

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



please ask for Jonathon Partridge

direct line 0300 300 4634

date 22 August 2013

NOTICE OF MEETING

SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE

Date & Time

Thursday, 5 September 2013 10.00 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE:

Cllrs D McVicar (Chairman), A R Bastable (Vice-Chairman), Mrs R B Gammons, Ms A M W Graham, R W Johnstone, K C Matthews, T Nicols, B Saunders and P Williams

[Named Substitutes:

R D Berry, D Bowater, Mrs C F Chapman MBE, D Jones, A Shadbolt and M A Smith]

All other Members of the Council - on request

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

AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Members' Interests**

To receive from Members any declarations of interest and of any political whip in relation to any agenda item.

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

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

4. **Minutes**

To approve as a correct record the Minutes of the meeting of the Sustainable Communities Overview and Scrutiny Committee held on 25 July 2013 and to note actions taken since that meeting.

5. **Petitions**

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

6. **Questions, Statements or Deputations**

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

7. **Call-In**

To consider any decision of the Executive referred to this Committee for review in accordance with Procedure Rule 10.10 of Part D2.

8. **Requested Items**

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

REPORTS

Item	Subject	Page Nos.
9	Executive Member Update To receive for information a verbal update from the Executive Members for Sustainable Communities.	*
10	Planning Enforcement Plan To consider the draft Planning Enforcement Plan prior to consideration by the Executive.	* 13 - 44
11	Work Programme 2013/14 and Executive Forward Plan To consider the currently drafted Committee work programme for 2013/14 and the Executive Forward Plan.	* 45 - 74

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Thursday, 25 July 2013.

PRESENT

Cllr D McVicar (Chairman)
Cllr A R Bastable (Vice-Chairman)

Cllrs	Mrs R B Gammons	Cllrs	T Nicols
	R W Johnstone		B Saunders
	K C Matthews		P Williams

Apologies for Absence: Cllrs Ms A M W Graham

Substitutes: Cllrs M A Smith (In place of Ms A M W Graham)

Members in Attendance:	Cllrs	P N Aldis	
		D Bowater	Vice-Chairman of the Council
		I Dalgarno	Deputy Executive Members for Sustainable Communities - Services
		A Shadbolt	
		B J Spurr	Executive Member for Sustainable Communities - Services
		M A G Versallion	Executive Member for Children's Services
		B Wells	Deputy Executive Member for Sustainable Communities - Services
		J N Young	Executive Member for Sustainable Communities - Strategic Planning and Economic Development

Officers in Attendance:	Mrs J Dickinson	–	Head of Leisure Services
	Mr J Gleave	–	Senior Strategic Transport Officer
	Mr I Melville	–	Head of Service Development
	Mr J Partridge	–	Scrutiny Policy Adviser
	Mr T Saunders	–	Assistant Director, Planning
	Ms S Templeman	–	Senior Finance Manager
	Ms S Wileman	–	Service Development Manager

SCOSC/13/24 **Members' Interests**

Cllr Bastable declared an interest in Item 11 (East-West Rail) as he had previously attended Parish Council meetings at which the matter had been discussed, although he had not formed an opinion relating to the plans.

SCOSC/13/25 **Chairman's Announcements and Communications**

There were no announcements.

SCOSC/13/26 **Minutes**

RESOLVED

That the Minutes of the previous meeting of the Sustainable Communities Overview and Scrutiny Committee held on 06 June 2013 be confirmed and signed by the Chairman as a correct record.

SCOSC/13/27 **Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Part D2 of the Constitution.

SCOSC/13/28 **Questions, Statements or Deputations**

The Chairman drew to the Committee's attention to a statement regarding item 11 (East-West Rail) that had previously been circulated to Members from Cllr S Clark. The Committee were informed there were two speakers who had agreed to speak at the commencement of item 11.

SCOSC/13/29 **Call-In**

The Panel was advised that no decisions of the Executive had been referred to the Panel under the Call-in Procedures set out in Appendix "A" to Rule No. S18 of the Overview and Scrutiny Procedure Rules.

SCOSC/13/30 **Requested Items**

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

SCOSC/13/31 **Executive Member Update**

The Chairman informed the Committee that an update had been circulated outside of the meeting by the Executive Member Strategic Planning and Economic Development pertaining to the Woodside Link and Sundon Rail Freight Interchange (RFI). A Member commented that the update regarding Sundon RFI did not contain a sufficient level of detail or provide any further detail than could have been provided in 2006. The Member insisted that further information be provided relating to the Section 106 (S106) agreement, timescales and road infrastructure related to the proposed RFI. In response the Assistant Director Planning stated that the briefing note was up to date and

that a Framework Plan was being drafted for public consultation in the Autumn and that consultation responses along with the plan would then be considered by the Committee and Executive. There would be no proposals relating to S106 until the planning application stage, which would be after the Framework Plan had been approved. It was the intention that ward Members would be made aware of the contents of the draft Framework Plan prior to the Framework Plan going out on public consultation.

Cllr Wells informed the Committee that a report on the BEaR Project would be submitted to a Special meeting of the Executive on 08 October 2013. The decision of Executive would be presented to the Committee after 08 October to enable Members to scrutinise the process. In response to a question Cllr Wells commented that further detail regards refuse collection could not be provided until the preferred bidder for the BEaR Project had been awarded. Cllr Wells also confirmed that the Executive's decision in October regarding the BEaR project was to agree a preferred bidder, the contract would not be awarded for another four to six months, within which there was time for Members to influence proposals further.

Cllr Dalgarno informed the Committee of developments relating to the Leisure Strategy and major investment at Tiddenfoot Leisure Centre. A Member queried the benefits to the wider community of the investment at Tiddenfoot Leisure Centre and whether consideration had been given to providing connectivity via the bypass to provide access to the leisure centre from the south and Houghton Regis. In response Cllr Dalgarno commented that further investment in Dunstable and Houghton Regis was being considered that would alleviate the need for residents to travel to Tiddenfoot.

Finally Cllr Spurr asked that his thanks be recorded to Cllr Aldis for raising a question at Council regards free swimming, which as a result the Council was now providing.

SCOSC/13/32 East-West Rail (Western Section)

The Chairman invited two registered speakers to address the Committee. In summary their concerns were as follows:-

Brogborough Parish Council

The Parish Council felt that Ridgmont was a more suitable calling location for a new hourly semi-fast service between Bedford and Milton Keynes. The station was more suitable than Lidlington for various reasons including employment, accessibility, car parking and impact on local traffic. The Parish Council said that they would welcome the use of the Ridgmont station and requested that full consideration be given to its use.

Lidlington Parish Council

The Parish Council commented that they had not yet met with East-West Rail representatives to discuss proposals to use Lidlington as a calling location for the new hourly semi-fast service between Bedford and Milton Keynes whereas other Parish Councils had. It was suggested that the proposals would be overbearing on Lidlington and would be to the detriment of local residents' human rights, affecting noise levels, destroying the community and making the

area unsafe for children. The Parish Council urged the Council to consider all the facts before agreeing the use of Lidlington.

The Assistant Director Planning introduced the report that set out the strategic nature of the route, the potential benefits and how the scheme would be funded. The Assistant Director highlighted that the Council's contribution to the project was 40% less than a contribution based purely on population. In addition the Senior Strategic Transport Officer responded to the issues raised by public speakers as follows:-

- Officers were aware of the views of Lidlington Parish Council, Lidlington had been referred to in the report as the potential location of a station in the area to maintain continuity with previous East-West Rail statements. However, no final decision had yet been made on the location of a station and all views were welcomed at the current stage regards the choice of station, which would be made available to the East-West Rail Consortium, which included local authorities, Network Rail and the Department for Transport.
- The East-West Rail Consortium was in the process of visiting all Parish Councils across the route, including Lidlington Parish Council.
- Due to the Council providing a financial contribution it had more say in the final proposals.
- An Environmental Impact Assessment (EIA) would be undertaken to assess the impact of electrification of the line and possible compensations.
- Network Rail were presently reviewing all level crossings to assess concerns, this included the crossing in Lidlington.

The Committee discussed the proposals and in light of the comments raised by the public speakers and the further information provided by officers raised the following comments and questions:-

- Ridgmont should be promoted by the Council as the logical and preferred choice as a calling station along this part of the route and had excellent locational advantages over Lidlington that would commend it as an excellent transport node.
- An EIA was essential to help determine the impacts of this part of the East-West Rail scheme and both the Council and local communities should have the opportunity to see and comment on the promoters EIA in due course.
- In comparison to other infrastructure schemes that were currently underway the amount of funding sought from the Council was fairly minor and the scheme would encourage investment.
- The importance of providing the scheme as early as possible to encourage greater connectivity locally.
- The importance of East-West Rail engaging with Parish Councils in a timely manner to take account of their views.
- An understanding that a contribution from local authorities along the route was expected by Government to enable the project to go ahead but that there was flexibility in the sources of funding used by the Council to make its contribution to the scheme. It was noted that CIL could be used by the Council to help it make its contribution, but there were other potential sources that the Council could consider.

- In light of the expansion of the population and the need to create jobs locally, the East-West Rail project was considered essential.
- An understanding that there might be the potential for a spur at Brogborough to improve access for freight at the adjacent logistics business park. It was understood that a spur was not part of this project but there may be opportunities in the future.
- The EIA should include consideration of public health matters including the issue raised that there were studies linking electrification of rail lines and cases of leukaemia.

RECOMMENDED:-

- 1. That Executive express the Council's support for the East-West Rail Western Section with a preference for the new Bedford to Oxford/Reading rail service to include a stop at Ridgmont station.**
- 2. That Executive recommends to Full Council the inclusion of the Council's contribution to the East-West Rail Western Section in future updates of the Capital Programme.**
- 3. That Officers maximise their works in kind and seek other funding sources for the Council's contribution to the East-West Rail Western Section where possible.**

SCOSC/13/33 Physical Activity Strategy

Cllr Dalgarno introduced the draft Physical Activity Strategy and referred to the three stages of the methodology used in its development. He also outlined the key issues that had been raised during the audit and assessment process, which had led to the development of four emerging strategic priorities.

In response to the report the Committee discussed several issues in detail as follows:-

- The need to clarify what activity took place in Town & Parish Councils.
- Why the strategy excluded private health clubs. The Head of Leisure Services commented that private health clubs were considered to be a barrier to accessing sport/activity due to cost and the Council had less influence to direct their programmes. Whilst information regarding the usage of private health clubs continued to be recorded the Head of Leisure Services agreed to amend this reference.
- Concerns that the report was very informative but did not provide definitive actions or recommendations that would impact on development control or planning. Cllr Dalgarno commented that there would be more specific detail and an action plan set out in other chapters that would be presented to the Committee. Other chapters would also set out the ways in which the Council was working with the Health and Wellbeing Board to deliver priorities.
- Concerns that no single agency was cited as having overall responsibility for providing, developing or promoting physical activity. Cllr Dalgarno commented there would be significantly more coordination between partners in order to deliver long-term benefits to residents.

- The importance of funding being allocated to rural communities, for schemes such as outdoor gyms, so that residents could be involved in sport and physical activity closer to home. The Deputy Executive Member commented that funding was provided through Sport England and the Health and Wellbeing Board to deliver schemes in smaller villages. It was important that the Council was a facilitator for activity to take place rather than forcing people to drive elsewhere or providing the funding for the activity.
- The importance of a joined-up approach between partners to inform residents of the sport and physical activities that were available to them. Cllr Dalgarno commented that a more joined up approach was being developed in relation to the delivery of health checks at Leisure Centres. The use of schools to deliver sport and physical activities was also considered to be a key part of the strategy moving forward.
- The need to define the meaning of 'inactive'.

RECOMMENDED

That the comments of the Committee be taken into consideration prior to the adoption of the Physical Activity Strategy and that the Council takes strong action to access money to support the delivery of the Strategy via Bedfordshire and Luton County Sports Partnership and the Health and Wellbeing Board.

SCOSC/13/34 Capital Budget Monitoring Report

The Senior Finance Manager introduced the provisional annual capital expenditure and external funding report for 2012/13 for the Sustainable Communities directorate and drew attention to the £19.188M expenditure and further detail on major schemes completed in 2012/13.

NOTED the report.

