

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



please ask for Sandra Hobbs
direct line 0300 300 5257
date 11 November 2010

NOTICE OF MEETING

CENTRAL BEDFORDSHIRE COUNCIL

Date & Time

Thursday, 25 November 2010 at 6.30 p.m.

Venue

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the CENTRAL BEDFORDSHIRE COUNCIL:

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

AGENDA

Prayers

Reverend Richard Andrews of Priory Church, Dunstable will take prayers.

1. **Apologies**

To receive apologies for absence.

2. **Minutes**

To approve the minutes of the Council meeting held on 16 September 2010.

(Attached pages 5 to 14)

3. **Members' Interests**

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

- (a) personal interests in any agenda item
- (b) personal and prejudicial interests in any agenda item.

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

The Chairman to make any announcements or communications.

5. **Leader of the Council's Announcements and Communications**

The Leader of the Council to make any announcements or communications.

6. **Questions, Statements and Deputations**

To receive any questions, statements and deputations from members of the public in accordance with the Procedure as set out in Annex 1 of Part A4 of the Constitution.

7. Petitions

To receive and discuss petitions in accordance with the Petitions Scheme as set out at Annex 2 of Part A4 of the Constitution and Appendix A, Public Participation Procedure, at Part A4 of the Constitution.

8. Recommendation from the Executive

To consider the recommendation from the meeting of the Executive and answer questions asked under Rule No. 12.1.

	Date of Meeting	Page No.
Capital Programme Review	2 November 2010	15 - 16

9. Recommendation from Regulation Committee

To consider the recommendation from the meeting of the Regulation Committee and answer questions asked under Rule No. 12.1.

	Date of Meeting	Page No.
Adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and Section 27 of the Policing and Crime Act 2009	17 November 2010	To follow

10. Recommendations from the Constitution Advisory Group

To consider the recommendations from the meeting of the Constitution Advisory Group and answer questions asked under Rule No. 12.1.

	Date of Meeting	Page No.
A. Oral Questions at Council	18 October 2010	17 - 24
B. Formalising the Constitution Advisory Group in the Constitution	18 October 2010	25 - 28
C. Cross Reference of Public Participation Scheme and Petitions	18 October 2010	29 - 32
D. Consultation with the Leader on Member Development Matters	18 October 2010	33 - 36

11. **Report of the Bedfordshire Police Authority**

To receive and consider the report of the Bedfordshire Police Authority and answer questions asked under Rule No. 12.1.

(Attached pages 37 to 40)

12. **Written Questions (if any)**

To answer written questions from Members of the Council under Rule No. 12.2. Written questions have been received from Councillors Dr Egan and Murray.

(Attached pages 41 to 44)

13. **Oral Questions**

To answer oral questions asked by Members of the Council under Rule No. 12.7.

14. **Motions (if any)**

To consider motions by Members of the Council under Rule No. 16, in the order received.

15. **Gypsy and Traveller Development Plan**

To seek approval of the Draft Submission Gypsy and Traveller Development Plan Document for consultation and approval of submission of the document to the Secretary of State.

(Attached pages 45 to 86)

16. **Executive Arrangements under the Local Government and Public Involvement in Health Act 2007**

To adopt the “new style” leader and cabinet executive arrangements for implementation on the third day after the elections in May 2011.

(Attached pages 87 to 92)

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **CENTRAL BEDFORDSHIRE COUNCIL** held in the Priory House, Monks Walk, Shefford, SG17 5TQ on Thursday, 16 September 2010.

PRESENT

Cllr P Hollick (Chairman)
Cllr Mrs C F Chapman MBE (Vice-Chairman)

Cllrs	P N Aldis	Cllrs	T Green	Cllrs	Ms J Nunn
	R A Baker		Mrs D B Gurney		P Rawcliffe
	A R Bastable		Mrs C Hegley		A A J Rogers
	L Birt		J G Jamieson		A Shadbolt
	P A Blaine		K Janes		K Sharer
	D Bowater		R W Johnstone		P Snelling
	A D Brown		D Jones		Miss A Sparrow
	J A E Clarke		M R Jones		B J Spurr
	N B Costin		J Kane		R C Stay
	I Dalgarno		D J Lawrence		J Street
	Mrs R J Drinkwater		Mrs A M Lewis		A M Turner
	P A Duckett		S F Male		Mrs C Turner
	Dr R Egan		K C Matthews		Mrs P E Turner MBE
	A Fahn		Ms C Maudlin		P F Vickers
	Mrs J Freeman		D McVicar		B Wells
	Mrs R B Gammons		J Murray		P Williams
	M Gibson		Mrs M Mustoe		J N Young
	Mrs S A Goodchild		T Nicols		
	Ms A M W Graham		A Northwood		

Apologies for Absence

Cllrs	Mrs A Barker	Cllrs	D J Gale	Cllrs	H J Lockey
	R D Berry		D J Hopkin		G Summerfield
	P Freeman		Mrs J G Lawrence		

Officers in Attendance:	Mr G Alderson	–	Director of Sustainable Communities
	Mr J Atkinson	–	Head of Legal Services
	Mr M Bowmer	–	Assistant Director, Financial Services/Chief Finance Officer
	Mr R Carr	–	Chief Executive
	Mr R Ellis	–	Director of Customer and Shared Services
	Mrs E Grant	–	Deputy Chief Executive and Director of Children's Services
	Mrs S Hobbs	–	Democratic Services Officer
	Mrs J Ogley	–	Director of Social Care, Health and Housing
	Ms M Peaston	–	Interim Committee Services Manager

Prayers

Prayers were taken by Reverend John Harper, Rural Dean of Shefford.

C/10/33

Minutes

RESOLVED

that the Minutes of the meeting of the Council held on 24 June 2010 be confirmed and signed by the Chairman as a correct record.

C/10/34

Members' Interests

(a) Personal Interests:-

None.

(b) Personal and Prejudicial Interests:-

None.

C/10/35

Chairman's Announcements and Communications

In noting Councillor Gale's apologies for absence due to ill health, the Chairman indicated that he would pass the Council's best wishes on to him.

Members stood in silence for one minute in respect for the memory of the former Attorney General Lord Lyell who had died at the end of August. Lord Lyell had represented Mid-Bedfordshire from 1983 and North-East Bedfordshire from 1997 until he retired from the House of Commons in 2001.

The Chairman acknowledged receipt of a book from East Lothian Council. The Portfolio Holder for Children's Services had hosted a visit of Officers from East Lothian Council and staff from the Education Innovation Unit. East Lothian Council were about to consult with their schools on encouraging Trusts, Federations and Partnerships in their own schools. They had heard from the Innovation Unit which exists to share good practice across Councils that Central Bedfordshire Council were further on with this approach as part of the Council's agreed Education Vision.

The Chairman had attended 28 civic duties since becoming Chairman. The Chairman highlighted the following events:

- an award ceremony with the Lord Lieutenant at Stotfold Mill to present volunteers with a Queen's Award for Voluntary Service after rebuilding the Mill due to a fire; and

- Central Bedfordshire Canine Trust in Kensworth to present an award for the Kennel Club Good Citizen Dog Scheme.

The Anglia in Bloom results had been announced and it was noted that Dunstable had won the gold award in the category for Large Towns and Leighton-Linslade had won the silver award. Dunstable had also won a special award for Best New Entry. The flowers could be viewed at the Dunstable Town Fayre on 18 September 2010 which was being held in Priory Gardens.

Monday 18 October 2010 would be the first UK annual Anti-Slavery Day. The Chairman commented on the petition that had been launched by Ecpat UK and the Body Shop, a campaign to end the sexual exploitation of children.

The Chairman indicated that he would be hosting a Reception at Priory House on Friday 24 September 2010 and a Charity Golf Day at Dunstable Downs Golf Club on Thursday 7 October 2010. He hoped that Members would support these events.

Members were advised that agenda item 16 'Establishment of a Joint Health Overview and Scrutiny Committee' had been withdrawn as the Constitution provided that the Monitoring Officer in consultation with the Social Care, Health and Housing Overview and Scrutiny Committee Chairman and Vice Chairman could appoint Members to a Joint Health Overview and Scrutiny Committee.

C/10/36

Leader of the Council's Announcements and Communications

The Leader of the Council reported on the development of a proposal for a Local Enterprise Partnership (LEP), taking into account functional economic geography, covering the South East Midlands. The initial proposal for the LEP had to be submitted to the Government by 6 September 2010.

The Leader referred to a workshop at the Rufus Centre to discuss the funding of public services. She commented that the outcomes from the workshop could assist the Council in setting future budgets.

C/10/37

Questions, Statements or Deputations

No questions, statements or deputations had been received under Annex 1 of Part A4 of the Constitution.

C/10/38

Petitions

The Chairman reminded Members that the Constitution stated that petitions relating to any planning decision could not be discussed at Council. The Chairman of the Development Management Committee indicated that he had received a petition from Langford Parish Council. The petition was against the erection of a wind farm at Langford and had been signed by 1,302 people. He advised the Council that the petition would be passed to the planning case officer.

C/10/39 Recommendation from the Executive**Executive Arrangements under the Local Government and Public Involvement in Health Act 2007**

The Council considered a recommendation from the meeting of the Executive held on 13 July 2010. The recommendation concerned the requirement to pass a resolution by 31 December 2010 if the Council wished to adopt the “new style” leader and cabinet executive arrangements. Members noted that the majority of requirements of the “new style” leader and cabinet executive were already in place further to wide consultation which had taken place both with the public and key stakeholders as part of the case for unitary government in Central Bedfordshire.

It was noted that the Council at its meeting on 25 November 2010 would determine which model to adopt but that at present it was minded to retain the “new style” leader and cabinet model.

RESOLVED

that Council is minded, subject to consideration of views received, to pass a resolution at its meeting on 25 November 2010 to adopt the “new style” leader and cabinet executive arrangements for implementation on the third day after the elections in May 2011.

C/10/40 Recommendations from the Constitution Advisory Group**(a) Code of Conduct for Officers – Hospitality and Gifts**

The Council considered a recommendation from the meeting of the Constitution Advisory Group held on 13 July 2010 which proposed an amendment to the Constitution to show more stringent arrangements for the acceptance of gifts and hospitality by officers.

An amendment was proposed and seconded to:

- amend 5.2 after the word “gift” by inserting the words “hospitality, or the offer of a gift or hospitality”;
- amend 5.3 after the word “hospitality” on line 2 insert the words “offered and/or”; and
- amend 5.3 on line 5 after the first “the” insert the words “offer and/or”.

On a vote by a show of hands the amendment was declared to be **lost** and the recommendation was then put.

RESOLVED

that Part F3 section 5 of the Constitution be amended to reflect more stringent arrangements covering the acceptance of gifts and hospitality by officers, as set out in the proposed wording shown at Appendix A to the report.

(b) Review of Consultation and Negotiation Arrangements with the Professional Associations

The Council considered a recommendation from the meeting of the Constitution Advisory Group held on 13 July 2010 concerning the removal of the Joint Consultative and Negotiating Committee for primary and secondary education from the Constitution and the inclusion of details of the Joint Consulting and Negotiation Forum.

RESOLVED

- 1. to remove the Joint Consultative and Negotiating Committee for primary and secondary education (JCNC) from the Constitution at sections E2 10 and E2 7 paragraph 7.1.5; and**
- 2. to add a new paragraph 7.1.6 at Part E as set out in Appendix A to the report.**

C/10/41

Recommendation from the General Purposes Committee**Designation of Monitoring Officer**

The Council considered a recommendation from the meeting of the General Purposes Committee held on 24 August 2010 which sought approval to the post of Head of Legal and Democratic Services being designated as Monitoring Officer and that the post report directly to the Director of Customer and Shared Services.

RESOLVED

that the post of Head of Legal and Democratic Services be designated as Monitoring Officer and that the post report directly to the Director of Customer and Shared Services.

C/10/42

Report of the Bedfordshire Police Authority

A report from the meeting of the Bedfordshire Police Authority held on 16 July 2010 was submitted.

Councillor Hollick, representative of the Police Authority, elaborated on some of the issues in the submitted report including the status of proposals for joint working between Bedfordshire Police Authority and Hertfordshire Police Authority.

Members were advised of Bedfordshire Police's proposals for engaging with residents to set neighbourhood policing priorities. The scope for a broader partnership-led approach to community engagement had been presented to the Central Bedfordshire Together Board (the Local Strategic Partnership Board) on 2 September 2010. The Vice-Chairman suggested that it might be useful if the minutes of this meeting were circulated.

With effect from 1 October, the current 33 neighbourhood policing areas would be reduced to 7. Members were concerned that these new arrangements had not been communicated as effectively as they might have been.

Members also raised concerns about drivers using their mobile phones and commented that this issue should be pursued by the police as a priority.

Councillor Hollick indicated that he would feed back Members' concerns to the Police Authority.

C/10/43

Reports of the Bedfordshire and Luton Combined Fire Authority

A report from the meeting of the Bedfordshire and Luton Combined Fire Authority held on 30 April 2010 was submitted.

Councillor Street, representative of the Bedfordshire and Luton Combined Fire Authority, elaborated on some of the issues in the submitted report. In response to a question, Councillor Street advised Members that the Fire Authority was reviewing its plans for responding to flooding.

C/10/44

Written Questions

Councillor Blaine had submitted a written question about fly tipping. The Portfolio Holder for Safer Communities and Healthier Lifestyles had tabled a written response, as set out below:

1. How many prosecutions had Central Bedfordshire Council initiated for fly tipping since its inception and what other actions had been taken against offenders?

Since 1 April 2009 up to 9 July 2010, 158 complaints connected to fly tipping were received by the Envirocrime team. Of these:

- 8 resulted in a warning letter formal caution, fixed penalty notice
- 40 resulted in guidance and advice/education given under the Environmental Protection Act and no further action

- 12 were ongoing cases.

There had been no prosecutions or fixed penalty notices for fly tipping by waste services during this time. However, the Council was involved in investigating and removing fly tips which were generally the smaller ones where no evidence had been found as to who may be responsible for the waste.

2. What action does the Council intend to take in future to discourage this offensive practice?

Both community safety and waste services were working together to identify fly tips, collate evidence and take proportionate enforcement action including fixed penalty notices or prosecution. This close liaison would continue through the Council's work on developing a visible presence.

The Portfolio Holder explained that a report on 'visible presence' would be considered at the meeting of the Executive on 29 September 2010.

C/10/45

Oral Questions

The Chairman presided over oral questions asked of the Leader, Deputy Leader, Portfolio Holders, the Chairman of a Committee or a Member representing the Bedfordshire Police Authority or the Bedfordshire and Luton Combined Fire Authority under Council Procedure Rule 12.7.

- 1) Councillor Dr Egan asked a question about the Council's responsibility towards members of the public falling in the snow.

The Portfolio Holder for Safer Communities and Healthier Lifestyles advised Members that it depended on the individual case at the time.

- 2) Councillor Stay asked a question about the scale of reduction in Government funding, over the next 5 years, that would face Central Bedfordshire Council.

