

**Extract of BCC Full Council report 12 Feb 04 and 22 Apr 04 of BCC withdraw and subsequence support for the scheme.**

1. The Luton Dunstable Busway (previously known as Translink) prior to February 2004 was being jointly promoted with Luton Borough Council and Bedfordshire County Council. A joint application was made under the Transport and Works Act 1992 that required both Councils to confirm their support for the application
2. At the County Councils Full Council meeting of 12 February 2004 (extract below) Members resolved to withdraw the application for the Transport and Works Act 1992.
3. The fallout from this resulted in Luton Borough Council confirming their support for the order and proceeding alone.
4. The County Council at its meeting of 22 April reconsidered its position and a partnering agreement was made with Luton as lead authority.

**County Council - 12 February 2004**

**03-04/128 TRANSLINK (PROPOSED GUIDED BUSWAY BETWEEN HOUGHTON REGIS, DUNSTABLE, LUTON AND LUTON AIRPORT)**

The County Council considered Executive Minute 03-04/EX/107 relating to this scheme. On 26 January 2004 the Executive had considered a report from Councillor Richard Payne, Executive Member for the Environment on Translink and had made the following recommendation to the Council:-

"That subject to the Council receiving the following reports:-

- (a) Item 7 of the Joint Advisory Committee papers of the 13 January 2004
- (b) The recommendations from Dunstable Liaison Forum of 12 January 2004 and Dunstable Town Centre Management Committee 20 January 2004.
- (c) A financial report in relation to this project together with a risk analysis

the recommendation set out below be considered by the County Council:-

"that the resolution of the Council passed at the meeting of the Council held on 13 December 2001 to apply to the Secretary of State for Transport for an Order under the Transport and Works Act 1992, which was duly applied for on 18 December 2003 and is entitled The Luton and Dunstable Translink Order, is hereby confirmed."

In accordance with the above resolution a report of the Strategic Director (Environment) was submitted with the background information requested above and asking the Council to confirm their support for the submission of the Order application

in accordance with the requirements of Section 239 (2)(b) of the Local Government Act 1972.

Councillor Peter Roberts moved an amendment in the form of the resolution set out below which was seconded by Councillor Hollick.

At the request of the Council the County Solicitor advised on this item. If the amendment was approved it was likely that the scheme would fall and that the Government would withdraw the funding for the scheme. If the Council supported an Order for the scheme then it would go to the next stage of a public Inquiry when all parties could put their views and following the Inquiry the Secretary of State would make a final decision.

The amendment having been put, in accordance with Council procedure rules, on the requisition of at least ten Members a recorded vote was taken, the results of which were as follows:

**For the amendment (29)**

Councillors Baker BEM, Burnage, Carter, Duggan, Elford, Mrs Gershon, Gibson, Goodwin, Gwynne Jones, Hall, Hawksby, Hollick, Kinchella, Lawrence, Lee, Mrs Moorhouse, North, Payne, Piggott, Reedman, Mrs A Roberts, P Roberts, Mrs Russell, Saunders, Scott, Stay, Thompson, Wootton and Younger.

**Against the amendment (12)**

Councillors Aylett-Green, Barker, Blaine, Mrs Burley, Colling, Mrs Gillard, Goodchild, Hills, Mitchell, Muir, Owen and Snelling.

**Abstentions (2)**

Councillors Mayes and Oliver.

**The amendment was declared to be carried.**

**The substantive motion having been put to the vote was declared to be carried.**

**RESOLVED:**

That the Council, having considered the reports of the Joint Advisory Committee of the 13 January 2004; the recommendations from the Dunstable Liaison Forum of 12 January and Dunstable Town Centre Management Committee of 20 January 2004; the financial report in relation to this project together with a risk analysis; and being aware of the decision of South Bedfordshire District Council of 3 February 2004 to withdraw support for this project, resolves:

- 1) To withdraw the application under the Transport and Works Act 1992.
- 2) To carry out, in conjunction with other affected authorities and agencies, a full appraisal of the current and future transport, traffic and highway needs of Southern Bedfordshire to cover, particularly but not exclusively
  - a) The impact of the Growth Areas to the north and west of Dunstable, north of Houghton Regis and north of Luton, and the reserve Growth Area east of Luton;
  - b) The impact of the expansion of Luton Airport to 31 Million passengers per annum, with particular reference to access modes and patterns and passenger vehicle parking.