SCOSC/13/35 Revenue Budget Monitoring Report

The Senior Finance Manager introduced the provisional revenue outturn for 2012/13 for the Sustainable Communities directorate and highlighted the provisional underspend of £879K after the use of reserves. The Committee were also informed that £700K additional capital funding for 2013/14 was due to be spent on pot holes. The Assistant Director Planning also commented that there had been increased revenue generated from pre-application charges and planning performance agreements. The Executive Member for Sustainable Communities Services informed the Committee that although Amey delivered repairs to pot holes it was the Council that funded these. As a result of a bad winter there had been an overspend resulting from pot hole repairs.

The Executive Member Strategic Planning and Economic Development commented on the directorate's success in relation to achieving efficiency targets and developments in relation to Adult Skills, which would be fully self-funded from 2013/14. The Committee were also informed that the Local Transport Board had recently agreed to recommend a £10M contribution from central government to the Woodside Link.

Cllr Wells also informed the Committee savings would be achieved in Environmental Services for 2013/14.

NOTED the report.

SCOSC/13/36 **Q4 Performance Monitoring Report**

The Acting Head of Service Development introduced the quarter four performance report from Sustainable Communities and commented that future reports would be set out as per the new directorates.

In light of the report and the further guidance provided the Committee discussed in details concerns regarding performance of the number of recorded anti-social behaviour (ASB) incidents. Members raised concerns that the police were not responding adequately to incidents of ASB and as a result residents had stopped reporting them. The response in rural areas in particular was considered to be inadequate. Members also queried why there had been such a change in the reported numbers of incidents between quarters three and four (2012/13) and whether the figures provided any assurance of accuracy of reporting. The Acting Head of Service Development informed the Committee that the police were trying to improve the accuracy of their data although it may take a year before there was a sufficient amount of data to see an accurate trend.

In light of the discussion the Committee requested that the Police and Crime Commissioner be invited to attend a future meeting to discuss incidents of ASB. It was also requested that the Head of Community Safety present a report to a future meeting providing an overview of ASB incidents in Central Bedfordshire and if possible a breakdown of these incidents by area.

The Executive Member for Sustainable Communities Services also drew the Committees attention to the high level of satisfaction of adults with the library service.

Noted the report.

SCOSC/13/37 **Work Programme 2013/14 and Executive Forward Plan**

The Committee discussed the current work programme and the latest forward plan and requested the following amendments:-

- The addition of an item relating to performance on recording incidents of anti-social behaviour.
- The addition of an item relating to the Council's parking strategy and performance of automatic number plate recognition (ANPR). The Committee agreed this should also include analysis of all income from 2012/13 received from car parks and penalty charge notices (PCNs), resulting both from parking and ANPR. The Committee also requested that a breakdown be provided to show where income received through PCNs had been spent. If possible the Committee requested that the analysis be broken down by town.
- Amendments to the dates for an item on the BEaR project.

In addition to these amendments to the work programme a Member reiterated his disappointment regarding the update provided to Members on the Sundon Rail Freight Interchange and the need for information up front so that Members could manage the situation locally. In response the Executive Member for Sustainable Communities Strategic Planning and Economic Development commented that there was presently no further detail as a masterplan, planning brief and/or planning application did not exist. The Executive Member was meeting with Prologis following which he would share information with Members as soon as it became available, it was anticipated that a planning application would be prepared by early 2014.

RESOLVED

That the work programme be endorsed subject to the amendments detailed above.

(Note: The meeting commenced at 10.00 a.m. and concluded at 12.30 p.m.)

Meeting: Sustainable Communities Overview and Scrutiny Committee
Date: 05 September 2013
Subject: Planning Enforcement Plan
Report of: Cllr Nigel Young, Executive Member for Sustainable Communities – Strategic Planning and Economic Development
Summary: To consider the draft Planning Enforcement Plan attached at Appendix A for comment prior to consideration by Executive on 24 September 2013. This document is a revision of the Central Bedfordshire Planning Enforcement Policy that was adopted by the Council on 10 November 2009, and has been updated in line with Government guidance and changes in legislation.

Advising Officer: Trevor Saunders, Assistant Director of Planning
Contact Officer: Sue Cawthra, Planning Enforcement and Appeals Team Leader
Public/Exempt: Public
Wards Affected: All
Function of: Executive

CORPORATE IMPLICATIONS

Council Priorities:

1. The Planning Enforcement Plan will support the following Council priorities:
 - Enhancing Central Bedfordshire – by balancing the need to protect the environment from the harmful effects of unauthorised development while promoting growth. To enhance the environment the Plan seeks to take a pro-active approach where resources allow, using enforcement powers to co-ordinate environmental improvement.
 - Great universal services – providing an effective planning enforcement service in line with the Planning Enforcement Plan will help maintain public confidence in the Council and its intent to respond effectively when investigating and actioning breaches of planning control.

Financial:

2. Taking formal planning enforcement action incurs financial costs for legal expenses and Court costs, for which there is an existing budget. Exceptional cases may require additional funding.

Legal:

3. Enforcement action is a discretionary power, but where expedient to take formal action, this is subject to prior consultation with the Council's Lawyer.

The Planning Enforcement Plan sets out how the Council will provide the planning enforcement service in accordance with the requirements of the Town and Country Planning Act and other Government Regulations.

Risk Management:

4. The Plan will be implemented in accordance with the Council's policies on risk management.

Staffing (including Trades Unions):

5. Not Applicable.

Equalities/Human Rights:

6. The Council must act within the principles of the Human Rights Act 1998 and The Equality Act 2010 and ensure that unlawful discrimination is eliminated, and that all enforcement action is taken in a fair and consistent manner. As part of the development of the plan, consideration has been given to the need to ensure that processes and procedures are accessible, appropriate and proportionate in respect of the needs of all sections of the community. Human Rights and Equality issues are taken into account where required during the various aspects of the planning enforcement process.

Public Health

7. Resolving breaches of planning control and using enforcement powers to co-ordinate environmental improvement will help reduce the potential for adverse health impacts as a result of unauthorised development.

Community Safety:

8. The Enforcement Plan will be implemented in accordance with the Council's policies on community safety under Section 17 of the Crime and Disorder Act 1998. Given that enforcement action has the potential to exacerbate neighbour disputes; it remains a matter of policy and practice that all complainants' details are kept confidential.

Sustainability:

9. Positive implications for the environment are that planning enforcement is part of the Council's Development Management service to promote quality buildings and environment in accordance with Government policies and the Council's development plan strategies.

Procurement:

10. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:-

1. **Consider and comment on the draft revised Planning Enforcement Plan prior to it being considered for adoption by Executive Committee on 24th September 2013.**

11. The Planning Enforcement Plan is a revision of the Central Bedfordshire Planning Enforcement Policy that was adopted by the Council on 10th November 2009. The revised Plan has been drafted to take account of guidance from the National Planning Policy Framework (NPPF), introduced in March 2012 and changes in legislation. The NPPF states in paragraph 207:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”

12. The revised Planning Enforcement Plan explains breaches of planning control and the procedure for investigating these breaches, notifying parties and prioritising action. It also explains what enforcement action can be taken and that the Council will try to resolve problems through negotiation wherever possible, but will use powers of formal enforcement action when all else fails and it is expedient to do so.
13. The Central Bedfordshire Planning Enforcement Plan carries forward the Mid Beds Policy and the Central Bedfordshire Policy. The key changes put forward by the revised Plan are as follows:
 - Guidance from the National Planning Policy Framework as detailed in paragraph 12.
 - Human Rights and Equality Act considerations to ensure that unlawful discrimination is eliminated.
 - Pro-active action for untidy land, advertisements and compliance with Conditions.
 - Updates and new powers introduced by new planning legislation including the Localism Act, including increased powers for action on advertisements and concealed development and for serving Temporary Stop Notices on caravans used as main residences.
 - Increased notification to interested parties including when an appeal is submitted and a Notice is complied with.
 - Explanation of the planning enforcement process, the formal action process, and serving an Enforcement Notice by flow charts and case study.
14. In addition to responding to complaints of alleged breaches of planning control, the Central Bedfordshire Plan advocates a pro-active approach and to use enforcement powers as part of co-ordinating environmental improvements within available resources.

Appendices:

Appendix A – Planning Enforcement Plan

Background papers and their location: (open to public inspection)

National Planning Policy Framework

Location of papers: Priory House, Chicksands

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Appendix **A**

Regeneration

Planning Enforcement Plan

DRAFT

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DRAFT

1. Introduction

1.1 Central Bedfordshire is mainly rural in character but has villages and towns with many listed buildings and conservation areas. There are also many thriving businesses and there is pressure for residential development, so the Council has to take great care in balancing the need to protect the environment from the harmful effects of unauthorised uses and development while promoting growth.

1.2 National guidance on planning enforcement is given in the National Planning Policy Framework and is also detailed in Circular 10/97 - Enforcing Planning Control, and in the accompanying Good Practice Guide for Local Authorities. Government policy guidance within the National Planning Policy Framework makes it clear that enforcement action is a discretionary power, and that Local Planning Authorities should act proportionately in responding to suspected breaches of planning control. Government guidance also advises that action should be taken by the Local Planning Authority only when it is expedient to do so, and that enforcement action should not be taken simply to remedy the absence of a planning permission where development is acceptable on its planning merits, and advises that planning permission may be granted retrospectively to regularise development already carried out.

1.3 This document details the Council's planning enforcement policy within the framework of the general Central Bedfordshire Enforcement Policy. In taking enforcement action for breaches of planning control, the Council must have regard to the Government's Enforcement Concordat and the Regulatory Compliance Code. The Council must also act within the principles of the Human Rights Act 1998 and The Equality Act 2010 and ensure that unlawful discrimination is eliminated, and all action is taken in a fair and consistent manner.

1.4 The Council's planning enforcement service operates within the Government guidance and tries to resolve problems through negotiation wherever possible, leaving confrontation and prosecution as a last resort. However, the Council will use the powers of formal enforcement action where all else fails and it is expedient to do so. Under the Town and Country Planning legislation there are time limits with regard to when enforcement action can be taken, which means that in some instances development and/or change of use of land is immune from enforcement action after either four or ten years.

1.5 Although we aim to deal with and close the majority of enforcement cases within six months, some cases can take a considerable time to resolve, for example due to full investigation, negotiation or formal enforcement action. Also there is the right of appeal against an Enforcement Notice that would further delay matters, as action is held in abeyance pending the outcome of the appeal.

1.6 The Council aims to raise the profile of planning enforcement, as an effective enforcement function is essential to a credible planning service. While it may not always be an offence to carry out development without planning permission, it cannot be assumed that planning permission will be granted for the development retrospectively, and any unauthorised development will be at risk of further action by the Council.

1.7 Planning Enforcement is part of the Council's Development Management service to promote quality buildings and environments in accordance with Government policies and

the Council's development policies as detailed in the Development Strategy for Central Bedfordshire. The Council seeks to take a pro-active approach and to use enforcement powers as part of co-ordinating environmental improvements, for example to identify and take action in respect of the harm caused to the amenity of an area due to empty shops in town centres and unauthorised advertisements. This pro-active approach will be taken when resources allow.

1.8 As a unitary single-tier Authority, the Council also fulfils the role of Minerals and Waste Planning Authority. Alleged breaches of planning control involving minerals or waste related development are investigated and, if necessary, enforced against by the Minerals and Waste Team.

What we aim to do

1.9 Central Bedfordshire Council aims to provide a high quality re-active and pro-active approach to planning enforcement within the resources available. The Council currently receives in excess of 700 complaints a year requiring re-active response. The Council aims to provide the principles of good enforcement as follows:

- To publish clear standards of service and performance through this enforcement plan.
- To investigate alleged breaches of planning control.
- To resolve investigations through negotiation and without formal action whenever possible, but formal action will be taken if it is expedient to do so.
- To take action as appropriate to resolve breaches of planning control in the public interest, having regard to all material planning considerations.
- To be consistent in our investigations and decisions and take the necessary action having regard to the policies of the Development Plan, national policies, and the particular circumstances of the site and surrounding area and the level of harm being caused by the breach of planning control.
- To provide information and advice at appropriate times to interested parties on planning enforcement cases and issues. We do however keep complainants details confidential.
- To provide an accurate, efficient, good quality service to members of the public, Councillors and others who require expertise on planning enforcement issues.
- To provide a pro-active approach to planning enforcement within resources available, including monitoring housing developments for compliance with pre-development conditions, and monitoring mineral sites for compliance with all conditions attached to planning permissions.