The Portfolio Holder for Finance, Governance and People explained that it was anticipated that the national reduction over the next 4 years would be 25%. Central Bedfordshire Council had realised £10m efficiency savings during its first year, and was working to deliver a further £12m of savings during 2010/11. The savings target needed for 2011/12 would be of the order of £15m. Further information would be known once the Government had announced its findings from the Comprehensive Spending Review on 20 October 2010.

- 3) Councillor Snelling asked a question about the Section 106 funding designated for a new lower school in the south Leighton Buzzard development.

The Portfolio Holder for Children's Services confirmed that at the current time there were no plans for a new lower school in Leighton Buzzard. Members were advised that a review of all schools in Leighton Buzzard was due to take place during the Spring Term in 2011. The Portfolio Holder for Sustainable Development acknowledged that there was funding in the Section 106 Agreement for the south Leighton Buzzard development for a new school. The funding would not be utilised for a school until a certain number of dwellings had been completed.

- 4) Councillor Murray asked a question about the scope for Chief Executives to manage more than one council.

The Leader of the Council explained that she did not feel this was a viable option for Central Bedfordshire.

- 5) Councillor Aldis asked a question about the completion of the office refurbishment at Priory House.

The Portfolio Holder for Customers, Systems and Assets advised Members that the Your Space project was coming to an end. There was currently a surplus of office equipment which was being temporarily stored, but this was shortly due to be removed as were the packing crates. The Portfolio Holder commended the Officers who had taken forward the Your Space project.

- 6) Councillor Dr Egan asked a question about improving the process of submitting oral questions at Council.

The Chairman of the Constitution Advisory Group confirmed that he would consider the suggestions made.

- 7) Councillor Aldis asked a question about proposals for the concessionary fares scheme to be ineligible for journeys travelled before 9.30 a.m.

The Portfolio Holder for Safer Communities and Healthier Lifestyles advised that the Council was reviewing the Local Transport Policy and the findings would be reported to a future meeting of the Executive.

- 8) Councillor Snelling asked a question about the relocation of employees and the cost of the resultant travel expenses.

The Portfolio Holder for Customers, Systems and Assets explained that the Your Spaces moves would increase the efficiencies of the Council by bringing service areas together. These moves had been carried out in an effective and efficient way.

- 9) Councillor Dr Egan asked a question about Connexions closing down through lack of funding and the impact this would have.

The Portfolio Holder for Children’s Services confirmed that due to the Government’s removal of Area Based Grant staff in the Youth Service, including the Connexions were being consulted on restructuring proposals.

- 10) Councillor Dr Egan asked a question about bus companies carrying mobility scooters.

The Portfolio Holder for Safer Communities and Healthier Lifestyles confirmed that he would pursue this issue with the bus companies.

- 11) Councillor Mrs Gurney asked a question about retained fire stations being closed.

The representative of the Bedfordshire and Luton Combined Fire Authority confirmed he was not aware of any retained fire stations being closed.

C/10/46 **Motions**

No motions had been received from Members of the Council under Rule No. 16.

C/10/47 **Establishment of a Joint Health Overview and Scrutiny Committee**

This item had been withdrawn as the Monitoring Officer in consultation with the Social Care, Health and Housing Overview and Scrutiny Committee Chairman and Vice Chairman could appoint Members to the Joint Health Overview and Scrutiny Committee.

(Note: The meeting commenced at 6.30 p.m. and concluded at 8.01 p.m.)

Chairman

Dated

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COUNCIL MEETING – 25 NOVEMBER 2010

Recommendations to Council from the Executive meeting held on 2 November 2010

**Minute No
E/10/82 Capital Programme Review**

The Executive considered a report from Councillor Maurice Jones, Portfolio Holder for Finance, Governance and People proposing a revised Capital Programme for 2010/11.

(NOTE: A copy of the report had been circulated with the Executive agenda to all Councillors.)

The Portfolio Holder reminded Members that Council in February 2010 approved the 2010/11 Capital Programme subject to an in year review to reduce the commitment to new borrowing. The outturn for the 2009/10 Capital Programme spend was £0.609M greater than planned and gave rise to an immediate pressure.

Members were advised that £1.53M of new capital receipts had since been forecast, which more than covered the 2009/10 shortfall. £0.938M had also been identified through external funding for Housing Assistance, along with a reduced requirement for temporary school accommodation which equated to 17% less borrowing than planned. However, meeting a £0.468M pressure on Disabled Facilities Grants produced a net reduction in overall borrowing of 11%.

The review also recommended £0.170M be spent implementing the Council's Web Strategy although the additional capital financing costs would be met from revenue efficiencies in 2011/12. It was noted that more detailed profiling of spend for individual schemes had also been undertaken which would improve in year reporting of the Capital Programme.

The Portfolio Holder in moving his recommendations, which were duly seconded, withdrew exempt Appendix D as it detailed work in progress and had no impact on the recommendations. As a result of Appendix D being withdrawn, the last sentence of paragraph 27 was deleted. The Portfolio Holder then proposed an amendment to recommendation 5 (Resolution 4 below), which was duly seconded:

That no future additional commitments be entered into in advance of the Local Government Finance Settlement and Budget Report to Council in February 2011.

During the ensuing debate the Portfolio Holder responded to comments and questions raised by the Executive and non-Executive Members in attendance.

Reason for decision: To reduce the Authority's new borrowing requirement in line with the request by Council in February 2010.

RECOMMENDED TO COUNCIL

that the updated Capital Programme of £30.717M for 2010/11, as set out in columns 10 to 12 of the summary in Appendix A of the submitted report, be approved.

RESOLVED

- 1. that slippage of £2.832M to the 2011/12 Capital Programme, as set out in columns 19 to 21 of the summary in Appendix A of the submitted report, be noted.**
- 2. that, subject to the recommendation above, the 11% reduction in the borrowing requirement for 2010/11 Capital schemes, be noted.**
- 3. that the potential pressures on the Capital Programme for 2012/13, as detailed in the submitted report, be noted.**
- 4. that no future additional commitments be entered into in advance of the Local Government Finance Settlement and Budget Report to Council in February 2011.**

[Please note that a copy of the report can be found on the Central Bedfordshire Council web site using the following link:

<http://www.centralbedfordshire.gov.uk/modgov/mgConvert2PDF.aspx?ID=19918>

Recommendation to Council on 25 November 2010	From: Constitution Advisory Group	on 18 October 2010
	Oral Questions at Council	
1.	Council is asked to approve the amendment of Part B of the Constitution by:-	
	(a)	an additional paragraph to be inserted to become a new paragraph 3.2.1.10 , with the following wording: “Members of the Council may also ask any question without notice on matters relating to the functions of the Bedfordshire Police Authority and the Bedfordshire and Luton Combined Fire Authority. This period of questions and answers shall last no more than 10 minutes.” with the paragraphs following it to be renumbered; as set out in Appendix A attached;
	(b)	paragraph 12.1.1 to be amended by the deletion of the words “(or of a body referred to in Rule 12.2.1.4)” and the insertion of “or report” after “upon a recommendation”; as set out in Appendix A attached;
	(c)	all references in Part B5 paragraph 3.2.1.12 and section 12.7 (throughout) to “oral questions” to be changed to “open questions”.
	Background	
2.	The Constitution Advisory Group, at its meeting on 18 October 2010, considered a report further to comments made by Members on procedures for “oral questions” at particular points in Council meetings. It was noted that the procedures for “oral questions “ were complicated by the need to time the periods for specific kinds of questions (ie those to a chairman of a committee or a member representing the Police and Fire authorities, and those to the Leader, Deputy Leader and Portfolio Holders).	
3.	It was also noted that the term “oral” questions was a misnomer as the Constitution required them to be drafted in advance of the start of the meeting.	
4.	Constitution Advisory Group considered several approaches for improving the procedures, including:	
	<ul style="list-style-type: none"> • removing the need to draft questions in advance of the Council meeting 	

	<ul style="list-style-type: none"> using a coloured card system so that it was clear to all at the Council meeting what category of question was about to be asked
	<ul style="list-style-type: none"> confining specific kinds of questions to a particular part of the agenda, ie questions on Bedfordshire Police Authority and Luton and Bedfordshire Combined Fire Authority matters.
5.	The Advisory Group considered that it would not be appropriate to remove the requirement for oral questions to be drafted in advance of the meeting. Members considered that the term “oral questions” should be replaced in the Constitution with the term “open questions”, as the term “oral questions” was considered to be misleading.
6.	The Advisory Group further considered that it would be appropriate for all questions relating to the Bedfordshire Police Authority and the Bedfordshire and Luton combined Fire Authority to be confined to one part of the proceedings of the meeting.
7.	These should be dealt with at the same point that reports from those bodies are considered . The period for oral questions (to be known as “open questions”) later on the agenda would only be for questions of the Leader, Deputy Leader and Portfolio Holders, and the chairman of a committee, and would no longer include questions of a member representing the Fire or Police authorities.
8.	The Advisory Group considered that it would be appropriate for questions relating to the Police and Fire Authority matters to have a time-limit of 10 minutes. Oral (or “open”) questions under Part B5 paragraph 12.7.1.5 to the Leader, Deputy Leader and Portfolio Holders, and a chairman of a committee, should have a time limit of 45 minutes.
9.	The recommendations set out above, which would amend the Constitution as shown in Appendix A attached, would enable:-
	<ul style="list-style-type: none"> Fire and Police Authorities matters to be dealt with in one place on the agenda
	<ul style="list-style-type: none"> oral questions to be put at the appropriate sections of the meeting would continue to be drafted before the meeting started
	<ul style="list-style-type: none"> removal of the need for a specific kind of question to be sought out in the container of questions, which could lead to an impression of questions being sifted for reasons other than simply whether they were in a particular category for timing purposes

	<ul style="list-style-type: none"> the term “oral” questions” to be replaced with the term “open” questions. 	
Appendices	Appendix A	Sets out how the Constitution would change if Council approves the recommendations

[Please note that a copy of the original report can be found on the Central Bedfordshire Council web site at the following link:

<http://www.centralbedfordshire.gov.uk/modgov/mgConvert2PDF.aspx?ID=19637>]

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Appendix A

Amendments to the Constitution to enable questions on the Police and Fire Authorities to be kept to the period when the respective reports are considered; also to replace the term “oral” questions with “open” questions.

All of the amendments are interdependent and all must be adopted to achieve the purpose.

Part B5

3.2.1.9	To receive and consider recommendations contained within reports of the Executive and committees and reports of the Bedfordshire Police Authority and Bedfordshire and Luton Combined Fire Authority and answer questions under Rule number 12.1.
3.2.1.10	<p><u>Members of the Council may also ask any question without notice on matters relating to the functions of the Bedfordshire Police Authority and of Bedfordshire and Luton Combined Fire Authority. This period of questions and answers shall last no more than 10 minutes.</u></p> <p><i>(The remaining paragraphs in this section shall be renumbered accordingly.)</i></p>

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12.	QUESTIONS BY MEMBERS	
12.1	On reports or minutes of the Executive or Committees	
	12.1.1	A member of the Council may ask the Leader, a portfolio holder or the chairman of a committee, a question without notice upon a recommendation or report of that forum when that item is under consideration by the Council, or upon any minute of a meeting of that forum which has been published since the last meeting of the Council.

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12.7	<u>Open</u> Questions		Deleted: Oral Formatted: Font: Bold
	12.7.1	Questions and Procedure	
	12.7.1.1	At each ordinary meeting of the Council (excluding the annual or any extraordinary meeting) there shall be a period of no longer than 45 minutes for <u>open</u> questions, <u>which</u> shall <u>be</u> questions of the Leader, Deputy Leader and portfolio holders, and <u>chairman of any</u> committee, <u>subject to the following guidelines:-</u>	Deleted: oral Formatted: Font: Bold Deleted: of which no longer than 30 minutes Formatted: Font: Bold Deleted: relate to Formatted: Font: Bold Deleted: no longer than 15 minutes shall relate to questions of a Formatted: Font: Bold Deleted: or member representing the Bedfordshire Police Authority or Bedfordshire and Luton Combined Fire Authority
	12.7.1.2	Questions:-	
	12.7.1.2.1	Must be relevant to matters for which the Council has powers or duties or matters that affect Central Bedfordshire or its residents;	
	12.7.1.2	Must not relate to an item which is included elsewhere on the Council agenda since they can be raised at that point in the meeting;	
	12.7.1.3	Must be capable of eliciting a response (ie must not be a statement);	
	12.7.1.4	Should not exceed 2 minutes in length.	
	12.7.1.3	Questions should not:-	
	12.7.1.3.1	Be incapable of being adequately answered in three minutes	
	12.7.1.3.2	Divulge, or require to be divulged, confidential or exempt information.	
	12.7.1.4	The conduct of <u>open</u> question time shall be regulated by the Chairman of the Council having regard to the above guidelines.	Deleted: oral Formatted: Font: Bold
	12.7.1.5	Any member wishing to put an <u>open</u> question should put his/her name on the relevant pro forma and place it in the appropriate receptacle not less than 5 minutes before the start of the meeting. Names will be drawn at random by the chairman during the question time session.	Deleted: oral Formatted: Font: Bold Deleted: All questions drawn within the 30 minutes allocated for questions to an executive member and within the 15 minutes allocated for questions to chairmen or members representing the Police and Fire Authorities, shall be dealt with. Formatted: Font: Bold
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12.7.2 **Response**

12.7.2.1 An answer to an open question may take the form **Deleted: oral**

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12.7.2.1.1 A direct oral answer of up to a maximum of three minutes duration;

12.7.2.1.2 Where the desired information is in a publication of the Council or other published work, a reference to that publication; or

12.7.2.1.3 Where the reply cannot conveniently be given orally, a written answer will be circulated later to the questioner and made available to all members of the Council and the public.

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Recommendation to Council on 25 November 2010		From: Constitution Advisory Group	On: 18 October 2010
Formalising the Constitution Advisory Group in the Constitution			
1.	Council is asked to approve the following recommendations:-		
	(a)	that section A5 paragraph 2 of the Constitution be amended by the addition of the following words at a new paragraph 2.2 to follow the existing paragraph 2.1:-	
The Constitution Advisory Group will be appointed annually at the annual meeting of Council and will comprise a membership of 6, proportionate to the political structure of the Council, with one substitute member. The membership of the Advisory Group shall include the Chairman or the Vice-Chairman of the Council and at least one member of the Executive.			
	(b)	that consequential amendments are made to renumber the paragraphs which follow, and to change the reference in paragraph 2.1 from paragraph 2.3 to paragraph 2.4.	
Background			
2.	The Constitution Advisory Group, at its meeting on 18 October 2010, considered a report and noted that whilst the Constitution sets out in Part A5 Review and Revision of the Constitution the role that the Advisory Group will take, it does not set out the membership requirements of the Advisory Group.		
3.	As the Constitution already confers certain responsibilities on the Constitution Advisory Group, it is appropriate to formalise it in the Council's Constitution by setting out its membership requirements.		
4.	The Constitution provides the governance of the Council so it is suggested that the Chairman of the Council, or the Vice-Chairman, should be a member of the Advisory Group. It is also appropriate that there is a member of the Executive included in the membership.		
5.	The Constitution Advisory Group considered that the proposed membership requirements were appropriate and should be included in the Constitution.		
Appendices		Appendix A	Sets out the section of the Constitution showing how it would change if Council approves the recommendations

[Please note that a copy of the original report can be found on the Central Bedfordshire Council web site at the following link:

<http://www.centralbedfordshire.gov.uk/modgov/mgConvert2PDF.aspx?ID=19566>]

Appendix A

Proposed amendment to the Constitution to provide for the inclusion of membership requirements of the Constitution Advisory Group

Part A5 REVIEW AND REVISION OF THE CONSTITUTION

2. Changes to the Constitution

2.1 Subject to paragraph 2.4, changes to the Constitution will only be approved by the full Council, after consideration of the proposal by the Constitution Advisory group (or other appropriate member body appointed for similar purposes), which will recommend changes to the Council.

