Sir John Harman



Councillor David Sparks



Councillor Richard Harry Hughes

On behalf of:

Chief Executive, Environment Agency

Chairman, Environment Agency

Local Government Association

Welsh Local Government Association

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The following examples illustrate the sharing of responsibility between local authorities and Environment Agency for tackling a variety of examples of incidents of fly-tipping and illegal dumping of waste. Scope for flexibility in local agreements is also indicated. The Agency and LAs will seek to recover any costs associated with enforcement activities from the polluter, occupier of land or other person or organisation that is deemed responsible for meeting such costs. A definition of “organised crime” is presented at the end of this Appendix to assist in interpreting the responses indicated.

	Example incident	Local authority	Environment Agency	Any flexibility in “local agreement”
1	A bin bag or several bin bags of household or commercial waste on the street, in a public place in on public land	<ul style="list-style-type: none"> Investigates and where there is evidence take enforcement action: fixed penalty fine (unless repeat offence, when prosecution may be usual) Removes and includes in summary data monthly return on <i>Flycapture</i>¹ 	<ul style="list-style-type: none"> If reported to Agency – pass information to LA 	N/A
2	A pile of waste or several piles of waste about the size of a large car boot (up to 0.5 cubic metres) on the street, in a public place or on public land	<ul style="list-style-type: none"> Investigates and where there is evidence may serve fixed penalty fine or prosecute depending upon local circumstances/policies Removes Includes in summary data monthly return on <i>Flycapture</i> 	<ul style="list-style-type: none"> If reported to Agency – pass information to LA 	N/A
3	A pile or several piles of waste from a van or up to 7.5 tonne tipper truck (between 0.5 cubic metres and 10 cubic metres) dumped on the street, in a public place or on public land	<ul style="list-style-type: none"> Investigates and, where there is evidence, prosecutes Where frequently repeated offence or “organised” crime suspected advise Agency and agree action locally Removes Includes in summary data monthly return on <i>Flycapture</i> (unless Agency “takes the lead”) 	<ul style="list-style-type: none"> If reported to Agency – pass information to LA Where agreed locally, the Agency may investigate and prosecute where frequent offences occurring Include incident on Agency database if Agency take the lead in investigation and prosecution 	<ul style="list-style-type: none"> Which party will investigate the incident and prosecute until April 2005. Arrangements for keeping each party advised of developments

By April 2005 it is anticipated that LAs will have built sufficient capacity to address these without Agency support.

¹ The Environment Agency is also required to enter summary data on incidents that it’s staff respond to into the *Flycapture* database. Since this will be done electronically from the Agency’s existing incidents database it is not referred to specifically in this Annex.

	Example incident	Local authority	Environment Agency	Any flexibility in “local agreement”
4	A pile of waste from a single large tipper truck (approximately 20m ³ / 18tonnes size) dumped on the street, in a public place or on public land	<ul style="list-style-type: none"> • Investigates and, where there is evidence, prosecutes • Advises Agency of incident and shares details • Where agreed locally, frequently repeated offences or where “organised” crime suspected pass to Agency for investigation • LA removes • Includes in summary data monthly return on <i>Flycapture</i>(unless Agency “takes the lead”) 	<ul style="list-style-type: none"> • If reported to Agency – pass information to LA • Where agreed locally, investigate and prosecute only when frequently repeated offence or “organised” crime suspected • Include incident on Agency database if Agency take the lead in investigation and prosecution 	<ul style="list-style-type: none"> • Which party investigates the incident frequent offences or suspected “organised” crime • Arrangements for keeping each party advised of developments
5	A pile of waste from several large tipper trucks (i.e. each more than 20m ³ size – approx. 18tonnes) dumped on the street, in a public place or on public land	<ul style="list-style-type: none"> • If LA “find” fly-tip – may carry out initial investigation and enforcement (may pass to Agency) • Where frequently repeated offence or “organised” crime suspected pass to Agency for investigation • LA removes • LA includes in summary data monthly return on <i>Flycapture</i> for removal and where enforcement action taken by LA details entered by LA 	<ul style="list-style-type: none"> • If Agency “find” fly-tip –will usually carry out investigation and take enforcement action except where LA wishes to take on this work (in which case, EA will endeavour to respond to LA requests for support) • Include incident on Agency database if Agency take the lead in investigation and prosecution 	<ul style="list-style-type: none"> • Which party investigates the incident especially in relation to frequent offences or where “organised” crime suspected and in what (local) circumstances • Scope for Agency provide support to LAs carrying out investigation and taking enforcement action • Arrangements for keeping each party advised of developments

	Example incident	Local authority	Environment Agency	Any flexibility in “local agreement”
6	Fly-tipped waste in relation to a river or water courses or inter-tidal foreshore	<ul style="list-style-type: none"> • Where the waste presents only a local amenity impact , LA may ensure that the waste is removed (either by polluter, owner/occupier or by LA), investigate and take enforcement action • Where the waste presents an actual or imminent significant flood-risk in relation to Ordinary Watercourse, LA will ensure that the waste is removed (either by polluter, owner/occupier or by LA), investigate and take appropriate enforcement action • Where the waste presents an actual or imminent significant flood risk in relation to a Main River – LA pass to Agency • Where the waste presents an actual or imminent threat of water pollution other than in a Controlled Water (e.g. a pond that doesn't discharge to a watercourse) – LA will ensure that the waste is removed (either by polluter, owner/occupier or by LA), investigate and take appropriate enforcement action • Where the waste presents an actual or imminent threat of water pollution in a Controlled Water – LA pass to Agency • Where frequently repeated offence or “organised” crime suspected, pass to Agency for investigation • LA includes in summary data monthly return on <i>Flycapture</i> for removal and where enforcement action taken by LA details entered by LA 	<ul style="list-style-type: none"> • Where the waste presents an actual or immediate threat of significant flooding in relation to a Main River or Critical Ordinary Watercourse the Agency will ensure the waste is removed (either by polluter, owner/occupier or by Agency) and may investigate and take appropriate enforcement action • Where the waste presents an actual or imminent threat of water pollution in relation to Controlled Waters the Agency will ensure the waste is removed (either by polluter, owner/occupier or by Agency) and may investigate and take appropriate enforcement action • Waste dumped in waters that are NOT the responsibility of the Agency – pass to LA or Internal Drainage Board • Investigate and take appropriate enforcement action if LA advises frequently repeated offences or “organised” crime suspected • Include incident on Agency database if Agency take the lead in investigation and prosecution 	<ul style="list-style-type: none"> • Local agreement may identify watercourses at risk and illustrate action to be taken by each party • Local agreement may cover arrangements for removal of waste from watercourses including utilisation of Agency resources and expertise • Arrangements for keeping each party advised of developments

	Example incident	Local authority	Environment Agency	Any flexibility in “local agreement”
7	Animal carcass in water course	<ul style="list-style-type: none"> • Where the carcass(es) presents only a local amenity impact , LA may ensure removal (either by polluter, owner/occupier or by LA), investigate and take enforcement action (LA Trading Standards are enforcing authorities for the Animal By-Products Regulations) • Where the carcass(es) presents an actual or imminent significant flood-risk in Ordinary Watercourse, LA ensure removal (either by polluter, owner/occupier or by LA), investigate and take appropriate enforcement action • Where the carcass(es) presents an actual or imminent significant flood risk in a Main River – LA pass to Agency • Where the carcass(es) presents an actual or imminent threat of water pollution other than in a Controlled Water (e.g. a pond that doesn't discharge to a watercourse) – LA ensure that the removal (either by polluter, owner/occupier or by LA), investigate and take appropriate enforcement action • Where the carcass(es) presents an actual or imminent threat of water pollution in a Controlled Water – LA pass to Agency • Where frequently repeated offence or “organised” crime suspected, pass to Agency for investigation • LA includes in summary data monthly return on <i>Flycapture</i> for removal and where enforcement action taken by LA details entered by LA 	<ul style="list-style-type: none"> • Where the carcass(es) presents an actual or immediate significant threat of flooding in relation to a Main River or Critical Ordinary Watercourse the Agency will ensure removal (either by polluter, owner/occupier or by Agency) and may investigate and take appropriate enforcement action • Where the carcass(es) present an actual or imminent threat of water pollution in Controlled Waters the Agency will ensure removal (either by polluter, owner/occupier or by Agency) and may investigate and take appropriate enforcement action • Investigate and take appropriate enforcement action if LA advises frequently repeated offences or “organised” crime suspected • Include incident on Agency database if Agency take the lead in investigation and prosecution 	<ul style="list-style-type: none"> • Local agreement will identify watercourses at risk and illustrate action to be taken by each party • There may be local agreement re contract for removal • Arrangements for keeping each party advised of developments

	Example incident	Local authority	Environment Agency	Any flexibility in “local agreement”
8	Drums/containers of potentially hazardous waste abandoned in a public place e.g. lay-by	If reported to LA - assess and: <ul style="list-style-type: none"> • If less than (75 litres [16.5 gallons]) arrange safe disposal and take appropriate enforcement action • If more than (75 litres [16.5 gallons]) – pass information to Agency for investigation and enforcement action and agree arrangements for removal • Inform Agency of action taken • Include in summary data in monthly return on <i>Flycapture</i> where LA deals with incident 	If reported to Agency - assess and: <ul style="list-style-type: none"> • If less than (75 litres [16.5 gallons]) pass to LA for investigation, to arrange safe disposal and to take appropriate enforcement action • If more than (75 litres [16.5 gallons]) –Agency will investigate and take appropriate enforcement action – agree removal arrangements with LA <p>Where actual or imminent threat to human health or environment and there is no adequate response from other responsible body - investigate, arrange removal and take appropriate enforcement action</p> <ul style="list-style-type: none"> • Inform LA of action taken • Include incident on Agency database where Agency takes the lead in investigation and prosecution 	<ul style="list-style-type: none"> • Arrangements for keeping each party advised of developments • Detailed local arrangements for investigation, enforcement and removal • There may be local agreement re contract for removal
9	Illegal waste landfill, transfer station or waste treatment site	<ul style="list-style-type: none"> • If reported to LA – pass information to Agency and inform planning department/ authority • Agree best approach to enforcement with all parties • LA includes in summary data monthly return on <i>Flycapture</i> for removal and enforcement action where incident passed back to LA 	<ul style="list-style-type: none"> • When reported to Agency - carry out appropriate investigation • Inform LA • Agree best approach to enforcement with LA including planning authority • Include incident on Agency database if Agency take the lead in investigation and prosecution 	<ul style="list-style-type: none"> • Identify “at risk” sites and set out planning enforcement approach • Arrangements for keeping each party advised of developments

	Example incident	Local authority	Environment Agency	Any flexibility in “local agreement”
10	Clinical Waste/bonded-Asbestos and less than 5m ³ fibrous asbestos	<ul style="list-style-type: none"> • If reported to LA arrange safe disposal, investigate and take appropriate enforcement action – pass information to Agency for action ONLY where frequently repeated offence or organised crime suspected. • LA includes in summary data monthly return on <i>Flycapture</i> for removal and enforcement action where incident passed back to LA • Where waste is asbestos report to HSE 	<ul style="list-style-type: none"> • Pass information to LA for investigation, enforcement and clean-up • ONLY investigate and take enforcement action where frequently repeated offence or organised crime suspected • May arrange removal where actual or imminent threat to human health or environment where there is no adequate response from other responsible body • Inform LA of action taken • Where waste is asbestos report to HSE • Include incident on Agency database where Agency takes the lead on investigation and enforcement 	<ul style="list-style-type: none"> • There may be local agreement re arrangements for removal • Arrangements for keeping each party advised of developments
11	Greater than 5m ³ fibrous asbestos	<ul style="list-style-type: none"> • If reported to LA, pass information to Agency 	<ul style="list-style-type: none"> • Investigate and enforce • Agency will arrange removal where there is actual or imminent threat to human health or the environment and where there is no adequate response from other responsible body • Inform LA of action taken and inform HSE • Include incident on Agency database where Agency takes the lead on investigation and enforcement 	<ul style="list-style-type: none"> • Arrangements for removal

	Example incident	Local authority	Environment Agency	Any flexibility in “local agreement”
12	Small scale fly-tipping <u>on private land</u>	<ul style="list-style-type: none"> • May investigate and enforce • Enter into <i>Flycapture</i> if LA lead in response • May remove if threat to environment, health or amenity 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • LA and Agency may agree local strategy for tackling fly-tipping and illegal dumping of waste on private land – this will be subject to resource availability • In serious cases of repeated fly-tipping/dumping – ideally advise landowners and occupiers and agree plan of action • Arrangements for keeping each party advised of developments
13	large-scale illegal dumping on <u>private land</u> : <ul style="list-style-type: none"> • More than a 20m³ tipper load of waste • Where organised criminals involved • Hazardous waste in drums/containers in excess of 75 litres (16.5 gallons)_ 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • May investigate and enforce • Enter on to Agency database if Agency lead in response • May remove if threat to environment or health 	<ul style="list-style-type: none"> • LA and Agency may agree local strategy for tackling fly-tipping and illegal dumping of waste on private land – this will be subject to resource availability • In serious cases of repeated fly-tipping/dumping – ideally advise landowners and occupiers and agree plan of action • Arrangements for keeping each party advised of developments

A guide to the Definition of Organised Crime within context of the Agency-LGA fly-tipping protocol

This note provides guidance on the definition of “organised crime” within the context of the fly-tipping protocol to assist implementation of the protocol by LAs and the Agency.

The National Criminal Intelligence Service (NCIS) suggests a definition of “serious and organised crime” - e.g, football hooliganism may be organised but is not serious organised crime. The fly-tipping protocol has no such distinction and when the term “organised crime” is used, this should be taken to mean “serious and organised”.

in this context, the following characteristics are indicators of organised crime. This is not an exhaustive list nor must all of these characteristics be present in every case to for the crime to be considered as “organised”. However, the more of these characteristics exhibited by a particular case, the stronger the indications are that the crime is organised.

1. Indication of prior planning of the incident or incidents under investigation;
2. Working with others to carry out the offence(s);
3. The perpetrator is involved in crime(s) where they are making or have the potential to make substantial profit or gain;
4. Quasi legitimate structuring of the illegal operations/activities;
5. May be reliant on or involve other professionals such as solicitors, accountants, manager, etc. in the running of the illegal activities/operations;
6. Diverse operations involving more than one activity, perhaps more than one allegedly being illegal and operations not restricted to waste-related activities;
7. Use corruption and coercion (either proven or reliably alleged) to carry out operations/activities;
8. Apparently planned/deliberate subversion of individuals, communities, businesses or institutions to facilitate carrying out operations/activities;
9. Other associated criminal activity which could be large-scale, serious, small-scale, minor, etc;
10. Violence or threats of violence against Agency or local authority officers, the public, other individuals, businesses, Police, etc
11. Track record / previous history of similar activities or offences.

For the purposes of the fly-tipping protocol, waste-crime is **not** considered to be organised if the criminal works alone.

Appendix 2: SUMMARY OF DUTIES AND POWERS IN RESPECT OF TACKLING ILLEGAL WASTE MANAGEMENT AND FLY-TIPPING FOR THE AGENCY AND LOCAL AUTHORITIES**Introduction**

The following details the powers and duties of the Environment Agency (EA) and Local Authorities (LA) in respect of flytipping. Although other bodies are not mentioned here it should be noted that offences under Section 33 and 34(1) of the Environmental Protection Act (EPA) 1990 and Section 85 of the Water Resources Act (WRA) 1991 are not restricted to being enforced by an enforcing body and actions can be brought by any person including landowners.

The sections are ordered as

[A The Duties of Both Local Authorities and the Environment Agency in Respect of Flytipping](#)

[B The Duties of Local Authorities in Respect of Flytipping](#)

[C The Duties of the Environment Agency in Respect of Flytipping](#)

[D The Powers of Both Local Authorities and the Environment Agency in Respect of Flytipping.](#)

[E Additional Powers of Local Authorities in Respect of Flytipping](#)

[F Additional Powers of the Environment Agency in Respect of Flytipping.](#)

These Powers and Duties are a summary of available legislation and are correct as at the 1st September 2004. For more details and amendments made to legislation after this date the issued legislation should be consulted.