2 Breaches of planning control

Planning Control

2.1 A breach of planning control includes the following:

- Carrying out development without the required planning permission
- Failing to comply with any condition or limitation, subject to which planning permission has been granted
- Carrying out certain changes of use without planning permission
- Carrying out certain demolition work in a conservation area without consent
- Carrying out works to a listed building or protected tree without consent
- Displaying certain advertisements without consent
- Neglecting land or buildings to an extent which causes harm to local amenity.

2.2 Certain breaches of planning control constitute criminal acts from the outset and can be subject to high penalties. Such breaches include: -

- Unauthorised work to a listed building
- Unauthorised advertisements
- Unauthorised demolition of certain unlisted buildings in a conservation area
- Unauthorised works to “protected” trees

2.3 We receive over 700 queries a year relating to allegations of breaches of planning control. Many of these are found not to be a breach of control at all; others range from small-scale breaches to serious breaches causing impact on visual amenity, general amenity or on highway safety.

2.4 There are certain issues that we cannot take into account when assessing an alleged breach because they are not planning matters. These include: -

- Loss of value to property
- Competition with other businesses
- Rights to a view and light
- Trespass or boundary disputes
- Breaches of a covenant

2.5 These are likely to be private civil matters in which the Council has no legal right of intervention.

Retrospective Planning Applications

2.6 Section 70C of the Town and Country Planning Act 1990 enables the Council to decline to determine a planning application for the development of land where a pre-existing enforcement notice has been served in respect of that development. This power is discretionary and need not be exercised when the Council recognises an obvious benefit of controlling the planning process. The decision not to determine a planning application lodged in such circumstances will be taken on a case by case basis. The factors which will be taken into account are:

- Nature and extent of unauthorised development

- Nature and extent of land developed with special regard to the unauthorised development of green field land
- Likelihood of planning permission being granted
- Loss of ability to impose planning conditions

2.7 If the Council decides not to determine a planning application because an Enforcement Notice has already been served, an appeal can still be submitted to the Planning Inspectorate against the Enforcement Notice within 28 days of the Notice being served. One of the grounds of appeal is that planning permission should be granted. If an appeal is submitted this holds further action in abeyance pending the outcome of the appeal.

Building Control

2.8 Building control is dealt with separately to planning control and is not covered in this plan. Building control operates under its own Building Control Policy, and checks that when buildings are constructed and altered that the health, safety and welfare of people using them are ensured. Building Control also checks that dangerous structures are made safe and that demolitions are carried out in as safe a manner as possible. Checks can be made between the plans submitted for building control and the approved plans for planning permission to ensure that there are no major discrepancies between the proposals on the plans.

3 Reporting alleged breaches of planning control

3.1 We rely on the public to help us identify breaches of planning control. We can receive reports of potential breaches in writing addressed to the Planning Enforcement Team or Minerals and Waste Team by letter or e-mail, or on-line by completing the enforcement complaints form. Alleged breaches involving minerals and waste will be logged and investigated by the appropriate officer within the Minerals and Waste Team. To make the service accessible to people, for example with low level of literacy, the Enforcement Team can also be contacted by telephone, and especially if the potential breach is urgent, for example relating to a listed building or protected tree.

3.2 Ward Councillors, Parish Councillors or Town Councillors may be contacted, however we give equal priority to an investigation through whatever route it is received.

3.3 In order to investigate a potential breach we would like as much information as possible, including: -

- The name and address of the complainant
- The name and address of the alleged contravener
- The location of the site
- What has happened, the length of time it has been happening and an indication of whether it is still continuing
- An explanation of the harm that it is causing the complainant specifically, and the area generally

3.4 It is our policy not to reveal any information that is likely to identify the complainant, in line with the Data Protection Act 1998. We may be asked to reveal information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Any decision we make to reveal any information would need to show that there is a public interest in doing so.

3.5 The Planning Enforcement Team can be contacted at Priory House, Chicksands, Shefford SG17 5TQ, telephone 0300 300 8307 or 0300 300 8000.

3.6 The Minerals and Waste Team can also be contacted at Priory House, Chicksands, Shefford SG17 5TQ, telephone 0300 300 8307 or 0300 300 8000.

4 Priorities for action

4.1 Due to the serious nature of some of the complaints we receive and the length of time that it takes to investigate some alleged breaches of planning control with existing resources, it is essential that we prioritise cases in accordance with the severity of their environmental impact.

4.2 We also actively undertake certain specific projects pro-actively, when resources allow, for example identifying run down properties in town centres and taking action to promote environmental improvements. Such projects are also prioritised in accordance with the severity of their environmental impact. Prioritisation for dealing with complaints re-actively and undertaking projects pro-actively is carried out as follows:

1. High priority cases

- Ongoing Court or Appeal proceedings against a breach of planning control
- Unauthorised development or works with the potential to cause serious irreparable harm, (for example unauthorised works to a Listed Building, demolition of buildings in a Conservation Area, works to a protected tree, deposit of waste on an environmentally sensitive site), and where significant harm to amenity is likely to be reduced by immediate action.

2. Medium priority cases

- Ongoing breaches of an effective Enforcement or other formal Notice
- Other new complaints of serious harm to the amenities of a neighbourhood, for example unauthorised development in a Conservation Area or inert waste crushing / screening activity.

3. Low priority cases

- An ongoing investigation where little or no harm has been identified or where harm is easily reparable.
- All other new complaints, for example householder development involving an outbuilding or fence/wall, and certain breaches of planning conditions

Timescales for Dealing with Complaints

1. High priority cases – A site visit will be made within one working day of receipt of the complaint and if a serious breach of planning control is established action will be commenced immediately

2. Medium priority cases – A site visit will be made within 5 working days and an initial assessment will be made within 10 working days

3. Low priority cases – A site visit will be made within 10 working days

5 Investigating complaints and notifying interested parties

See Flowchart 1 on page 15 for planning enforcement process

5.1 We will acknowledge all complaints of a potential breach of planning control within three working days of receiving it. We will give the complainant the name and contact details of the enforcement officer who will be investigating the complaint, and the case reference number.

5.2 Contact with the complainant, and the person who it is alleged has breached planning control will be in the appropriate format, in writing, by telephone or face to face.

5.3 The Enforcement Officers investigate alleged breaches of planning control on a geographical basis. They have therefore gained knowledge of an area and history of a site. Where a case involves minerals and waste and also other enforcement issues, an officer will investigate with expert advice from other Council officers and external agencies.

5.4 We will visit all sites within the timescales of priorities as detailed in Section 4. This is:

-

- Within one working day for high priority cases for example allegations of unauthorised works to a listed building
- Within 5 working days for medium priority cases for example allegations of unauthorised development causing serious harm to the amenities of a neighbourhood
- Within 10 working days for low priority cases for example allegations of an unauthorised outbuilding

5.5 We are authorised under the Town and Country Planning Act to enter land, without a warrant, to ascertain whether a breach of planning control has occurred, or been resolved or whether a formal Notice has been complied with. However we are required to give 24 hours notice to the occupier in the case of access to a dwelling house.

5.6 Within 10 working days of receipt of a complaint we will make an initial assessment of the allegation of a breach of control. This may include: -

- That no breach of planning control has occurred
- That a further site visit or further investigation is required
- That a breach of planning control has occurred and negotiation with the owner/developer is required
- That urgent action should be taken in order to prevent further harm to the amenities of a neighbourhood

Ward Member Notification and Delegation

5.7 For all new complaints in their Ward, we will notify the relevant Councillors as soon as possible, and at the latest within 2 working days of receipt of complaint. This notification

will consist of the address and the alleged breach of planning control. In most cases no investigation will have taken place at this stage.

5.8 Following investigation of the complaint we will notify the relevant Ward Councillors as soon as a breach has been established. This notification will include site details, the breach of planning control and a note of action taken to resolve the breach.

5.9 For cases where we have taken formal action, for example serving an Enforcement Notice, we will provide a brief update to Councillors through a report on the Development Management Committee agenda and will include for each case the breach of planning control, when a Notice was served, when it has to be complied with, whether an appeal has been submitted, and further notes and action.

5.10 Certain planning enforcement functions have been delegated to officers so that officers can make decisions on behalf of the Council without reference to Committee. However if formal enforcement action is proposed then this is subject to prior consultation with the Council's Managing Lawyer, and subject to the agreement of the Planning Enforcement Team Leader, and the Minerals & Waste Team Leader (where applicable) and notifying Ward Members.

5.11 The time it takes to resolve each enforcement investigation will vary depending on: -

- The nature of the alleged breach
- The extent of investigations that need to be carried out
- The harm which is being caused
- The resources that are available

5.12 Some cases can take a considerable time to resolve, for example due to full investigation, negotiation or formal enforcement action. However, we aim to resolve and close 80% of cases within 6 months of the receipt of the complaint.

5.13 We will keep interested parties informed throughout the investigation of complaints at key stages either in writing or by phone call.

5.14 We will inform Ward Members when an appeal against a formal Notice is submitted. An appeal holds any further action on non compliance with the Notice in abeyance. We will also inform Ward Members when a Notice is complied with, and if it has not been complied with, and what further action is proposed.

Non compliance with formal Notice

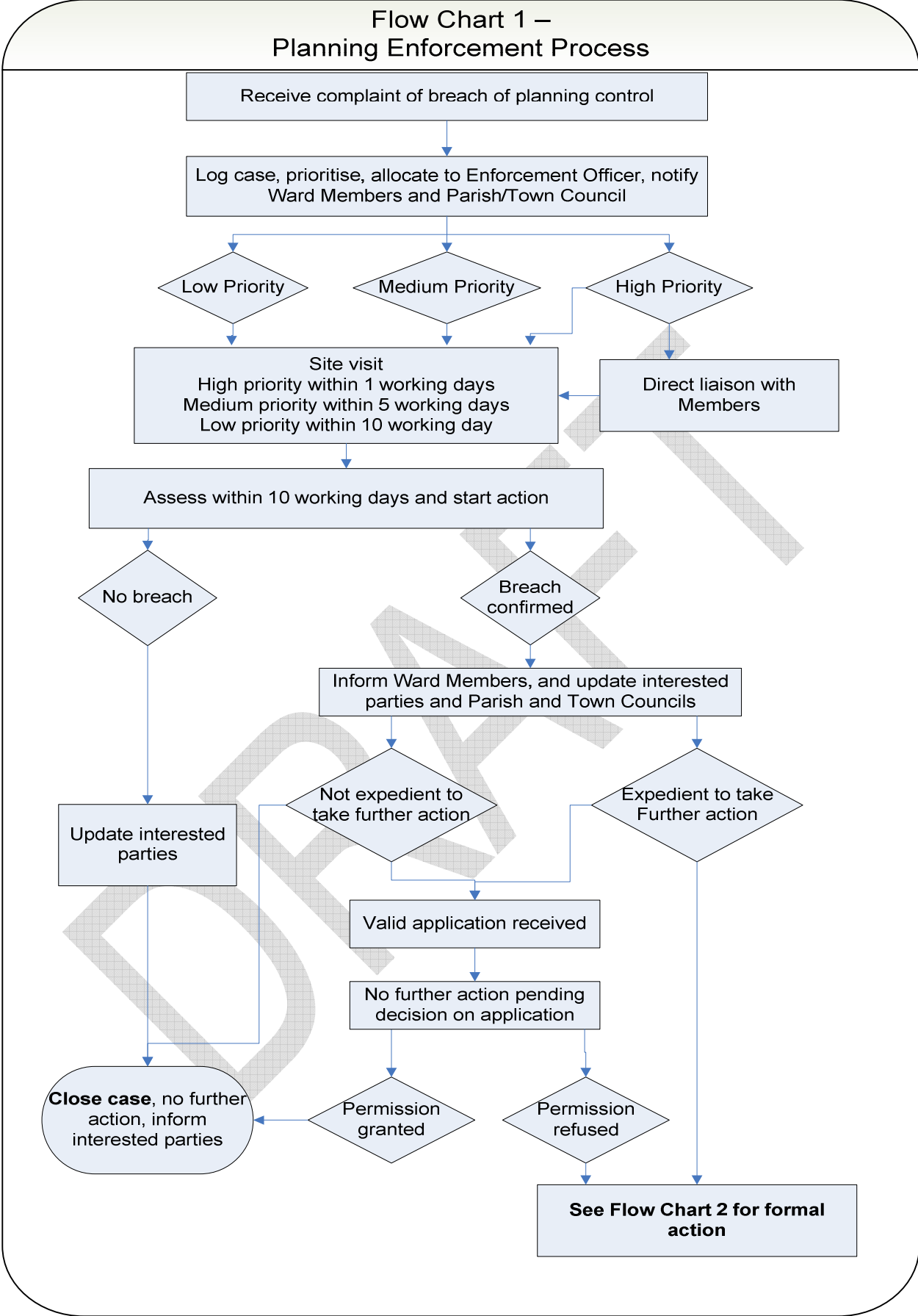
5.15 Where a formal Notice has been served, for example an Enforcement Notice, we will check compliance with the Notice on the compliance due date. If the Notice has not been complied with a report will be prepared and submitted to the Council's Solicitor for consideration of commencing prosecution proceedings, and the persons responsible will be informed of this action. In such cases external circumstances will be taken into consideration that may affect compliance with a Notice, for example weather conditions or personal circumstances, so that action taken by the Council is proportionate, and is in the public interest, and complies with the Equalities Act and the Human Rights Act.

