

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **EXECUTIVE** held in the Council Chamber, Priory House, Monks Walk, Shefford on Tuesday, 28 September 2010.

### PRESENT

Cllr Mrs P E Turner MBE (Chairman)

Cllr R C Stay (Vice-Chairman)

Cllrs Mrs R J Drinkwater  
Mrs C Hegley  
Mrs A M Lewis  
S F Male

Cllrs K C Matthews  
D McVicar  
T Nicols

Apologies for Absence: Cllrs M R Jones

Members in Attendance: Cllrs P N Aldis  
R A Baker  
A R Bastable  
D Bowater  
Mrs C F Chapman MBE  
Dr R Egan  
Mrs S A Goodchild  
Ms A M W Graham  
Mrs D B Gurney  
J G Jamieson  
Mrs J G Lawrence

Cllrs D J Lawrence  
Ms C Maudlin  
P Rawcliffe  
P Snelling  
B J Spurr  
J Street  
Mrs C Turner  
A M Turner  
B Wells  
P Williams  
J N Young

Officers in Attendance

Mr G Alderson	Director of Sustainable Communities
Mr J Atkinson	Head of Legal Services
Mr M Bowmer	Assistant Director, Financial Services/Chief Finance Officer
Mr R Carr	Chief Executive
Mr R Ellis	Director of Customer and Shared Services
Mrs E Grant	Deputy Chief Executive and Director of Children's Services
Ms D Lester	Senior Democratic Services Officer
Mrs J Ogley	Director of Social Care, Health and Housing

E/10/61 **Minutes**

**RESOLVED**

**the minutes of the meeting held on 17 August 2010 were confirmed as a correct record and signed by the Chairman subject to the following amendment:-**

**Minute E/10/51 – Speed Limit through Husbourne Crawley**

**Resolution 2 – The insertion of ‘in villages’ after the seventh word.**

E/10/62 **Members' Interests**

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

E/10/63 **Chairman's Announcements**

**Agenda Item 7 - Gypsy and Traveller Development Plan Document**

The Chairman reminded Members' that additional papers had been sent out for Agenda Item 7 in the Chairman's Briefing Note dated 23 September 2010. The main report for that item had been circulated in the Supplementary Agenda dated 17 September 2010.

In view of the public interest on this matter and as seven members of the public had registered their interest to speak under the Scheme of Public Participation, the Chairman advised that she would allow public questions to be asked on individual sites at the start of the agenda item thus extending the three questions normally allowed per agenda item.

E/10/64 **Petitions**

There were no petitions received in accordance with the Scheme of Public Participation.

E/10/65

## **Public Participation**

The Chairman advised the Executive that in addition to the seven requests to speak on Agenda Item 7, another three requests had been received to speak in accordance with the Scheme of Public Participation set out in Appendix A of Part A4 of the Constitution as follows:-

One question to be asked under Agenda Item 6 - Public Participation

Two questions for Agenda Item 8 – First question to be asked under the Public Participation slot, the second question to be asked at the start of the Agenda item.

1. **Mrs Fran Fry – Statement under Agenda Item 8 – Review of Joint Memorandum of Understanding (MoU) with Milton Keynes Council.**

Mrs Fry, as Vice-Chairman of Woburn Sands and District Society, explained that the rural communities in the area and the Society was of the view that the MoU between Central Bedfordshire Council and Milton Keynes Council should be terminated. The Society was also of the view that the adopted Core Strategy (November 2009) should be refreshed to remove the text concerning the South East expansion of Milton Keynes into Central Bedfordshire, which was dependent on the review of the East of England Plan which had been terminated. Mrs Fry referred to the reasons why the Society believed the MoU should be terminated. The Society also asked the Executive to consider refreshing the adopted Core Strategy (North) by removing the text in respect of the Milton Keynes expansion.

2. **Mr Maurice Blackman – Question regarding the Railway Hotel, Linslade**

Mr Blackman asked the Executive to report on the history and present status of negotiations with the owner of the Railway Hotel in Linslade with a view to the building being brought into an adequate state of repair and other related issues.