A. THE DUTIES OF BOTH LOCAL AUTHORITIES AND THE ENVIRONMENT AGENCY IN RESPECT OF FLY-TIPPING**1. Environmental Protection Act 1990 Part II****1.1 Section 59**

In exercising powers under Section 59 the enforcing authority (Agency or LA) should exercise them in accordance with the priority set out in any direction from the Secretary of State (SoS). However nothing affects any power of an authority under section 59 see Section D1.3 for powers.

1.2 Police And Criminal Evidence Act (PACE)

Undertaking any investigation should be in accordance with the PACE Act.

1.3 Anti Social Behaviour Act (ASBA)

Both parties must register with flycapture and enter details to the database

1.4 Regulatory Investigation Powers Act (RIPA)

Surveillance and investigations must be carried out in accordance with RIPA Part I and II.

B. THE DUTIES OF LOCAL AUTHORITIES IN RESPECT OF FLYTIPPING**1. Environmental Protection Act 1990 Part IV****Clearance of litter and refuse**

- 1.1 Under Part IV of the Environmental Protection Act 1990 “principal litter authorities” must ensure, so far as is practicable, clearance of litter and refuse from “relevant land” (s89(1)(c)). The following are “principal litter authorities” - a county council; a county borough council; a district council; a London borough council; the Common Council of the City of London and the Council of the Isles of Scilly (s86(2)). “Relevant land” is land that is open to the air (notwithstanding that it is covered if it is open to the air on at least one side), but not a highway (see below for highways), which is under direct control of a local authority to which the public are entitled or permitted to have access with or without payment (s86(4)).
- 1.2 Also under Part IV, local authorities must ensure that any “relevant highway” for which it is responsible, so far as is practicable, kept clear of litter and refuse (s89(1)(a)). A “relevant highway” is one that is maintainable at public expense, but not a trunk road which is a special road. A local authority is responsible for so much of the highway as falls within its area (s86(9)).
- 1.3 There is no statutory definition of “litter and refuse”. However, the code referred to below states that the definition is wide and includes a brief section on fly-tipping (see below). There is a case, an appeal by way of case stated - Westminster City Council –v- John Riding QBD 17 July 1995, which deals with whether rubbish consisting of 10 black plastic refuse sacks, empty beer and crisp cartons and two empty bread bags could be litter within the meaning of s87(1). It was held that it could be litter as there was nothing to suggest that it could not be. The fact that the litter in question was controlled waste (commercial waste) did not prevent such waste being litter for the purposes of s87.
- 1.4 There is a code of practice for the purpose of providing practical guidance on the discharge of these two duties, amongst other things – Code of Practice on Litter and Refuse – EPA 90 (DETR 1999). At paragraph 2.6 which is not part of the code, but is labelled “Good Practice Advice”, there is a short section on fly-tipping, which recommends steps to prevent recurrence of fly-tipping incidents to include such things as higher fences, prosecution and liaison with highway authorities.
- 1.5 Paragraphs 20 to 23 of the Code of Practice provide guidance with respect to “so far as is practicable” in the context of s89(1). The code provides cleanliness standards based on land use and time which should be complied with to discharge the duty. In terms of practicality, it states that some “circumstances may render it impracticable for the body under the duty to discharge it”. Examples are given, such as severe weather conditions; special events preventing access and avoiding damage to sensitive habitats.

- 1.6** The duties that apply to principal litter authorities in relation to relevant land also apply to each local highway in respect of relevant highways (highways maintained at public expense apart from trunk roads) and governing bodies of schools as respects its relevant land open to the air and under the governing bodies' direct control.

Litter Abatement Orders – s91 EPA 1990

- 1.7** These are made by Magistrates' Courts on the application by any person aggrieved by the defacement by litter or refuse of amongst other things, any relevant highway or relevant land. A local authority can, therefore, be the subject of such an order, if it fails to comply with its duties under s89(1). If the local authority fails, without reasonable excuse, to clear the litter or refuse away within the time specified in the order, it shall be guilty of an offence. It is a defence to prove that it has complied with its duty under s89(1) with respect to the land or highway in question. The code of practice is admissible in evidence and where relevant, it must be taken into account.

2. The Litter Act 1983

- 2.1** Where a litter authority provides and maintains in streets or public places, bins for refuse or litter it must make arrangements for them to be regularly emptied and cleaned, sufficiently frequently to ensure no bin or its contents shall become a nuisance or give reasonable ground for complaint (section 5(2) and (3)).

C. THE DUTIES OF THE ENVIRONMENT AGENCY IN RESPECT OF FLY-TIPPING

- 1** The Environment Agency has no specific direct statutory duty requiring it to take any action in respect of fly-tipping.
- 1.1** It is the principal aim of the Agency (taking into account legislation and any likely costs) to protect or enhance the environment whilst discharging its functions, so as to make a contribution towards attaining the objective of sustainable development. The Agency has been given guidance by the Secretary of State as to the Agency's objectives under this provision. The guidance includes the need to take a holistic approach, taking a long term view and working in partnership with regulated organisations to further improve management techniques. In considering costs the guidance suggests the Agency should take a broad view of all costs whether quantifiable or not. [Section 4 Environment Act 1995]
- 1.2** The Agency has a duty (to the extent it considers desirable) generally to promote the conservation and enhancement of the natural beauty, and amenity of inland and coastal waters and associated land, the conservation of flora and fauna dependant on an aquatic environment and the use of such waters and land for recreational purposes. [Section 6 of the Environment Act 1995]
- 1.3** In deciding whether and, if so, how to exercise its powers, the Agency must generally take into account the likely costs and benefits when exercising (or not exercising) its powers, or in deciding the manner of exercising its powers. "Costs"

includes costs to the environment as well as financial costs. [Sections 39 and 56 of the Environment Act 1995]

- 1.4 The Agency has a duty to maintain a public register of waste carriers [The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991]
- 1.5 The Agency is responsible for the grant of authorisations for waste disposal and recovery operations. It is required to maintain a register of establishments and undertakings exempt from waste licensing. Some of these exempt activities need not be registered. Some need to be registered with local authorities. The Agency has a duty to carry out appropriate periodic inspections of authorised and registered waste management facilities and sites.
- 1.6 Where asked, the Agency has a duty to provide environmental information under the Environmental Information Regulations 1992. Where required to do so by notice, the Agency must supply to the Secretary of State information concerning where it has taken action under sections 33 and 59 of the Environmental Protection Act 1990. [Section 71 Environmental Protection Act 1990]

D. THE POWERS OF BOTH LOCAL AUTHORITIES AND THE ENVIRONMENT AGENCY IN RESPECT OF FLY-TIPPING.

1. Part II of the EPA 90

1.1 Illegal deposit, disposal treating or keeping of waste, Section 33

Nothing in Section 33(1) defines the authorised enforcing agency so anyone can prosecute under section 33. This section prohibits the depositing, treating, keeping or disposing of controlled waste in or on land except and in accordance with a waste management licence. There is also provision under 33(5) that allows for charges to be brought against the person who controls, or is in a position to control, the use of a vehicle, if that vehicle has been involved in fly-tipping. There are statutory defences available to persons charged with offences under this section.

1.2 Duty of Care, Section 34

Section 34 offences, which provide for a range of offences relating to a person's failure to comply with their duty of care as respects controlled waste can be prosecuted by both parties.

Both parties can serve a Section 34(5) notice requiring the furnishing of transfer notes. (This power was extended to LAs by virtue of the Environmental Protection (Duty of Care) (England) (Amendment) regulations 2003 and the Environmental Protection (Duty of Care) (Wales) (Amendment) Regulations 2003).

1.3 Power to remove waste and remediate and serve notice to require removal of waste and remediation, Section 59

Both parties may serve and enforce a notice under Section 59 of the Environmental Protection Act 1990 requiring the occupier of land to remove material fly-tipped in contravention of s33(1) and/or reduce the consequences of the deposit of that fly-

tipped material, subject to a right of appeal and/or the occupier establishing a statutory defence.

Under section 59 both parties may remove fly-tipped material and can seek to recover the necessary costs of doing so from any person who deposited, knowingly caused or knowingly permitted, the deposit of the controlled waste.

1.4 Notice to require information, Section 71

Both the EA and Local Authorities can use S71 notices for the purpose of the Control of Pollution Amendment Act, to require anyone they consider may be able to provide them with the name and address of the person using the vehicle at the time when the offence was committed¹

Local Authorities cannot use Section 71 notices for any other purpose whereas the Agency can use Section 71 notices to obtain any information it reasonable considers it requires.

2 Environment Act 1995

2.1 Powers of Entry Section 108 EA

Both parties have powers of entry for their pollution control functions, for the Local Authority this is restricted to Section 59 of the EPA 90 only.

2.2 Powers to seize or render harmless any article or substance that is a cause of imminent danger of serious pollution of the environment or serious harm to human health, Section 109 EA

Both parties have powers under S109 for their pollution control functions, for the Local Authority this is restricted to Section 59 of the EPA 90 only.

3. Control of Pollution (Amendment) Act 1989

3.1 .Seizure of vehicles Section 6 CoP(A)A

Under Section 6 the EA and Local Authorities can seize, under the authority of a magistrates' warrant, and, if no person establishes a valid claim to the vehicle, dispose of a vehicle involved in a fly-tipping incident.

3.2 Proof of registration of waste carriers Section 5 CoP(A)A

Both parties can require the furnishing of proof of registration of waste carriers. LAs were empowered to do this under Section 5 of the Control of Pollution (Amendment) Act as amended by Section 55(3) of the Anti Social Behaviour Act.

¹ This was brought in by (Regulation 20(3) of the Controlled Waste (Registration of Carriers and seizure of Vehicles Regulations 1991) and was extended to LAS by virtue of S7 of the Control of Pollution (Amendment) Act which resulted in a waste disposal authority being a regulatory authority. Furthermore the Anti Social Behaviour Act 2003 in Section 55 (3) made further amendments to include WCAs within the definition of regulatory authority for the purpose of Sections 5-7 of the CoP(A)A).

4. Water Resources Act 1991**4.1 Solid waste in controlled water, S85**

Both parties can use Section 85 of the Water Resources Act to take action for solid wastes deposited in controlled waters.

5 Powers to obtain injunctions

- 5.1 In some cases both the Agency and the LAs may be able to obtain an injunction against a person to prevent further offending or requiring remedial steps to be taken. Cases where that power is available are likely to be restricted to the most serious cases

6 Powers to require forfeiture of items Powers of Criminal Courts (Sentencing) Act 2000 Section 143, 146.

- 6.1 As the name suggests this is a power that can be used by either party but belongs to the Courts. Either party can apply for items used in the commission of an offence to be forfeit. In most cases the item should be in the custody of the police to prevent disposal by the defendant before sentencing. It would not be appropriate to remove their driving licence or other property unlikely to be disposed of prior to sentencing.

E. THE ADDITIONAL POWERS OF LOCAL AUTHORITIES IN RESPECT OF FLY-TIPPING**1. Part IV of the EPA 90****The offence of leaving litter, S87 EPA**

- 1.1 Under section 87 of Part IV of the Environmental Protection Act 1990 it is an offence to throw down, drop or otherwise deposit litter in a public open place and leave so as to cause defacement by litter. A local authority can take proceedings for breach of this section. It also has powers under section 88 of the Environmental Protection Act 1990 to issue fixed penalty notices.

Designation of land as a Litter Control Area, S90 EPA

- 1.2 Under section 90 of Part IV of the Environment Act 1990, any principal litter authority (see 1.1 above) can, by order, designate any land in their area as, or as part of, a litter control area. The authority must be of the opinion that, by reason of the presence of litter or refuse, the condition of the land is, and unless they make a designation order is likely to continue to be, such as to be detrimental to the amenities of the locality. The Secretary of State can prescribe descriptions of land which can be designated.

Litter Abatement Notices, s92 EPA 1990

- 1.3 Where a principal litter authority (but not an English County Council) is satisfied that relevant land within a Litter Control Area (see 5.1 below), relevant Crown land, relevant land of a designated statutory undertaker or relevant land of a designated educational institution is defaced by litter or refuse, or that such defacement is likely

to recur, it must serve a litter abatement notice, on the appropriate person, requiring it to be cleared within a specified time and/or a prohibition on permitting the land to become defaced by litter or refuse. Failure to comply with a notice without reasonable excuse is an offence, however it is a defence to show that the duty under s89(1) has been complied with. With the exception of relevant Crown land or relevant land of statutory undertakers, if the person on whom the notice is served fails to comply with the requirement imposed, the authority can enter the land, clear the litter or refuse and recover costs necessary in the circumstances. Again the code is admissible as above.

Street litter control notices, S93 EPA

- 1.4 Principal litter authorities, other than a county council, can issue “street litter control notices” under section 93 of the Environmental Protection Act 1990 on the occupiers of premises having a frontage onto a street where the street, or open land adjacent to the street, is recurrently defaced with litter or refuse, or the condition of the premises which is open land is such that it is likely to be detrimental to the amenities of the locality as a result of the presence of litter or refuse, or if the activities on the premises are likely to cause defacement with litter or refuse of the street or land in the vicinity of the premises.

2. Provision of litter bins, S5(1) Litter Act 1983

- 2.1 A litter authority (see section C2.1 above) can provide and maintain in any street or public place, litter bins for refuse or litter

3. Removal of material attracting rats and mice, S4 Prevention of Damage by Pests Act 1949

- 3.1 A local authority can serve a notice on an occupier and/or owner of land, but not agricultural land, in its area, if it appears to the local authority that steps should be taken for the destruction of rats or mice on the land or otherwise for keeping the land free from rats and mice. The notice can include the application to the land of any form of treatment and/or the carrying out on the land of any structural repairs or other works.

4. Remedying land, S215 Town & Country Planning Act 1990

- 4.1 If it appears to a local planning authority that the amenity of a part of their area, or of an adjoining area is adversely affected by the condition of land in their area, it can serve on the owner and occupier of land a notice requiring steps to remedy the condition of the land within a certain time.

5. Cleaning of land in open air to which public has access, S22(3) Control of Pollution Act 1974

- 5.1 A council of a district or London borough and the Common Council of the City of London or a local authority in Wales can arrange for any land in the open air to which members of the public have access, either as of right or otherwise (but not the site of a highway for which there are other powers), to be cleaned. Such arrangements must be with the consent of any person who has an interest in or is

the occupier of such land and can include an agreement for such persons to pay the charges in respect of the cleaning.

6. Cleaning of land other than a highway, S78 Public Health Act 1936

- 6.1 A local authority can sweep and clean any court, yard or passage, which is used in common by the occupants of two or more buildings, but is not a highway repairable by the inhabitants, if it is not regularly swept and kept clean and free from rubbish or other accumulation to the local authority's satisfaction. The local authority can recover any expenses reasonably incurred from the occupiers of the buildings which front or abut the court or yard, or to which the passage affords access.

7. Remove rubbish seriously detrimental to the amenity, S34 Public Health Act 1961

- 7.1 A local authority can take steps to remove rubbish, as it thinks necessary, in the interests of amenity, if it appears to it that there is rubbish on any land in the open air in their area which is seriously detrimental to the amenities of the neighbourhood. Rubbish means rubble, waste paper, crockery and metal and any other kind of refuse (including organic matter), but it does not include material accumulated for or in the course of any business or waste deposited in accordance with a disposal licence.

8. Removal of anything abandoned without lawful authority, S6 Refuse Disposal (Amenity) Act 1978

- 8.1 A local authority can if it thinks fit, remove any thing in its area, other than a motor vehicle, which is abandoned without lawful authority on any land in the open air or on any other land forming part of a highway.

9. LOCAL AUTHORITIES' POWER TO PROSECUTE

- 9.1 Under section 222 of the Local Government Act 1972, a local authority may prosecute or defend or appear in any legal proceedings where it considers it expedient for the promotion or protection of the interests of the inhabitants of their area.
- 9.2 Unless legislation precludes it, a local authority may institute criminal proceedings under any legislation.