No breach or not expedient to take further action

5.16 After undertaking an investigation we may decide not to take any further action. This might be because there is no breach of planning control or the works might be within the amount of development that can be carried out without planning permission. The exact details of what is 'permitted development' are set out by Central Government in the Town and Country Planning (General Permitted Development) Order 1995) and subsequent amendments.

We may decide not to pursue an enforcement investigation, even if there is a technical breach of planning control, because it is 'not expedient' to take action. This might be because the breach is minor and the harm it causes is not significant, and in our opinion formal action would not be in the public interest. In reaching such a decision we must balance the harm being caused against the likely success of any formal action. If there are other issues involved, for example noise nuisance we will refer the matter to the appropriate department to investigate. When deciding that it is not expedient to take planning enforcement action, a judgment will be made on the planning issues involved, the relevant government and local planning policies, the likelihood of planning permission being granted, and the likelihood of permission being granted on appeal. If it is decided that it is not expedient to take further action, then we will close the case file and notify everyone who has been involved in the investigation. We will also, without prejudice to the outcome, notify the owner that they can make a planning application to seek regularisation.

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6 Enforcement action for breaches of planning control

See Flowcharts 2 and 3 on pages 22 and 23 for planning enforcement formal action

6.1 After we have received and undertaken an investigation and established that there is a breach of planning control, we have a number of options available to assist in resolving the breach. Wherever possible we will try to resolve the breach through negotiation and compliance, but where this fails and it is considered expedient, we can take formal action straight away.

Minor breaches

Not expedient to take formal action

6.2 If the breach is deemed to be minor, and in planning terms has no significant impact on the neighbourhood, we may decide not to take any further action as it is considered that it is not expedient to do so. If the unauthorised development is such that it is in line with the relevant Development Plan policies, the Council will usually invite a “retrospective” application for planning permission. If it appears that the breach may be immune from enforcement action due to the passage of time, an application for a Lawful Development Certificate will be sought.

Major breaches

Expedient to take formal action

6.3 If planning permission is unlikely to be granted for the unauthorised development because of its detrimental impact on the neighbourhood then the Council will ask for the use to cease, or unauthorised development to be removed. The person(s) responsible for the unauthorised development will be made aware that formal action will be taken by the Council.

6.4 Officers have delegated powers to issue formal notices if it is expedient to do so having regard to the development plan and other material considerations. The Council must be able to justify taking formal action, and be sure that the steps specified in the notice and the period for compliance with each step is reasonable, so that the Council can justify the action taken in the event that an appeal is lodged against the formal notice.

6.5 When formal enforcement action is to be taken, we will seek to ensure that all people served with notices, including for example those with low literacy rates, or disabilities, understand what action is to be taken, and what is required by the notice.

6.6 The following formal action may be taken:

Planning Contravention Notice

6.7 This is the main method for The Council to obtain information on a suspected unauthorised development. It will set out a list of questions about the site, the development and land ownership. It is an offence to fail to comply with the requirements of the notice within the period set for its return, or to make false or misleading statements in reply.

Section 16 Local Government (Miscellaneous Provisions) Act 1976 and Section 330 Town and Country Planning Act 1990

6.8 These are primarily intended to establish information about the ownership and other interests in the land. It is an offence to fail to comply with the requirements of the notice within the period set for its return, or to make false or misleading statements in reply.

Breach of Condition Notice

6.9 In the first instance we would normally negotiate with the developer to try to secure compliance with conditions. If it is considered expedient to do so we will serve a Breach of Condition Notice on the developer or occupier of land when they do not comply with conditions imposed on a planning permission. There is no right of appeal to the Secretary of State against a Breach of Condition Notice. We will use this procedure in preference to the service of Enforcement Notices where appropriate. It is a criminal offence to fail to comply with a Breach of Condition Notice within the period for compliance specified.

Enforcement Notice

See Flowchart 3 on page 24 for planning enforcement formal action for Enforcement Notice.

See page 25 for Enforcement Notice case study

6.10 We will serve an Enforcement Notice on the developer, land owner or any one with an interest in the land when we are satisfied that there has been a breach of planning control and that it is appropriate to take formal action. Two Notices may be served to cover all breaches of control involving use of land and development and minerals and waste. The persons served with the Notice(s) must take the specified steps within a set time period. Failure to comply with an Enforcement Notice is a criminal offence, but there is a right of appeal to the Secretary of State through the Planning Inspectorate. An appeal suspends the effect of the notice until it is determined. If the recipient(s) lodge an appeal, we will tell all interested parties of the appeal and how they can make representations to the Planning Inspectorate. Once an Enforcement Notice has come into effect it is a criminal offence to fail to comply with it within the period specified.

Appeal against an Enforcement Notice

6.11 There is a right of appeal to the Secretary of State against an Enforcement Notice. If an appeal is submitted any further action is held in abeyance pending the outcome of the appeal. The Planning Inspector appointed by the Secretary of State may decide to uphold the appeal and quash the Enforcement Notice, grant planning permission for what is alleged in the Notice, dismiss the appeal, or dismiss the appeal but make revisions to the Enforcement Notice. If the appeal is dismissed, new periods of time to comply with the Notice will apply.

Planning Enforcement Order

6.12 The Localism Act has introduced the power for Local Planning Authorities to apply to the Magistrate's Court for a Planning Enforcement Order. We can apply for a Planning Enforcement Order if we discover a breach of planning control that has been concealed from the Council. If the Order is made by the Court we then have a further year in which to take formal action such as serving an Enforcement Notice. A Planning Enforcement Order is useful in situations where a use or development would become immune from enforcement action due to the passage of time (see paragraph 6.19), and where the Council can prove that the use or development has been deliberately concealed.

Section 215 Notice

6.13 We can serve these in relation to untidy land or buildings if it appears that the condition of the land or buildings has a detrimental impact on the amenity of an area. The use of Section 215 Notices is discretionary and the Enforcement Officer would decide if a Notice is appropriate in a particular case taking into account all the local circumstances and if it is in the public interest. The Notice requires the owners and occupiers of the land to take specific steps to secure an improvement in its appearance. Recipient(s) have a right to appeal to a magistrates' court if they consider the serving of the notice is unjustified. Failure to comply with the notice is an offence.

The following criteria and issues will be taken into account when assessing buildings or land for S215 action:

- The condition of the building, structure or land
- The location and prominence of the building, structure or land
- The historic or architectural importance of the building, or the affect of untidy land on the setting of adjoining historic buildings
- The impact on the street scene and general amenity
- The impact on a Conservation Area, if the land or building is situated within or adjoining one

Where areas such as town centre's are pro-actively identified for action under S215, the buildings and land will be assessed and scored according to the above criteria, and prioritised for action. Buildings or land with the highest score will be actioned first. In the first instance the landowners and occupiers will be informed in writing of the action they are required to take. They will be given 21 days to comply, after which we will decide if it is expedient to serve a formal S215 Notice.

Temporary Stop Notice

6.14 We can serve these where we consider it is necessary to stop the unauthorised activity or development immediately to safeguard the amenity of the area and prevent further irreparable harm. This differs from the normal Stop Notice powers as it is immediate and does not have to be accompanied by an Enforcement Notice. A Temporary Stop Notice can only stop any further development or use of land, it cannot require unauthorised works to be removed and it cannot prohibit the use of a building as a dwelling. A Temporary Stop Notice may now be served to prohibit the unauthorised stationing of caravans used as main residences. Before serving a Temporary Stop Notice for caravans for gypsies and travellers the Council will need to demonstrate an up-to-date five year supply of traveller sites, and that such action is proportionate having regard to the principles of the Human Rights Act and the Equality Act. A Temporary Stop Notice has effect for up to 28 days while we would consider what further enforcement action is necessary. There is no right of appeal to the Secretary of State but a judicial review can challenge the validity and propriety of our decision. Compensation may be payable for financial loss if the development or use of land is held to be lawful by granting a lawful development certificate.

Stop Notice

6.15 We can serve these with an Enforcement Notice, or after we have served an Enforcement Notice if we consider that continuing unauthorised development is causing irreparable and immediate significant harm. The Stop Notice continues to take effect even if an appeal is lodged against the Enforcement Notice. The Stop Notice does not come into effect until three days after we have served it. Work must stop immediately the Notice comes into effect. There are compensation liabilities if the Enforcement Notice is quashed, there is no right of appeal and failure to comply with the notice is an offence.

Injunction

6.16 We can apply to the County Court or High Court for an injunction to stop an actual or imminent breach of planning or listed building control, even when the identity of the person is unknown. We can seek an injunction whether or not other enforcement action(s) have been taken. However, the Council must prepare a high level of evidence to convince a judge that an injunction is necessary. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.

Prosecution

6.17 We can commence Court proceedings if a formal notice has not been complied with within the specified period. We will apply two tests in cases where a prosecution appears likely, consideration of which will be done in consultation with our legal advisors: -

- The evidential test. We will not start a prosecution unless there is sufficient, admissible and reliable evidence that the offence has been committed, and that there is a reasonable prospect of conviction.
- The public interest test. We will only bring a prosecution where this is in the public interest, and other methods of seeking compliance with a Notice have failed.

Court proceedings can take a considerable time, and further action may still be required to seek compliance with a Notice. A prosecution may be the Council's last resort, as the Council aims to resolve the breach of planning control and the harm this has caused to the neighbourhood, and not just to seek to punish those responsible for the breach of control.

Direct Action

6.18 We do have the power, in special circumstances and as a last resort, to ensure a formal notice is complied with by carrying out the required steps ourselves in default of the owner or occupier's action. We would consider direct action for example where a Section 215 (untidy land) Notice has not been complied with. We will seek to recover costs incurred from the owner. Where we cannot immediately recover costs we will register a charge on the property with the Land Registry.