- c) The impact of the Luton East Corridor, serving Luton Airport from the M1 Motorway;
- d) The existing needs of that area not covered by the proposed Dunstable and Luton Northern Bypasses;
- e) The suitability and effectiveness of the Guided Busway scheme in the light of that appraisal.

Note -in the above context the appraisal should cover the needs of the whole of South Bedfordshire District and Luton Borough Council areas and the reserve Growth Area to the East of Luton.

3) To urge Government to create a Strategic Rail connection between the West Coast Main Line near Leighton Buzzard and the Midland Main Line near Luton, to serve the Luton, Dunstable, Houghton Regis Growth Areas; Luton Airport and the Eurostar Terminal at St. Pancras Main Line Station.

## **MINUTES - County Council 22 April 2004**

### **04-05/20 TRANSLINK (PROPOSED GUIDED BUSWAY BETWEEN HOUGHTON REGIS, DUNSTABLE, LUTON AND LUTON AIRPORT)**

The Council considered the report and recommendation from the special meeting of the Executive held on 19 April 2004 relating to this matter.

Councillor Mrs Roberts, Leader recalled that the Council had considered this issue at its meeting on 12 February 2004 and referred to the resolution which was intended to defer a final decision on the application's progress to allow for further work as detailed in the resolution. Since that meeting, discussions had taken place with representatives from Go-East, (the Government's Regional Office), the Office of the Deputy Prime Minister, Luton Borough Council and the Council's own legal advisers. In consequence, the following points had emerged:-

- There was considerable disappointment on the part of Go-East and the Department for Transport that the Council were not prepared to let the application proceed to a Public Inquiry in line with the provisionally agreed timetable. This was particularly so given the bids that had been made by the Council for funding to which Government had responded so positively.
- There could be no guarantee that if the application did not now proceed, funding would remain available. Indeed it was probable that funding would be lost given the considerable competition for funds from a large number of other schemes.
- Go-East remained of the firm view that there is no available alternative scheme to the Translink project
- There was similar disappointment on the part of Luton Borough Council which had worked in partnership with the County Council on the progress of the scheme. It was their wish that the application should now proceed to Public Inquiry whilst continuing to address financial risks.
- It was likely that the intent underpinning the County Council's resolution of 12 February 2004 would not be capable of achievement in that the Luton Borough

Council would be able to proceed with a solely promoted application both to Public Inquiry and beyond should that be the ultimate decision following the Inquiry. The Borough Council had met on Tuesday 20 April to consider the matter.

In these circumstances, the Executive believed that it was right for the Council to urgently review its earlier decision. The choices now appeared to lie between:-

- letting Luton Borough Council continue to take the TWA application forward on its own, with the County Council no longer involved in the scheme (even for those parts in Bedfordshire) other than to determine its position at the Public Inquiry or,
- accepting that its earlier resolution could not be achieved and accordingly agreeing to let the application now proceed jointly to a Public Inquiry for the reasons underpinning the Council's earlier decisions to support the scheme.

Councillor Mrs Roberts sought and obtained approval of the Council for Executive recommendation 03-04/EX/152 to be moved in the amended form set out in the resolution below.

The Council debated the amended motion at some length during which period a number of individual members expressed their own personal views on the position the Council now found itself facing on Translink and about the terms of the resolution passed by the Council on 12 February 2004.

Councillor Gwynne Jones then moved that the vote be put.

**The motion having been put to the vote was declared to be carried.**

**The substantive motion having been put to the vote was declared to be carried.**

**RESOLVED:**

That whilst confirming the view that further studies could usefully have been commissioned prior to any final decision on the future of the Translink project, the County Council notes the following developments since its last meeting:-

- The concerns of the Government Office at the decision taken by Council on 12 February 2004.
- The decision of the Luton Borough Council on 20 April 2004 to proceed with sole promotion under the Transport and Works Act affecting not only Luton but also Dunstable, Caddington and Houghton Regis.
- Views of the Department of Transport that the Luton application could apparently be promoted as a sole application and that accordingly the decision of the February County Council, under the Local Government Act 1972 to "withdraw" the application, might not be achievable.

In the light of the above, and for the reasons given in the report, submitted to the Executive, the County Council agrees in the interests of Bedfordshire, that all necessary steps to seek a joint promotion with Luton, should be taken immediately.

Therefore the Chief Executive be authorised, in consultation with the Leader, to take all necessary steps to secure an agreement on joint progression of Translink to the satisfaction of this Council.