F. THE ADDITIONAL POWERS OF THE AGENCY AND AGENCY AUTHORISED PERSONS IN RESPECT OF FLY-TIPPING

1 Powers concerning applications

1.1 Refuse to register, Regulation 5 of and schedule 1 to the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

The Agency can refuse to register a person as a carrier of controlled waste, where that person, or another relevant person, has been convicted of a prescribed offence.

1.2 Revoke a Registration, Regulation 10 of and schedule 1 to the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

The Agency may revoke a person's registration as a carrier of controlled waste in similar circumstances.

1.3 Refuse a Licence or Permit, S36 Environmental Protection Act 1990; Regulation 10 Pollution Prevention and Control (England and Wales) Regulations 2000.

The Agency may refuse an application for a waste management licence or a PPC permit for a specified waste management activity if the applicant or another relevant person has been convicted of a prescribed offence. Prescribed offences include offences under Section 2 Refuse Disposal (Amenity) Act 1978, Section 3 Control of Pollution Act 1974, Section 33 Environmental Protection Act 1990. Offences under litter provisions of Environmental Protection Act 1990 are not prescribed.

2. Powers to deal with obstructions, matter and waste in water

2.1 Section 211 of and Schedule 25 to the Water Resources Act 1991 and Section 23 Land Drainage Act 1991

The Agency may make and enforce bye-laws in respect of obstructions within rivers. Main rivers are generally covered by WRA (and fall to the Agency) and ordinary watercourses by LDA (and fall to the LAs).

2.2 Require removal of obstruction, S107 of the Water Resources Act 1991 and Section 25 of the Land Drainage Act 1991

The Agency may serve a notice on any person who caused an obstruction (so as to impede the flow) within a main river or, in restricted circumstances, on the landowner to remove the obstruction and enforce that notice.

2.3 Remove obstruction from main rivers, S109 Water Resources Act 1991

The Agency may remove obstructions within main rivers

2.4 Require works to be undertaken to remove material in controlled water, S161A of the Water Resources Act 1991

The Agency can serve a notice (a "works notice") on a person who has caused or knowingly permitted poisonous, noxious or polluting matter or any solid waste matter to enter, be likely to enter, or be present in controlled waters requiring them to remove that material and enforce that notice.

2.5 Prevent material entering controlled water and remove material, S161 Water Resources Act 1991.

The Agency may take action to prevent from entering, or remove from, controlled waters, any poisonous, noxious or polluting matter or solid waste matter and seek to recover the costs from any person who caused or knowingly permitted the matter to enter, be likely to enter, or be present in the controlled waters.

3. AGENCY POWERS TO PROSECUTE

- 4.1 The Agency can carry out prosecutions [section 37 Environment Act 1995].
- 4.2 The Agency has issued an enforcement and prosecution policy. Decisions to institute prosecution proceedings are taken in accordance with this policy and functional guidance.

Appendix 3: Guidelines for local agreements

Introduction

The Protocol envisages that where there is a fly-tipping/illegal waste crime problem a local agreement should be developed between the Agency and the relevant local authority/ies to reflect local circumstances. This annex sets out areas that could be considered when developing your local agreement.

Key Partners

To successfully tackle the problem of environmental crime it is important that all of the key partners are engaged in developing these agreements. The key partners should consider setting up or linking in with an existing local forum which can consider the problem of fly-tipping/illegal dumping and agree how to best tackle it.

key partners could include:

Local authority:

Waste collection authorities
Waste Disposal Authorities
Environmental Health Officers
Trading standards Officers
Planning officers
Gypsy/traveller liaison officer(s)

Other:

Local police
Large landowners (this can include representatives of landowners such as NFU, CLA or any landowner who is suffering excessive fly-tipping problems e.g. The National Trust, Network Rail, British Waterways)
Local press/media
Local waste contractors

Context

The agreement should set out the latest national and local "pictures" to provide the necessary background to enable the key partners to understand the extent of fly-tipping/illegal waste crime and to understand their role in tackling the problem. It should include facts and figures setting out the problem, using information from *Flycapture* for example.

Aims

The aims of a local agreement are to:

- set out the detailed arrangements between the local authorities involved and the Agency Area to ensure that the Protocol is followed;
- explain how local issues will be tackled;
- establish an effective working partnership between the enforcement authorities who have signed up to the agreement to ensure that the Protocol is adhered to;
- identify local issues (e.g. local "hot-spots") that need to be tackled and set out effective working arrangements;
- establish effective intelligence and best practice sharing between the key players;

- identify baseline training needs and options for how these can be provided for key personnel involved in combating fly-tipping/illegal dumping; and,
- agree effective and targeted publicity campaigns to discourage offenders and ensure that convicted offenders are named and shamed as appropriate.

Standard arrangements

This section should set out the agreed resources and working arrangements which enable the relevant Agency Area and local authorities to meet the aims of the Protocol. This could include response times to investigate incidents and carry out any necessary clean up.

In addition the agreement could set out the responsibilities, resources and standard of response to other waste crimes such as unlicensed waste sites, waste burning, unregistered waste carriers etc

Local arrangements

This section should set out additional scenarios which do not have clear national responsibilities but which are of concern in the local area and set out the arrangements for tackling these crimes. The list below suggests some areas that may need to be considered but is not exhaustive:

- Investigation and enforcement action where one or more van loads up to a single tipper load of waste are found fly-tipped up until April 2005^[L1]
- Investigation and enforcement action where there is fly-tipping of multiple small loads of waste which in aggregate exceed the volume of a single tipper load (i.e. greater than 20m³)
- Investigation and enforcement action where there are sequences of smaller-scale illegal dumping or fly-tipping where evidence suggests repeat offences by an individual or group of individuals that might indicate an "organised" crime element
- Surveillance ^[L2]of local fly-tipping "hot-spots" and the subsequent investigation and enforcement
- Frequency, timing of Operation Mermaids (Road stop events run by the police). Follow up enforcement activity following these operations
- Identification of watercourses at risk and responsibilities of each party
- Arrangements for removal of wastes from watercourses including utilisation of Agency resources and expertise
- Arrangements for removal of fly-tipped wastes including hazardous wastes and any agreed sharing of contracts for removal
- Arrangements for storage of seized vehicles
- Strategy to deal with fly-tipping on private land. This could include identifying hotspots, setting out roles and responsibilities and targetsDuty of Care checks
- Training exercises

Identification of local hotspots

The agreement should use local data to identify and target local hotspots. The agreement should define how an area is classified as a hotspot and set out responsibilities (in accordance with the context of the national agreement) for tackling the defined hot-spots.

Sharing of intelligence

Effective sharing of information between enforcing authorities is essential. The agreement should set out the working arrangement for how intelligence relating to illegal activity should be shared. This section should ideally be agreed in liaison with the local police. *Flycapture* should be used for linking up the Agency and local authorities of any vehicles suspected of being involved in fly-tipping in the area. Confidentiality issues will need to be addressed.

Surveillance

This section should set out the equipment available in the area, location and lead contacts for each key player. Agreement on sharing of equipment, ensuring that the other party is informed when and where any surveillance work will be carried out and commitment to follow up enforcement work for both parties.

Health & Safety

Both partners will share appropriate health and safety information and specifically risk assessment information wherever necessary. Where a joint exercise is mounted, the lead authority will be responsible for ensuring adequate risk assessment and risk control measures are in place. Each partner will have a named individual who will be responsible for ensuring that the respective authorities risk management and health and safety procedures are followed. Any known areas of high risk will be flagged up by these individuals at an early stage.

Designing out Fly-tipping

Opportunities exist to enshrine appropriate planning and design features into projects, so as to reduce the opportunity for the fly-tipper and to maximise the detection of offenders. Local authorities should consider how fly-tipping can be designed out in any refurbishment or development. Both parties could produce a list of areas where design features could help to reduce the problem. Opportunities to increase signage, improve lighting or install cameras should be considered.

Enforcement and Prosecution Policy functional guidelines (EPP)

The Agency has set out its national EPP for waste offences and detailed guidelines on its application. Please see the Agency's web-site for our [enforcement and prosecution policy](#).

Local authorities should consider drafting an Enforcement and Prosecution Policy for waste offences to ensure a consistent transparent approach is used by all key regulators and the sanction for the same crime is the same whichever party undertakes the enforcement action.

Publicity Campaigns

It is important for the key players to consider how they can work to prevent illegal waste activity occurring. The agreement should consider how the key partners use publicity to assist in preventing this crime.

Part of any successful campaign is ensuring that effective publicity is used to report successful enforcement action – so acting as a deterrent to others. The agreement should set out how successful enforcement activity can be publicised and offenders can be named and shamed.

Equally important is promoting the legitimate management of waste. This can be achieved through promoting the waste management Duty of Care and also through clearly promoting local arrangements for waste management such as opening times of civic amenity sites, arrangements for bulky waste collections and any trade waste services that are offered.

It may be useful for the agreement to set out a documented media plan. The partners could consider the waste types, typical offenders, and hotspots that are a problem and set out if any resource is available to run targeted campaigns.

Review and Evaluation

It is important that fly-tipping incidents are tackled and reduced, the agreement is successful and the key players continue to participate and remain enthusiastic and effective. Partners should agree a number of key outcomes with associated success criteria upfront. It may be useful to ensure that the key players receive regular, standard reports.

It is important to set out that this is working document and will need to be reviewed regularly to ensure that the agreement keeps up to date with any legislative, resources, hotspot changes etc.

Clean Neighbourhoods and Environment Act - Outline of Measures

The Act:

Crime and Disorder

- ensures that local Crime and Disorder Reduction Partnerships will take anti-social behaviour affecting the local environment into account in developing crime and disorder reduction strategies.
- gives local authorities new, more effective powers to deal with alleyways affected by anti-social behaviour.
-

Fixed Penalty Notices (Fines)

- makes greater use of fixed penalties as an alternative to prosecution, in most cases giving local authorities the flexibility to set their own rates;
- gives parish councils the power to issue fixed penalties for litter, graffiti, fly posting and dog offences;

Nuisance and Abandoned Vehicles

- gives local authorities the power to remove abandoned cars from the streets immediately;
- creates two new offences to help local authorities deal with nuisance parking: offering for sale two or more vehicles, or repairing a vehicle, on the road as part of a business.

Litter

- makes it an offence to drop litter anywhere, including private land and rivers, ponds and lakes;
- gives local authorities new powers (litter clearing notices) to require businesses and individuals to clear litter from their land;
- strengthens existing powers for local authorities to require local businesses to help clear up litter they generate (street litter control notices);
- enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter;
- confirms that cigarette butts and discarded chewing gum are litter.

Graffiti and fly-posting

- extends graffiti removal notices (as introduced by the Anti-social Behaviour Act 2003) to include fly-posting;
- improves local authorities powers to tackle the sale of spray paints to children;
- strengthens the legislation to make it harder for beneficiaries of fly posting to evade prosecution;
- enables local authorities to recover the costs of removing illegal posters.

Waste

- amends provisions for dealing with fly-tipping by:
 - removing the defence of acting under employer's instructions
 - increasing the penalties

- enabling local authorities and the Environment Agency to recover their investigation and clear-up costs
- extending provisions on clear up to the landowner in the absence of the occupier.
- gives local authorities and the Environment Agency the power to issue fixed penalty notices (and, in the case of local authorities, to keep the receipts from such penalties):
 - to businesses that fail to produce waste transfer notes
 - to waste carriers that fail to produce their registration details or evidence they do not need to be registered
 - for waste left out on the streets (local authority only)
- introduces a more effective system for stop, search and seizure of vehicles used in illegal waste disposal; and enabling courts to require forfeiture of such vehicles
- introduces a new provision covering the waste duty of care and the registration of waste carriers
- introduces a new requirement for site waste management plans for construction and demolition projects
- repeals the divestment provisions for waste disposal functions to provide greater flexibility for local authorities to deliver waste management services in the most sustainable way
- reforms the recycling credits scheme to provide increased local flexibility to incentivise more sustainable waste management.

Dogs

- replaces dog byelaws with a new, simplified system which will enable local authorities and parish councils to deal with fouling by dogs, ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person.
- gives local authorities, rather than police, sole responsibility for stray dogs.

Noise

- reduces nuisance caused by noise by giving local authorities to:
 - deal with burglar alarms
 - impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels
- gives local authorities greater flexibility in dealing with noise nuisance.

Architecture and the Built Environment

- establishes the Commission for Architecture and the Built Environment (CABE) on a statutory basis.

Miscellaneous

- enables local authorities to recover the costs of dealing with abandoned shopping trolleys from their owners
- extends the list of statutory nuisances to include light pollution and nuisance for insects
- improves the contaminated land appeals process.

APPENDIX F

CURRENT POSITION AND SERVICES INVOLVED

- 1.0 Enforcement activities under the EPA and CNEA are undertaken by a number of teams within and across services, primarily teams are within the Sustainable Communities Directorate and include: Community Safety, Public Protection and Waste Services with some activities also being undertaken by Private Sector Housing Team (Adult Social Care, Health and Housing).
- 2.0 The Executive Committees of Mid and South Bedfordshire (8th February and 1st August 2006 respectively), considered reports that covered the new powers under the EPA and CNEA and their approach to implementation and enforcement in respect of these. Similarly, other local authorities in England were considering this legislation and their response to it.

2.1 Mid Bedfordshire Approach

In Mid Bedfordshire, the matter was considered in conjunction with the Waste Performance and Efficiency Grant report. A copy of the report and the resolutions from the minutes is attached as Appendix

The report detailed the new measures and considered a range of options and the most appropriate use of the grant without committing the Council to increased revenue expenditure in the longer term.

It considered:

- Employing two environmental enforcement officers on fixed term contracts
- Role to enforce prevention of contamination of recyclables, new powers under EPA and CNEA and abandoned vehicles
- Noted that enforcement of recycling not covered by Beds County Council new team
- Noted link to the Mid Beds Crime and Disorder Reduction Partnership and that new Anti Social Behaviour Co-Ordinator that would support a multi service and agency approach
- That enforcement and Anti Social Behaviour Co-Ordinator posts would act as a visible deterrent.

In respect of enforcement, the approach set was:

- Nuisance provisions re noise remain with Environmental Health Work and Home sections
- Not to implement an alarm notification area, alarm complaints

- low and voluntary scheme in place
- Noted view of DEFRA on Fixed Penalty Notices regarding low level crime and appropriate use
- Noted option to extend Fixed Penalty Notice powers to Parish Councils for some offences, but not to authorise at this time
- Noted effective enforcement needs to be appropriate to the offence, consistently applied and adequately resourced

In coming to its decision it noted that the majority of the enforcement fell to the Environmental Services Contract team that comprised of three contract supervisors and a dog warden supported by an administrative assistant, all of who were fully occupied in existing duties. Given the geography, range of activities, that the ability to use these powers is limited without additional resources. Additional resources, or re-allocation of resources was not agreed and the Executive resolved.

That the Council encourages co-ordination of work by the Anti-Social Behaviour Co-Ordinator and the Beds County Council's Education Officers to better promote waste management and that the Council would need to monitor the effectiveness of this over 2006/07.

2.2 South Bedfordshire approach

The report 'Implementation of the Clean Neighbourhoods and Environment Act 2005'.

The report was considered in the context of the Council's priorities, its ambition of a cleaner and more valued district and commitment to 'implement a new street scene approach to address environmental crime as well as respond to neighbourhood nuisance and incorporate the new powers contained within the CNEA'.

The report detailed the new measures and was asked to consider a new approach to enforcement through an Envirocrime Unit, to provide:

- A frontline high profile service
- To enforce the powers within the EPA and the CNEA – fly tipping, Fixed Penalty Notices and noise nuisance
- Noted the local background and Council priorities in respect of environmental concerns and anti-social behaviour

In respect of the approach to enforcement:

- To use the released resources from Environmental health to create a new Envirocrime team to enforce new powers
- That this team be uniformed and provide a high profile presence, working alongside police etc.