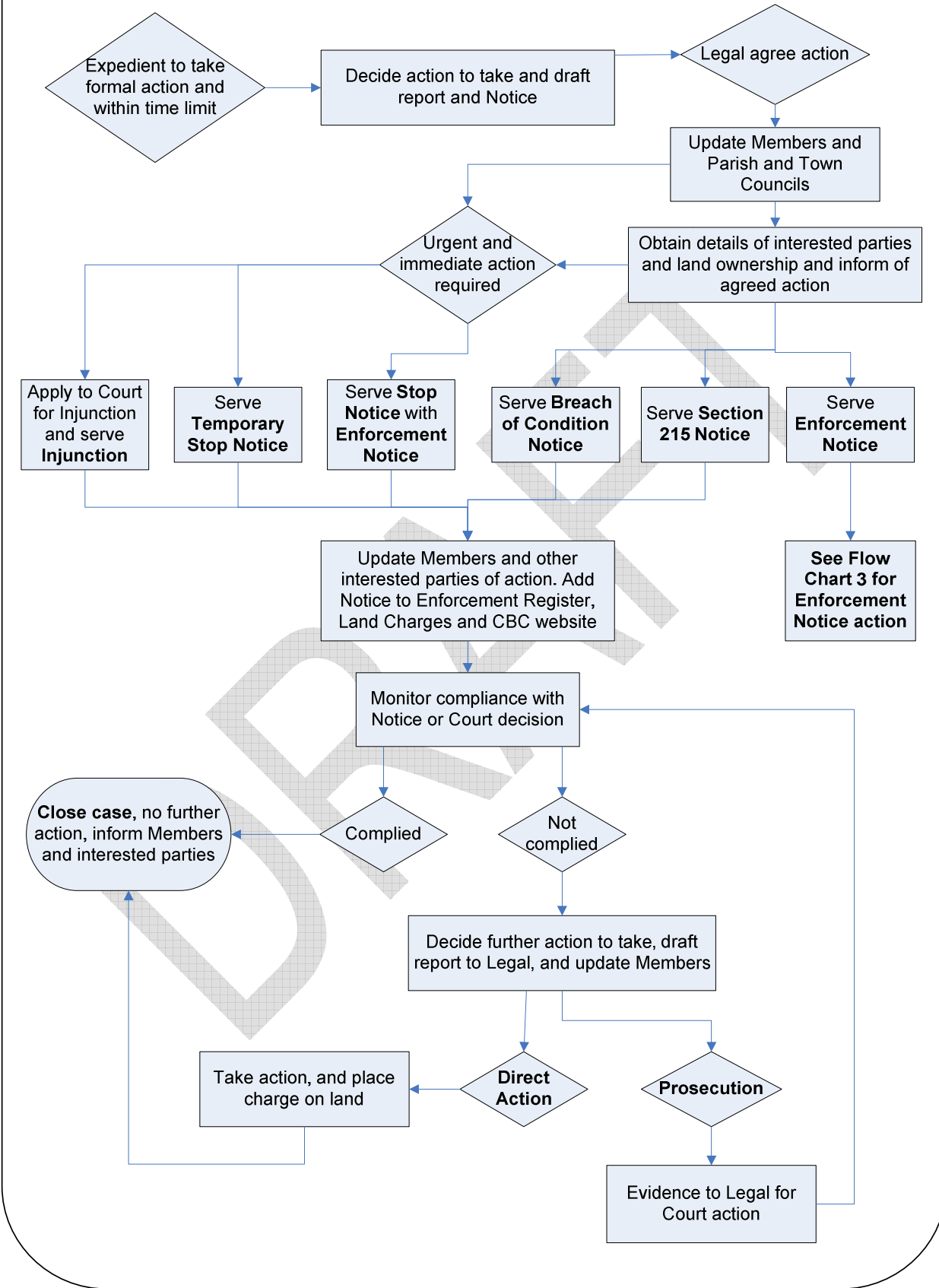
Time Limits for taking Enforcement Action

6.19 Under Town and Country Planning legislation there are time limits with regard to when enforcement action can be taken, but please see paragraph 6.12 for concealed uses and development. Development involving the erection of a building or structure or the change of use of a building to a dwelling is immune from enforcement action after four years from the breach of planning control. All other changes of use of land or buildings and breaches of conditions are immune from enforcement action after ten years from the breach of planning control (where continuous). There are no time restrictions to the issue of Section 215 (untidy land) Notices or action against unauthorised works to a listed building.

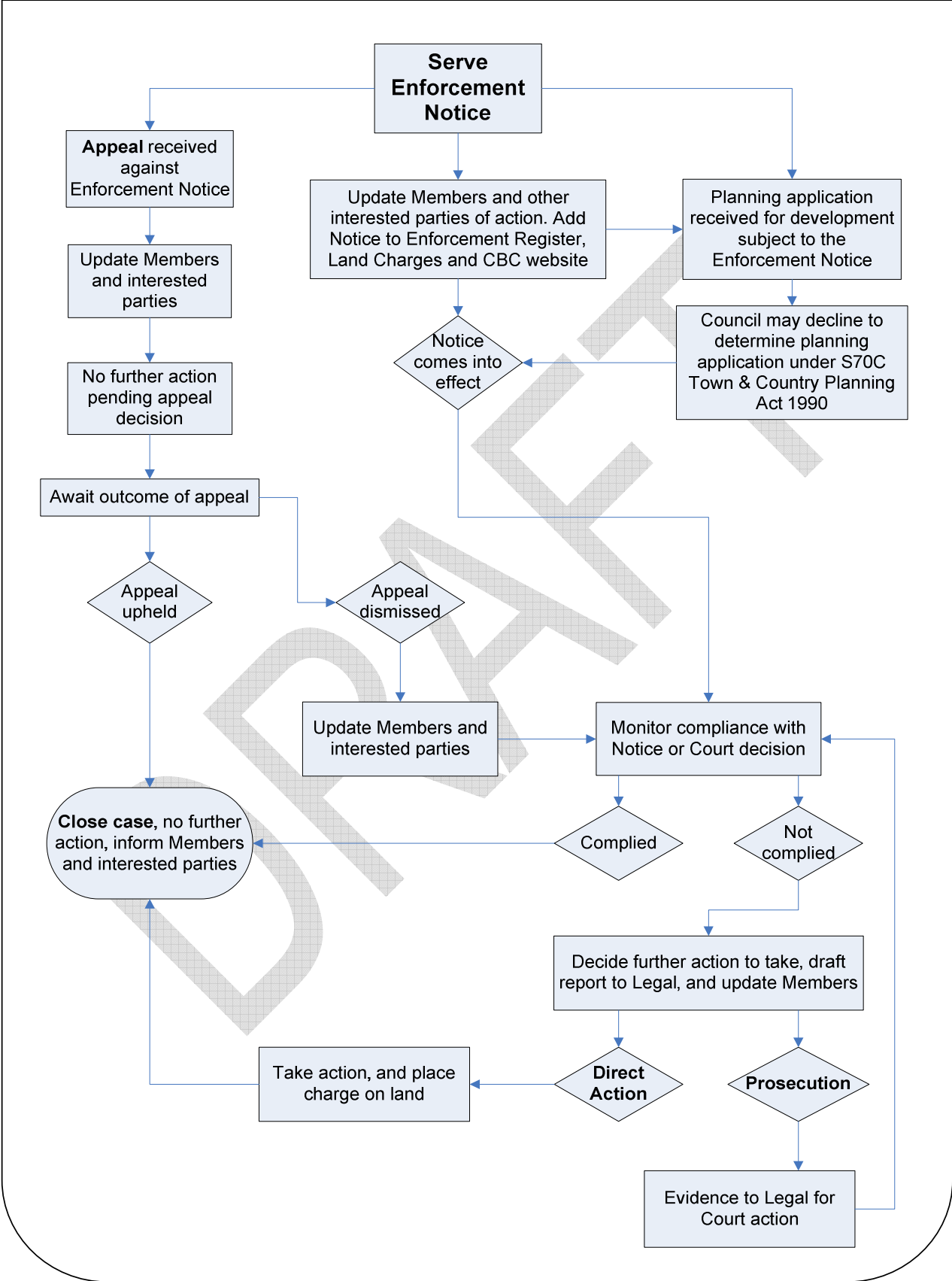
Planning Enforcement Register

6.20 When enforcement action has been taken, (for example serving an Enforcement Notice), the details are entered into the Planning Enforcement Register which is available for public inspection at the Council offices and on the Councils website at <http://www.centralbedfordshire.gov.uk/>

Flow Chart 2 –
Planning Enforcement Formal Action



Flow Chart 3 –
Planning Enforcement Formal Action for Enforcement Notice



Enforcement Notice Case Study

March 2012

Complaint from a neighbour received by the Planning Enforcement Team that a large building has recently been constructed in the rear garden of a neighbouring dwelling house, and that the building is being used as a gym by members of the public. The neighbour complains of increased noise and disturbance from traffic and people using the gym.

Enforcement case opened, all details of complaint recorded but kept confidential. Assessment of site history and planning history shows that there are no previous planning permissions for the building or its use.

Site visited, owner/occupier interviewed, and measurements taken of building. Initial assessment of case reveals that the building is permitted development not requiring planning permission providing it is used for residential purposes for the dwelling house. The use of the building is assessed as being for leisure purposes as a gym for use by members of the public who pay. This is not considered as low key working from home incidental to the residential use of the dwelling house because of the impact the gym has on neighbouring properties. This use requires planning permission, permission has not been granted, therefore there is a breach of planning control. It is considered that planning permission is unlikely to be granted due to the impact on neighbours.

April 2012

Breach of planning control is confirmed as a change of use of the outbuilding to use as a gym without planning permission. It is decided that it is expedient to take formal enforcement action because of the impact of the use that is contrary to Council and Government Policies and is unlikely to gain planning permission. Interested parties are notified, including Ward Members and Parish Council. Owner/occupier informed that formal enforcement action is to be taken if the use does not cease within a short timescale.

May 2012

Further site visit reveals that the gym use continues. A Land Registry Search or a Requisition of Information is carried out to find out the land ownership position because the Enforcement Notice must be served on all persons with an interest in the land.

Action report and Enforcement Notice is drafted and agreed with Council's Solicitor.

June 2012

Enforcement Notice is served on all persons with an interest in the land. The Notice has to have a period of time (not less than 28 days) before it takes effect, as the owner/occupier has the right to appeal against the Notice within the 28 days before it comes into effect. The Notice comes into effect in July 2012 and requires the use to cease within 2 months, (September 2012).

July 2012

A planning application is received by the Council to retain the use of the building as a gym for use by members of the public. The Council declines to determine this application as it is for the same use that the Council requires to cease in the Enforcement Notice.

An appeal against the Enforcement Notice is submitted to the Planning Inspectorate within 28 days of the Notice being served, and before the Notice comes into effect.

The Planning Inspectorate accepts the appeal and decides that the appeal will be determined by a public Hearing. The appeal process now holds further enforcement action in abeyance pending the outcome of the Hearing and the Planning Inspector's decision.

The Enforcement Notice has been appealed on several grounds, including that planning permission should be granted, that a change of use has not taken place because the gym is incidental to the residential use of the dwelling house, and that the 2 months time for compliance with the Enforcement Notice is too short.

All interested parties, Ward Members and neighbours are notified of the appeal and how they can submit their comments to the Planning Inspectorate.

September 2012

All appeal statements and further comments are prepared and submitted to the Planning Inspectorate who set an appeal Hearing date for December 2012. All interested parties including Ward members are notified.

December 2012

The appeal Hearing takes place and the Inspectors decision is awaited.

March 2013

Appeal decision received. The appeal is dismissed, planning permission is refused, and the Enforcement Notice is upheld, but the time for compliance is extended to 6 months from the date of the appeal decision to allow the owner time to relocate the business to alternative premises. The compliance date is September 2013.

September 2013

Site visit takes place to check compliance with the Enforcement Notice. The business use has ceased and the outbuilding is now used for purposes incidental to the residential use of the dwelling.

The planning enforcement case is closed, the breach of planning control is resolved, and all interested parties are informed.

7 Monitoring Conditions and Planning Obligations

Conditions on Planning Permissions

7.1 Planning permission is granted subject to certain conditions. Some of these may require that details or action be taken before any development takes place. These are pre development conditions. Others may require action at a later stage during development or when development is complete. It is important that these conditions are complied with and discharged at the appropriate time in order that the permitted development proceeds in accordance with the approved plans and details.

7.2 Conditions on planning permissions for mineral workings are monitored pro-actively by the Council's Minerals and Waste Team. When resources allow, the Council's Enforcement Team will pro-actively monitor pre development conditions on residential developments. The Council will also monitor conditions on residential developments relating to matters of strategic community benefit, such as the provision of play spaces. Other conditions will be monitored re-actively, that is when we receive complaints that a condition may have been breached. The Council will monitor compliance with conditions as follows:

1. Pre development conditions

7.3 These conditions require details or action before any work commences on the development. These conditions are highlighted in bold on the decision notice. Failure to comply with pre development conditions before development commences may invalidate the planning permission and/or lead to enforcement action.

Recent case law has sought to distinguish between conditions requiring no work to take place until certain actions have taken place or details submitted, and conditions which require details to be submitted before development commences. The former are true pre-development conditions. Case law will continue to influence our interpretation of pre-development conditions.

Some developments require building regulation approval as well as planning permission. From building control records we can check when certain developments have started, where the Council is carrying out the Building Control Service. Where an Approved Inspector is used for the Building Control Service we would check on site for works commencing. We will check that all pre development conditions on the corresponding planning permission have been discharged and complied with. If there are outstanding pre development conditions then we will action as follows: -

- If the outstanding details can be approved without invalidating the whole planning permission, then we will require that these be submitted within a certain time. The

developer will be informed that any further work would be at risk until these details are approved. If no details are submitted then we may serve a formal notice, usually a Breach of Condition Notice, to ensure compliance.