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2.2 The Constitution Advisory Group will be appointed annually at the Annual Council meeting and will comprise a membership of 6, proportionate to the political structure of the Council, with one substitute member. The membership of the Advisory Group shall include the Chairman or Vice Chairman of the Council and at least one member of the Executive.

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2.3 The Constitution Advisory Group will have regard to advice from the Monitoring Officer on any proposals relating to the constitution. The Monitoring Officer may submit a report direct to the Council in any case where his/her advice is not accepted by the Group.

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2.4 The Monitoring Officer shall, after consultation with the Constitution Advisory Group, make urgent amendments, amendments to give effect to any decision of the Council or changes in the law, and minor amendments such as to correct errors or to ensure that the constitution is up-to-date. Any such changes will also be circulated to all members of the Council on a quarterly basis.

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Recommendation to Council on 25 November 2010	From: Constitution Advisory Group	On 18 October 2010
Cross Reference of Public Participation Scheme and Petitions Scheme		
1.	Council is asked to approve the following recommendations:-	
	<ul style="list-style-type: none"> that Part A4 Annex 2 Petitions Scheme paragraph 1.1 of the Constitution be amended by the addition of the following words, after the words “Monitoring Officer” at the end of the first sentence:- 	
	“subject to the provisions of the General Principles Governing All Public Participation as set out at Part A4, Appendix A Section 2 of the Constitution.”	
	Background	
2.	Currently the Petitions Scheme, which has only recently been included in the Constitution, does not mention the provisions of the Public Participation Scheme, which was adopted much earlier. Cross-reference between the two parts of the Constitution would provide better guidance to the reader.	
3.	The Constitution Advisory Group considered that the Constitution should be amended to provide more complete guidance, by adding some additional text as set out above.	
Appendices	Appendix A	Sets out the section of the Constitution showing how it would change if Council approves the recommendations

[Please note that a copy of the original report can be found on the Central Bedfordshire Council web site at the following link:

<http://www.centralbedfordshire.gov.uk/modgov/mgConvert2PDF.aspx?ID=19568>]

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Appendix A

Annex 2

PETITIONS SCHEME

1. Submission and Content of Petitions

- 1.1 Members of the public may present the Council, or the Executive, or a committee with petitions, upon giving at least 7 clear working days notice in writing of the petition to the Monitoring Officer, **subject to the principles of the General Principles Governing All Public Participation set out at Part A4 Appendix A section 2 of the Constitution**. If, following consideration of the petition as provided in paragraphs 5 to 7 below, the petition organiser is not satisfied with the response, he/she may request that the response be reviewed by the relevant overview and scrutiny committee in accordance with the procedure in paragraph 9.

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Recommendation to Council on 25 November 2010	From: Constitution Advisory Group	On 18 October 2010
	Consultation with the Leader on Member Development Matters	
1.	Council is asked to approve the following recommendations:-	
	<ul style="list-style-type: none"> • that Part H3 paragraph 4.7.1 of the Constitution be amended as set out in Appendix A. 	
	Background	
2.	Currently, the Constitution provides for the Monitoring Officer to consult with the Lead Champion for Member Development and the relevant Group Leader before approving expenditure to enable Members to attend conferences, seminars and training courses. There is no formal involvement of the Leader of the Council in this process, save in her capacity as one of the Group Leaders.	
3.	The Council has a commitment to achieving the right levels of skills, competencies and good practices to achieve Member Development Charter status. The IDeA recommends that good practice would require a commitment by top political and managerial leadership to the development of elected Members. This suggests that the Leader should have the overall perspective on Member Development across the whole Council.	
4.	Constitution Advisory Group considered that the Constitution should be amended accordingly and the recommended changes are shown at Appendix A .	
Appendices	Appendix A	Sets out the section of the Constitution showing how it would change if Council approves the recommendation.

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Appendix A

Approval for Member Development Matters

- | | | |
|--------|---|---|
| 4.7.31 | To approve expenditure from the budget for Members' attendance at annual conferences, external seminars and courses and to approve Member attendance according to individual needs. | After consultation with <u>the</u> Lead Champion for elected Member development, <u>the</u> <u>Leader of the Council</u> , and <u>the</u> relevant Group Leader. Regular monitoring statements in respect of expenditure to be submitted to the Champions for elected Member development. |
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CENTRAL BEDFORDSHIRE COUNCIL

25TH November 2010

1. MEETING

The Authority last met on 22 October 2010

Set out below are some of the main issues discussed.

2. NEW CHIEF CONSTABLE FOR BEDFORDSHIRE

The Authority has appointed Mr Alf Hitchcock as the next Chief Constable of Bedfordshire Police.

Mr Hitchcock, who is currently Deputy Chief Constable at the National College of Police Leadership at the Police Staff College, Bramshill, will take up his new position on 1st January 2011. The current Chief Constable, Gillian Parker, retires at the end of the year.

3. COMPREHENSIVE SPENDING REVIEW

The Comprehensive Spending Review announced on 20th October is roughly in line with our assumptions that the likely consequential budget 'gap' by 2014/15 is £19.2M and how this is to be met has been considered extensively by the Authority and Force.

As a result we have already started preparing to meet the challenges posed by the cuts and preparation of the 2011 -15 Strategic Plan to cover the four period year of the Comprehensive Spending Review has now begun. Also in progression is the development of a new policing model through Programme 2011 which will deliver significant financial savings. The Authority is also looking for further collaboration opportunities with relevant partners wherever possible to realise efficiencies and best value in line with strategic priorities.

In addition, the Force has placed a freeze on police officer recruitment and is holding police officer staff vacancies to reduce expenditure in the current year and provide savings in future years.

We are also highlighting to the Government the impact of the funding formula currently being applied, which already sees Bedfordshire Police receiving £3.6M per annum less than the formula, based upon need, states that Bedfordshire Police should receive

The full details of how the CSR will impact on the budget for policing in Bedfordshire will be known in early December when the Police Grant Allocations are published.

4 BEDFORDSHIRE AND HERTFORDSHIRE COLLABORATION PROGRAMME

The Bedfordshire and Hertfordshire Police Authorities have formally approved the establishment of a joint Bedfordshire and Hertfordshire collaboration in the areas of ICT and Police Pension Administration. The new Pensions Administration unit will be in place from 1st November 2010 and is expected to make combined efficiency savings of approximately £105K per year and the new ICT unit will be in place from 1st December 2010 and is expected to deliver combined efficiencies of £350K per year.

Both Authorities have also approved business cases for joint arrangements in the areas of Firearm Licensing and Counter Terrorism and Domestic extremism. A business case for procurement has also been agreed and the Cambridgeshire Constabulary is a partner in this collaboration. Combined efficiency savings from all these proposals amount to approximately £571K

After the decision on the 16th July not to consult regarding a merger between the two forces both Authorities remain keen to move forward the current collaborative work but realise that this is not enough to make the savings each requires and therefore each Authority will be looking to collaborate with other forces and partners as well.

5. HMIC (HER MAJESTY'S INSPECTORATE OF CONSTABULARY) AND AUDIT COMMISSION INSPECTION OF POLICE AUTHORITIES

The findings of the first joint HMIC (Her Majesty's Inspectorate of Constabulary) and Audit Commission Inspection of Bedfordshire Police Authority was issued in September and the overall assessment indicated that the Authority was performing adequately. Members are particularly pleased that the individual inspection score for value for money and productivity had indicated that the Authority was performing well in this area... No Authority has been awarded a higher score in this category and only 5 of the 20 assessed so far have achieved this.

Members are pleased that that the report states that the Authority knows what is important to Bedfordshire people. The report acknowledges that the Authority actively seeks the views of local people about policing priorities and that it communicates well with local residents and other stakeholders.

The report confirms that the despite being one of the smallest Police Authorities in England & Wales, Bedfordshire Police Authority has significantly developed its capacity and capability in the last three years. The report also recognizes the strong commitment to equality and diversity in all areas of its work and the fact that Authority members are reflective of the local community both by gender and ethnicity.

In the current financial climate, the Authority is also pleased to see that the inspectors acknowledged the fact that Bedfordshire is recognised nationally for its strong promotion of collaborative working to achieve value for money. The Authority is consistently delivering challenging efficiency targets and has also been acknowledged for its commitment to partnership working.

The Audit Commission's Nigel Smith, spokesperson for the joint inspection team, has said:

“Bedfordshire residents can be confident that their Police Authority provides good leadership, scrutiny of and challenge to the county's Police Force.

“The Authority is already strongly focused on ensuring value for money and is recognised nationally for its strong promotion of collaborative working. At the same time it ensures the Force provides the services local people need. With a tough financial climate ahead it needs to have a clear long-term plan to enable it to make hard choices about policing priorities, funding and spending. The inspection shows that the Authority is well-placed and motivated to meet future challenges.”

PETER HOLLICK
REPORT OF THE BEDFORDSHIRE POLICE AUTHORITY

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Written Questions from Councillor Dr Egan

Written Question One

Portfolio Holder for Finance, Governance & People

How many agency workers are currently being employed by Central Bedfordshire Council?

How many agency workers are employed, broken down by directorate?

How many employment vacancies does Central Bedfordshire currently have, broken down by directorate?

How many disabled people are currently employed by Central Bedfordshire (excluding teachers and school support staff) and what percentage of the total employment does this represent?

What strategies does Central Bedfordshire Council have to employ more disabled people?

Where can the public access information about employee salaries?

Written Question Two

Portfolio Holder for Adult Social Care and Health

What strategies does Central Bedfordshire Council have to ensure that vulnerable/special needs/disabled adults are able to receive further education and training leading to employment?

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Written Questions from Councillor Murray

Portfolio Holder for Finance, Governance & People

- 1: Since the inception of Central Bedfordshire Council how many posts have been made redundant (actual posts, not FTE)?
- 2: How many employees (in numbers, not FTE) have left the employ of the council due to
 - a: Redundancy
 - b: Ending of contracts
 - c: Voluntarily
 - d: Disciplinary reasons
 - e: Retirement?
- 3: What has been the total amount of Redundancy Pay paid to those who have left and early retirement?
- 4: Secretary of State Pickles, talking about high salary earners in local government, said "I've taken a 10% reduction in pay, it's your turn now." How many of Central Bedfordshire Council's employees have volunteered a pay cut?
- 5: We were told during the summer that the council benefits from a share of "excess profit" made by the Grove Theatre. How much "excess profit" did the council receive during the financial year 1st April 2009 – 31st March 2010?

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Meeting: Council
Date: 25 November 2010
Subject: Gypsy and Traveller Development Plan Document
Report of: Cllr Tom Nicols, Portfolio Holder for Sustainable Development
Summary: This report seeks the approval of the Draft Submission Gypsy and Traveller Development Plan Document for consultation and approval of submission of the document to the Secretary of State.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Richard Fox, Head of Development Planning and Housing Strategy
Public/Exempt: Public
Wards Affected: All in the North of Central Bedfordshire
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

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

Financial:

The Gypsy and Traveller Development Plan Document (DPD) is intended to plan for local Gypsy and Traveller pitch need. Having a robust strategy in place helps reduce the incidences of unauthorised encampments which create a financial burden on the authority. In turn, a robust strategy will assist in the determination of planning applications and potentially reduce the costs of defending planning applications on appeal. The cost of the DPD can be met from within existing resources.

Legal:

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

Risk Management:

The absence of an adopted plan would make the Council vulnerable to losing planning appeals for Gypsy and Traveller sites.

Staffing (including Trades Unions):

None

Equalities/Human Rights:

Central Bedfordshire Council has a statutory duty to promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. The Council must ensure that decisions minimise unfairness and do not have a disproportionately negative effect on people from different ethnic groups, disabled people, and men and women. The Race Relations Act places a general duty on public authorities to promote race equality. This means that authorities must have due regard to the need to:

- a) eliminate discrimination
- b) promote equality of opportunity
- c) promote good relations between people of different racial groups.

In drawing up the development plan document an Equality Impact Assessment has been undertaken. This has highlighted the specific needs and interests of Gypsy and Traveller communities who are at a significantly greater risk of lower quality of life outcomes.

Gypsies and Travellers can sometimes find themselves in a cycle of 'enforced' nomadism, being continually moved on by the authorities because of the shortage of authorised sites. As a result, Gypsies and Travellers are often more disadvantaged than any other ethnic group in terms of access to healthcare and education. The lack of authorised public sites and the difficulties associated with getting planning permission for private sites, has meant that Gypsies and Travellers have set up home on land belonging to others or on their own land without permission.

Approval of the DPD could help to close achievement and health inequalities, reduce racial tensions associated with unauthorised sites, increase the participation of Gypsy and Traveller communities in decision making and service delivery processes and increase a sense of belonging.

Community Safety:

The Gypsy and Traveller DPD is intended to reduce the incidences of unauthorised encampments which can cause community tensions.

Sustainability:

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 Council:

- (1) approve the Draft Submission of the Gypsy and Traveller Development Plan Document for public consultation and submission to the Secretary of State for Examination**
- (2) approve delegated authority to the Director of Sustainable Communities, in consultation with the Portfolio Holder for Sustainable Development, to make minor amendments to the Gypsy and Traveller Development Plan Document prior to Submission to the Secretary of State, and during Examination.**

<i>Reason for Recommendations:</i>	<i>To enable the Council to progress the Gypsy and Traveller Development Plan Document to adoption.</i>
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Executive Summary

This report seeks the approval of the Council for the publication of the Draft Submission Gypsy and Traveller Development Plan Document (DPD) and the subsequent submission of this document to enable progression to adoption of the DPD.

Background

1. The Local Development Framework (LDF) is a series of documents which collectively deliver the spatial planning strategy for Central Bedfordshire. The LDF (North Area) covers the former Mid Bedfordshire Area. Development Plan Documents (DPD), a component part of the LDF, make up the statutory Development Plan. The statutory process of preparing a DPD is set out in the Planning Regulations and comprises many stages and types of consultation. Under the Local Authorities (Functions and Responsibilities) (England) Regulations, agreeing a document for submission to the Secretary of State is a function of the Council.