**Answer from Councillor Tom Nicols, Portfolio Holder for Sustainable Development**

Councillor Nicols thanked Mr Blackman for asking his question. He acknowledged that the derelict building used to be a handsome one but had fallen into disrepair since it was partially destroyed in a fire in the 1990's and had remained in that condition since that time. The building was in a prominent position at a major gateway to Leighton-Linslade and within a Conservation Area. Whilst a three year planning permission had been granted in March 2008 for the hotel to be converted into residential dwellings, only one of the pre-commencement conditions had so far been discharged. As work to rectify the negative impact of the building had stopped, a Section 215 Notice had been served on the land owner requiring works to improve the visual amenity of the building and land.

The Notice gave 28 days for the completion of works specified. Once the Notice expired and should the works not be completed, the Council could start formal proceedings against the owner of the site to comply with the Notice.

Councillor Nicols explained that the Council had no powers to force the implementation of a planning permission. However, the owner had recently made an application for Building Regulation approval. The Portfolio Holder concluded by stating that the Council would continue to move forward with requiring the land owner to comply with the S215

E/10/66

## **Gypsy and Traveller Development Plan Document**

Prior to consideration of the report and in accordance with the Scheme of Public Participation set out in paragraph 2 of Annex 1 of Part A4 of the Constitution, the Chairman invited those members of the public who had registered to speak on this item to address the Executive for a maximum of three minutes. Statements were received from four speakers objecting to the provision of pitches at Oak Tree Nursery & Magpie Farm, Upper Caldecote who set out reasons against development of the site; and statements were received from three speakers on land to the east of Hitchin Road, Henlow who set out reasons against the development of the site.

The Chairman then drew attention to letters she had received from members of the public since publication of the agenda which objected to proposals for various sites within the Document. It was noted that all the letters would receive a response.

Councillor Tom Nicols, Portfolio Holder for Sustainable Development then presented his report on the Gypsy and Traveller Development Plan Document (DPD) which set out the recommendations of the Sustainable Communities Overview and Scrutiny Committee from its meeting on 7 September 2010 on how the Council should progress with the Gypsy and Traveller Development Plan Document; together with supplementary advice that he had circulated on 23 September 2010 proposing that 27 pitches be provided, and not 26 as recommend by Overview and Scrutiny.

The submitted report set out details of the Secretary of State for Communities and Local Government's announcement on the revocation of the Regional Spatial Strategies and that decision-making on housing and planning was to be returned to local councils. The abolition of regional targets meant that the Council was responsible for determining the right level of Gypsy and Traveller pitch provision reflecting local need. It was noted that a Gypsy and Traveller DPD would provide a robust planning framework that would enable the Council to contest speculative planning applications or deal with illegal Gypsy and Traveller encampments.

Councillor Nicols paid tribute to the diligence of the Development Strategy Task Force and Overview and Scrutiny Committee who had fully explored and debated the options put forward to the Executive.

The Portfolio Holder explained that since the agenda had been published he had further considered the recommendations of Overview and Scrutiny and his conclusion was set out in the supplementary paper dated 23 September. Whilst acknowledging the Committee's evidence and reasons why it had proposed a total pitch provision of 26, the Portfolio Holder proposed a total pitch provision of 27 from the end of 2010 to the end of 2015, for the reasons set out in paragraph 9 of the main report. He pointed out that this would mean that a further local needs assessment of Gypsy and Traveller accommodation up to the end of 2015 would not be required.

Councillor Nicols then drew attention to his proposed amendment that pitch numbers at the Oak Tree Nursery & Magpie Farm site at Upper Caldecote be reduced from the 6 suggested by the Overview and Scrutiny Committee to 3 pitches. The Portfolio Holder felt that any more pitches at the site would be disproportionate.

It was noted that future consideration would need to be given by the Executive to the shortfall of 4 pitches which he proposed would be accommodated on Council landholdings. It was stressed that whilst no decision had been made as to where the pitches would be located, this would be considered at the earliest opportunity in order to find the most appropriate locations.