- If it is considered that pre development conditions cannot be discharged retrospectively, then the planning permission will be invalid and we may require all further works to cease on site until a new planning application is received, granted and pre development conditions discharged. A Temporary Stop Notice may also be served to ensure that no further work takes place, if it is considered expedient to do so.

2. Conditions to be discharged during development

7.4 Compliance with conditions will be monitored as development progresses either by the case officer or the monitoring officer to ensure that work progresses in accordance with approved plans and details. For example approval of materials and landscaping schemes.

Mineral extraction and landfill development can take place over an extended period, perhaps in excess of 20 years. In such cases it will still be necessary to monitor compliance with conditions throughout the course of the development.

3. Conditions following completion

7.5 Once the development is complete, monitoring of conditions would usually be as a result of a complaint received, for example that hours of operation are not in accordance with the hours permitted by a condition to the planning permission. This would be investigated as an alleged breach of planning control and may lead to either a Breach of Condition Notice or Enforcement Notice being served.

7.6 When a breach of condition has been established an enforcement case will be opened and investigated which could lead to a Breach of Condition Notice or other formal notice being served.

7.7 Current resources do not enable the planning enforcement team to monitor compliance with every condition on all planning permissions. If a decision is required as to whether a development is lawful, and has been built in accordance with a planning permission, an owner or occupier can apply for a Certificate of Lawful Development, which if granted would prove lawfulness.

Planning Obligations

7.8 Planning obligations are Planning Agreements or Unilateral Undertakings that relate to a development and aim to make the development acceptable.

7.9 Planning Agreements, also known as Section 106 Agreements, are agreements made between the Local Planning Authority and a developer. Unilateral undertakings are made by the developer. Both aim to make proposed development acceptable and accord with planning policies. Such obligations may restrict development or use of land, may require certain operations to be carried out, or may require payments to be made to the Authority.

7.10 The Council monitors the planning obligations to ensure that operations are carried out and payments made within the required timescales.

7.11 Planning obligations run with the land so if the terms of an obligation are not complied with any enforcement action may be taken against persons acquiring an interest in the land. Should there be a breach of a formal obligation there are three methods of enforcement open to the Council:

- We can apply to the Court for an Injunction. The Council must prepare a high level of evidence to convince a judge that an injunction is necessary. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.
- We can enter the land to complete works and will seek to recover costs where certain operations or works have not been carried out, but must give at least 21 days notice of our intention.
- We may place a charge on the land in order to assist the Council in proceedings to recover costs incurred.

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8 Enforcement Action for Advertisements, Listed Buildings and Protected Trees

Advertisements

8.1 The display of advertisements is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007. Advertisements are divided into three main groups: -

- Those advertisements that have express consent are excluded from local planning authority control.
- Those that have 'deemed consent' so that the planning authority's consent is not required provided the advertisement meets certain criteria.
- Those for which the local planning authority's express consent is always needed.

8.2 The rules are complicated and seek to control amongst other things the height, size, and illumination of advertisements. It is an offence to display an advertisement without the consent required and it is open to the Council to take a prosecution in the Magistrates Court for an offence under the Advertisement Regulations. An advertisement that has been displayed for more than ten years is immune from action.

8.3 The planning enforcement team will pro-actively target unauthorised roadside advertising, where we will seek to remove unauthorised advertisements adjoining the major roads within Central Bedfordshire and which are causing harm to the amenity or public safety of the area.

8.4 The Council may invite the person responsible for the unauthorised advertisement to apply for consent if consent is likely to be granted. An application to display an advertisement is decided in the interests of amenity and public safety. The continued display of an advertisement without consent, or after consent has been refused, may well result in prosecution. On conviction a fine may be imposed by the Court with an additional daily fine on conviction of a continuing offence.

8.5 The Council can remove or obliterate any placard or poster displayed illegally. We are required to give at least two days notice in writing, or other appropriate format, to anyone we can identify as being responsible for displaying unauthorised placards or posters that it is our intention to do this. The Council can also remove advertisement display structures providing it has first served a Removal Notice.

8.6 We refer cases of unauthorised advertisements displayed on pavements or road verges to our Highways Section to take enforcement action to remove the advertisements.

Listed Buildings

8.7 The Council attaches particular importance to ensuring that any alterations to listed buildings are properly authorised. The statutory provisions for the preservation of

buildings of special architectural or historic interest are contained in the Listed Buildings and Conservation Areas legislation.

8.8 It is an offence under the legislation to carry out unauthorised works to a listed building which could affect its character. The owner of a listed building or those who have an interest in the property or who have carried out the works may be prosecuted by the Council irrespective of whether consent is later obtained retrospectively or the unauthorised works later made satisfactory. A person found guilty of an offence may be liable to a substantial fine, and/or a term of imprisonment. There is no time limit upon the Council to pursue Listed Building Enforcement Action.

8.9 A Listed Building Enforcement Notice may also be served requiring remedial works to the building within a certain time scale. There is a right of appeal to the Planning Inspectorate but failure to comply with the Notice is an offence, which is liable to a substantial fine on summary conviction.

Protected Trees

8.10 Under the Town and Country Planning legislation the local planning authority has the right to make provision for the preservation of trees in their area by making Tree Preservation Orders. Any unauthorised works to such protected trees is an offence, which is liable, on summary conviction, to a substantial fine under the legislation.

8.11 Certain trees in Conservation Areas are also afforded a degree of protection under the planning legislation. Unauthorised work to and/or removal of such trees constitutes an offence. However the Council will exercise discretion in deciding whether or not it is appropriate to pursue prosecution.

8.12 In addition to the criminal penalties for unauthorised works to protected trees, the landowner is also under a duty to replace a protected tree that has been removed. If this is not complied with the Council may serve a Tree Replacement Notice requiring a new tree to be planted or the Council may do the work and recover costs from the landowner.

9 Conclusion

9.1 It is the Council's policy to provide a reliable, efficient and good quality corporate planning enforcement service, maximising the use of the resources available. The Planning Enforcement Team will respond to complaints received, investigate, and take appropriate action having regard to material planning considerations. When resources allow, the planning enforcement team will also take a pro-active approach and use enforcement powers to seek environmental improvements.

9.2 The Planning Enforcement Team can be contacted at Priory House, Chicksands, Shefford SG17 5TQ, telephone 0300 300 8307 or 0300 300 8000.

9.3 The Minerals and Waste Team can also be contacted at Priory House, Chicksands, Shefford SG17 5TQ, telephone 0300 300 8307 or 0300 300 8000.

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Meeting: Sustainable Communities Overview & Scrutiny Committee
Date: 05 September 2013
Subject: Draft Work Programme 2013/14 & Executive Forward Plan
Report of: Richard Carr, Chief Executive
Summary: The report provides Members with details of the current Committee work programme and the latest Executive Forward Plan.

Contact Officer: Jonathon Partridge, Corporate Policy and Scrutiny Manager
(0300 300 4634)

Public/Exempt: Public

Wards Affected: All

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

The work programme of the Sustainable Communities Overview & Scrutiny Committee should contribute to each of the Council priorities, and will specifically support those directly related to the work of the Sustainable Communities directorate.

Financial:

1. Not applicable.

Legal:

2. Not applicable.

Risk Management:

3. Not applicable.

Staffing (including Trades Unions):

4. Not applicable.

Equalities/Human Rights:

5. Not applicable.

Public Health

6. Not applicable.

Community Safety:

7. Not applicable.

Sustainability:

8. Not applicable.

Procurement:

9. Not applicable.

RECOMMENDATIONS:

1. **That the Sustainable Communities Overview & Scrutiny Committee:**
 - (a) **considers and approves the attached work programme, subject to any further amendments it may wish to make;**
 - (b) **considers the Executive Forward Plan; and**
 - (c) **considers whether it wishes to add any further items to the work programme.**

Work Programme

10. The work programme is kept regularly under review by the Chairman and Vice-Chairman and is amended as appropriate, which also includes adding further items during the course of the year if Members so wish and capacity exists. The current work programme is attached at **appendix A**.
11. Also attached at **appendix B** is the latest version of the Executive's Forward Plan so that Overview & Scrutiny Members are fully aware of the key issues Executive Members will be taking decisions upon in the coming months. Those items relating specifically to this Committee's terms of reference are shaded in grey.

Conclusion

12. The Committee is requested to consider the attached work programme and make any further amendments it considers necessary.

Appendices:

Appendix A: Sustainable Communities Overview and Scrutiny Committee Work Programme 2013/14

Appendix B: The latest Executive Forward Plan.

Appendix A

Work Programme for Sustainable Communities Overview & Scrutiny Committee 2013 - 2014

Ref	Indicative Overview & Scrutiny Meeting Date	Report Title	Report Description	Comment
1.	10 October 2013	Flitwick Leisure Centre Redevelopment Feasibility	To receive a report prior to consideration by the Executive	Executive: 05 November 2013
2.	10 October 2013	Incidents of Anti-Social Behaviour	To receive a report on incidents of anti-social behaviour in Central Bedfordshire as requested by the OSC in July 2013.	
3.	10 October 2013	Revenue and Capital Budget Monitoring Report (Quarter 1)	To receive the Q1 revenue and capital budget for the Sustainable Communities directorate.	Executive: 24 September 2013
4.	10 October 2013	Q1 Performance Report	To receive the Q1 performance for the Sustainable Communities directorate	Executive: 24 September 2013
5.	15 October 2013 (2pm) (Special)	Award of Preferred Bidder status to the selected contractor under the BEaR Project	To consider the selection of the preferred bidder made by the BEaR Project Board and to comment to the Executive.	Executive: 08 October 2013 (Special)
6.	12 December 2013	Central Bedfordshire's Flood and Water Management Act 2010 Duties	To consider a local flood risk strategy for Central Bedfordshire and proposals to create a Sustainable Urban Drainage Advisory Board prior to approval by Executive.	Executive: 14 January 2014

Ref	Indicative Overview & Scrutiny Meeting Date	Report Title	Report Description	Comment
7.	12 December 2013	Draft Capital Programme – 2014/15 to 2017/18	To consider the draft budget for the Directorate.	
8.	12 December 2013	Draft Revenue Budget and Fees and Charges 2014/15	To consider the draft budget and fees and charges for the Directorate.	
9.	23 January 2014	Requested Item: Street Maintenance	To receive a presentation on street maintenance in all its forms	This item was requested in July 2013.
10.	23 January 2014	Community Safety Plan and Priorities (2014/15)	To consider the Community Safety Partnership's plan and priorities for 2014/15 and to provide recommendations prior to consideration by Executive.	Executive: 18 March 2014
11.	23 January 2014	Leisure Strategy	To consider Chapters 2 (recreation and open space strategy) and 3 (playing pitch strategy) of the draft Leisure Strategy and the overarching Leisure Strategy prior to adoption by Executive.	Executive: TBC
12.	23 January 2014	Revenue and Capital Budget Monitoring Report (Quarter 2)	To receive the Q2 revenue and capital budget for the Sustainable Communities directorate	Executive: 10 December 2013
13.	23 January 2014	Q2 Performance Report	To receive the Q2 performance for the Sustainable Communities directorate	Executive: 10 December 2013
14.	27 February 2014	TBC		
15.	03 April 2014	Revenue and Capital Budget Monitoring Report (Quarter 3)	To receive the Q3 revenue and capital budget for the Sustainable Communities directorate	Executive: 18 March 2014

Ref	Indicative Overview & Scrutiny Meeting Date	Report Title	Report Description	Comment
16.	03 April 2014	Q3 Performance Report	To receive the Q3 performance for the Sustainable Communities directorate	Executive: 18 March 2014
17.	08 May 2014	TBC		
18.	19 June 2014	TBC		

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Appendix B

Central Bedfordshire Council Forward Plan of Key Decisions 1 September 2013 to 31 August 2014

- 1) During the period from **1 September 2013 to 31 August 2014**, Central Bedfordshire Council plans to make key decisions on the issues set out below. “Key decisions” relate to those decisions of the Executive which are likely:
 - to result in the incurring of expenditure which is, or the making of savings which are, significant (namely £200,000 or above per annum) having regard to the budget for the service or function to which the decision relates; or
 - to be significant in terms of their effects on communities living or working in an area comprising one or more wards in the area of Central Bedfordshire.
- 2) The Forward Plan is a general guide to the key decisions to be determined by the Executive and will be updated on a monthly basis. Key decisions will be taken by the Executive as a whole. The Members of the Executive are:

Cllr James Jamieson	Leader of the Council and Chairman of the Executive
Cllr Maurice Jones	Deputy Leader and Executive Member for Corporate Resources
Cllr Mark Versallion	Executive Member for Children’s Services
Cllr Mrs Carole Hegley	Executive Member for Social Care, Health and Housing
Cllr Nigel Young	Executive Member for Sustainable Communities – Strategic Planning and Economic Development
Cllr Brian Spurr	Executive Member for Sustainable Communities - Services
Cllr Mrs Tricia Turner MBE	Executive Member for Partnerships
Cllr Richard Stay	Executive Member for External Affairs

- 3) Whilst the majority of the Executive’s business at the meetings listed in this Forward Plan will be open to the public and media organisations to attend, there will inevitably be some business to be considered that contains, for example, confidential, commercially sensitive or personal information.