The Gypsy and Traveller DPD

2. Without a Gypsy and Traveller DPD local authorities would find themselves in the unenviable position of having no robust planning framework with which to contest speculative planning applications or deal with illegal Gypsy and Traveller encampments, a similar position experienced during the 1990s. To avoid this situation Central Bedfordshire Council need to move forward in planning for Gypsy and Traveller accommodation need.
3. In accordance with its statutory duty, the legacy authority Mid Bedfordshire District Council commenced the process of the provision of Gypsy and Traveller sites to meet local need in 2006. There have been four rounds of public consultation to date, the most recent taking place in April 2010.
4. Since then, the Secretary of State for Communities and Local Government announced the revocation of Regional Spatial Strategies and the return of decision-making on housing targets to local councils. This change in policy direction was brought about by the newly elected Coalition Government. With the abolition of regional targets local authorities are now advised to be responsible for determining the right level of Gypsy and Traveller pitch provision reflecting local need.

5. The Chief Planner at the Department of Communities and Local Government advised that local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs. They should continue to do this in line with current policy. The advice states that Gypsy and Traveller Accommodation Assessments form a good starting point. The Housing Act of 2004 also makes clear that local authorities are required by Government to assess the accommodation needs of Gypsies and Travellers alongside the settled population. The Act also requires local authorities to develop a strategy that addresses any unmet need that is identified. In this case, this will be through the Gypsy and Traveller Development Plan Document (DPD).
6. There has been significant Member involvement in the process to date. The Sustainable Communities Overview and Scrutiny Committee (OSC) have overseen the work with Development Strategy Task Force guidance. The recommendations of the OSC were then presented to the Executive on 28 September.

Decisions of the Executive on 28 September 2010

7. In summary, the Executive resolved that a total of 27 additional permanent pitches be allocated in Central Bedfordshire (North) up to the end of 2015, as identified in the local Bedfordshire and Luton Gypsy and Traveller Accommodation Assessment 2007 and using a 3% compound growth rate, and that there be no requirement for any further local needs assessment to be undertaken of Gypsy and Traveller accommodation up to the end of 2015.
8. The Executive also:
 - allocated 4 sites to accommodate 23 Gypsy and Traveller pitches;
 - resolved that the remaining pitches be allocated on Council landholdings, to be determined at a later stage;
 - agreed the provision of transit pitches for the use of Gypsies and Travellers on existing Gypsy and Traveller sites; and
 - allocated four pitches at Kennel Farm Holdings, Biggleswade for the use of Travelling Showpeople.
9. These decisions of the Executive have informed the Draft Submission document which is attached at Appendix A. The Council's approval is being sought for the consultation of this document and its subsequent submission to the Secretary of State.
10. The Draft Submission document includes within it policies for sites shortlisted for the allocation of Gypsy and Traveller pitches (as agreed by Executive) and policies that will help determine the location of new sites. These policies were the subject of consultation during the Issues and Options consultations in 2007.

Conclusion and Next Steps

11. Once agreed the DPD must be subject to Draft Submission consultation. This consultation will be widespread and will include all those who previously made comments on the sites at the last stage of consultation. Following this consultation the DPD will be submitted to the Secretary of State, together with any proposed changes. This is expected to be around Early Summer 2011. A Public Examination will then be held, possibly in Autumn 2011 before the Inspector writes a report (expected around February 2012). These dates are subject to the Planning Inspectorate's timescales.
12. Prior to submission to the Secretary of State and during the examination process, some minor, relatively inconsequential changes to the submitted DPD may be required, many of them in relation to changing circumstances, or arising from the examination process or simply to make the text clearer. It is important to note that any "suggested changes" must be minor in nature and not affect the direction of the Plan. The Council is able to suggest minor changes which the Inspector, in his report, is able to agree. The Inspector is also able to recommend minor changes which will be discussed at the hearings. It is possible, despite the minor nature of the changes, for the Inspector to consider the DPD unsound either in part or as a whole unless certain changes are proposed. This is mostly due to the complex requirements of the LDF system.
13. Changes that would alter the overall thrust of the document or "go to the heart of the Plan" would not fall into this category. These would have to be consulted upon and subject to the process of Sustainability Appraisal and Strategic Environmental Assessment. Members would be fully involved in any such strategic decisions.

Appendices:

Appendix A – Draft submission DPD

[A copy of the Executive report can be found at:

<http://www.centralbedfordshire.gov.uk/modgov/ieListDocuments.aspx?CId=577&MId=3350&Ver=4>]

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CENTRAL BEDFORDSHIRE (North)

**GYPSY AND TRAVELLER
DEVELOPMENT PLAN DOCUMENT**

DRAFT SUBMISSION

December 2010

Please note that this document will be formatted and the relevant covers attached, prior to consultation.

CONTENTS

1. INTRODUCTION

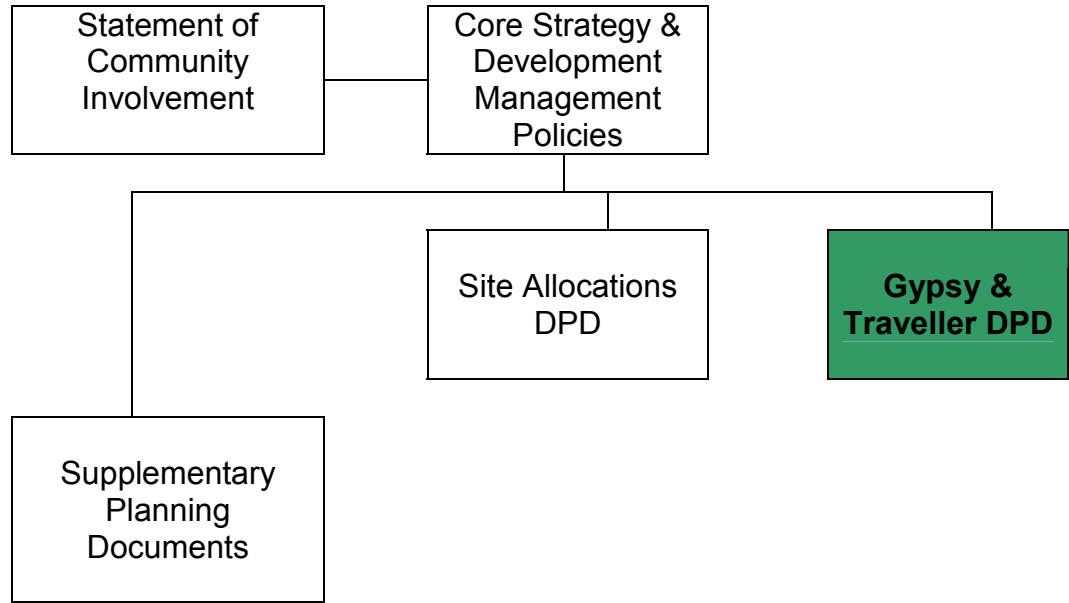
What is the LDF?

The Local Development Framework (LDF) is required by the Planning and Compulsory Purchase Act 2004, which came into force in September 2004. The LDF comprises several documents known as Development Plan Documents (DPDs) containing policies that will be used in the process of determining planning applications for any type of development which is submitted to the Council. The LDF (North) will replace the Mid Bedfordshire Local Plan (First Review), which was adopted in December 2005. All LDF (North) documents cover the former Mid Bedfordshire District Council area which is referred to as Central Bedfordshire (North) for the purposes of this document.

The LDF deals with spatial issues, i.e. those issues that involve the use of land and the movement of people and access to opportunities. The overarching document in the Central Bedfordshire Council (North) LDF portfolio is the adopted Core Strategy and Development Management Policies DPD (November 2009). It sets out the Council's spatial vision, objectives and policies for future development in the area over the period 2011 – 2026. Following on from the Core Strategy, specific sites for development will be identified in the Site Allocations DPD. The identified sites and policies in that document will help deliver the spatial vision, objectives and policies of the Core Strategy.

This Gypsy and Traveller DPD is specifically intended to identify accommodation for Gypsies and Travellers and Travelling Showpeople. The policies contained in this document will affect how sites are developed. The diagram below shows how the Gypsy and Traveller DPD fits in the Local Development Framework.

Gypsies and Travellers are defined as 'persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or their family's or dependants' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'.



Sustainability Appraisal

A requirement of the planning system is to undertake a Sustainability Appraisal of the policies in the LDF. In addition local planning authorities must comply with European Union Directive 2001/42/EC, which requires a formal Strategic Environmental Assessment (SEA) of plans and programmes which are likely to have a significant effect on the environment. These two processes are carried out as one joint appraisal in accordance with Government guidance. When the term Sustainability Appraisal (SA) is used in this document, it should be taken to include assessment under the SEA Directive throughout.

Sustainability Appraisal is a systematic and iterative process, and involves the appraisal of the social, environmental and economic effects of policies to ensure that decisions can be made in accordance with the aims of sustainable development.

The process of Sustainability Appraisal must be fully integrated into the plan-making process through the regular assessment of policies and strategies as they evolve at key stages of the LDF process. This will ensure that the policies and proposals are effective and decisions are made that accord with sustainable development. A Sustainability Appraisal was undertaken on this document and is available to download from the Council website.

Appropriate Assessment

The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 sites or European Sites, and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). There are no Natura 2000 or Ramsar sites in Central Bedfordshire (North). There are 5 European sites outside of the Council's boundary but within the potential influence of the plan.

A Habitats Regulations Assessment (HRA) screening has been undertaken to consider if there is likely to be adverse effects any important sites designated for their ecological status. This has found that that the Gypsy and Traveller DPD would have no adverse effects on such sites.

Current guidance indicates that HRA of higher tier plans is not a substitute for HRA of other lower level plans, but that the findings and analysis undertaken can usefully inform decisions as to whether further screening work is necessary. Given that: there are no Natura 2000 sites within the Central Bedfordshire North area, the scale and nature of Gypsy and Traveller sites is small, localised and regulated and the conclusion of 'no significant effect' arising from the HRA screening for the Gypsy and Traveller DPD; it was assessed that further HRA screening work on the Draft Submission Gypsy and Traveller DPD was not required.

Consultation & Site Assessment

This document sets out the Council's policy approach and shortlist of sites for Gypsy and Traveller and Travelling Showpeople accommodation. These policies and shortlisted sites were the result of extensive work and consultation on a range of issues and options beforehand.

The first consultation undertaken was the Issues and Options in March 2007. In addition to a number of policy 'issues', this first consultation document considered twenty sites that had been received as submissions through the site search process, or were existing tolerated sites or sites with temporary permission that were being considered for their suitability. The Council received over 700 comments to the consultation.

This was followed by a Second Issues and Options document in October 2007. After the close of the first Issues and Options consultation a number of sites were withdrawn from the process. In light of this the Council undertook a further site search. This search involved revisiting the Vacant Land Register, rechecking the Council's own database of land, contacting the Ministry of Defence and liaising with the County Council. A further round of consultation then took place on the five sites identified, receiving over 3,500 comments.

Following detailed consideration by the Council, a number of sites were selected as 'preferred options' for further comment and consideration. This consultation was undertaken from November 2008 to January 2009. Overall 1815 comments were received to this consultation.

After these consultations, a set of criteria and scoring system against which new and previously considered sites was applied. This was done to guide the shortlisting of sites for preferred sites consultation.

At this stage a sequential approach to site shortlisting was applied starting with sites in or on the edge of settlements; secondly, in areas where Gypsies and Travellers already have authorised sites, where extension of those sites is subservient in scale and would not lead to problems of assimilation with the settled community; thirdly, in more rural locations where those sites are free from environmental and planning constraints and are within reasonable distance of local facilities.

In addition the criteria from Government guidance in Circular 01/2006 and other related guidance documents and all technical planning constraints were considered. The results of each of these criteria were scored and the scores of each tallied in order to give a total score for each considered site. This enabled shortlisting of sites.

Following the work set out above, the Council consulted on a set of Preferred Sites to accommodate a higher level of need which was required in the East of England Plan. This document was published from April to June 2010 and received 1050 comments.

In the summer of 2010, Regional Strategies were abolished, accordingly the requirements of the East of England Plan are no longer key in determining the number of pitches required. The total provision is therefore based on the local assessment referred to later in this document.

THE REQUIREMENT FOR GYPSY AND TRAVELLER PITCHES

Why a Gypsy and Traveller DPD?

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.

Travelling is an integral part of cultural identity for Gypsy and Traveller households. The courts have accepted that nomadism, and living in a caravan is a reflection of the cultural heritage of Gypsy and Irish Traveller families, not simply a lifestyle choice.

Aside from this statutory duty, there are practical reasons for making provision. Gypsies and Travellers can sometimes find themselves in a cycle of 'enforced' nomadism, being continually moved on by the authorities because of the shortage of authorised sites. As a result, Gypsies and Travellers are often more disadvantaged than any other ethnic group in terms of access to healthcare and education. The lack of authorised public sites and the difficulties associated with getting planning permission for private sites, has meant Gypsies and Travellers have to set up home on land belonging to others or on their own land without permission.

If provision is not made for enough authorised sites, unauthorised camping is likely to continue. The problems associated with unauthorised sites, such as the costs of taking enforcement against unauthorised sites, the tension that exists between Gypsies and Travellers and the settled community and the social exclusion experienced by Gypsies and Travellers on unauthorised sites, will continue. The aim of this DPD is to reduce the occurrence of unauthorised sites by making sufficient new provision for Gypsies and Travellers in the area.

GYPSY AND TRAVELLER ACCOMMODATION NEED

Pitch Requirements to 2011

The Council, in partnership with the Bedfordshire local authorities, undertook a sub regional study to assess the accommodation needs of Gypsies and Travellers in Bedfordshire and Luton in 2006.

The sub regional approach adopted accorded with guidance on the preparation of Accommodation Assessments prepared by the Department of Communities and Local Government (DCLG). Adopting a sub regional approach allowed for:

- A bigger sample, and therefore more accurate results;

- A better understanding of the travelling patterns and the need for accommodation, across administrative boundaries;
- A common approach and consistency across the study area;
- A reduced risk of double counting; and
- Opportunities to work together to devise a wider strategic approach to Gypsy and Traveller accommodation shortages and enforcement action taken on unauthorised sites.

The Gypsy and Traveller Accommodation Assessment (GTAA) made projections of Gypsy and Traveller pitch needs for five years. This was consistent with the DCLG guidance, which recommends projections of need between five to ten years.

The assessment found the need for 74 (15 per year) total extra pitches between 2006 and 2011, across Bedfordshire and Luton. The assessment stated that 20 pitches should be provided in Central Bedfordshire (North) up to 2011.