APPENDIX G

**OUTLINE OF PROPOSED POLICY ON ENFORCEMENT OF THE EPA,
CNEA AND ASSOCIATED LEGISLATION**

1. A strategic approach to fly tipping, carrying out more preventative work, investigation and enforcement of smaller scale incidents of fly tipping with reference to incidents on private land.
2. The types of fly tipping and deposits of waste that we will investigate and take appropriate enforcement action against, including: specific quantities of fly tipped waste, waste producers not complying with their Duty of Care, and/or who illegally dump waste, unregistered waste carriers.
3. The types of waste we will remove, investigate and take appropriate enforcement action on, including: that on public land, road or highway, that the Environment Agency does not deal with.
4. That we will aim to remove fly tipped wastes as quickly as possible to maintain the cleanliness of the area, discourage fly tipping and prevent wastes causing pollution or harm to health, and share information and intelligence with services within the Directorate, the Environment Agency and partners involved in Community Safety.
5. That the principles of fair regulation, in line with the 'Better Regulatory' approach of proportionality (on the application of the law and in securing compliance); consistency; transparency (about how the Council operates and what those regulated may expect from us); and appropriate targeting of enforcement action (based on intelligence) are followed.

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Meeting: Sustainable Communities Overview & Scrutiny Committee

Date: 4 January 2010

Subject: Gypsy and Traveller Development Plan Document for Central Bedfordshire North

Report of: Planning and Development Strategy

Summary: The report seeks the support of the Sustainable Communities Overview and Scrutiny Committee for the site recommendations of the Development Strategy Task Force for Gypsy and Traveller accommodation.

Contact Officer: Richard Fox, 0300 300 8000

Public/Exempt: Public

Wards Affected: The Wards in the former Mid Bedfordshire Council area

Function of: Executive

CORPORATE IMPLICATIONS

Council Priorities:

The Local Development Framework is a fundamental part of the Council's key aim to manage growth effectively.

Financial:

None.

Legal:

The Gypsy and Traveller Development Plan Document, when adopted, will be part of the statutory development plan for the area.

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Development/Safety:

The Gypsy and Traveller DPD is intended to reduce the incidences of unauthorised encampments which can create community development issues.

Sustainability:

The Gypsy and Traveller Development Plan Document when adopted will form part of the Local Development Framework. The report identifies the location of Gypsy and Traveller and Travelling Showpeople sites in accordance with the accommodation needs expressed in the East of England Plan. The Local Development Framework embraces sustainable development as its overarching aim and has and will continue to be subject to a sustainability appraisal.

RECOMMENDATIONS:

That the Sustainable Communities Overview and Scrutiny Committee consider and support the recommendations agreed by the Development Strategy Task Force on 14 December 2009 as detailed in the body of the report.

1. Introduction

- 1.1 Local authorities are required by Government, through the Housing Act 2004, to assess the accommodation needs of Gypsies and Travellers alongside the settled population. Local authorities are also required by the Act to develop a strategy that addresses any unmet need that is identified. That strategy is the Gypsy and Traveller Development Plan Document (DPD). The Council's progress on meeting this statutory duty is regularly and rigorously monitored by Central Government.
- 1.2 Aside from this statutory duty, there are practical reasons for making provision. If insufficient authorised sites are provided, unauthorised camping is likely to continue. The problems associated with unauthorised sites, such as the costs of taking enforcement action, the tension that exists between Gypsies and Travellers and the settled community and the social exclusion experienced by Gypsies and Travellers will also continue. The aim of this process is to reduce the occurrence of unauthorised sites by making sufficient new provision for Gypsies and Travellers in the District. This will also make it easier to take robust enforcement action against unauthorised sites. Not making sufficient allocations would also lead to applications being granted permission on appeal to meet the identified need.

2. Background

- 2.1 Following the former Mid Bedfordshire LDF Task Force on 12 February 2009 and former Mid Bedfordshire Executive on 18 March 2009, Officers were instructed to undertake a further site search for the Gypsy and Traveller Development Plan Document (DPD). Members wanted existing sites that had been considered through the DPD process to be reviewed together with a further site search.
- 2.2 The purpose of this new site search and review is to fulfil our increased requirement to accommodate Gypsy and Traveller pitches in accordance with Policy H3 of the East of England Plan to 2016. In the former Mid Bedfordshire area, this equates to 40 Gypsy and Traveller pitches, a transit site and a Travelling Showpeople site.
- 2.3 It should be noted that if the Council does not allocate sufficient sites for Gypsy and Traveller need, the Planning Inspector, at the Public Examination of the Gypsy and Traveller DPD is likely to find the document “unsound”. This could result in either the Inspector requiring the Council to begin the site search process again or the Inspector allocating sites from those previously considered by the Council. The Inspector’s Report is binding, so there will be no further opportunities for Members to influence the outcome of the DPD following receipt of this Report.

3. The Process So Far

- 3.1 On 4 December 2009, following the Sustainable Communities Overview and Scrutiny Committee on 1 September 2009 at which Members agreed a set of criteria and scoring system against which new and previously considered sites would be considered, Members attended a bus tour of Central Bedfordshire North. On this tour, Members visited a selection of sites to consider their potential for Gypsy and Traveller accommodation, including those sites that scored the highest following the application of the site criteria and scoring system.
- 3.2 Following the Bus Tour, the Development Strategy Task Force met on 7 December 2009 to shortlist a set of sites to accommodate 40 Gypsy and Traveller pitches and 2 transit pitches.
- 3.3 At a subsequent Development Strategy Task Force meeting on 14 December 2009 Members met with representatives from Town and Parish Councils. These Town and Parish Councils were invited to meet with Members as they had had sites in their area shortlisted by the Task Force on 7 December. The representatives were given 5 minutes to present to Members their evidence on the suitability of each of the shortlisted sites in their area.
- 3.4 Following the presentation of evidence by Town and Parish Councils, Members of the Development Strategy Task Force then reviewed the sites in order to recommend a shortlist to OSC. OSC will now need to consider the list of sites and make their recommendation to the Portfolio Holder for Sustainable

Development. This shortlist can then be taken forward in the Preferred Sites consultation document, which will be published for a 6 week period for public comment.

4. The Shortlisted Sites

- 4.1 The Development Strategy Task Force agreed to recommend to the Sustainable Communities Overview and Scrutiny Committee the following shortlist of sites:-

Site Name	Parish
Permanent Pitches (on sites with temporary planning permission)	
Woodside Caravan Park, Hatch, Sandy	Northill
Land rear of 197 Hitchin Road, Arlesey	Arlesey
1 Old Acres, Barton Road, Pulloxhill	Pulloxhill
Permanent Pitches (on unauthorised, tolerated sites)	
Long Lake Meadow, Seddington	Sandy
Hermitage Lane, Hillside Farm off Westoning Road, Greenfield	Flitton and Greenfield
Permanent Pitches (as extensions of existing sites)	
Oak Tree Nursery & Magpie Farm, Upper Caldecote	Northill
Land between Common Road and Myers Road, South of Gypsy and Traveller site, Pottton	Pottton
Permanent Pitches (on new sites)	
Land south of Dunton Lane, Biggleswade	Biggleswade
Land south of Clifton and east of New Road, Clifton	Clifton
Land between the A421 and Woburn Road junction, Marston Moretaine	Marston Moretaine
Transit Pitches (on a new site)	
Sutton Storage Compound, south of Sutton	Sutton

Site plans and the scores for these sites are enclosed in Appendix 1.

5. Conclusion and Next Steps

- 5.1 Sustainable Communities Overview and Scrutiny Committee are asked to consider and support the recommendations agreed by the Development Strategy Task Force on 14 December 2009.
- 5.2 Following consideration of these sites by OSC, and their recommendation to the Portfolio Holder, consultation will be undertaken on the site options at the end of January. The table below sets out the estimated timescales for the DPD.

STAGE IN DPD PROCESS	ESTIMATED DATE
Period of consultation, following short listing of sites by Task Force and Overview and Scrutiny Committee	January - March 2010
Preparation of the Draft Submission Development Plan Document.	March - July 2010
Task Force consideration of the Draft Submission Development Plan Document.	August 2010
Sustainable Communities Overview and Scrutiny Committee consideration of the Draft Submission Development Plan Document.	End August 2010
Executive & Council approval of the Draft Submission Development Plan Document.	September 2010
A statutory period of six weeks of public consultation will take place offering members of the public an opportunity to comment on the Draft Submission Development Plan Document.	October – November 2010
The Council submit the Draft Submission DPD to the Secretary of State.	February 2011
The Gypsy and Traveller DPD will be subject to an Examination in Public in front of an independent Inspector appointed by the Secretary of State.	Spring 2011*
The Planning Inspector publishes the binding report making final recommendations.	Summer 2011*
Gypsy and Traveller Development Plan Document Formally Adopted	Autumn 2011*

* Subject to the Planning Inspectorate's timescales.

Appendices:

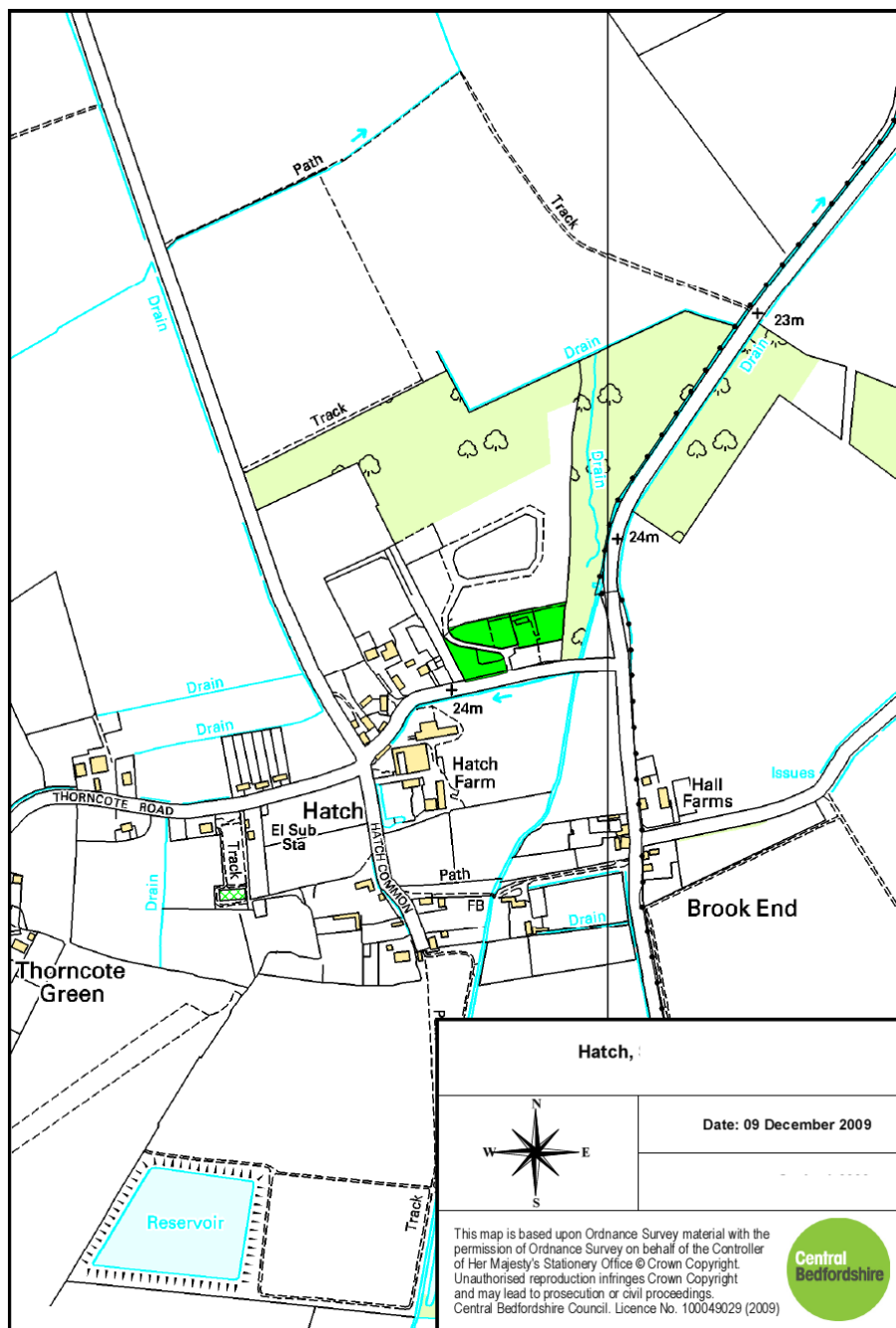
Appendix 1 – Site Plans and Site Scores

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Appendix 1

Meeting: Sustainable Communities Overview and Scrutiny Committee
Date: 4 January 2010
Subject: SITE PLANS AND SCORES OF SITES

2, 2a and 3 Woodside Caravan Park, Hatch, Sandy



2 Woodside Caravan Park, Hatch, Sandy

Criteria	Score
Sequential Approach	1st (20) 2nd (15) 3rd (10) 15
Safe access from the site directly to the highway	Y (10) M (0) N (-10) 10
Opportunities for soft landscaping	Y (5) N (0) 5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10) 0
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0) 5
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0) 5
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0) 5
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0) 3
Located in an area of high landscape sensitivity?	Yes (0) No (10) 0
Located in an area of nature designation value?	Yes (0) No (10) 10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0) 0
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M -
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20) 10
Located within Green Belt	Y (-20) Adjacent (0) N (10) 10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1) 5
Site located on contaminated land	N (0) Y (-10) 0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10) -10
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1) 5
Serviceable by necessary infrastructure	All (20) Some (10) None (-10) 20
Waste and recycling provision	Y(5) N (0) 5
Loss of community facilities	N (10) Y with replacement (0) Y (-20) 10
TOTAL	116

Additional Comments

These sites are part of a larger site with a long planning and enforcement history since it was occupied as a Gypsy caravan site in 1998. At one stage 27 plots were occupied on the extended site. The vast majority of the site has now been vacated and cleared, with 4 plots remaining. Of the 4 remaining plots, 3 are occupied as a Gypsy caravan site – of which this site is one. This site was authorised by the Secretary of State for a temporary period, following a second public local inquiry into the Council's decision to refuse planning permission. As a result 10 caravans are now permitted on the site for a period of 5 years to 2011. Highways state that safe access can be taken from the site. A Flood Risk Assessment and subsequent identified mitigation work has been undertaken to the satisfaction of the Environment Agency and this authority.

Ownership: Private

2a Woodside Caravan Park, Hatch, Sandy

Criteria	Score
Sequential Approach	1st (20) 2nd (15) 3rd (10) 15
Safe access from the site directly to the highway	Y (10) M (0) N (-10) 10
Opportunities for soft landscaping	Y (5) N (0) 5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10) 0
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0) 5
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0) 5
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0) 5
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0) 3
Located in an area of high landscape sensitivity?	Yes (0) No (10) 0
Located in an area of nature designation value?	Yes (0) No (10) 10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0) 0
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M -
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20) 10
Located within Green Belt	Y (-20) Adjacent (0) N (10) 10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1) 5
Site located on contaminated land	N (0) Y (-10) 0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10) -7.5
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1) 5
Serviceable by necessary infrastructure	All (20) Some (10) None (-10) 20
Waste and recycling provision	Y(5) N (0) 5
Loss of community facilities	N (10) Y with replacement (0) Y (-20) 10
TOTAL	118.5

Additional Comments

These sites are part of a larger site with a long planning and enforcement history since it was occupied as a Gypsy caravan site in 1998. At one stage 27 plots were occupied on the extended site. The vast majority of the site has now been vacated and cleared, with 4 plots remaining. Of the 4 remaining plots, 3 are occupied as a Gypsy caravan site – of which this site is one. This site was authorised by the Secretary of State for a temporary period, following a second public local inquiry into the Council's decision to refuse planning permission. As a result 10 caravans are now permitted on the site for a period of 5 years to 2011. Highways state that safe access can be taken from the site. A Flood Risk Assessment and subsequent identified mitigation work has been undertaken to the satisfaction of the Environment Agency and this authority.