This is a formal notice under the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 that part of the Executive meeting listed in this Forward Plan will be held in private because the agenda and reports for the meeting will contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it.

- 4) Those items identified for decision more than one month in advance may change in forthcoming Plans. Each new Plan supersedes the previous Plan. Any person who wishes to make representations to the Executive about the matter in respect of which the decision is to be made should do so to the officer whose telephone number and e-mail address are shown in the Forward Plan. Any correspondence should be sent to the contact officer at the relevant address as shown below. General questions about the Plan such as specific dates, should be addressed to the Committee Services Manager, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
- 5) The agendas for meetings of the Executive will be published as follows:

Meeting Date	Publication of Agenda
14 May 2013	2 May 2013
25 June 2013	13 June 2013
13 August 2013	1 August 2013
24 September 2013	12 September 2013
5 November 2013	24 October 2013
10 December 2013	28 November 2013
14 January 2014	02 January 2014
4 February 2014	23 January 2014
18 March 2014	6 March 2014
22 April 2014	10 April 2014
27 May 2014	15 May 2014

Central Bedfordshire Council

Forward Plan of Key Decisions for the period 1 September 2013 to 31 August 2014

Key Decisions

Date of Publication: 01.08.13

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
1.	Framework Agreement for Care Homes With and Without Nursing in Central Bedfordshire -	To ask the Executive to: - authorise the arrangements for entering into the Framework Agreement for care homes within Central Bedfordshire which was approved on 6 November 2012; - approve the successful providers to be accepted onto the Framework Agreement (if available); and - agree the approach to ensuring the quality of care homes by implementing the new Quality Monitoring System in conjunction with the Framework Agreement.	24 September 2013	Care home providers at the meeting of the Provider Forum in December 2012 and the special meeting of care home providers on 28 May 2013.	Report	Executive Member for Social Care, Health and Housing Comments by 23/08/13 to Contact Officer: Elizabeth Saunders, Assistant Director Commissioning Email: elizabeth.saunders@centralbedfordshire.gov.uk Tel: 0300 300 6494

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
2.	Planning Enforcement Plan -	To adopt the Planning Enforcement Plan.	24 September 2013		Planning Enforcement Plan	Executive Member for Sustainable Communities - Strategic Planning and Economic Development Comments by 23/08/13 to Contact Officer: Sue Cawthra, Enforcement & Appeals Team Leader Email: sue.cawthra@centralbedfordshire.gov.uk Tel: 0300 300 4369
3.	Community Infrastructure Levy -	To approve the consultation and subsequent Submission of the Community Infrastructure Levy draft charging schedule.	24 September 2013		Report	Executive Member for Sustainable Communities - Strategic Planning and Economic Development Comments by 23/08/13 to Contact Officer: Jonathan Baldwin, Senior Planning Officer Email: jonathan.baldwin@centralbedfordshire.gov.uk Tel: 0300 300 5510

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
4.	Joint Venture Proposal -	To receive a report on the proposals for joint ventures.	24 September 2013		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 23/08/13 to Contact Officer: Nick Kealey, Head of Property Assets Email: nick.kealey@centralbedfordshire.gov.uk Tel: 0330 300 5769
5.	Leisure Strategy -	To adopt the Leisure Strategy: Chapter 4: Physical Activity Strategy.	24 September 2013	All Member Presentation of Draft Strategy on 10 July 2013. Draft Strategy to Sustainable Communities Overview and Scrutiny Committee on 25 July 2013. Draft Strategies to Sustainable Communities Overview and Scrutiny Committee on 5 September 2013.	Chapter 4, Physical Activity Strategy	Executive Member for Sustainable Communities - Services Comments by 23/08/13 to Contact Officer: Jill Dickinson, Head of Leisure Services Email: jill.dickinson@centralbedfordshire.gov.uk Tel: 0300 300 4258
6.	Capital Programme Review 2013/14 -	To receive the outcome of the Capital Programme 2013/14 review.	24 September 2013		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 23/08/13 to Contact Officer: Charles Warboys, Chief Finance Officer Email: charles.warboys@centralbedfordshire.gov.uk Tel: 0300 300 6147

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
7.	Revenue, Capital and Housing Revenue Account (HRA) Quarter 1 Budget Monitor Reports -	To consider the revenue, capital and HRA quarter 1 budget monitoring report.	24 September 2013		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 23/08/13 to Contact Officer: Charles Warboys, Chief Finance Officer Email: charles.warboys@centralbedfordshire.gov.uk Tel: 0300 300 6147
8.	Award of Preferred Bidder status to the selected contractor under the BEaR Project -	The report will be seeking the Executive to endorse the selection of the preferred bidder made by the BEaR Project Board to allow the Project Team to finalise and award the Contract.	24 September 2013	Consultees and dates to be confirmed, however this item will go through Overview and Scrutiny at the beginning of September.	A full report and presentation will be provided alongside the Executive report.	Executive Member for Sustainable Communities - Services Comments by 23/08/13 to Contact Officer: Ben Finlayson, BEaR Project Manager Email: ben.finlayson@centralbedfordshire.gov.uk Tel: 0300 300 6277
9.	School Funding Reform -	To consider the School Funding Reform: 2014/15 Revenue Funding Arrangements.	24 September 2013	In conjunction with the Schools Forum all schools in Central Bedfordshire will be consulted on any changes to schools funding. Date and method to be agreed shortly.	DfE - School Funding Reform: Findings from the Review of 2013/14 Arrangements and Changes for 2014/15 DfE - 2014/15 Revenue Funding Arrangements	Executive Member for Children's Services Comments by 23/08/13 to Contact Officer: Dawn Hill, Senior Finance Manager - Children's Services Email: dawn.hill@centralbedfordshire.gov.uk Tel: 0300 300 6269

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
10.	Green Garden Waste -	To approve spend relating to the procurement of treatment and disposal services for green garden waste collected within Central Bedfordshire.	24 September 2013		Report	Executive Member for Sustainable Communities - Services Comments by 23/08/13 to Contact Officer: Tracey Harris (Waste), Head of Waste Services Email: tracey.harris2@centralbedfordshire.gov.uk Tel: 0300 300 4646
11.	Award of Responsive and Programmed Electrical Maintenance Contract 2014 to 2017 to Council Housing Properties -	To award the Contract to the preferred contractor for this service.	5 November 2013		Report with exempt appendices	Executive Member for Social Care, Health and Housing Comments by 04/10/13 to Contact Officer: Basil Quinn, Housing Asset Manager Performance or Peter Joslin, Housing Asset Manager Email: basil.quinn@centralbedfordshire.gov.uk Tel: 0300 300 5118 or peter.joslin@centralbedfordshire.gov.uk Tel: 0300 300 5395

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
12.	Flitwick Leisure Centre Feasibility Study -	To consider the Flitwick Leisure Centre Feasibility Study.	5 November 2013	Members, local community and key stakeholders.	Flitwick Leisure Centre Feasibility Study	Executive Member for Sustainable Communities - Services Comments by 04/10/13 to Contact Officer: Jill Dickinson, Head of Leisure Services Email: jill.dickinson@centralbedfordshire.gov.uk Tel: 0300 300 4258
13.	Admissions Arrangements and Co-ordinated Scheme 2015/16 -	To approve commencement of consultation on the Council's Admissions Arrangements and co-ordinated scheme for the academic year 2015/16.	5 November 2013	<ul style="list-style-type: none"> a) Governing bodies of Local Authority schools. b) All other admission authorities within the relevant area. c) Parents of children between the ages of two and eighteen. d) Other persons in the relevant area who have an interest in the proposed admissions. e) Adjoining neighbouring authorities. f) The Church of England and Catholic Diocese. <p>Method of consultation: Website. In addition: Letter to a, b, e and f. Information distributed to academies/schools and nurseries, notice in the local media to consult with c and d.</p>	Report	Executive Member for Children's Services Comments by 04/10/13 to Contact Officer: Pete Dudley, Assistant Director Children's Services (Learning & Strategic Commissioning) Email: pete.dudley@centralbedfordshire.gov.uk Tel: 0300 300 4203

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
14.	Dukeminster Extra Care Housing Scheme, Dunstable -	To seek Executive approval to award the build contract.	5 November 2013	Consultation with stakeholder groups (such as the Older Peoples Reference Group and Sheltered Tenants Action Group) previously undertaken as part of initial scheme proposals presented to the Executive on 5 February 2013. Further consultation with these stakeholders, relevant technical officers and Heads of Service continuing as part of the detailed design phase.	Report - may contain exempt appendices	Executive Member for Social Care, Health and Housing Comments by 04/10/13 to Contact Officer: Bernard Carter, Client Manager, Extra Care Expansion Project Email: bernard.carter@centralbedfordshire.gov.uk Tel: 0300 300 4175

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
15.	Arlesey Nursery School and Childcare Centre -	To seek approval to commence statutory consultation and to publish statutory notices on the proposal to close Arlesey Nursery School and Childcare Centre to enable it to merge with Gothic Mede Academy with effect from September 2014.	5 November 2013	Statutory consultation between 11 November and 20 December 2013. Representation period to a statutory notice between 13 January and 28 February 2014. Method of consultation: Consultation documents, school and Academy website, notices in local press, public meetings with: Teachers and other staff at the school and Academy Unions. Families of children at the school. Local Schools in the area. Central Bedfordshire Council. Church of England Diocese. Constituency MP. Arlesey Town Council.	Report	Executive Member for Children's Services Comments by 04/10/13 to Contact Officer: Pete Dudley, Assistant Director Children's Services (Learning & Strategic Commissioning) Email: pete.dudley@centralbedfordshire.gov.uk Tel: 0300 300 4203

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
16.	Central Bedfordshire Council's Equality Strategy -	To approve the Council's Equality Strategy which sets out the Council's vision and approach to ensuring all sections of the community get high quality services appropriate to their needs and also sets out how the Council will meet its legal responsibilities to ensure consideration of equality is integrated in to its service planning, delivery and human resource systems.	5 November 2013	Public Consultation, Equality Forum and Overview and Scrutiny Committees.	Draft Equality Strategy 2013-16	Deputy Leader and Executive Member for Corporate Resources Comments by 04/10/13 to Contact Officer: Clare Harding, Corporate Policy Advisor (Equality & Diversity) Email: clare.harding@centralbedfordshire.gov.uk Tel: 0300 300 6109
17.	Land East of Biggleswade Phase 4 -	To consider land East of Biggleswade Phase 4.	5 November 2013		Report - Exempt	Deputy Leader and Executive Member for Corporate Resources Comments by 04/10/13 to Contact Officer: Nick Kealey, Head of Property Assets Email: nick.kealey@centralbedfordshire.gov.uk Tel: 0300 300 5769

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
18.	Proposals for Commissioning of New School Places for Implementation in September 2015 and Proposals for Commissioning of New School Places for Implementation in September 2016 -	1) Determination of proposals for commissioning of new school places for implementation in September 2015; and 2) to approve commencement of consultations for proposals for commissioning of new school places for implementation in September 2016.	10 December 2013	<p>For proposals for New School Places for implementation in September 2015:</p> <ul style="list-style-type: none"> • the governing body of the schools which are the subject of proposals; • families of pupils, teachers and other staff at the schools; • the governing bodies, teachers and other staff of any other school that may be affected; • families of any pupils at any other school who may be affected by the proposals including families of pupils at feeder schools; • trade unions who represent staff at the schools and representatives of trade unions of any other staff at schools who may be affected by the proposals; • Constituency MPs for the schools that are the subject of the proposals; • the local parish council where the school that is the subject of the proposals is situated <p>Consultation period between May and November 2013 including press releases, public meetings, statutory notices.</p>	Report and Outcome of Consultation	<p>Executive Member for Children's Services Comments by 09/11/13 to Contact Officer: Rob Parsons, Head of School Organisation and Capital Planning Email: rob.parsons@centralbedfordshire.gov.uk Tel: 0300 300 5572</p>