During the ensuing discussion the Portfolio Holder responded to comments and questions raised by the Executive and non-Executive Members in attendance. The Portfolio Holder concluded by stressing that it would be unwise for the Council not to move forward with a DPD as it would weaken the Authority's ability to take action over unlawful settlements.

Reason for decision: To enable the Council to progress the Gypsy and Traveller Development Plan Document.

## **RESOLVED**

- 1. that a total of 27 additional permanent pitches, in accordance with the advice set out in paragraph 9 of the submitted report, be allocated in Central Bedfordshire (north) up to the end of 2015, as identified in the local Gypsy and Traveller Accommodation Assessment 2007 and using a 3% compound growth rate, and that there be no requirement for any further local needs assessment to be undertaken of Gypsy and Traveller accommodation up to the end of 2015.**
- 2. that the allocation of additional pitches, as summarised in Table 1 of the submitted report, be as follows:**
  - (i) 1 Old Acres, Barton Road, Pulloxhill, the authorisation of the existing 8 temporary pitches;**
  - (ii) Hermitage Lane, off Westoning Road, Greenfield, the authorisation of the existing 2 tolerated pitches;**

- (iii) Land rear of 197 Hitchin Road, Arlesey, 10 pitches in total, comprising of the authorisation of the existing 4 temporary pitches and the addition of 6 new pitches;
  - (iv) Oak Tree Nursery & Magpie Farm, Upper Caldecote, on the plan circulated at the OSC meeting, 3 new pitches, in addition to the 3 permanent pitches on site, totalling 6 pitches;
  - (v) The remaining pitches be allocated on Council landholdings, to be determined at a later stage.
3. that no additional pitches be allocated on the private site on land between Common Road and Myers Road, Potton.
  4. that transit pitches for the use of Gypsies and Travellers be provided on existing Gypsy and Traveller sites rather than through the provision of a new specific site elsewhere, as detailed in paragraph 13 of the submitted report. In the interests of certainty of provision, the site locations will be determined in consultation with the Gypsy and Traveller community in conjunction with the Director of Sustainable Communities and the Portfolio Holder for Sustainable Development;
  5. that four pitches be allocated at Kennel Farm Holdings, Biggleswade for the use of Travelling Showpeople.
  6. that the Director of Sustainable Communities, in consultation with the Portfolio Holder for Sustainable Development, be given delegated authority to agree the Draft Submission document of the Gypsy and Traveller Development Plan Document for consultation purposes.

E/10/67

### **Review of Joint Memorandum of Understanding (MoU) with Milton Keynes Council**

Prior to consideration of the report and in accordance with the Scheme of Public Participation set out in paragraph 2 of Annex 1 of Part A4 of the Constitution, the Executive was addressed by a member of the public:-

#### **Mr Ian Pickering – Aspley Guise Parish Council**

Mr Pickering outlined the points made by Aspley Guise Parish Council in favour of the termination of the MoU. Whilst the Parish Council recognised that there would be an ongoing need for co-operation on planning matters between Central Bedfordshire and Milton Keynes Councils, the form of co-operation envisaged by the MOU was considered inappropriate.

The Executive then considered the report from Councillor Tom Nicols, Portfolio Holder for Sustainable Development.

The Portfolio Holder advised Members that since the Coalition Government had been elected there had been a number of changes to planning policy and

resolutions by Milton Keynes Council which made it legitimate to review the need for the MoU. The submitted report outlined two possible options, leaving the MoU in place until the position with the proposed Local Enterprise Partnership and other legislation covering the cross boundary duty to co-operate were known, and then enter into a revised or fresh MoU or withdrawing totally from the MoU but leaving in place the current cross boundary working arrangements.

