

Environment and Non-Executive Functions Scrutiny Committee
23rd April 2009 at 6.00 pm

PRESENT: Councillor Ireland (Chair), Councillors Ayub, Dolling,
Garrett, Riaz, Taylor and Timoney

23 APOLOGIES FOR ABSENCE (REF: 2)

Apologies for absence from the meeting were received on behalf of Councillors Patterson and Skepelhorn.

24 MINUTES (REF: 3.1)

Resolved: That the Minutes of the meeting of the Committee held on 26th March 2009 be taken as read, approved as a correct record and signed by the Chair.

25 CARBON FOOTPRINT (REF: 9)

The Principal Climate Change Officer informed the Committee that the last Carbon Footprint report was submitted on 21st January 2009 Members agreed that future progress reports were to be submitted on a 3 monthly basis. The Officer group met on 10th February 2009 the following issues were discussed:-

A report to be submitted to the Corporate Improvement Board (CIB) in September after it has been discussed by DMT (Departmental Management Team) that encouraged employees including senior managers and Members to use alternative ways of travelling including public transport rather than being reliant on their car.

A Member enquired if the officers had discussions with the bus companies involved as to the fact some of the bus services in parts of Luton that previously offered direct routes to certain locations in Luton had been withdrawn. This change meant passengers had to travel all the way into town and back again to get to their destination. This did not encourage people to use buses.

The Principal Climate Change Officer agreed that further discussions would be required with the bus companies. The Council was examining the possibility of encouraging staff to use the buses.

Another Member pointed out staff that cycled to work should be encouraged by allowing them payment of a small amount of money for travelling on Council business.

A Member had noticed that a cycling route had been developed near the sewage works that offered a cycling route from Harpenden to Luton, he enquired if a feasibility study could be undertaken to extend this cycle route to Park Street.

The Principal Climate Change Officer explained that Sustrans the UK's leading sustainable transport charity were responsible for the new cycling route.

The Principal Climate Change Officer informed the Committee of a proposal for a workplace travel plan. A survey of staff was to be undertaken with their postcodes included so that officers can map where and how far staff travelled to work. The Head of Engineering and Transportation was seeking support from Departmental Management Teams for this initiative and would report back to the Corporate Improvement Board (CIB) in September.

The Green Champions was an initiative where certain employees had volunteered to champion waste reduction and recycling, reducing energy and water use. At present the green champion duties were undertaken on a voluntary basis in the employees own time. It had been suggested that these staff were allocated an hour or two of core time for this work per month.

A briefing and training course had been proposed by the Luton Council Climate Change Group (LCCG) that would engage all Members on the new requirements on climate change and carbon reduction for the Council.

The Carbon Reduction Commitment (CRC) a new mandatory emissions trading scheme to be introduced in 2010 in which the Council would be required to monitor its emissions and purchase allowances from the Government for each tonne of CO² it emits. This could add £200,000 per annum on top of the Council's energy costs a report is being submitted to Corporate Leadership and Management Team (CLMT) on the 21st May 2009 that will outline the potential costs, staffing issues and programme of work that addresses the requirements of the CRC.

The Principal Climate Change Officer informed the Committee that the Executive had been requested by this Committee that all future committee reports should incorporate an environmental clearance paragraph. The Head of Local Democracy was calling together relevant officers to develop guidance for report authors and once this guidance was available and submitted to (CLMT) environmental clearance on committee reports will be mandatory.

Resolved: That the report (Ref: 9) be noted.

The Engineering Services Manager updated the Committee on the work completed and the progress of the programmed works which included:-

- Installation of traffic monitoring screens in the Traffic Signals Office.
- Waller Avenue/Blundell Road/ Marsh and Leagrave Road signals controlled junction to be upgraded May/June 2009.
- Road signage to direct traffic along Hatters Way to Luton town centre rather than through Dunstable Road.
- Traffic signals at Dunstable Road/Francis Street have been removed.
- Mini roundabout installed at the junction of Limbury and Neville Roads. Objections had been received from residents living adjacent to the junctions.