Ownership: Private

3 Woodside Caravan Park, Hatch, Sandy

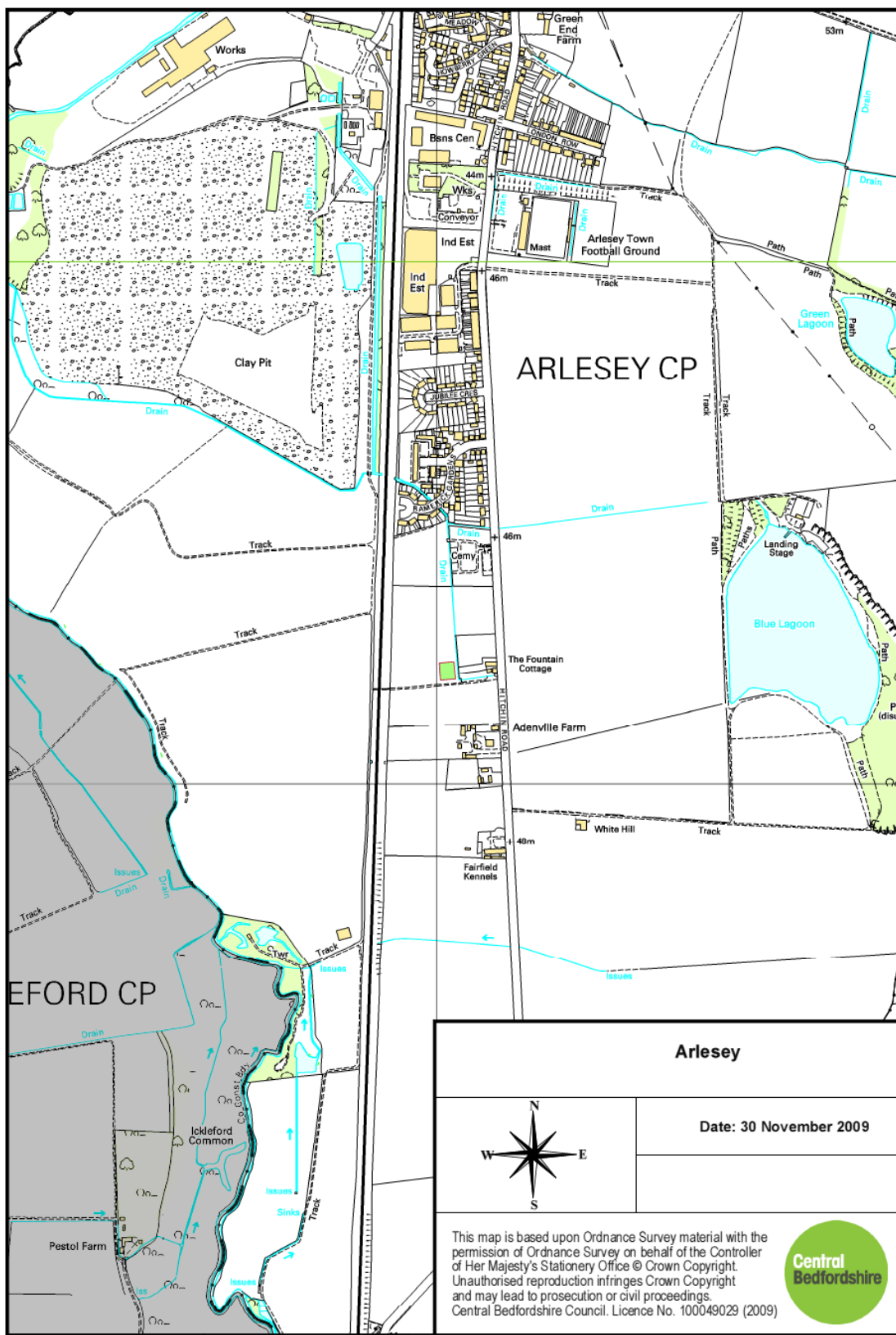
Criteria		Score
Sequential Approach	1st (20) 2nd (15) 3rd (10)	15
Safe access from the site directly to the highway	Y (10) M (0) N (-10)	10
Opportunities for soft landscaping	Y (5) N (0)	5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10)	0
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0)	5
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0)	5
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0)	5
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0)	1
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0)	1
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0)	1
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0)	3
Located in an area of high landscape sensitivity?	Yes (0) No (10)	0
Located in an area of nature designation value?	Yes (0) No (10)	10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0)	0
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M	-
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20)	10
Located within Green Belt	Y (-20) Adjacent (0) N (10)	10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1)	5
Site located on contaminated land	N (0) Y (-10)	0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10)	-5
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1)	5
Serviceable by necessary infrastructure	All (20) Some (10) None (-10)	20
Waste and recycling provision	Y(5) N (0)	5
Loss of community facilities	N (10) Y with replacement (0) Y (-20)	10
	TOTAL	121

Additional Comments

These sites are part of a larger site with a long planning and enforcement history since it was occupied as a Gypsy caravan site in 1998. At one stage 27 plots were occupied on the extended site. The vast majority of the site has now been vacated and cleared, with 4 plots remaining. Of the 4 remaining plots, 3 are occupied as a Gypsy caravan site – of which this site is one. This site was authorised by the Secretary of State for a temporary period, following a second public local inquiry into the Council's decision to refuse planning permission. As a result 10 caravans are now permitted on the site for a period of 5 years to 2011. Highways state that safe access can be taken from the site. A Flood Risk Assessment and subsequent identified mitigation work has been undertaken to the satisfaction of the Environment Agency and this authority.

Ownership: Private

Land at the rear of 197 Hitchin Road, Arlesey



Arlesey	
	Date: 30 November 2009

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Land at the rear of 197 Hitchin Road, Arlesey

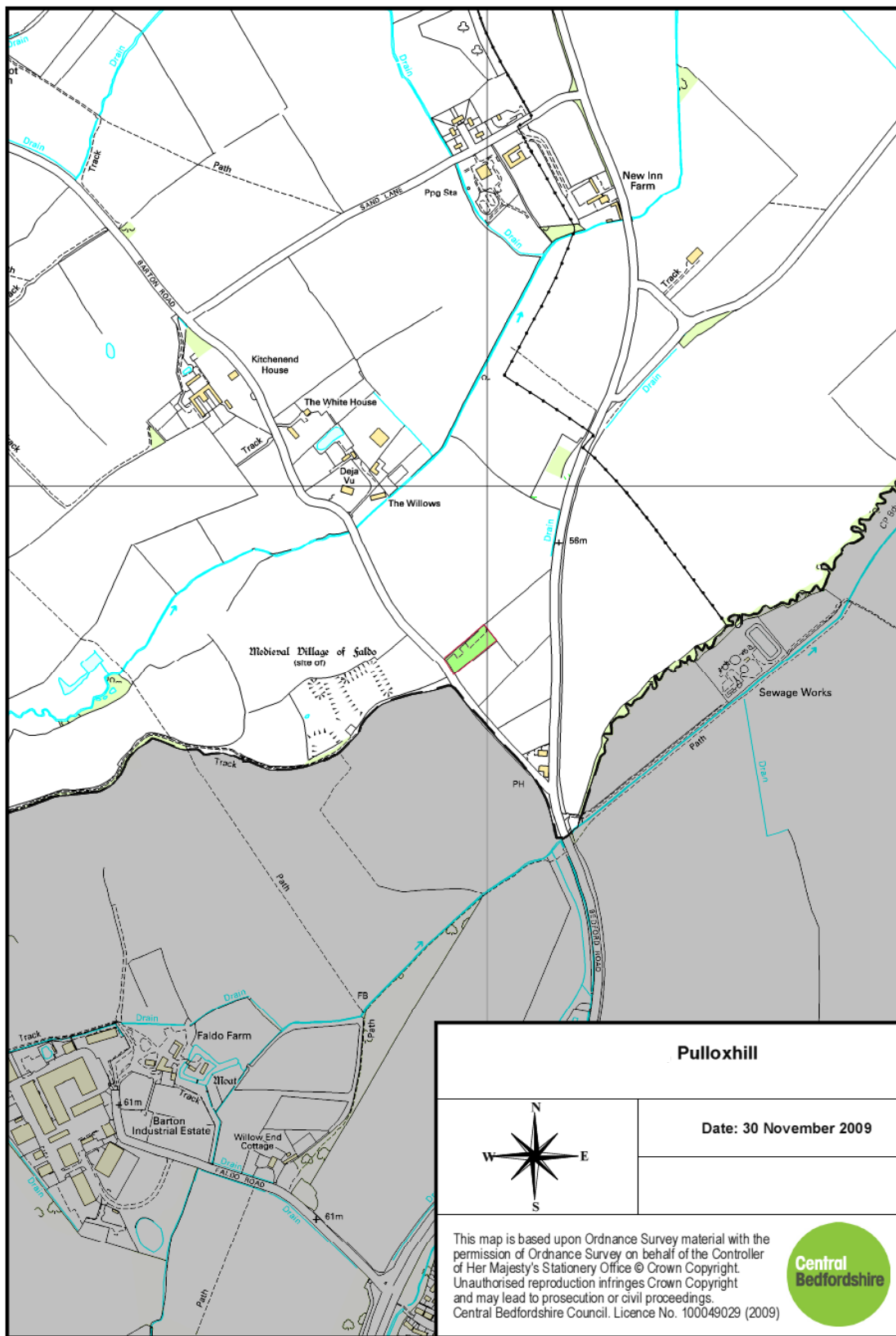
Criteria	Score
Sequential Approach	1st (20) 2nd (15) 3rd (10) 20
Safe access from the site directly to the highway	Y (10) M (0) N (-10) 10
Opportunities for soft landscaping	Y (5) N (0) 5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10) 0
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0) 1
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0) 5
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0) 3
Located in an area of high landscape sensitivity?	Yes (0) No (10) 10
Located in an area of nature designation value?	Yes (0) No (10) 10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0) 0
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M H328
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20) 10
Located within Green Belt	Y (-20) Adjacent (0) N (10) 10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1) 5
Site located on contaminated land	N (0) Y (-10) 0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10) 0
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1) 5
Serviceable by necessary infrastructure	All (20) Some (10) None (-10) 20
Waste and recycling provision	Y(5) N (0) 5
Loss of community facilities	N (10) Y with replacement (0) Y (-20) 10
	TOTAL 131

Additional Comments

This site was originally considered through the Preferred Sites consultation stage of the Gypsy and Traveller DPD production in late 2008, early 2009. The site has recently received temporary planning permission for 4 pitches, for a 3 year period until November 2011.

Ownership: Private

1 Old Acres, Barton Rd, Pulloxhill



1 Old Acres, Barton Rd, Pulloxhill

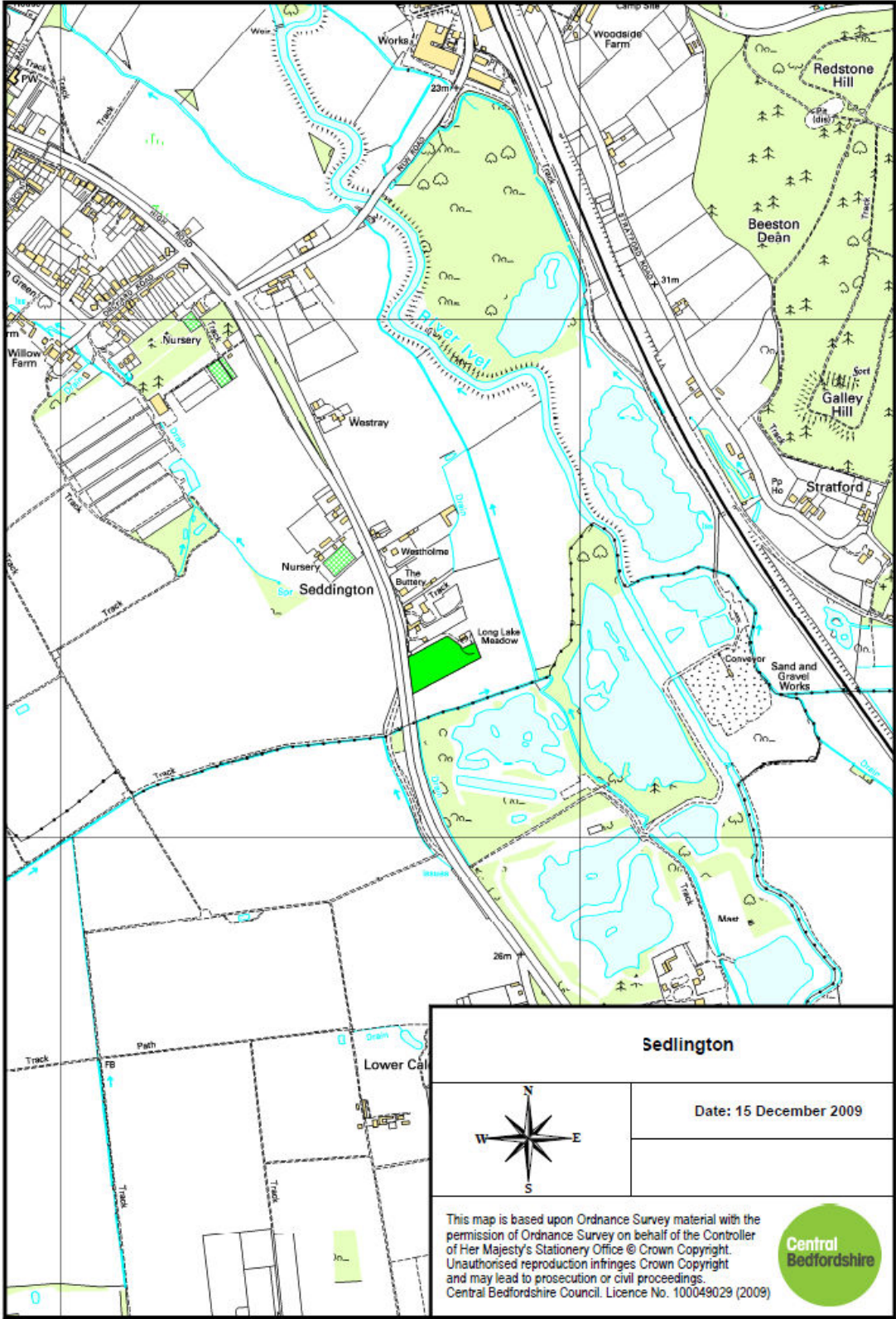
Criteria	Score
Sequential Approach	1st (20) 2nd (15) 3rd (10) 15
Safe access from the site directly to the highway	Y (10) M (0) N (-10) -10
Opportunities for soft landscaping	Y (5) N (0) 5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10) 0
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0) 3
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0) 5
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0) 1
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0) 1
Located in an area of high landscape sensitivity?	Yes (0) No (10) 10
Located in an area of nature designation value?	Yes (0) No (10) 10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0) 0
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M -
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20) 10
Located within Green Belt	Y (-20) Adjacent (0) N (10) 10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1) 3
Site located on contaminated land	N (0) Y (-10) 0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10) 0
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1) 5
Serviceable by necessary infrastructure	All (20) Some (10) None (-10) 10
Waste and recycling provision	Y(5) N (0) 5
Loss of community facilities	N (10) Y with replacement (0) Y (-20) 10
TOTAL	95

Additional Comments

There is temporary planning permission for 8 caravans and their associated infrastructure on the site, 07/00290/FULL. Although Highways have scored the site as not safely accessible from the road network, this was an issue that had been addressed through the planning application. The access was altered following a meeting on site between the applicant, Planning Officer and Highways. A new access had been constructed following these discussions. Highways however continued to maintain an objection of insufficient visibility, despite this work being undertaken. In the light of the initial adjustment to the location of access point having been undertaken with the benefit of advice from Highways, it was considered to be unreasonable to consider a refusal to the application on grounds of inadequate visibility.