The Executive recognised that whilst the MoU was out of date it would potentially be harmful for the Council to withdraw from the MoU until the outcome of the proposals for a Local Enterprise Partnership and other legislation regarding the cross boundary duty to co-operate was known. It was also acknowledged that the basis of the obligations of the South East Strategic Development Area and the focus on the expansion of Milton Keynes into Central Bedfordshire would need to be removed from the MoU. For these reasons the Portfolio Holder moved a revised recommendation which was duly seconded:-

'That the current MoU be left in place for up to 6 months until the outcome of proposals for a Local Enterprise Partnership and other legislation regarding the cross boundary duty to co-operate are known, on the basis that the obligations of the South East Strategic Development Area and the focus on the expansion of Milton Keynes into Central Bedfordshire are removed.'

Reason for decision: To implement the Council's policy commitment to partnership working and the proposed "duty to co-operate" between Council's.

## **RESOLVED**

**that the current MoU be left in place for up to 6 months until the outcome of proposals for a Local Enterprise Partnership and other legislation regarding the cross boundary duty to co-operate are known, on the basis that the obligations of the South East Strategic Development Area and the focus on the expansion of Milton Keynes into Central Bedfordshire are removed.**

E/10/68

## **Policy on charging for Non-Residential Social Care Services**

The Executive considered a report from Councillor Carol Hegley, Portfolio Holder for Social Care and Health proposing the adoption of a revised charging policy for non-residential care services.

The Portfolio Holder advised Members that a Scrutiny Task Force had considered the proposed policy. The Task Force also considered feedback from the consultation activities and benchmarking data from fifteen other local authorities within the Council's comparator group. It was noted that Overview and Scrutiny at its meeting on 13 September 2010 had supported the recommendations of the Task Force and recommended that they be put to Executive for approval.

Responding to comments the Portfolio Holder explained that the principle of 'Fairer Charging' was that customers pay a contribution to the cost of their service if they could afford it which was determined under the Council's Financial Assessment means test. It was noted that details of the method of calculation and scale of charges were set out in the Policy, which was attached as Appendix A to the submitted report.

Reason for decision: There is a need for an up to date policy on charging for non-residential social care services so that decisions are based on legal requirements: the principles were agreed by the Council in light of the transformation of social care services.

### **RESOLVED**

- 1. that the revised charging policy for non-residential care services, as set out in Appendix A of the submitted report, be approved;**
- 2. that implementation of the revised policy commence with effect from 1 October 2010;**
- 3. that a report be submitted to a future meeting of the Executive setting out the outcomes of Phase 2 of the policy revision.**

E/10/69

### **Annual Report of Bedford and Central Bedfordshire Adult Safeguarding Board**

The Executive considered a report from Councillor Carol Hegley, Portfolio Holder for Social Care and Health on the third annual report of the Adult Safeguarding Board which covered Bedford Borough and Central Bedfordshire.

The Portfolio Holder explained that the purpose of the annual report was to outline progress made during the period April 2009 to March 2010. During that period, a comprehensive improvement plan had been introduced and firm foundations had been laid to raise the profile and awareness of safeguarding. It was recognised that achieving excellence in this area required sustained improvement by all partner agencies. Remedial action plans had been put in place to address shortcomings and new performance reporting systems had been established. Over the next 12 months more work would be done to reach safeguarding goals and embed the revised policy and procedures and ensure that all partner agencies prioritised safeguarding work.

Reason for decision: There is a requirement for the Annual Safeguarding Report is presented to Executive.

### **RESOLVED**

**that the Annual Report of Bedford and Central Bedfordshire Adult Safeguarding Board, as attached at Appendix A to the submitted report, be noted.**

E/10/70

## **Local Bus Services and Community Transport Interim Support Strategy**

The Executive considered a report from Councillor David McVicar, Portfolio Holder for Safer and Stronger Communities proposing a draft interim strategy for supporting local bus and community transport services in the face of corporate budget pressures.

The submitted report included detail of the progress of the Transforming Transport review, work underway to enable the Council to evaluate supported bus services effectively, and the latest financial position in respect of local bus service, community transport and concessionary fares support.