The findings of the accommodation needs assessment also included important observations of the needs of the Gypsy and Traveller community in Bedfordshire and Luton. These are:

- The Gypsy and Traveller community prefer smaller sites. However, there was also some need identified for larger family pitches to accommodate larger modern trailers.
- There was a strong preference for provision of family owned sites.
- There was a desire for additional capacity to be provided on new sites to allow families to accommodate visitors.
- Most households wished to remain in the area they are currently settled in.
- The Gypsy and Traveller community were supportive of clear restrictions on the size of sites and where appropriate supported a “cap” on the number of people living on a site on a permanent basis and for transit / visiting.
- The Gypsy and Traveller community wanted sites to be effectively managed.
- The Gypsy and Traveller community often supported a procedure for regular inspection of sites, covering the provision of basic facilities including water and sanitation, as well as health and safety.
- Support for security of tenure for families living on authorised local authority sites being brought in line with that for social housing tenancies.
- Many of the Gypsy and Traveller households within the study area are very settled, travel is predominately seasonal, and 81.1% of households in Bedfordshire and Luton have not traveled in the last 12 months.

What is a Pitch?

A pitch is the space required to accommodate one household and their caravans, parking space and enough room for the turning of vehicles. A study in the East of England found that the average household size for Gypsies across the region was 1.7 caravans. However, this will vary from area to area and according to family need. There is no one-size-fits-all measurement of a pitch as, in the case of the settled community, this depends on the size of individual families and their particular needs.

Guidance from the Department of Communities and Local Government (DCLG) (Designing Gypsy and Traveller Sites Good Practice Guide 2008), states that as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, (or two caravans) drying space for clothes/a small garden area, a lockable shed (for bicycles, wheelchair storage etc) and parking space for two vehicles. Smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle.

Recently Approved Pitches

Since the completion of the Gypsy and Traveller Accommodation Needs Assessment in 2006, 3 pitches have been permitted through the planning application process. Two pitches were granted permission on appeal at Magpie Farm and one pitch was granted permission at Houghton Conquest. These three pitches count towards meeting the pitches needed in Central Bedfordshire (North). 17 pitches are therefore needed up to 2011.

Pitch Delivery from 2011 to 2016

During the review of all local needs assessments in the Eastern area, it was assessed by the East of England Regional Assembly (EERA) in 2007 that the compound growth rate in the region is 3% per year. This figure remains valid. By applying the 3% to the yearly total number of pitches in Central Bedfordshire North an additional 10 pitches will be required to 2016. In total therefore the pitch requirement from 2006 to 2016 would be 27 pitches. Table 1 sets out this level of need.

Table 1: Gypsy and Traveller Pitch Requirement in Central Bedfordshire North

Required Pitches 2006 - 2011	20
Required Pitches 2011 – 2016 (using 3% compound growth rate)	10
Total Required Pitches (to 2016)	30
Recent Pitches with Planning Permissions (Granted Since 2006)	3
Total Pitch Requirement to 2016 (minus permissions)	27

QUANTITY OF PROVISION

Providing Permanent Gypsy and Traveller Pitches

Central Bedfordshire Council is firmly committed to making adequate site provision for Gypsies and Travellers. It is accepted that at a local level, Central Bedfordshire (North) needs to accommodate 27 additional new permanent Gypsy and Traveller pitches between 2006 and 2016 to accommodate existing households within the area.

This DPD identifies sites to accommodate 23 pitches which satisfies accommodation need until 2014 through the allocation of sites. All other windfall applications for Gypsy and Traveller accommodation will be considered against GT3 and all relevant Development Management policies in the Core Strategy and Development Management Policies Development Plan Document.

Policy GT1: Providing Permanent Gypsy And Traveller Pitches

The Council will make provision for 27 pitches to meet identified Gypsy and Traveller needs in Central Bedfordshire (North) up to 2014.

All planning applications for Gypsy and Traveller sites will be considered against Policy GT3 and other relevant Development Management policies in the Core Strategy and Development Management Policies Development Plan Document.

Visitor Spaces and Transit Pitches

A preference was expressed in the GTAA for permanent family sites with visitor spaces, which enable the Gypsy and Traveller community to accommodate members of their family who are visiting. A visitor space would be offered on a short term basis to visiting friends and families of the Gypsies and Travellers residing on the site. These pitches would be in addition to the permanent pitches on site.

As well as visitor spaces, provision will be made for transit pitches. A transit pitch is intended for short term use by Gypsies and Travellers in transit. The pitch is itself permanent, while its residents are temporary, with a maximum period of stay imposed, usually by the site manager. Such sites are provided with basic amenities and services such as boundary fencing, hardstanding, water supply, toilet and washing facilities, waste disposal and (possibly) electricity. Permissions for transit pitches could restrict the size of sites and recommend a "cap" on the number of people allowed to stay on the pitch on a transit basis.

There are opportunities for providing transit pitches on existing permanent sites. The appropriateness of sites for this purpose will be determined on a site by site basis using Policy GT3 to determine applications.

Policy GT2: Provision for Visitor and Transit Spaces

Provision will be made for visitor space on appropriate sites across Central Bedfordshire (North). Visitor space provision will be restricted to control the number of people visiting and their length of stay, to be determined on a site by site basis.

All planning applications for Gypsy and Traveller sites will be considered against Policy GT3 and other relevant Development Management policies in the Core Strategy and Development Management Policies Development Plan Document.

Provision for transit pitches will be considered on existing sites with permanent provision, at site locations determined in accordance with GT3 and in consultation with the Gypsy and Traveller community. Transit provision will be restricted to control the number of people visiting and their length of stay, to be determined on a site by site basis.

CONSIDERATION OF NEW SITES

The Location of Gypsy and Traveller Sites

The following policies provide a more detailed policy framework against which planning applications for Gypsy and Traveller sites or pitches, Visitor pitches, Transit sites or pitches and Travelling Showpeople sites or pitches will be assessed.

In addition, the Council may provide detailed advice to developers in the form of Technical Guidance Notes which whilst not having the status of SPD's, may be adopted by the Council for Development Management purposes.

New sites should be planned sensitively to take account of the needs of both the travelling and settled communities. Issues of sustainability are important and relevant sustainability considerations include:

- The promotion of peaceful and integrated co-existence between the site and the local community;
- The wider benefits of easier access to GP and other health services;
- Access to local schools to enable Gypsy and Traveller children to attend school regularly;
- A settled base that reduces the need for long distance travelling, and the possible environmental damage caused by unauthorised encampments; and
- Not locating sites in areas of high flood risk, and functional floodplains.
- Access to local shops; and
- Access to local employment opportunities.

New sites will be considered favourably where they are located in areas considered appropriate for general residential use and with access to local services and facilities such as health and education. New sites should be located next to, or in close proximity to existing settlements.

In sustainability terms, first preference should be given to sites that are better located to existing settlements and facilities. However, the results of the Bedfordshire and Luton Accommodation Needs Assessment did show that some Gypsy and Traveller families would prefer to live in the countryside, on privately owned and managed sites. Such locations will be considered where they are constraint free.

Government guidance indicates that new Gypsy and Traveller sites in the Green Belt, will normally be considered inappropriate. However, local landscape and local nature conservation designations should not be used to refuse planning permission. The Core Strategy states the South Bedfordshire Green Belt will be protected and maintained.

Applications for Gypsy and Traveller sites will be assessed in accordance with Policy GT3.

Assessing Planning Applications

Planning applications will be judged using the policies set out in this DPD and the relevant Development Management policies set out in the Core Strategy and Development Management Policies document.

Applications will be considered on their merits in the context of site size and location, and the characteristics of the surrounding area. Planning permissions might restrict the size of sites and where appropriate recommend a “cap” on the number of people allowed to live on the site on a permanent basis or the number of caravans being stationed on a site. Consideration must also be given to site specific factors such as vehicular access from the public highway, as well as provision for parking, turning, servicing on site, and road safety for occupants and visitors.

Flood Risk

In accordance with Planning Policy Statement 25: Development and Flood Risk, permanently occupied caravan sites should not be permitted in areas of high flood risk as they are considered as highly vulnerable development.

In areas of flood risk, where a site is considered suitable for development, a flood risk assessment will be required to identify the extent of flood risk and recommend mitigation measures necessary to address the problem. The Environment Agency or Internal Drainage Board will be consulted on sites proposed within the flood risk areas.

Gypsy and Traveller sites will only be permitted in areas which are not liable to flooding, or where development does not give rise to flooding elsewhere, unless it is demonstrated that these effects can be overcome by appropriate alleviation and mitigation, as agreed by the Environment Agency and secured by planning condition or Section 106 agreement.

Highway Access

Safe and convenient vehicular access to a Gypsy and Traveller site is essential. Access and road safety must adhere to the Highway Authority's guidance. Gypsy and Traveller or Travelling Showpeople pitches will not be permitted where site access is deemed unsafe or inadequate. As well as an appropriate access, there must be adequate space is provided on sites for the turning and servicing of vehicles.

Safe pedestrian access to nearby local services should ideally be available, to reduce the reliance on private vehicles.

Residential Amenity

Consideration should be given to the potential for noise and other disturbance from the movement of vehicles, the stationing of vehicles on the site and any on site business activities. This will be judged on a site by site basis.

Gypsy and Traveller sites will not be permitted in the vicinity of dangerous roads, railway lines, water bodies or power lines.

Sites within walking distance of community facilities such as recreational facilities will be encouraged. An area for children to play may be required where access to existing facilities is not available.

More detail about site design is set out in the DCLG guidance document *Designing Gypsy and Traveller Sites Good Practice Guide* (2008). Site design will also have to comply with the conditions of a license issued by the Local Authority under the Caravan Sites Control of Development Act 1960.

GT3: Gypsy and Traveller and Travelling Showpeople sites

Sites for Gypsies and Travellers and Travelling Showpeople will be granted planning permission providing that:

- 1. Satisfactory evidence is submitted to justify local need for the scale and nature of the accommodation proposed;**
- 2. Satisfactory and safe vehicular access to and from the public highway is provided both to allow manoeuvrability of living accommodation to the site and the pitch, and to ensure the safety of other road users with the use of traffic calming measures where appropriate;**
- 3. Site layout, including the use of hard and soft landscaping, ensures that any detrimental impact upon the character and appearance of the locality is minimised, including impact on biodiversity and nature conservation;**
- 4. The amenity of nearby occupiers will not be unduly harmed by the development;**
- 5. Pollution from light and noise sources on the site are minimised and visual and acoustic privacy is maintained for both site residents and the occupiers of nearby land and property;**
- 6. Boundaries which may include fences, hedges and low walls are erected to provide clear demarcation of the perimeter of the site;**
- 7. The scale of the site and the number of pitches would not dominate the nearest settled community and would not place undue pressure on local infrastructure;**
- 8. Adequate schools, shops and other community facilities are within reasonable travelling distance, preferably reached by foot, cycle or public transport;**
- 9. Surface Water Drainage and storm water drainage systems are installed with interceptors within the drainage system where appropriate;**
- 10. The site would not be located in an area at high risk of flooding, including functional floodplain;**
- 11. The site is adequately serviced by electricity and water.**

The Provision of Space/Facilities for Business Use on Permanent Sites

The Gypsy and Traveller community tends to be self employed, sometimes running their businesses from the site on which their caravans are stationed.

Gypsy and Traveller sites suitable for mixed residential and business uses should have regard to the safety and amenity of the occupants and their children, and neighbouring residents. Mixed uses should not be permitted on rural exception sites.

The Council will consider applications for business use for the Gypsy and Traveller community provided they meet criteria set out in the policy below.

Policy GT4: Provision of Space/Facilities for Business Use on Permanent Sites

Planning applications for business use on or adjacent to Gypsy and Traveller sites for the Gypsy and Traveller community will be considered in settlement or edge of settlement locations provided the following criteria can be met:

- **The business use proposed is in scale and proportion to site and would not have an unacceptable detrimental impact on the visual appearance of the surrounding area;**
- **The amenities and safety of the occupants of the site and/or neighbouring residents should not be harmed;**
- **A safe, convenient and adequate standard of access can be provided;**
- **There are suitable areas for the parking vehicles or storage of materials; and**
- **Appropriate safeguards are put in place to prevent the pollution of surface and ground water.**

GYPSY AND TRAVELLER SITE ALLOCATIONS

The land allocated within the following policies has been identified on the Proposals Maps, in Annex 1.

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

This site is conveniently located on the edge of Potton. Potton is a sustainable location and offers a level of facilities and services greater than most settlements in the District. This is recognised in the Core Strategy, which defines the settlement as a Minor Service Centre.

The site is within a reasonable distance of community facilities and does not have to be entirely car dependant, as there is access to services and facilities in Potton by walking and cycling.

The allocated site is currently grass land, set down lower than the existing site and there is a large bund separating it from the adjacent field. With some groundwork and tree removal, the site can be developed as a Gypsy and Traveller site. Careful consideration will need to be given to foul drainage and to storm drainage due to the enclosed topography of the site. Access is considered acceptable.

This site sits adjacent to an existing Gypsy and Traveller site at Myers Lane. The existing site is a publicly owned and managed site, however this additional site is privately owned.

The existing site is currently very overcrowded and configured badly and will benefit from expansion. This allocation will help ease overcrowding on the existing site. Expansion will also allow reconfiguration of the existing site to improve both the quality of life of the residents occupying the current site and its appearance. The allocation of this site would make no overall increase in pitch numbers. There are currently 14 pitches on this site.

Policy GT5: Land south of the Gypsy and Traveller site, Common Road, Potton

Land south of the Gypsy and Traveller site on Common Road, Potton is allocated to enable reconfiguration of the existing publicly managed Gypsy and Traveller site. No additional pitches will be added to this site which accommodates 14 pitches. The site should be managed as part of the wider Potton site. The development will provide the following:

- **Suitable site design;**
- **Satisfactory means of access, ensuring the needs of vehicles, pedestrians and cyclists are considered;**
- **Appropriate landscaping proposals; and**
- **Acceptable methods of foul and surface water drainage.**

Oak Tree Nursery and Magpie Farm, Hill Lane, Upper Caldecote

Oak Tree Nursery is conveniently located on the edge of Upper Caldecote and about half a mile west of Biggleswade. Upper Caldecote is recognised in the Core Strategy as a Large Village where further small scale housing development is considered acceptable in principle.

Magpie Farm, the adjacent site, and a small area at the front of Oak Tree Nursery currently comprises of three Gypsy and Traveller pitches.

Oak Tree Nursery is occupied by a mixture of grassland and a nursery. The rear of Oak Tree Nursery is currently occupied by large glasshouses in various states of disrepair, no longer being utilised. It is intended by the site owner to retain one glasshouse for horticultural purposes.

The additional 3 pitches at Oak Tree Nursery will create a total of 6 pitches on this and the adjacent site Magpie Farm. This respects the scale of the adjoining village as well as acknowledging the closeness of the site to Biggleswade.

The Highways Authority has advised that adequate visibility onto Hill Lane could be achieved by the removal of the fence and newly planted hedge.

Policy GT6: Oak Tree Nursery and Magpie Farm, Hill Lane, Upper Caldecote

Oak Tree Nursery, Hill Lane, Upper Caldecote, is allocated for 3 pitches in addition to the existing 3 pitches. The mix of pitch size will be determined following further consideration and consultation. The development will provide the following:

- **Suitable site design;**
- **Satisfactory means of access, ensuring the needs of vehicles, pedestrians and cyclists are considered;**
- **Off site highway improvements where necessary;**
- **Landscaping and appropriate boundary treatment, particularly on the north and west sides;**
- **Removal of the ancillary equipment/structures not utilised; and**
- **Acceptable methods of foul and surface water drainage.**

1 Old Acres, Barton Road, Pulloxhill

The site is situated off the A6, south of Pulloxhill, adjacent to Barton le Clay settlement. This site has been occupied since July 2004 by a single Gypsy and Traveller family, occupying 8 caravans.