Ownership: Private

Long Lake Meadow, Seddington



Long Lake Meadow, Seddington

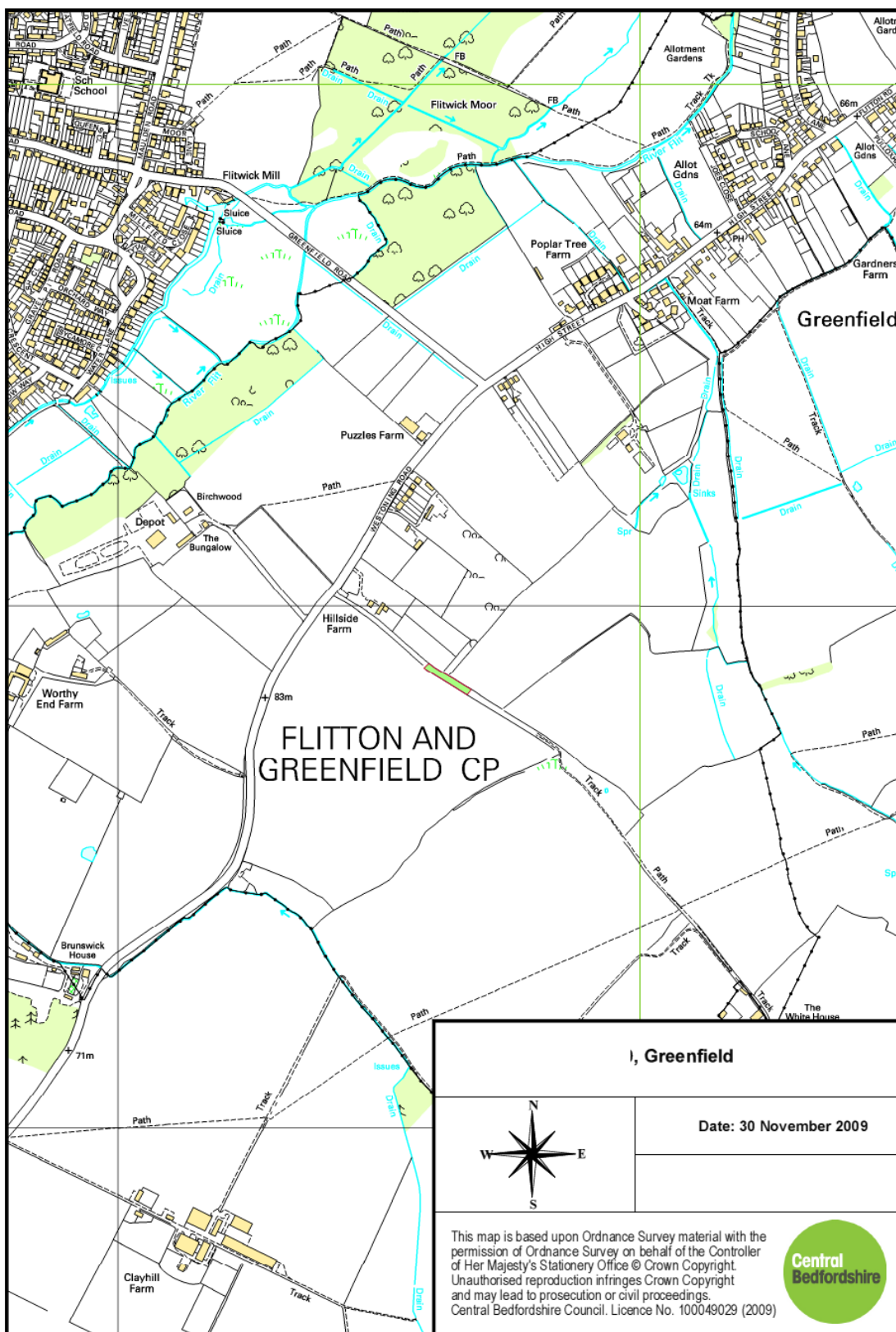
Criteria	Score
Sequential Approach	1st (20) 2nd (15) 3rd (10) 10
Safe access from the site directly to the highway	Y (10) M (0) N (-10) -10
Opportunities for soft landscaping	Y (5) N (0) 5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10) 0
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0) 0
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0) 5
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0) 5
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0) 1
Located in an area of high landscape sensitivity?	Yes (0) No (10) 10
Located in an area of nature designation value?	Yes (0) No (10) 10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0) -5
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M -
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20) -20
Located within Green Belt	Y (-20) Adjacent (0) N (10) 10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1) 1
Site located on contaminated land	N (0) Y (-10) 0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10) -10
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1) 5
Serviceable by necessary infrastructure	All (20) Some (10) None (-10) 10
Waste and recycling provision	Y(5) N (0) 5
Loss of community facilities	N (10) Y with replacement (0) Y (-20) 10
TOTAL	44

Additional Comments

The site located in flood zones 2 and 3. The site has a long history of refused planning permission for caravan accommodation.

Ownership: Private

Hermitage Lane, Hillside Farm off Westoning Road, Greenfield



Hermitage Lane, Hillside Farm off Westoning Road, Greenfield

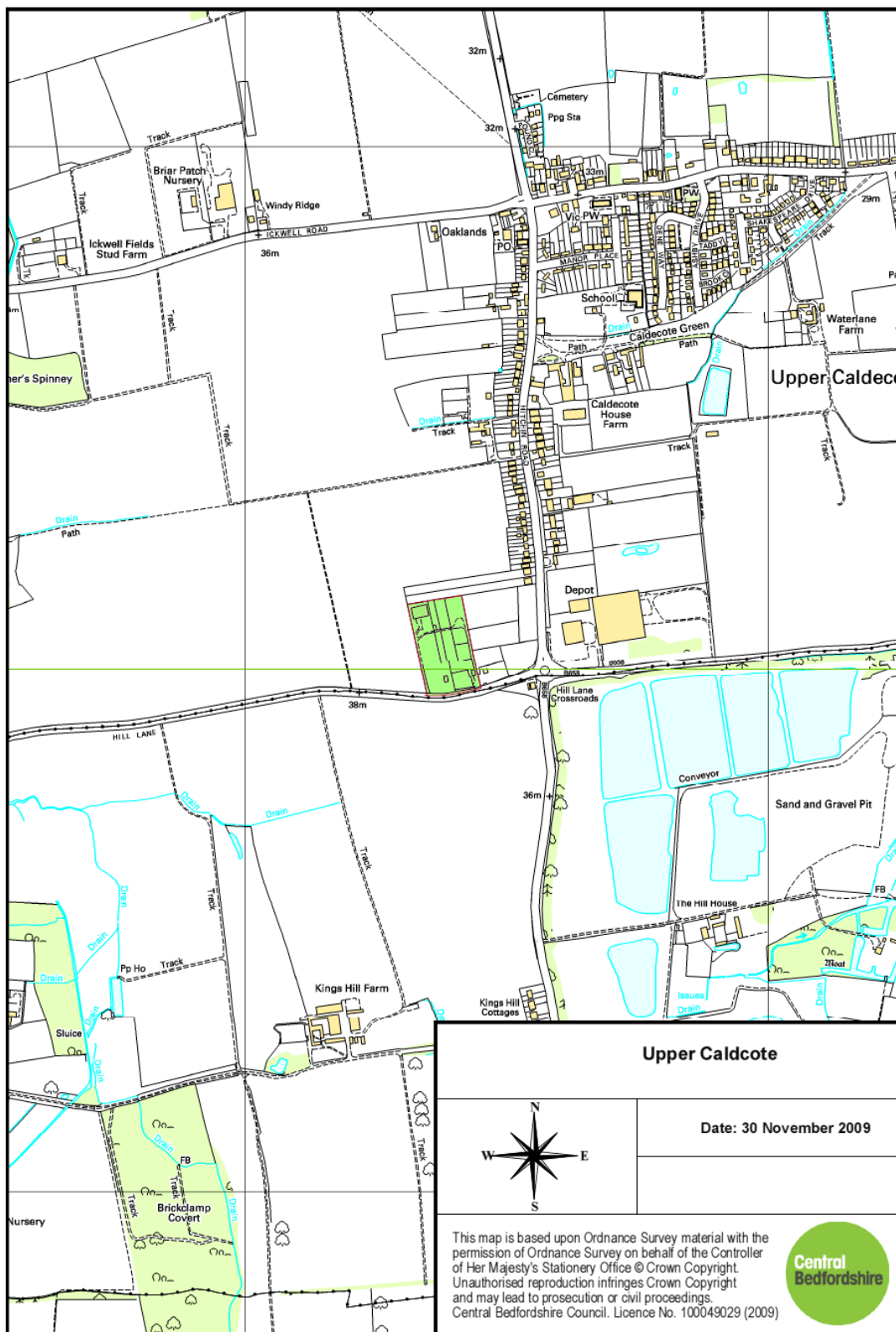
Criteria		Score
Sequential Approach	1st (20) 2nd (15) 3rd (10)	10
Safe access from the site directly to the highway	Y (10) M (0) N (-10)	-10
Opportunities for soft landscaping	Y (5) N (0)	5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10)	-10
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0)	5
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0)	3
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0)	1
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0)	1
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0)	1
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0)	1
Located in an area of high landscape sensitivity?	Yes (0) No (10)	0
Located in an area of nature designation value?	Yes (0) No (10)	10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0)	0
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M	-
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20)	10
Located within Green Belt	Y (-20) Adjacent (0) N (10)	0
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1)	5
Site located on contaminated land	N (0) Y (-10)	0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10)	0
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1)	5
Serviceable by necessary infrastructure	All (20) Some (10) None (-10)	20
Waste and recycling provision	Y(5) N (0)	5
Loss of community facilities	N (10) Y with replacement (0) Y (-20)	10
	TOTAL	72

Additional Comments

This site borders the South Bedfordshire Green Belt and located in an area of landscape sensitivity. However, the site is currently occupied by Gypsies and Travellers as a tolerated site. This means the site has been occupied by Gypsies and Travellers for over 10 years. Indeed, it is believed that this particular site has been at this location for approximately 45 years, occupied by the same family. The constraints of the site are such that the site could not accommodate any additional families.

Ownership: Private

Oak Tree Nursery & Magpie Farm, Upper Caldecote



Upper Caldecote	
	Date: 30 November 2009
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Oak Tree Nursery & Magpie Farm, Upper Caldecote

Criteria		Score
Sequential Approach	1st (20) 2nd (15) 3rd (10)	20
Safe access from the site directly to the highway	Y (10) M (0) N (-10)	10
Opportunities for soft landscaping	Y (5) N (0)	5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10)	0
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0)	5
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0)	3
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0)	5
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0)	3
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0)	3
Located in an area of high landscape sensitivity?	Yes (0) No (10)	0
Located in an area of nature designation value?	Yes (0) No (10)	10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0)	0
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M	-
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20)	10
Located within Green Belt	Y (-20) Adjacent (0) N (10)	10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1)	5
Site located on contaminated land	N (0) Y (-10)	0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10)	-10
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1)	5
Serviceable by necessary infrastructure	All (20) Some (10) None (-10)	20
Waste and recycling provision	Y(5) N (0)	5
Loss of community facilities	N (10) Y with replacement (0) Y (-20)	10
	TOTAL	119

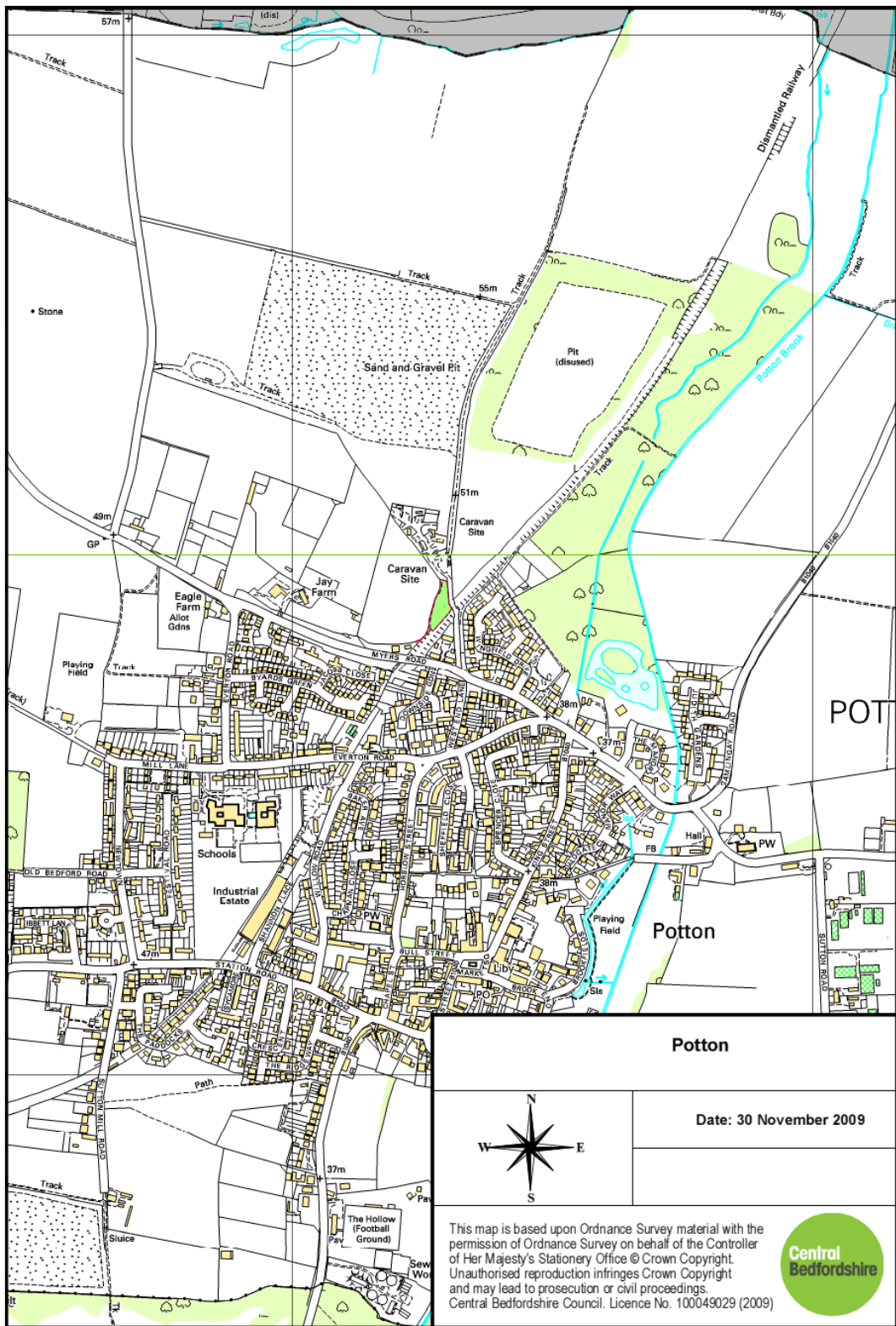
Additional Comments

This site scores well in the sequential test. Highways state that safe access can be taken from the site. The site is located within Grade 1 agricultural land, though it is currently not used for any agricultural purposes.

The Oak Tree Farm site had been included in a previous application as part of the larger Magpie Farm Site. The application submitted was for a change of use of land from agricultural to touring Caravan Park but was refused. There is permission granted for 3 permanent pitches on this site.