The Portfolio Holder explained that his proposal was to continue to develop the Council's Bus Service Evaluation Toolkit, restrict the time before which use of concessionary passes was allowed on local bus services and either restrict or charge for the use of concessionary passes on dial-a-ride services. It was proposed that consultation be carried out during the period 1 October and 15 November and that the outcome together with detailed options be considered at the Executive meeting on 7 December 2010.

Reason for decision: To enable the Council to deliver a balanced budget in 2011-2012, whilst meeting the cost-effectiveness criteria contained in the Bus Strategy.

### **RESOLVED**

- 1. that the work being undertaken by the Transforming Transport Team on the Council's support for local bus and community transport service provision, as set out in the submitted report, be noted.**
- 2. that a document be prepared for public consultation between 1 October and 15 November 2010 setting out the following principles:**
  - (a) to restrict the time before which national concessionary pass holders may board a local bus service and travel without payment;**
  - (b) to restrict the use of concessionary passes on dial-a-ride services and consider whether to introduce charges for their use; and**
  - (c) to utilise a combination of accessibility, congestion relief, affordability and subsidy required per passenger as the basis for prioritising support for socially necessary bus services.**
- 3. that a report setting out the results of the consultation and definitive options be brought to the Executive meeting on 7 December 2010.**

E/10/71

## **Visible Presence**

The Executive considered a report from Councillor David McVicar, Portfolio Holder for Safer and Stronger Communities proposing recommendations to support changes to existing practices to provide a co-ordinated approach to undertaking statutory duties under the Environmental Protection Act (EPA)1990, Clean Neighbourhoods and Environment Act (CNEA) 2005 and associated legislation, across Central Bedfordshire.

The Portfolio Holder explained that the Council had a range of statutory duties under the EPA and CNEA that must be complied with. Delivery of those duties were based upon legacy authority approaches and were provided through a range of teams: the key resource in delivering the duties was the Envirocrime Team. Although the existing arrangements ensured statutory duties were complied with, the Council needed its own approach using recognised best practice principles.

Reason for decision: To ensure that the Council fulfils its statutory duties in a more effective way through a co-ordinated approach to implementing environmental legislation across services, thus providing improved outcomes for communities.

## **RESOLVED**

**that approval be given to the development of a visible presence approach to addressing local environmental issues in Central Bedfordshire, based on a phased introduction and beginning with the proposed changes to the Envirocrime Team, as detailed in the submitted report.**

E/10/72

## **CCTV Review**

The Executive considered a report from Councillor David McVicar, Portfolio Holder for Safer Communities and Healthier Lifestyles proposing changes to the operation of the CCTV service provided across Central Bedfordshire by the Council, together with a revised recommendation (a) that had been circulated with the Chairman's Briefing Note.

The report set out the background to the review which had been undertaken to identify how best to bring together the management of all Council owned CCTV cameras as a result of different systems that had been inherited. The paper also detailed the options considered and the result of consultation that had taken place with key stakeholders who benefited from the Council service, to obtain their view on the options being considered.

The Chairman reported that since the agenda had been published she had received a letter from Hertfordshire CCTV Partnership dated 24 September 2010 with what appeared to be alternative proposals. The Executive debated the impact of the letter from Hertfordshire CCTV Partnership at length. It was suggested that the details of the letter needed to be explored and reported back to the Executive.

The Executive then considered the impact of seeking a financial contribution from those Town Councils where cameras were located. It was recognised that the Town Councils would need to know how much the service would cost to enable them to reach an informed decision on whether to financially support cameras in their area and the impact that it would have on their Council Tax precepts.

In light of the above discussion the Portfolio Holder moved the following amendment to recommendation (b) which was duly seconded:-

That the following sentence be added to Recommendation 2:-

‘This to be subject to the Director of Sustainable Communities and the Portfolio Holder for Safer Communities and Healthier Lifestyles giving further consideration to the latest proposal from Hertfordshire CCTV Partnership, detailed in a letter to the Leader of the Council dated 24 September 2010, the outcome of this further consideration to be reported back to the November meeting of the Executive so that the ramifications for recommendations 3 and 4 below, including the timescales to be applied to them, can be considered.’