This site is in a rural location. The rural setting of sites is considered acceptable where the sites are not subject to special planning constraints. Nearby Barton Le Clay does offer a good level of services including a doctor's surgery. A footpath links this site from the A6 junction to Barton, which is a mile away.

The site has temporary permission for 8 pitches. As this site is currently privately owned and occupied, no further public investment will be required. This site will be privately managed by the current owner.

The site lies within an area of ridge and furrow medieval earthworks. However as development of this site has already occurred there is probably little of archaeological significance left on the site.

The Highways Authority has confirmed that an acceptable access can be provided off Barton Road to give access to the A6 at the "Speed the Plough" junction. The Environment Agency has requested details of drainage and ground conditions.

Policy GT7: 1 Old Acres, Barton Road, Pulloxhill

1 Old Acres, Barton Road, Pulloxhill, is allocated for 8 pitches of a mix to be determined by the needs of the existing family. The development will need to provide the following:

- **Suitable site design;**
- **Satisfactory means of access, ensuring the needs of vehicles, pedestrians and cyclists are considered;**
- **Off site highway improvements where necessary;**
- **An appropriate landscaping scheme; and**
- **Appropriate methods of foul and surface water drainage**

Land to the Rear of 197 Hitchin Road, Arlesey

This site is located on the edge of Arlesey. Arlesey offers a level of facilities and services greater than most settlements in the District. This is recognised in the Core Strategy, which defines the settlement as a Minor Service Centre.

The site would use the existing access from Hitchin Road, to which the Highways Authority have no objection. Landscaping will be necessary along each of the boundaries of the site. Possible mitigation measures such as acoustic fencing or a bund may be necessary at the rear to minimise noise from the railway line, but this is not considered to be a significant constraint that would prevent development.

A planning application for four Gypsy and Traveller pitches at this site was allowed in 2009 on a temporary, three year basis and the use of the site has been restricted to members of the applicant's immediate family and their dependents. The site owner also owns a piece of land to the rear of his site for these additional pitches. The whole area is shown on the indicative site plan.

The site is proposed for the allocation of the existing 4 temporary pitches and an additional 6 pitches, creating a site total of 10 pitches

Policy GT8: Land to the Rear of 197 Hitchin Road, Arlesey

Land to the Rear of 197 Hitchin Road, Arlesey is allocated for 10 pitches. The development will need to provide the following:

- **Suitable site design;**
- **Satisfactory means of access, ensuring the needs of vehicles, pedestrians and cyclists are considered;**
- **Off site highway improvements where necessary;**
- **An appropriate landscaping scheme; and**
- **Appropriate methods of foul and surface water drainage.**

Hermitage Lane, off Westoning Road, Greenfield

This site 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. It is believed that this particular site has been at this location for approximately 45 years, occupied by the same family.

It is located near to the village of Greenfield, between the nearby settlements of Flitwick and Pulloxhill. This site is in a countryside location, away from any local services and facilities. The surrounding land is in agricultural use. The site borders the South Bedfordshire Green Belt.

This site has no water or electricity available to it. The family collect and pay for their water once a week from Pulloxhill church. A skip is provided for rubbish which is emptied on a monthly basis but this is inadequate. When collected, any excess rubbish is dumped on the side of the site.

The track on which the family reside is adopted highway, although there is no evidence to suggest that the highway is maintained. The highway traversing this site currently provides a link from the public highway known as Westoning Road to a network of public footpaths.

Negotiations can be carried out with the landowner to enable an alternative public footpath to be created. By enabling a diversion of the pathway, the family could consider applying for a certificate of lawful development, enabling the family to stay on the site.

The current site accommodates two pitches. The constraints of the site are such that the site could not accommodate any additional pitches for the accommodation of other families.

Policy GT9: Hermitage Lane, Hillside Farm off Westoning Road, Greenfield

Hermitage Lane, Hillside Farm off Westoning Road, Greenfield is granted a certificate of lawful development for two pitches for the existing family.

TRAVELLING SHOWPEOPLE

Introduction

Travelling Showpeople are defined as members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers.

Travelling Showpeople's needs are distinct to the needs of the wider Gypsy and Traveller community:

- Travelling Showpeople do not share the same cultures or traditions as Gypsies and Travellers;
- Travelling Showpeople sites combine residential, storage and maintenance uses – Travelling Showpeople require secure permanent bases for the storage of their equipment.

The Showpeople community is well settled in Bedfordshire. Records show that members of the Travelling Showpeople community have resided in Central Bedfordshire North since the late 1800s. These families currently reside on two sites in Biggleswade, at Mill Lane and at Sun Street. Those families have been historically based in Biggleswade and continue to have strong connections with the town but now need additional space to meet their families' needs.

Meeting the Identified Need Of Travelling Showpeople In Central Bedfordshire North

The Council, working with the other Local Authorities in Bedfordshire, commissioned a separate Accommodation Needs Assessment for Travelling Showpeople.

The report recommends the provision of additional permanent authorised pitches to accommodate Showpeople households across Bedfordshire to accommodate the backlog of demand and demand from new family formation between 2007 and 2012. The need for Showpeople accommodation in Central Bedfordshire (North) is identified as 4 new pitches.

It may be preferable to make further site provision through the expansion of existing sites to maximise the use of existing infrastructure and build on existing community relationships. However, the two existing sites on Mill Lane and at Sun Street are both built up to their boundaries with no room to expand.

Policy GT10 Provision for Travelling Showpeople

The Council will make provision for 4 pitches to meet identified Travelling Showpeople needs in Central Bedfordshire (North).

All planning applications for Travelling Showpeople sites will be considered against Policy GT3 and other relevant Development Management policies in the Core Strategy and Development Management Document.

Kennel Farm Holding, Off Dunton Lane, Biggleswade

This site is designated as open countryside and is bounded on its south-western side by a small watercourse fed from the main channel of the River Ivel. The site lies adjacent to some small industrial units at Stratton Park and the Manor Court mobile home site.

This site is conveniently located on the edge of Biggleswade. It is one of the most sustainable site options available in terms of location, as Biggleswade offers the highest level of facilities and services in Central Bedfordshire North. This is recognised in the Core Strategy, which defines the settlement as a Major Service Centre.

The site will accommodate 4 pitches. This will meet the full extent of the current identified need for local Travelling Showpeople. Provision will be made for both living accommodation and the storage of vehicles and equipment.

Vehicles associated with the Travelling Showpeople community are often long and can comprise a number of vehicles connected as one unit. Highways Authority agree that the access requirements are unique and as such will require detailed analysis. The Highways Authority consider that access to the north west of the site, using an existing roundabout and where the public highway is subject to a 40 mph limit, will be acceptable. This westerly access will utilise an existing track running over Council owned land.

The site will enable walking and cycling into the centre of Biggleswade and access to nearby shops at the Saxon Gate development. The site is located partially within the Internal Drainage Board's area and adjacent to an adopted watercourse. Development of the site will therefore need to be set outside the byelaw zone, at least 7 metres from the top of the watercourse along its south-western boundary. Impact of the watercourse will have to be controlled in accordance with a Flood Risk Assessment.

The site is located adjacent to a Scheduled Ancient Monument, Stratton Moat, so an appropriate buffer will have to be provided to ensure the historical site is protected. The archaeological potential of this site will be investigated prior to the submission of a planning application.

Policy GT11 Kennel Farm Holding, Biggleswade

Kennel Farm Holding, Biggleswade, is allocated for 4 pitches for the Travelling Showpeople community. The mix of pitch size will be determined following further consideration and consultation. Limited and small scale commercial activity and maintenance will be allowed on this site provided this is connected to the Travelling Showpeople business only. The development will provide the following:

- **Suitable site design**
- **Satisfactory means of access, ensuring the needs of vehicles, pedestrians and cyclists are considered;**
- **Off site highway improvements where necessary;**
- **Landscaping;**
- **Acceptable methods of foul and surface water drainage, including a Flood Risk Assessment;**
- **An archaeological field investigation being undertaken prior to a planning application being submitted; and**
- **Contributions in accordance with the Planning Obligations Strategy.**

The Safeguarding of Sites

To ensure that the levels of Gypsy and Traveller and Travelling Showpeople accommodation are maintained and that a range of sites exist, existing authorised sites across the District will be safeguarded as set out in the table below. Safeguarding also applies to any new sites allocated in this Gypsy and Traveller Development Plan Document.

Safeguarding will ensure that development or redevelopment of land on for uses other than for Gypsy and Traveller/Travelling Showpeople accommodation would not be permitted. A permanent protected site will give certainty to the Gypsy and Traveller community and settled community, therefore aiding community cohesion and understanding.

Site Name	Status
Hillside, Myers Road, Potton,	Public
Old Cartwheel Nurseries Great North Road, Sandy	Private
Twin Acres, Hitchin Road, Arlesey	Private
Little Acre, Langford Road, Biggleswade	Private
Talamanca, 63 Great North Road, Sandy	Private
Land adjacent to 145 Chapel End Road, Houghton Conquest	Private
Home Farm, 145 Chapel End Road, Houghton Conquest	Private
Magpie Farm, Hill Lane, Upper Caldecote	Private
Mill Lane, Biggleswade	Private
Sun Street, Biggleswade	Private

MONITORING

Monitoring of Gypsy and Traveller Accommodation

A key requirement to assess the effectiveness of policies and proposals is regular monitoring and review. The Government endorses a Plan, Monitor and Manage approach to plan making in order to check whether policies are working and if changes are necessary.

There is a requirement for all local planning authorities to submit an Annual Monitoring Report (AMR) to Government, providing an assessment of its policies against a series of core and local output indicators. The monitoring and evaluation of progress towards objectives and targets will form part of the feedback mechanism to ensure the effective operation of policies or highlight any revisions that maybe required.

The following indicators will be used by the Council in order to monitor and review the effectiveness of Gypsy and Traveller and Travelling Showpeople policies and proposals:

- Net additional permanent Gypsy and Traveller and Travelling Showpeople pitches and transit pitches
- The levels of vacancy on permanent Gypsy and Traveller sites in Central Bedfordshire North.
- The levels of vacancy on Travelling Showpeople sites in Central Bedfordshire North.
- The number of illegal encampments and enforcement action carried out in Central Bedfordshire North
- The number of applications by Gypsies and Travellers and Travelling Showpeople approved and refused .

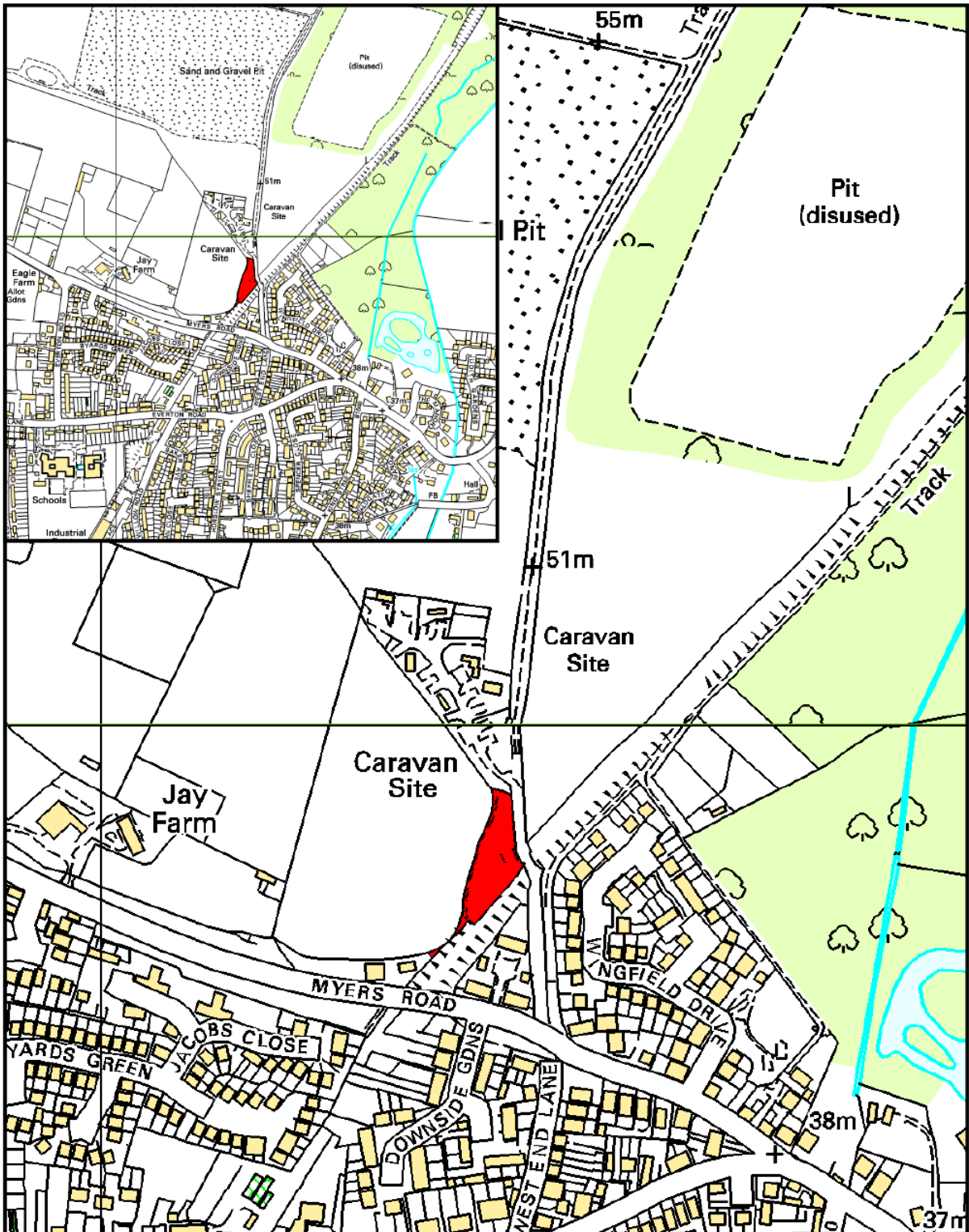
GLOSSARY

Caravans	Mobile living vehicles/trailers used by Gypsy and Travellers.
DCLG	Department of Communities and Local Government
Development Plan Document (DPD)	Those documents contained within the LDF that are part of the statutory development plan. They are subject to Independent examination by the Planning Inspectorate.
Gypsy	Members of Gypsy and Traveller communities. Usually described Romany (English) Gypsies from India. The term is not acceptable to all Travellers.
Household	One person living alone, or a group of people (not necessarily related) living at the same address with common housekeeping – that is, they normally share at least one meal per day and the housekeeping costs. Any students or school children that normally live there should be included as part of the household, even if they are currently away at school, college or university.
Habitats Regulations Assessment (HRA)	European legislation and the Government’s regulations have introduced a need to carry out Habitats Regulations Assessments (sometimes known as Appropriate Assessments) for local development documents and for particular development projects to protect the integrity of internationally important nature sites.
Infrastructure	This is a term which includes all the built facilities that we need to live our lives such as schools, roads, drainage, electricity supplies etc. The term ‘services’ is used to cover some of these facilities.
Mobile Home	Legally a ‘caravan’, but not usually capable of being moved by towing.
Pitch	A pitch is the space provided on a Gypsy and Traveller site to accommodate one family; typically this may contain an amenity building, parking space and one or more caravans. In the Eastern Region the average pitch accommodates 1.7 caravans.
Planning Policy Statement	Issued by Government to set out its national land use policies for England on different areas of planning.
Registered Social Landlord (RSL)	A housing association or a not for profit company registered by the Housing Corporation to provide social housing.
Section 106	A voluntary legal agreement between the Local Planning Authority and developer, tied to a planning permission, which covers matters outside the scope of normal planning conditions.
Settled Community	Reference to non Travellers (those who live in houses).