Ownership: Private

Land between Common Road and Myers Road, South of Gypsy and Traveller Site, Potton



Land between Common Road and Myers Road, South of Gypsy and Traveller Site, Potton

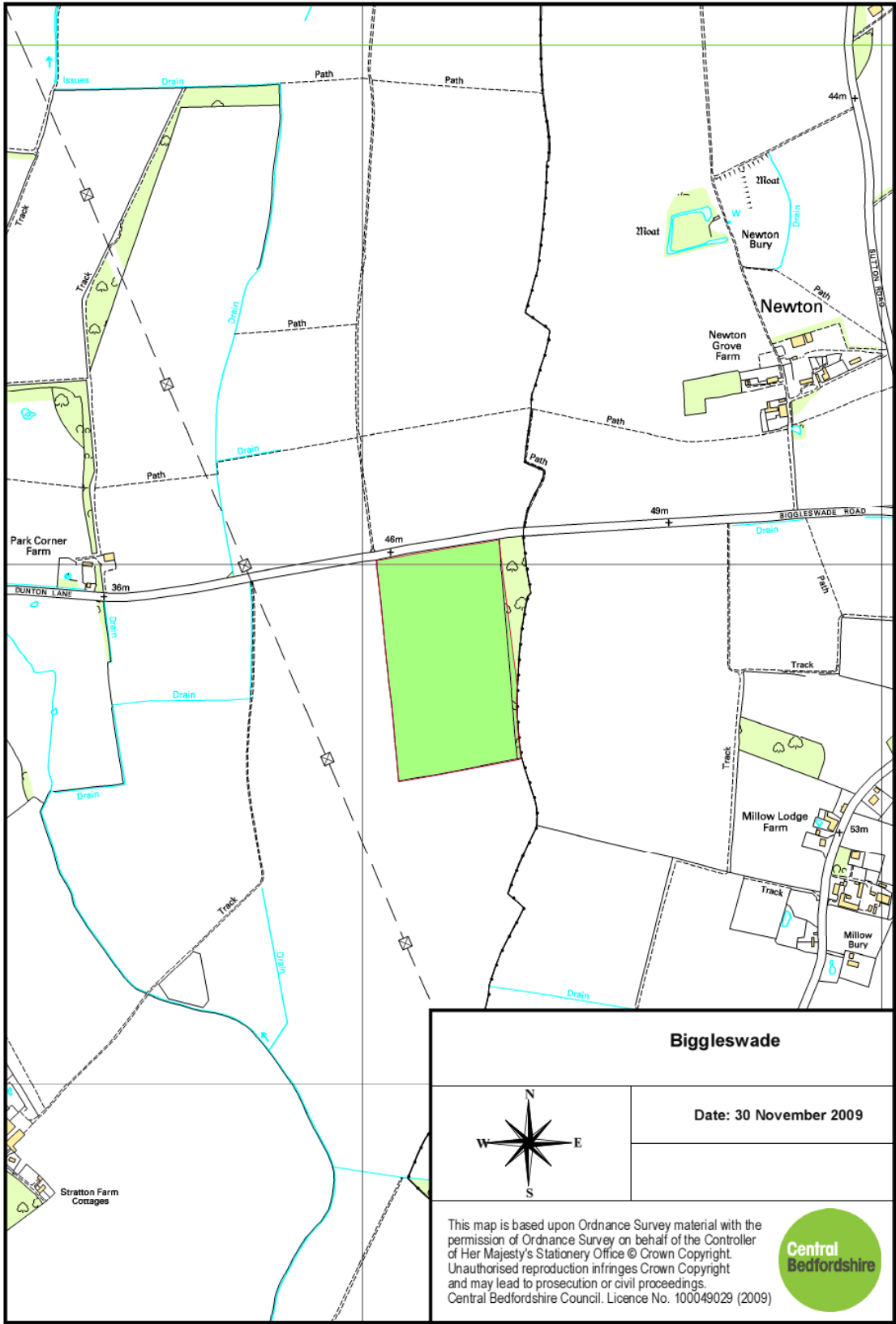
Criteria	Score
Sequential Approach	1st (20) 2nd (15) 3rd (10) 15
Safe access from the site directly to the highway	Y (10) M (0) N (-10) 10
Opportunities for soft landscaping	Y (5) N (0) 5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10) -5
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0) 1
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0) 5
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0) 3
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0) 5
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0) 5
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0) 5
Located in an area of high landscape sensitivity?	Yes (0) No (10) 0
Located in an area of nature designation value?	Yes (0) No (10) 10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0) -5
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M -
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20) 10
Located within Green Belt	Y (-20) Adjacent (0) N (10) 10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1) 5
Site located on contaminated land	N (0) Y (-10) 0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10) 0
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1) 1
Serviceable by necessary infrastructure	All (20) Some (10) None (-10) 20
Waste and recycling provision	Y(5) N (0) 5
Loss of community facilities	N (10) Y with replacement (0) Y (-20) 10
	TOTAL 115

Additional Comments

There is no planning application history on this site. The site is located near an area of archaeological significance though the impact is not known and can be investigated if the site is shortlisted.

Ownership: Private

Land South of Dunton Lane, Biggleswade



Land South of Dunton Lane, Biggleswade

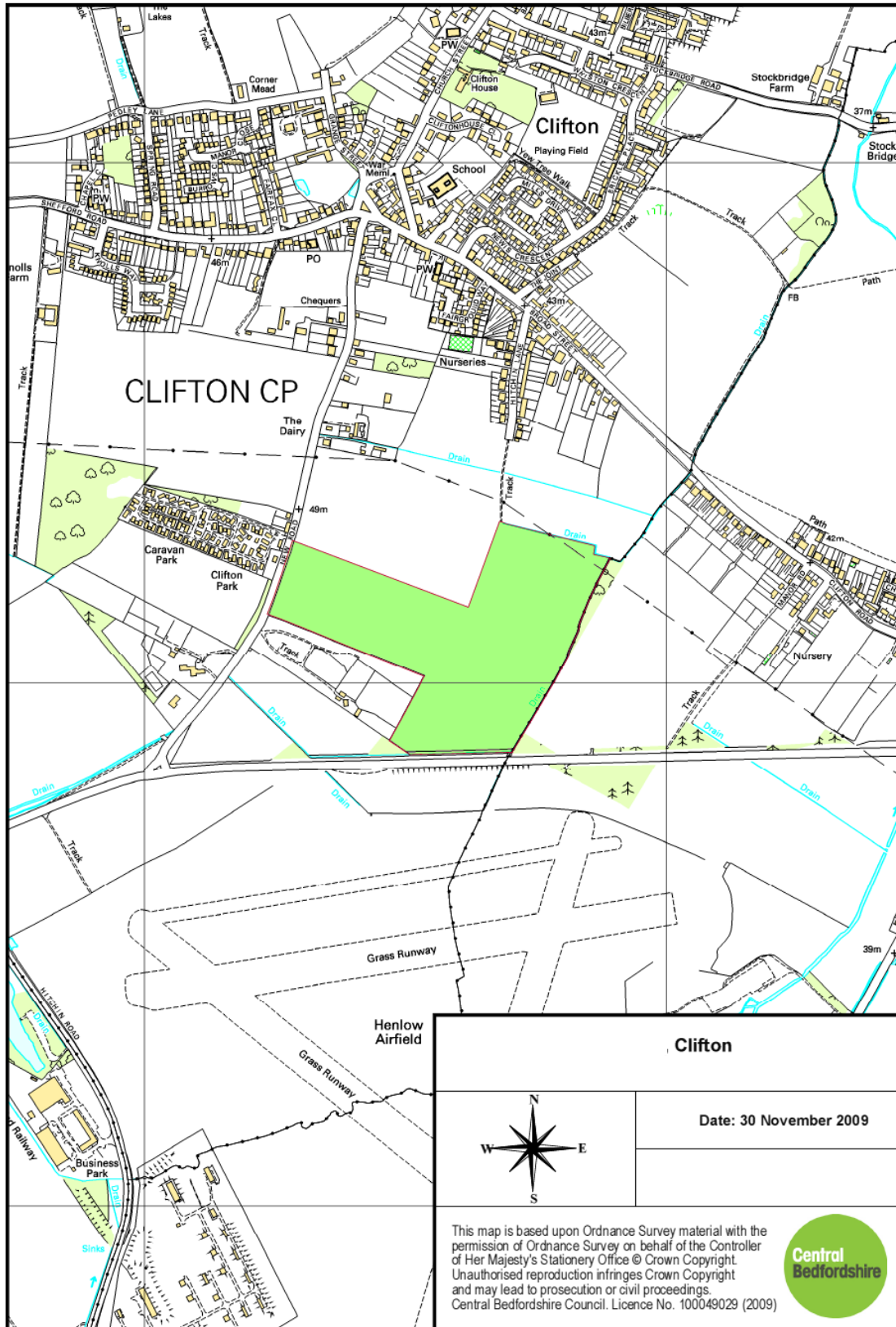
Criteria		Score
Sequential Approach	1st (20) 2nd (15) 3rd (10)	10
Safe access from the site directly to the highway	Y (10) M (0) N (-10)	10
Opportunities for soft landscaping	Y (5) N (0)	5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10)	0
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0)	1
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0)	3
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0)	3
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0)	3
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0)	1
Located in an area of high landscape sensitivity?	Yes (0) No (10)	10
Located in an area of nature designation value?	Yes (0) No (10)	10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0)	0
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M	-
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20)	10
Located within Green Belt	Y (-20) Adjacent (0) N (10)	10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1)	5
Site located on contaminated land	N (0) Y (-10)	0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10)	-5
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1)	5
Serviceable by necessary infrastructure	All (20) Some (10) None (-10)	20
Waste and recycling provision	Y(5) N (0)	5
Loss of community facilities	N (10) Y with replacement (0) Y (-20)	10
	TOTAL	116

Additional Comments

This site does not score highly in the sequential test due to the distance of the site from Biggleswade. There is no planning application history on this site.

Ownership: Public

Land South of Clifton and East of New Road, Clifton



Land South of Clifton and East of New Road, Clifton

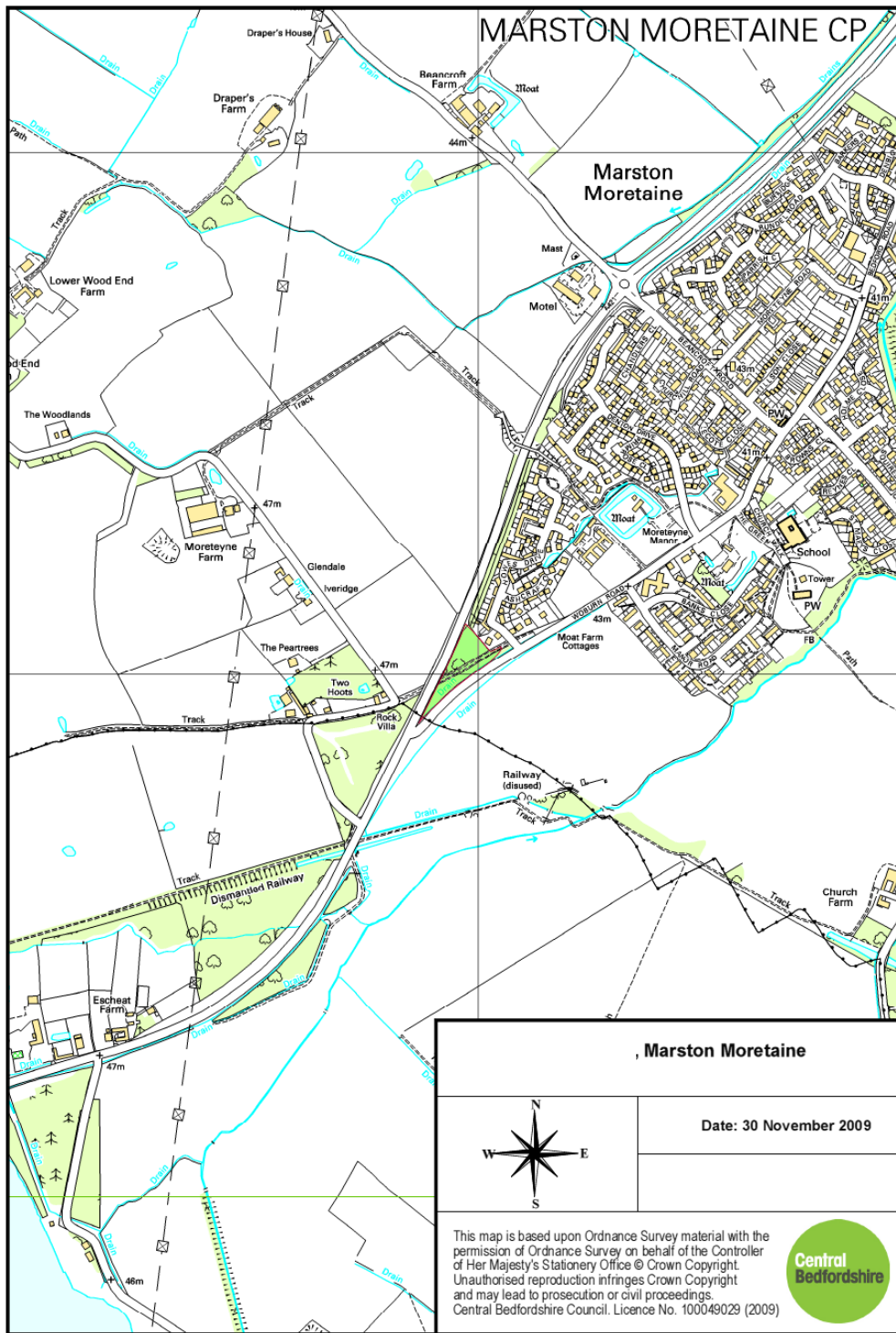
Criteria	Score
Sequential Approach	1st (20) 2nd (15) 3rd (10) 20
Safe access from the site directly to the highway	Y (10) M (0) N (-10) 0
Opportunities for soft landscaping	Y (5) N (0) 5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10) 0
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0) 1
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0) 5
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0) 1
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0) 3
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0) 1
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0) 3
Located in an area of high landscape sensitivity?	Yes (0) No (10) 10
Located in an area of nature designation value?	Yes (0) No (10) 10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0) 0
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M -
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20) 10
Located within Green Belt	Y (-20) Adjacent (0) N (10) 10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1) 1
Site located on contaminated land	N (0) Y (-10) 0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10) -5
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1) 5
Serviceable by necessary infrastructure	All (20) Some (10) None (-10) 20
Waste and recycling provision	Y(5) N (0) 5
Loss of community facilities	N (10) Y with replacement (0) Y (-20) 10
	TOTAL 115

Additional Comments

There is no planning application history on this site. Highways state that the site may be accessible safely from the highway, more detailed investigations would be necessary if the site is shortlisted.

Ownership: Public

Land between the A421 and Woburn Rd junction, Marston Moretaine



Land in between A421 and Woburn Rd junction, Marston Moretaine

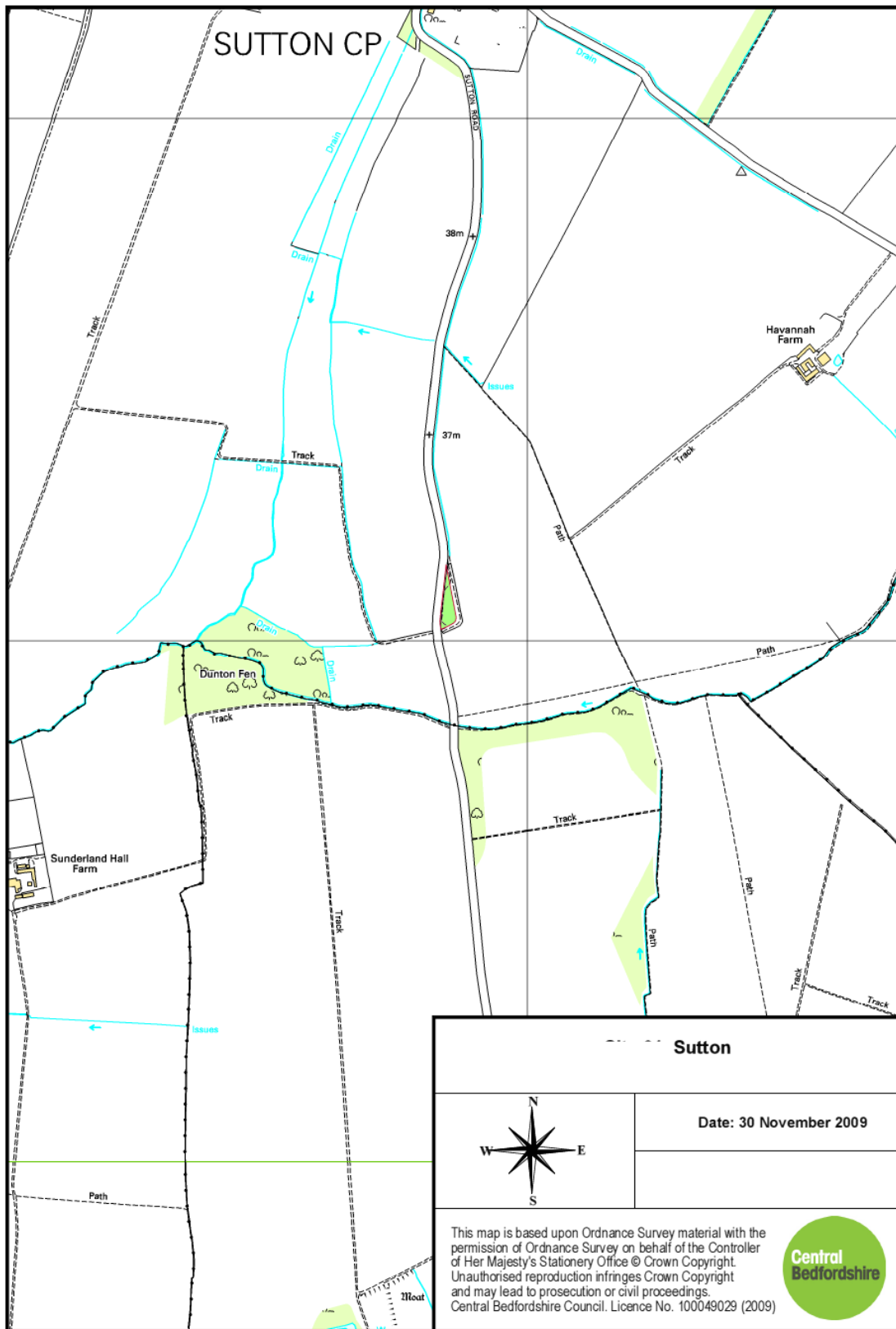
Criteria	Score
Sequential Approach	1st (20) 2nd (15) 3rd (10) 20
Safe access from the site directly to the highway	Y (10) M (0) N (-10) 10
Opportunities for soft landscaping	Y (5) N (0) 5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10) 0
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0) 3
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0) 5
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0) 1
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0) 5
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0) 0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0) 3
Located in an area of high landscape sensitivity?	Yes (0) No (10) 10
Located in an area of nature designation value?	Yes (0) No (10) 10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0) 0
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M none
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20) 10
Located within Green Belt	Y (-20) Adjacent (0) N (10) 10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1) 3
Site located on contaminated land	N (0) Y (-10) 0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10) 0
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1) 3
Serviceable by necessary infrastructure	All (20) Some (10) None (-10) 20
Waste and recycling provision	Y(5) N (0) 5
Loss of community facilities	N (10) Y with replacement (0) Y (-20) 10
TOTAL	133

Additional Comments:

This site scores well on the sequential test and Highways state that a safe access can be provided. The realignment of the A421 means that the current A421 road, which borders this site, will be downgraded. In 1981 the land had been reserved as land for the then new bypass of Marston Moretaine, 81/0482B/CC.