Reason for decisions: A review of the CCTV service provided by the Council is required to assess current provision, to identify differences and consider options to identify efficiency savings and ensure value for money.

## **RESOLVED**

- 1. that a revenue saving of £95,000 for CCTV, achieved through staff reductions, reduced monitoring hours and changes in the terms and conditions, as detailed in Appendix E of the submitted report, be implemented to achieve a full year saving in 2011/12.**
- 2. that approval be given to the integration of cameras operating via the Hertfordshire CCTV Partnership into the Dunstable CCTV control room and the whole CCTV service operated as one from Dunstable providing a further anticipated year on year saving of £40k, subject to a capital investment of £52k. This to be subject to the Director of Sustainable Communities and the Portfolio Holder for Safer Communities and Healthier Lifestyles giving further consideration to the latest proposal from Hertfordshire CCTV Partnership, detailed in a letter to the Leader of the Council dated 24 September 2010, the outcome of this further consideration to be reported back to the November meeting of the Executive so that the ramifications for resolutions 3 and 4 below, including the timescales to be applied to them, can be considered.**
- 3. that the Council seeks a financial contribution from Bedfordshire Police and those Town Councils where cameras are located.**
- 4. that further research be undertaken to consider longer term options for CCTV.**

E/10/73

**Central Bedfordshire Housing & Council Tax Benefit Anti Fraud Policy and Strategy, and Housing & Council Tax Benefit Prosecutions and Sanctions Policy**

The Executive received a report from Councillor Maurice Jones, Portfolio Holder for Finance, Governance and People proposing a Housing & Council Tax Benefit Anti Fraud Strategy & Policy which would provide a framework on which the Council would combat and detect fraud and a Housing & Council Tax Benefit Prosecutions and Sanctions Policy that would provide the framework on which the Council would decide when it was appropriate to prosecute fraudsters.

Reason for decision: To ensure that the Council has a clearly understood policy framework in place for the prevention, detection and investigation of fraudulent benefit claims, and to inform the decision making process as to the appropriate sanctions where fraudulent claims are discovered.

**RESOLVED**

**that the Housing & Council Tax Benefit Anti Fraud Strategy & Policy and the Housing & Council Tax Benefit Prosecutions and Sanctions Policy, as set out in Appendices A & B of the submitted report, be approved.**

E/10/74

**Quarter 1 Performance Report**

The Executive considered a report from Councillor Richard Stay, Portfolio Holder for Policy and Performance highlighting the key Quarter 1 performance for Central Bedfordshire Council for 2010/11.

It was noted that overall, performance was generally strong even though the Council had set itself challenging performance targets and was operating within a difficult financial climate.

A number of Portfolio Holders commented on performance in their respective areas.

Reason for decision: To ensure a rigorous approach to performance management across Central Bedfordshire Council.

**RESOLVED**

**that the Quarter 1 Performance report highlighting the key Quarter 1 performance for Central Bedfordshire Council be noted.**

E/10/75

**Quarter 1 Budget Management Report - Recommendations from the Customer & Central Services Overview and Scrutiny Committee**

The Executive considered the recommendations of the Customer and Central Services Overview and Scrutiny Committee from its meeting on 6 September 2010 regarding certain aspects of the Council's Budget Monitoring Report for Quarter 1 of 2010/11.

In noting the recommendations, the Executive agreed that the matters should be referred to the Chief Executive as it related to management issues.

Reason for decision: To respond to the recommendations of the Customer & Central Services Overview & Scrutiny Committee.

**RESOLVED**

**that the that the recommendations from the Customer & Central Services Overview & Scrutiny Committee from its meeting on 6 September 2010 be noted and referred to the Chief Executive to address as management issues.**

E/10/76

**Forward Plan of Key Decisions**

The Forward Plan for the period 1 October 2010 to 30 September 2011 was received.

(Note: The meeting commenced at 9.30 a.m. and concluded at 1.40 p.m.)

Chairman .....

Dated .....