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
19.	Draft Capital Programme - 2014/15 to 2017/18 -	To consider the draft Capital Programme for 2014/15 to 2017/18.	10 December 2013		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 09/11/13 to Contact Officer: Charles Warboys, Chief Finance Officer Email: charles.warboys@centralbedfordshire.gov.uk Tel: 0300 300 6147
20.	Draft Revenue Budget and Fees and Charges 2014/15 -	To consider the draft revenue budget for 2014/15, including the draft fees and charges.	10 December 2013		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 09/11/13 to Contact Officer: Charles Warboys, Chief Finance Officer Email: charles.warboys@centralbedfordshire.gov.uk Tel: 0300 300 6147

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
21.	Draft Housing Revenue Account Budget and Business Plan 2014/15 -	To consider the draft Housing Revenue Account Budget and Business Plan 2014/15.	10 December 2013		Report	Deputy Leader and Executive Member for Corporate Resources, Executive Member for Social Care, Health and Housing Comments by 09/11/13 to Contact Officer: Charles Warboys, Chief Finance Officer Email: charles.warboys@centralbedfordshire.gov.uk Tel: 0300 300 6147
22.	Revenue, Capital and Housing Revenue Account (HRA) Quarter 2 Budget Monitor Reports -	To consider the revenue, capital and HRA quarter 2 budget monitoring report.	10 December 2013		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 09/11/13 to Contact Officer: Charles Warboys, Chief Finance Officer Email: charles.warboys@centralbedfordshire.gov.uk Tel: 0300 300 6147

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
23.	Determination of the Statutory Proposal of the Governing Body of Pulford CoE VA Lower School, Leighton Buzzard -	Determination of the statutory proposal of the Governing Body of Pulford Church of England Voluntary Aided Lower School, Pulford Road, Leighton Buzzard, to enlarge the permanent capacity of the school from 150 places to 225 places with effect from September 2014.	10 December 2013	<p>Statutory consultation between 13 May and 17 June 2013. Representation period to a statutory notice between 19 September and 17 October 2013. Method of Consultation: Consultation documents, school website, notices in local press, public meetings with:</p> <ul style="list-style-type: none"> • Teachers and other staff at the school • Unions • Families of children at the school • Local Schools in the area of Central Bedfordshire Council • The Pulford Trust • Church of England Diocese • Constituency MP • Leighton Buzzard Town Council. 	Report and the report of the Governing Body. Consultation documents produced, statutory notices served, representations received.	<p>Executive Member for Children's Services Comments by 09/11/13 to Contact Officer: Pete Dudley, Assistant Director Children's Services (Learning & Strategic Commissioning) Email: pete.dudley@centralbedfordshire.gov.uk Tel: 0300 300 4203</p>

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
24.	Central Bedfordshire's Flood and Water Management Act 2010 Duties -	To approve a local flood risk strategy for Central Bedfordshire and to create a Sustainable Urban Drainage Advisory Board.	14 January 2014	<p>CBC is required under the Flood and Water Management Act 2010 to produce a Local Flood Risk Management Strategy. The draft strategy will be subject to public consultation. Sustainable Communities Overview and Scrutiny Committee will consider the draft strategy and the public consultation response to the strategy in August/September 2013.</p> <p>Following Department for Environment, Food and Rural Affairs confirmation of the mandatory sustainable drainage application processes, CBC will also be required to establish a SUDS Approval Board to evaluate, approve and adopt suitable SUDS measures for all new developments.</p>	Summary of Flood and Water Management Act Draft Local Flood Risk Management Strategy	<p>Executive Member for Sustainable Communities - Services Comments by 13/12/13 to Contact Officer: Iain Finnigan, Senior Engineer - Policy and Flood Risk Management Email: iain.finnigan@centralbedfordshire.gov.uk Tel: 0300 300 4351</p>

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
25.	Consultation on School Funding 2013 -	To consider the changes to the funding arrangements for schools for 2014/15, which have come about as a consequence of the national review of the changes made in 2013/14.	14 January 2014		Report	Executive Member for Children's Services Comments by 13/12/13 to Contact Officer: Pete Dudley, Assistant Director Children's Services (Learning & Strategic Commissioning) Email: pete.dudley@centralbedfordshire.gov.uk Tel: 0300 300 4203
26.	Leisure Strategy -	To adopt Leisure Strategy: Chapter 2 - Recreation & Open Space Strategy, Chapter 3 - Playing Pitch Strategy, Overarching Leisure Strategy.	18 March 2014	Draft strategies to Sustainable Communities Overview and Scrutiny Committee on 23 January 2014.	Chapter 2: Recreation & Open Space Strategy Chapter 3: Playing Pitch Strategy Overarching Leisure Strategy Document	Executive Member for Sustainable Communities - Services Comments by 17/02/14 to Contact Officer: Jill Dickinson, Head of Leisure Services Email: jill.dickinson@centralbedfordshire.gov.uk Tel: 0300 300 4258
27.	Revenue, Capital and Housing Revenue Account (HRA) Quarter 3 Budget Monitoring Reports -	To consider the revenue, capital and HRA quarter 3 budget monitoring report.	18 March 2014		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 17/03/14 to Contact Officer: Charles Warboys, Chief Finance Officer Email: charles.warboys@centralbedfordshire.gov.uk Tel: 0300 300 6147

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
28.	Admission Arrangements and Co-ordinated Scheme 2014/15 -	Determination of the Council's Admissions Arrangements and co-ordinated scheme for the academic year 2014/15.	18 March 2014		Report	Executive Member for Children's Services Comments by 17/02/14 to Contact Officer: Pete Dudley, Assistant Director Children's Services (Learning & Strategic Commissioning) Email: pete.dudley@centralbedfordshire.gov.uk Tel: 0300 300 4203
29.	Arlesey Nursery School and Childcare Centre -	Determination of the statutory proposal to close Arlesey Nursery School and Childcare Centre to enable it to merge with Gothic Mede Academy with effect from September 2014.	22 April 2014	Statutory consultation between 11 November and 20 December 2013. Representation period to a statutory notice between 13 January and 28 February 2014. Method of consultation: Consultation documents, school and Academy website, notices in local press, public meetings with: Teachers and other staff at the school and Academy Unions. Families of children at the school. Local Schools in the area. Central Bedfordshire Council. Church of England Diocese. Constituency MP. Arlesey Town Council.	Report Consultation documents produced, statutory notices served, representations received.	Executive Member for Children's Services Comments by 21/03/14 to Contact Officer: Pete Dudley, Assistant Director Children's Services (Learning & Strategic Commissioning) Email: pete.dudley@centralbedfordshire.gov.uk Tel: 0300 300 4203

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
NON KEY DECISIONS						
30.	Minerals and Waste Core Strategy -	To recommend to Council the adoption of the Minerals and Waste Core Strategy.	24 September 2013	A wide range of stakeholders were involved in consultations undertaken from 2006 to 2012, using methods which include an internet portal, deposit of hard copies at points of presence, and displaying the Core Strategy on the Council website. Consultees included the Parish Councils, statutory bodies, special interest groups, minerals industry, waste management industry, and individuals who had expressed an interest at previous consultations.	Minerals and Waste Core Strategy and the Inspector's report following the Examination in public.	Executive Member for Sustainable Communities - Strategic Planning and Economic Development Comments by 23/08/13 to Contact Officer: Roy Romans, Minerals and Waste Team Leader Email: roy.romans@centralbedfordshire.gov.uk Tel: 0300 300 6039
31.	Quarter 1 Performance Report -	To consider the quarter 1 performance report.	24 September 2013		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 23/08/13 to Contact Officer: Elaine Malarky, Head of Programmes & Performance Management Email: elaine.malarky@centralbedfordshire.gov.uk Tel: 0300 300 5517

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
32.	Quarter 2 Performance Report -	To consider the quarter 2 performance report.	10 December 2013		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 09/11/13 to Contact Officer: Elaine Malarky, Head of Programmes & Performance Management Email: elaine.malarky@centralbedfordshire.gov.uk Tel: 0300 300 5517
33.	Capital Programme - 2014/15 to 2017/18 -	To recommend to Council the proposed Capital Programme for 2014/15 to 2017/18 for approval.	4 February 2014		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 03/01/14 to Contact Officer: Charles Warboys, Chief Finance Officer Email: charles.warboys@centralbedfordshire.gov.uk Tel: 0300 300 6147
34.	Treasury Management Strategy Statement and Investment Strategy 2014-2018 -	To recommend to Council the Treasury Management Strategy Statement and Investment Strategy 2014-2018 for approval.	4 February 2014		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 03/01/14 to Contact Officer: Charles Warboys, Chief Finance Officer Email: charles.warboys@centralbedfordshire.gov.uk Tel: 0300 300 6147

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
35.	Revenue Budget and Medium Term Financial Plan 2014/15 - 2017/18 -	To recommend to Council the Revenue Budget and Medium Term Financial, including the fees and charges, Plan 2014/15 - 2017/18 for approval.	4 February 2014		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 03/01/14 to Contact Officer: Charles Warboys, Chief Finance Officer Email: charles.warboys@centralbedfordshire.gov.uk Tel: 0300 300 6147
36.	Housing Revenue Account Budget and Business Plan 2014/15 -	To recommend to Council the Housing Revenue Account Budget and Business Plan 2014/15 for approval.	4 February 2014		Report	Deputy Leader and Executive Member for Corporate Resources, Executive Member for Social Care, Health and Housing Comments by 03/01/14 to Contact Officer: Charles Warboys, Chief Finance Officer Email: charles.warboys@centralbedfordshire.gov.uk Tel: 0300 300 6147
37.	Community Safety Partnership Plan and Priorities -	To recommend to Council to approve the Community Safety Partnership Plan and Priorities for 2014 - 2015.	18 March 2014	Strategic Assessment & Partnership Plan will be considered by the Community Safety Partnership Executive, the relevant Overview and Scrutiny Committee and the Local Strategic Partnership.	Strategic Assessment Priorities & Community Safety Partnership Plan 2014 - 2015	Executive Member for Sustainable Communities - Services Comments by 17/02/14 to Contact Officer: Joy Craven, CSP Manager Email: joy.craven@centralbedfordshire.gov.uk Tel: 0300 300 4649

Ref No.	Issue for Key Decision by the Executive	Intended Decision	Indicative Meeting Date	Consultees and Date/Method	Documents which may be considered	Portfolio Holder and Contact officer (method of comment and closing date)
38.	Quarter 3 Performance Report -	To consider the quarter 3 performance report.	18 March 2014		Report	Deputy Leader and Executive Member for Corporate Resources Comments by 17/02/14 to Contact Officer: Elaine Malarky, Head of Programmes & Performance Management Email: elaine.malarky@centralbedfordshire.gov.uk Tel: 0300 300 5517

Postal address for Contact Officers: Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ

**Central Bedfordshire Council
Forward Plan of Decisions on Key Issues**

For the Municipal Year 2012/13 the Forward Plan will be published on the thirtieth day of each month or, where the thirtieth day is not a working day, the working day immediately proceeding the thirtieth day, or in February 2013 when the plan will be published on the twenty-eighth day:

Date of Publication	Period of Plan
02.04.13	1 May 2013 – 30 April 2014
01.05.13	1 June 2013 – 31 May 2014
31.05.13	1 July 2013 – 30 June 2014
02.07.13	1 August 2013 – 31 July 2014
01.08.13	1 September 2013 – 31 August 2014
30.08.13	1 October 2013 – 30 September 2014
02.10.13	1 November 2013 – 31 October 2014
31.10.13	1 December 2013 – 30 November 2014
28.11.13	1 January 2014 – 31 December 2014
02.01.14	1 February 2014 – 31 January 2015
30.01.14	1 March 2014 – 28 February 2015
28.02.14	1 April 2014 – 31 March 2015

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