Ownership: Public

Sutton Storage Compound, South of Sutton



Sutton Storage Compound, South of Sutton

Criteria		Score
Sequential Approach	1st (20) 2nd (15) 3rd (10)	10
Safe access from the site directly to the highway	Y (10) M (0) N (-10)	10
Opportunities for soft landscaping	Y (5) N (0)	5
Incline of site	No slope (0) Shallow slope (-5) Steep Slope (-10)	-5
Proximity to un-neighbourly use	N (5) Within 0.5m (3) Within 0.25m (1) Adj (0)	5
Access to major roads	Good (5) Fair (3) Poor (1) Very Poor (0)	1
Access to public transport	Good (5) Fair (3) Poor (1) very Poor (0)	0
Access to GP	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Lower School	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Middle School	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Upper School	Good (5) Fair (3) Poor (1) Very Poor (0)	0
Access to Community Facilities	Good (5) Fair (3) Poor (1) Very poor (0)	0
Located in an area of high landscape sensitivity?	Yes (0) No (10)	10
Located in an area of nature designation value?	Yes (0) No (10)	10
Area of Archaeological Significance	High Impact (-10) Little Impact (-5) N (0)	0
Part of or adjacent to submitted site	(Site Allocations DPD) H, E or M	-
Flood Risk	None (10) Zone 1 (0) Zone 2 (-10) Zone 3 (-20)	10
Located within Green Belt	Y (-20) Adjacent (0) N (10)	10
Disturbance from Transport Related Noise	Low (5) Moderate (3) High (1)	5
Site located on contaminated land	N (0) Y (-10)	0
Agricultural Land Classification	Grade 3 (0) Grade 2 (-5) Grade 1 (-10)	0
Potential for disturbance by vehicle movement	Low (5) Moderate (3) High (1)	5
Serviceable by necessary infrastructure	All (20) Some (10) None (-10)	10
Waste and recycling provision	Y(5) N (0)	5
Loss of community facilities	N (10) Y with replacement (0) Y (-20)	10
	TOTAL	101

Additional Comments

There is no planning application history on this site.

Ownership: Public

Meeting: Sustainable Communities Overview & Scrutiny Committee
Date: 4 January 2010
Subject: Work Programme 2009-2010
Report of: Jon Partridge, Overview & Scrutiny Officer
Summary: The report provides Members with details of the currently drafted work programme.

Contact Officer: Jon Partridge (0300 300 4634)
Public/Exempt: Public
Wards Affected: All
Function of: n/a

CORPORATE IMPLICATIONS

Council Priorities:

The work programme of the Sustainable Communities Overview & Scrutiny Committee should contribute to all 5 Council priorities, and will specifically support those 2 directly related to the work of the Sustainable Communities directorate, being managing growth effectively and creating safer communities.

Financial:

None

Legal:

None

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Development/Safety:

None

Sustainability:

None

RECOMMENDATIONS:

1. **That the Sustainable Communities Overview & Scrutiny Committee**
 - (a) **considers and approves the attached work programme, subject to any further amendments it may wish to make; and**
 - (b) **considers whether it wishes to add any further items to the work programme and/or establish any Task Forces to assist it in reviewing specific items.**

Work Programme

1. At its first meeting the Committee received a presentation providing an overview of the Sustainable Communities directorate and the key issues and challenges facing it. A work programme was subsequently drafted containing a number of priority items to allow officers to plan accordingly.
2. The work programme is regularly kept under review by the Chairman, Vice-Chairman and officers and is amended as appropriate, which also includes adding further items during the course of the year if Members so wish and capacity exists. This current agreed work programme is attached at **Appendix A**.

Task Forces

3. Development Strategy Task Force

The Development Strategy Task Force has met on a number of occasions to consider items including the Design Guide for Central Bedfordshire and potential site allocations and gypsy and traveller sites for inclusion in development plan documents. An indicative work programme for the Task Force for 2009 – 2010 is attached at **Appendix B**.
4. Whilst the Committee has already established the Development Strategy Task Force Members may wish to consider establishing any further Task Forces in addition to this to review any other items on its work programme in greater depth and report back its findings.
5. The Committee has also established a Member Advisory Group for the purpose of consultation on the proposed programme of highway works composed by Councillors Bastable, Gale, Kane, Maudlin and Williams.

Conclusion

6. The Committee is requested to consider the work programme attached and make any further amendments it considers necessary. Members are also requested to consider highlighting those items within the work programme where they wish to establish a Task Force to assist the Committee in its work.

Appendices:

Appendix A: Sustainable Communities Overview and Scrutiny Committee Work Programme 2009 – 10

Appendix B: Development Strategy Task Force Work Programme 2009 - 10

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Appendix A
Sustainable Communities Overview and Scrutiny Work Programme 2009 – 2010

Ref.	Indicative Overview & Scrutiny Meeting Date	Report Title	Issue Description	Comment
1.	26 January 2010	Local Area Economic Assessment	To review the process of the local area economic assessment and agree the priorities for the development of the Central Bedfordshire Economic Development and Regeneration Strategy and action plan.	The item was originally listed for 24 November 2009 and subsequently 22 December.
2.	26 January 2010	Community Safety Plan (2010)	To receive the outcomes of public consultation on the refresh of the community safety plan and provide final comments prior to submission to the Executive on the revised priorities for 2010. To review the outcomes of the strategic assessment and be consulted on the emerging priorities for the refresh of the 2010 Community Safety Plan.	
3.	26 January 2010	CCTV Service Options	To consider options available to move to an approach for the provision of a CCTV service within Central Bedfordshire.	<i>Executive: 9 February 2010</i>
4.	26 January 2010	Highways Contract and Customer Service		This follows a request for this item from Cllr Murray.

Items marked with * are linked to the Development Strategy Task Force.

NB: each agenda will include (1) an item to receive any recommendations as appropriate from the Development Strategy Task Force in accordance with the requirements set out in its purpose and guidance; and (2) a report regarding the Committee's work programme.

Ref.	Indicative Overview & Scrutiny Meeting Date	Report Title	Issue Description	Comment
5.	23 February 2010	Development of a Uniformed Presence for Central Bedfordshire	To consider the options available for Central Bedfordshire to undertake enforcement of a range of environmental and community safety legislation (including the Environmental Protection Act (EPA) and Clean Neighbourhoods and Environment Act (CNEA)) and exploring the role that a uniformed team has in that respect.	
6.	23 February 2010	Quarterly Performance Information (Quarter 3)	To receive quarterly information regarding performance.	
7.	23 February 2010	Quarterly Budget Information (Quarter 3)	To receive quarterly information regarding the Sustainable Communities Directorate budget.	
8.	25 March 2010	TBC		
9.	20 April 2010	TBC		
10.	18 May 2010	Waste Management Strategy	To consider the first strategy document required by a new duty on all Local Authorities (providing waste minimisation and recycling solutions to 2020 ensuring alignment with other CBC policies/ priorities).	

Items marked with * are linked to the Development Strategy Task Force.

NB: each agenda will include (1) an item to receive any recommendations as appropriate from the Development Strategy Task Force in accordance with the requirements set out in its purpose and guidance; and (2) a report regarding the Committee's work programme.

Ref.	Indicative Overview & Scrutiny Meeting Date	Report Title	Issue Description	Comment
11.*	18 May 2010	Housing Strategy	To receive the final draft strategy and any appropriate considerations by the Development Strategy Task Force prior to submission to the Executive.	Reports will also be received by the Development Strategy Task Force prior to submission to the Committee.
12.*	August 2010	Local Development Framework (North): Gypsy and Traveller DPD	To consider results of consultation and draft submission DPD, prior to consideration by Executive and Council	Executive and Council approval needed prior to submission.
13.*	March 2011	LDF for the former Mid Beds Area: Gypsy & Traveller DPD	To note the Inspector's Draft Report into the Gypsy & Traveller DPD following Examination and the changes required by the Inspector	Pre-consideration may be required by the Task Force
14.	TBC	Central Bedfordshire Economic Development and Regeneration Strategy	To agree and adopt the strategy for Central Bedfordshire.	
15.*	TBC	Local Transport Plan (LTP3)	To consider the proposed Local Transport Plan (LTP3) prior to submission to Executive for approval.	Pre-consideration of the draft LTP3 would be given by the LDF Task Force.
16.	TBC	Congestion Strategy for Central Bedfordshire		
17.	TBC	Items related to the Passenger Transport Review	Further to the Committees agreement to act as a reference group for the project there will be various items to be add to the work programme at appropriate stages in the project.	

Items marked with * are linked to the Development Strategy Task Force.

NB: each agenda will include (1) an item to receive any recommendations as appropriate from the Development Strategy Task Force in accordance with the requirements set out in its purpose and guidance; and (2) a report regarding the Committee's work programme.

Ref.	Indicative Overview & Scrutiny Meeting Date	Report Title	Issue Description	Comment
18.*	TBC	Joint Local Development Framework for Luton & the former South Beds Area: Core Strategy	To consider the Council's response to the Draft Submission Core Strategy following formal approval & publication by the Joint Planning Committee	Pre-consideration of the Draft Submission DPD would be given by the LDF Task Force.

Items marked with * are linked to the Development Strategy Task Force.

NB: each agenda will include (1) an item to receive any recommendations as appropriate from the Development Strategy Task Force in accordance with the requirements set out in its purpose and guidance; and (2) a report regarding the Committee's work programme.

Appendix B

Development Strategy Task Force Work Programme 2009 - 2010

Ref.	Indicative Task Force Meeting Date	Report Title	Issue Description	Comment
1.	January 2010	Housing Strategy	(1) to receive the draft housing strategy including details on the SHMA and how the outcomes of that assessment have been applied to develop a housing strategy that is fit for purpose for Central Bedfordshire (2), to receive the outcomes of the Member workshops (3), and to recommend the document for formal public consultation.	Members of the SCHH OSC will also be invited to attend this meeting.
2.	January 2010	Local Transport Plan 3	Overview and timescales relating to the development of the LTP	
3.	February 2010	Local Transport Plan 3	To discuss LTP targets, hierarchy of modes and community transport plans.	
4.	March 2010	Local Development Framework (North and South): Central Bedfordshire Planning Obligations Strategy SPD	To comment on full review of existing SPD for consultation	This new SPD will cover the whole of Central Bedfordshire and will bring together two S106 regimes for the first time.

Ref.	Indicative Task Force Meeting Date	Report Title	Issue Description	Comment
5.	March 2010	Housing Strategy	To receive the outcomes of full public consultation and provide any further guidance to a final draft of the Strategy prior to its submission to the Executive	Members of the SCHH OSC will also be invited to attend this meeting.
6.	March 2010	Local Development Framework (North): Biggleswade Town Centre Strategy and Masterplan SPD	Consideration of draft SPD prior to public consultation	
7.	April 2010	TBC		
8.	May 2010	Local Development Framework (North): Site Allocations DPD	To consider results of draft submission consultation and agree any pre-submission suggested changes	The Council cannot amend the document following pre-submission consultation. However, changes can be put forward for the Inspector's consideration.
9.	August 2010	Local Development Framework (North): Gypsy and Traveller DPD	To consider results of consultation and draft submission DPD, prior to consideration by Executive and Council	Executive and Council approval needed prior to submission.
10.	September 2010	Local Development Framework (South): Gypsy & Traveller DPD	To note the Inspector's Final Report into this DPD following Examination and the changes required by the Inspector	

Ref.	Indicative Task Force Meeting Date	Report Title	Issue Description	Comment
11.	September 2010	Local Development Framework (North and South): Central Bedfordshire Planning Obligations Strategy SPD	To consider full review of existing SPD following consultation, prior to consideration by Executive and Joint Committee	SPD needs to be formally adopted by Executive and Joint Committee.
12.	November 2010	Local Development Framework (North): Gypsy and Traveller DPD	To consider results of draft submission consultation and agree DPD for submission to Secretary of State.	
13.	TBC	Local Development Framework (South): Development Management DPD	To consider the Council's response to the Issues and Options consultation document issued by the Joint Planning Committee	
14.	TBC	Local Development Framework (South): Site Allocations DPD	To consider the Council's response to the Issues and Options consultation document issued by the Joint Planning Committee	
15.	TBC	Local Development Framework (South): Gypsy & Traveller DPD	To consider the Council's response to the Issues and Options consultation document issued by the Joint Planning Committee	
16.	TBC	Local Development Framework (South): Development Management DPD	To consider the Council's response to the Preferred Options consultation document issued by the Joint Planning Committee	

Ref.	Indicative Task Force Meeting Date	Report Title	Issue Description	Comment
17.	TBC	Local Development Framework (South): Site Allocations DPD	To consider the Council's response to the Preferred Options consultation document issued by the Joint Planning Committee	
18.	TBC	Local Development Framework (South): Gypsy & Traveller DPD	To consider the Council's response to the Preferred Options consultation document issued by the Joint Planning Committee	
19.	TBC	Local Development Framework (South): Core Strategy	To consider the Council's response to the Submission Draft consultation document issued by the Joint Planning Committee	
20.	TBC	Local Development Framework (South): Development Management DPD	To consider the Council's response to the Submission Draft consultation document issued by the Joint Planning Committee	
21.	TBC	Local Development Framework (South): Site Allocations DPD	To consider the Council's response to the Submission Draft consultation document issued by the Joint Planning Committee	
22.	TBC	Local Development Framework (South): Gypsy & Traveller DPD	To consider the Council's response to the Submission Draft consultation document issued by the Joint Planning Committee	

Ref.	Indicative Task Force Meeting Date	Report Title	Issue Description	Comment
23.	TBC	Local Development Framework (South): Core Strategy	To note the Inspector's Final Report into this DPD following Examination and the changes required by the Inspector	
24.	TBC	Local Development Framework (South): Development Management DPD	To note the Inspector's Final Report into this DPD following Examination and the changes required by the Inspector	
25.	TBC	Local Development Framework (South): Site Allocations DPD	To note the Inspector's Final Report into this DPD following Examination and the changes required by the Inspector	

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