Site	An area of land laid out and used for Gypsy and Traveller caravans. An authorised site will have planning permission (and a site license if privately owned) for use as a Gypsy caravan site.
Statement of Community Involvement (SCI)	This sets out the standards for community Involvement for all LDF documents and planning applications. It may be subject to an independent Examination.
Strategic Environmental Assessment (SEA)	A process of systematically appraising the environmental opportunities and constraints of a project, and identifying and managing its implications. SEA is a statutory requirement of certain plans and programmes, under the Environmental Assessment of Plans and Programmes Regulations 2004.
Sustainability	This is a term which has come to mean using resources in a manner which will conserve those resources for future generations whilst leading to a pleasant and safe environment.
Sustainability Appraisal (SA)	A Sustainability Appraisal evaluates the social, economic and environmental impacts of policies and strategies in a Local Development Document to ensure that the policies and strategies are in accordance with Sustainable Development objectives.
Transit Site	A Gypsy & Traveller site intended for short-term use by Gypsy and Travellers in transit. The site is normally permanent, while its residents are temporary and a maximum period of stay is usually imposed.
Traveller	A member of the travelling community. Often used to refer to Irish Travellers. This term is generally acceptable to all Gypsy and Travellers.
Travelling Showpeople	Travelling people who work in the circus / fairs.
Unauthorised Development	This refers to land owned by Gypsy and Travellers without planning permission.
Unauthorised Encampment	An area where Gypsies and Travellers reside in vehicles or tents without permission of the land owner. Unauthorised encampments can occur in a wide variety of locations (e.g. at the side of the road).

Annex 1: New Allocations Site Maps

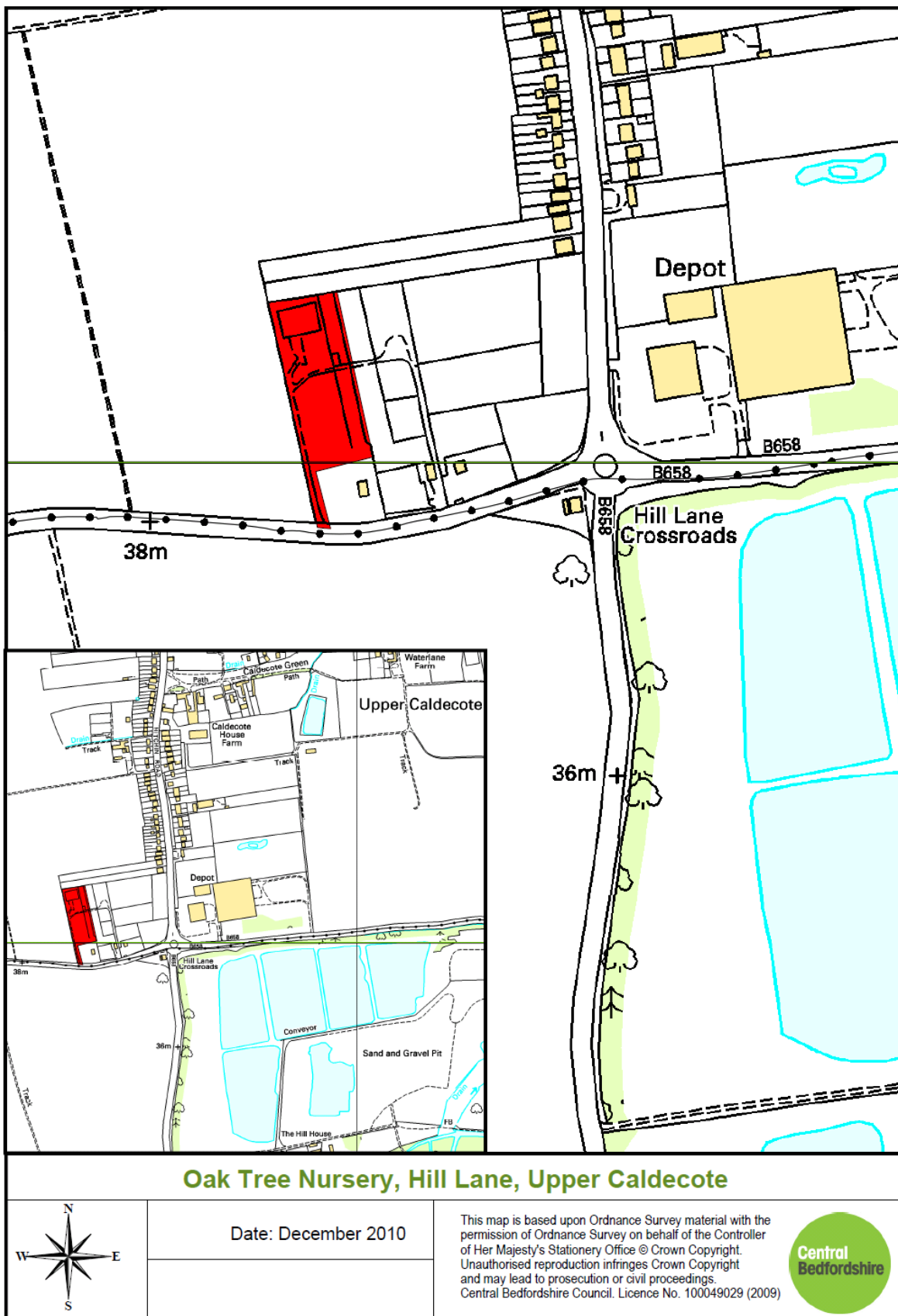
GT5 Land North of Myers Road, Potton



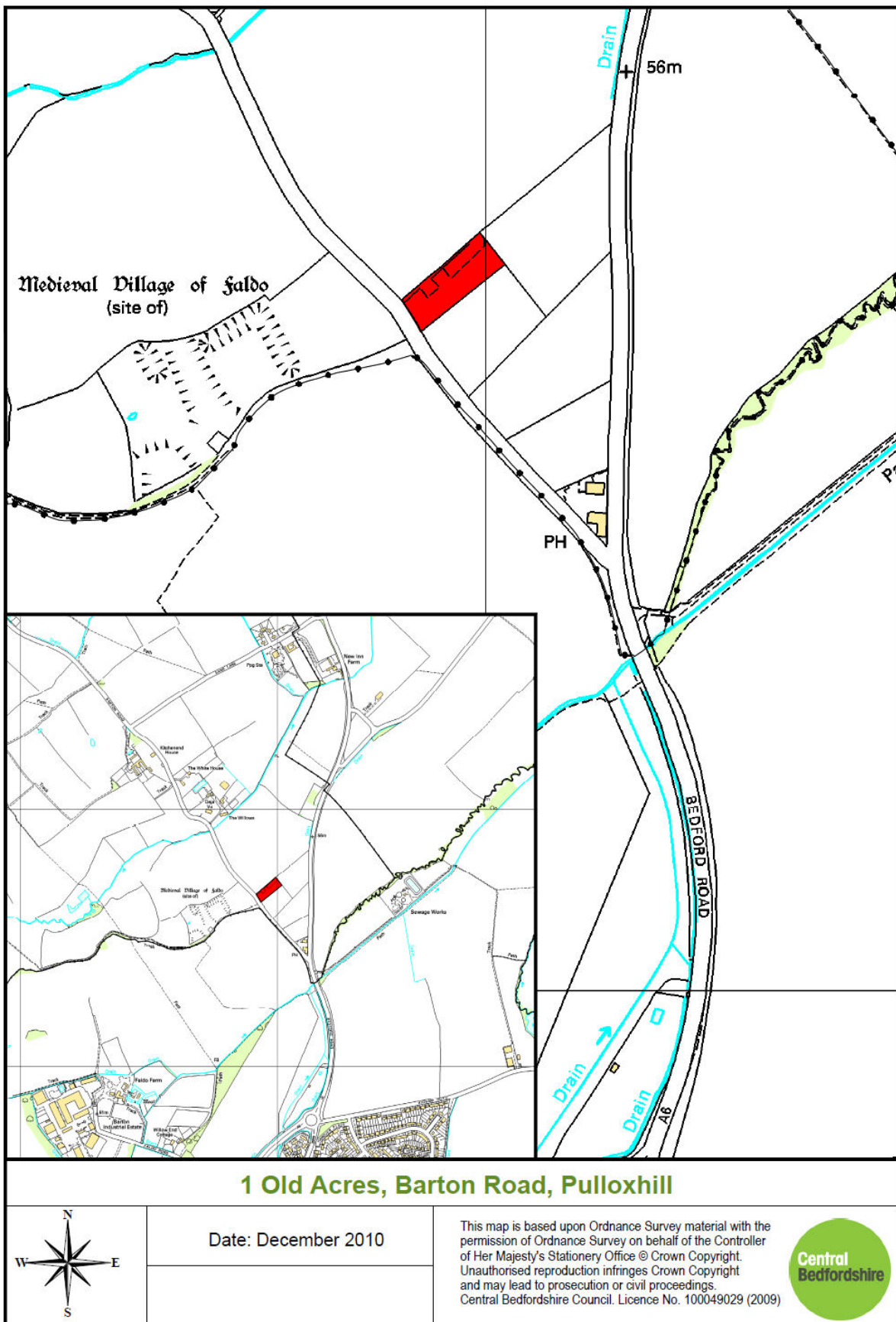
Land North of Myers Road, Potton

	<p>Date: December 2010</p>	<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Central Bedfordshire Council. Licence No. 100049029 (2009)</p>	
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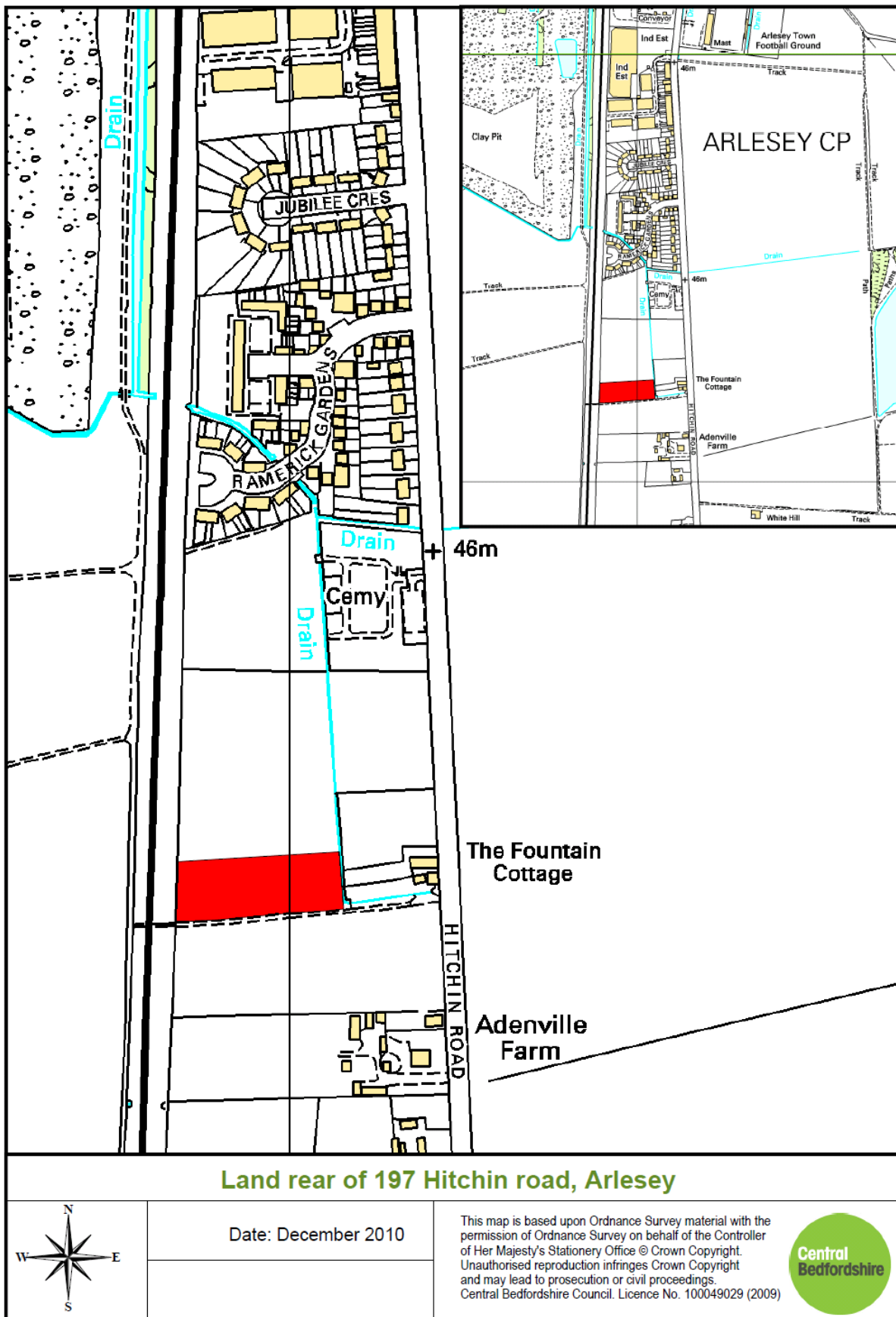
Policy GT6: Oak Tree Nursery and Magpie Farm, Hill Lane, Upper Caldecote



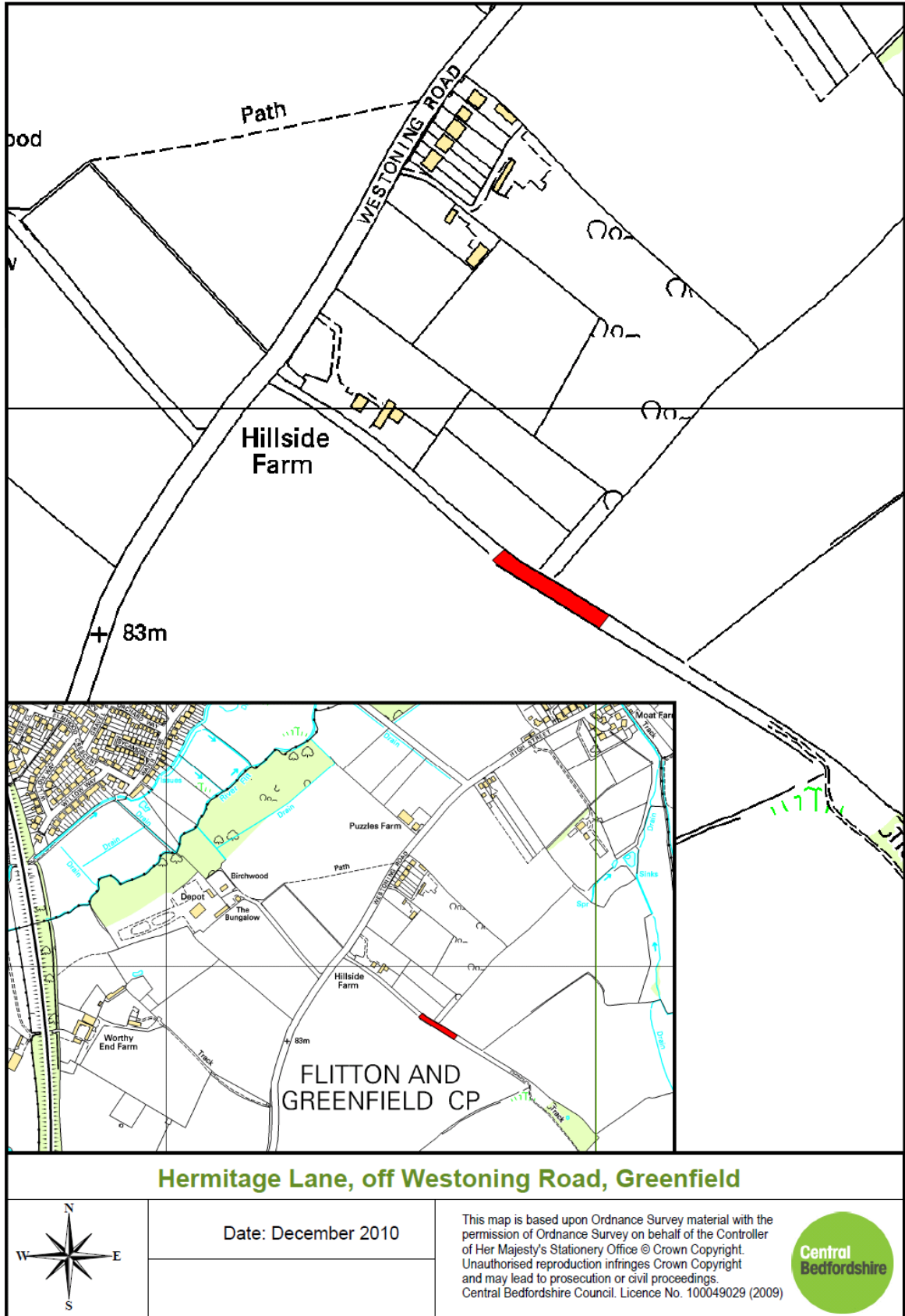
Policy GT7: 1 Old Acres, Barton Road, Pulloxhill



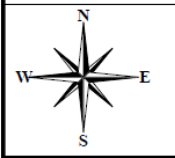
Policy GT8 Land to the Rear of 197 Hitchin Road, Arlesey



Policy GT9: Hermitage Lane, Hillside Farm off Westoning Road, Greenfield



Hermitage Lane, off Westoning Road, Greenfield

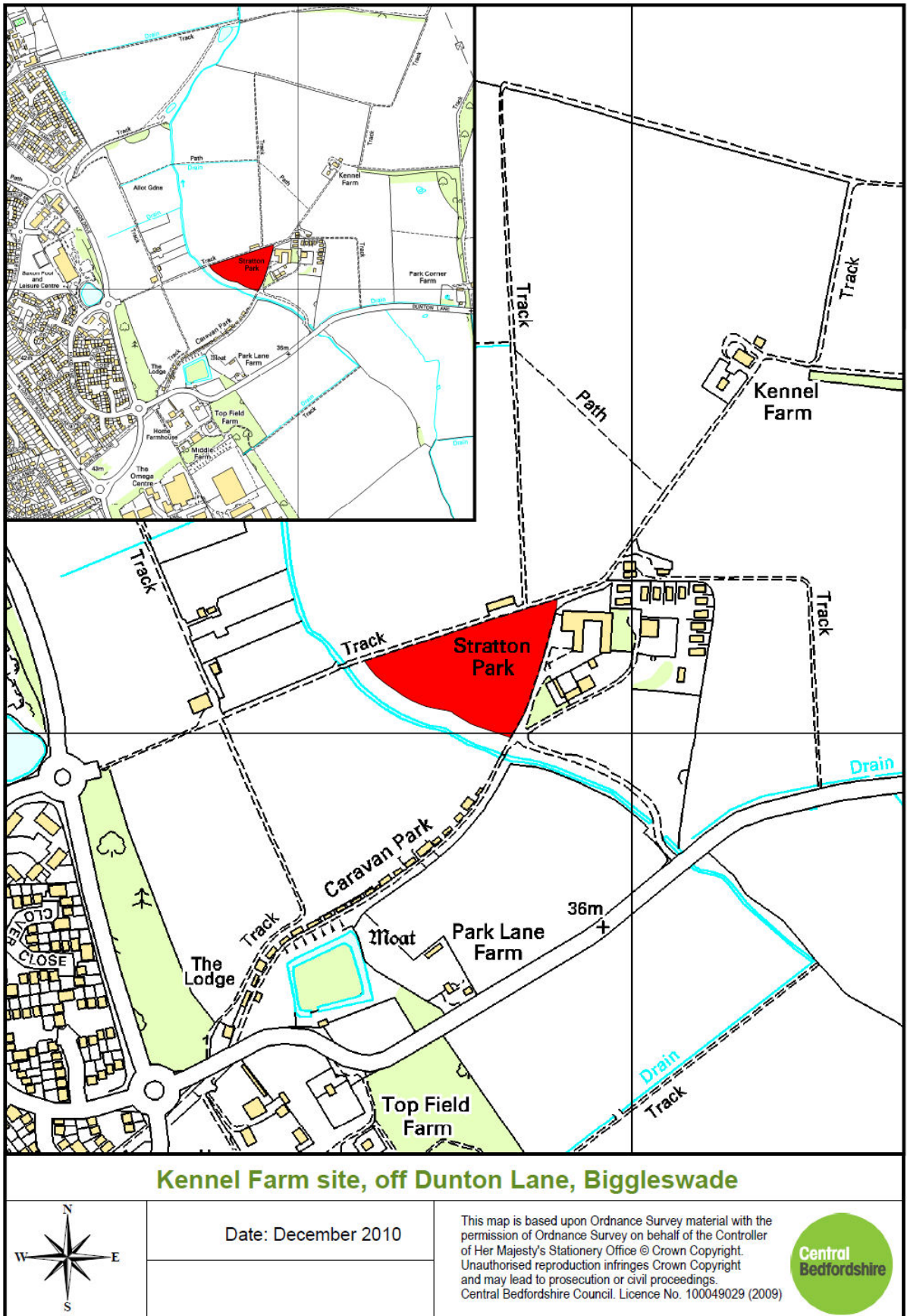


Date: December 2010

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Policy GT11: Kennel Farm Holding, Biggleswade



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Meeting: Council
Date: 25 November 2010
Subject: Executive Arrangements under the Local Government and Public Involvement in Health Act 2007
Summary: To formally adopt, in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007, the arrangements for the Council's Leader and Executive.

Advising Officer: Richard Ellis, Director of Customer and Shared Services
Contact Officer: John Atkinson, Monitoring Officer
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Having in place effective leadership and political management arrangements of the Authority is critical to the delivery of the Council's vision and all its strategic priorities.

Financial:

As the proposed arrangements do not depart from the original proposals for the Leader and Executive's arrangements, there is no specific budgetary implication.

Legal:

The Council must comply with the requirements of the Local Government and Public Involvement in Health Act 2007 to pass a resolution by 31 December 2010 to adopt either a "new style" leader and cabinet executive or elected mayor and cabinet arrangements.

Risk Management:

If the Council does not comply with its statutory duty, there is a risk of intervention by the Secretary of State who may, by order, prescribe the application of the Leader and Cabinet Executive (England) model as from May 2011.

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Safety:

None

Sustainability:

None

RECOMMENDATIONS:

1. that Council notes:-

- (a) the requirement for the full Council to pass a resolution by 31 December 2010 to adopt either a “new style” leader and cabinet executive or elected mayor and cabinet arrangements;**
- (b) that the Central Bedfordshire bid submission, which was subject to extensive public consultation, was based on the adoption of the “new style” leader and cabinet arrangements; and**
- (c) that the Constitution already contains all the required statutory provisions of the Local Government and Public Involvement in Health Act 2007 relating to the “new style” leader and cabinet executive arrangements, save for the provision relating to the extension of the term of office of the Leader (paragraph 7 below refers).**

2. that, accordingly, the Council is recommended to adopt the “new style” leader and cabinet executive arrangements for implementation on the third day after the elections in May 2011.

Reason for Recommendations: to comply with the requirements of the Local Government and Public Involvement in Health Act 2007 to pass a resolution by 31 December 2010 to adopt new style leader and cabinet executive arrangements.

Executive Summary

The Local Government and Public Involvement in Health Act 2007 requires all authorities to review their executive arrangements and to operate either a “new style” leader and cabinet executive or elected mayor and cabinet arrangements.

The “new style” leader and cabinet arrangements require the Leader to be elected for a 4 year term of office and for the Leader to appoint the cabinet, delegate functions and appoint a deputy leader, and the Council may have the power to remove the Leader.

Authorities are required to draw up proposals for changing their arrangements and take “reasonable steps” to consult electors and stakeholders. A resolution must be passed by 31 December 2010 to adopt the new style Leader and cabinet executive.

The Council has already put in place within its Constitution the majority of the requirements of the “new style” leader and cabinet model. The Executive supported this approach at its meeting on 13 July 2010 and Council further recorded its decision on 16 September 2010 that it was minded, subject to consideration of views received, to resolve at its meeting on 25 November 2010 to adopt the “new style” leader and cabinet executive arrangements for implementation on the third day after the elections in May 2011. This report seeks for that resolution to be formally passed.

Background

1. The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) requires all local authorities to review their executive arrangements and provide for the discontinuance of “old style leader and cabinet” executive arrangements.
2. The 2007 Act requires principal local authorities in England to operate one of the following models:-
 - A “new style leader and cabinet executive”; or
 - An elected Mayor and Cabinet.
3. The legislation sets out that the Council must resolve to move to the new arrangements by the end of December 2010 with the “new style” leader and cabinet executive arrangements coming into force on the third day after the elections for the Authority in May 2011.
4. The key features of the “new style” leader and cabinet executive are as follows:-
 - A councillor is elected as Leader for a 4-year term following the whole Council elections. The Leader’s term of office is extended beyond the 4th day after the local elections to the day of the first annual meeting after the Leader’s normal retirement as a Councillor;
 - The Council may have the power to remove the Leader during the 4 year term;
 - The Leader not only appoints the Cabinet, which will be between 2 and 10 in number, but will decide how the executive functions will be discharged;
 - The executive arrangements must include provision for the appointment of a Deputy Leader with the power to act in the Leader’s absence; and
 - The Deputy Leader is appointed by and may also be removed by the Leader.

Issues for Consideration

5. Council will be aware that “Closer to Communities...Capacity to Deliver”, the joint submission for Central Bedfordshire to the Secretary of State for Communities and Local Government, set out the proposals for the executive arrangements for the new Central Bedfordshire Council, namely the adoption of a “strong” leader model.

Provision in the Constitution

6. The Constitution Advisory Group was mindful of the requirements of the Local Government and Public Involvement in Health Act 2007 and the current Constitution was drafted on the basis of the new style Leader and cabinet executive as far as could be accommodated within existing statutory provisions. As elections are to be held in 2011, the current Leader was elected for a two year term of office but the current Constitution already provides for:-
 - (a) the Leader to be elected by the Council until the next election of all members of the Council (ie: for a 4 year term from 2011);
 - (b) the Leader may be removed by the Council;
 - (c) the Leader to appoint the Executive, allocate portfolios and delegate executive functions to executive committees, portfolio holders and officers; and
 - (d) the Leader to appoint a Deputy Leader with power to act in the Leader’s absence, and for the Leader to be able to remove the Deputy Leader.
7. The Constitution therefore already contains the statutory provisions required by the Local Government and Public Involvement in Health Act 2007.

Extension of Leader’s Term of Office to the day of the first AGM after the election

8. However, there is one provision which cannot be implemented until the new model is adopted, namely to extend the Leader’s term of office as a Councillor beyond the 4th day after the local elections, to the day of the first annual meeting after the Leader’s normal retirement as a Councillor. The Constitution would need to be amended to reflect this statutory change.

Option of Strengthened Mayor and Cabinet Model

9. The other option available under the Act is, as stated in paragraph 2 above, a strengthened mayor and cabinet model. The bid for unitary status proposed, as set out in paragraph 5 above, that the “strong leader” and cabinet model should be adopted for Central Bedfordshire. Any decision other than to adopt the new style Leader and cabinet model would therefore be contrary to the unitary bid submitted to and endorsed by the Secretary of State.

10. Before drawing up proposals for change, authorities must take “reasonable steps” to consult the local government electors and other interested parties in the area.
11. If this option were to be proposed the Authority would have to draw up proposals, which should be a schedule of proposed changes to the Constitution and an implementation timetable and must have regard to the impact of the revised executive arrangements in terms of economy, efficiency and effectiveness. If the consultation guidance is to be strictly complied with, a period of some 12 weeks should be allowed for public consultation.
12. The Central Bedfordshire bid submission and the Council’s current executive arrangements are already based on the “new style” leader and cabinet executive (indirectly elected Leader with a 4-year term). The bid was subject to wide consultation at that time, both with the public and with key stakeholders.
13. The coalition Government recently issued a statement urging local authorities not to devote unreasonable expenditure on extensive consultations about the model the council will adopt. Further publicity has therefore been restricted to publication of a press release on the Council’s website of its stated intention, expressed at the Council meeting on 16 September 2010, to retain the “strong leader and cabinet executive” model. The press release has been on the Council’s website since 17 September 2010.

Formal Council Resolution

14. Members should be mindful that even if it is determined to retain a Leader and cabinet model, there is still a statutory requirement to pass a formal Council resolution before 31 December 2010 to adopt the “new style” of leader and cabinet arrangements which then come into effect 3 days after the local elections in May 2011.

Amendment of the Constitution

15. Additionally the Constitution would need to be amended to reflect the extension of the Leader’s term of office as referred to in paragraph 7 above. The consequential drafting amendments would be placed before the Constitution Advisory Group for its consideration.

Appendices: None.

Background Papers: None

Location of papers: N/A

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