The Engineering Services Manager had been requested by the Committee to produce a re-design and cost/benefits of the junction at Dunstable Road/Chaul End Lane.

The Engineering Services Manager tabled a single controlled cross road design of the junction with dedicated left hand lanes on all approaches by taking some land from the Vauxhall site at Dunstable Road, land from the field to the north of Downside Infants School and land from outside PC World on the Oakley Road approach. The Officers main concern was the acquisition of land at the Vauxhall site as the footpath was quite narrow. A critical element in the build up of traffic at this junction was the crossing situated outside Downside Infants School as the lights changed so frequently that it caused a tail back. The Engineering Services Manager would experiment by changing the frequency of the lights. A footbridge would be the ideal answer for pedestrians but this may not be feasible. The cost of the new junction would be in the region of £500,000 for new build only, i.e. excluding statutory undertakers work, land acquisition, procurement, design and supervision fees. Statutory undertakers work could be as much as the build cost of the scheme if there are significant services to be altered.

There are standard Government formulae based around savings in the journey time have to be drawn up in making a business case.

A Member stated that the Council should seek funding from the Network Management and Congestion Strategy Capital budget as a priority as this junction was a major contributor to the congestion of the town. The Engineering Service Manager explained that the allocation to this budget was approved by Executive at £150,000 for 2009/10. This comes from the Government LTP allocation, which in total for all Integrated Transport work amounted to about £2M and funding for this scheme needs to come from some other source. Although

Government, through the Traffic Management Act, put on a duty on Highway Authorities to produce and implement a congestion strategy, there has been no extra funding allocated for this.

Another Member requested that the Engineering Services Manager investigates the proposals to ensure they would work and produces a business case and that Executive be requested to resolve that the re-design of the junction at Chaul End Lane and Dunstable Road be progressed as a matter of urgency.

Resolved: (i) That the report (Ref: 10) be noted.

(ii) That the Engineering Services Manager be requested to investigate the proposals for the re-design of the junction at Chaul End Lane and Dunstable Road to ensure their feasibility and to produce a business case.

(ii) That the Executive be requested to approve the progression of the re-design of the junction at Chaul End Lane and Dunstable Road as a matter of urgency in order that traffic congestion in the town is eased.

27 THE PROTECTION OF THE TOWN'S PARKLAND AND DEVELOPMENTS (REF: 11)

The Natural and Built Environment Service Manager informed the Committee that the term 'parkland' meant green space that was available for the enjoyment of the public and was normally accessible. She explained that the Council worked with Central Bedfordshire on the Core Strategy part of the Local Development Framework, there was a chapter in the Core Strategy on Green Infrastructure and Green Space.

The Development Control Manager assured Members that any development in parks would be subject to planning permission. If for example a park wished to fence off a particular area it would be subject to planning permission first. Apart from children's playgrounds the fencing off of park land was not encouraged.

The Natural and Built Environment Service Manager explained that to fence off parts of a park had a negative impact on people's enjoyment and Luton did not have much green space.

It was further explained that the Council's Corporate Strategy and Sustainable Community Strategy contained objectives for the protection of the Natural environment. The areas listed below are statutory designations for the protection of green spaces:-

- The Chilterns Area of Outstanding Natural Beauty.
- The Site of Special Scientific Interest on Warden and Galley Hills

- Wardown Park listed on the English Heritage Register of Parks and Gardens of special historic interest in England.
- Two Scheduled Ancient Monuments Wauluds Bank and Drays Ditches
- Green Belt – Stopsley Common, Drays Ditches and Putteridge Bury. The Borough also has a number of Country Wildlife Sites (CWS) and green space designations protected by policies in the Local Plan.

The Committee were assured that the Council was committed to conserve and enhance its green spaces and measures were being taken to plan for the future and to provide adequate resources for the proposed population growth.

A Member enquired if the club house at Foxdell would be converted to another use as he had heard it may be turned into a mosque. Also there was rumour that a stand for football spectators was to be built at the Kingsway Recreation ground.

The Development Control Manager stated that it was highly unlikely that Parks Management would allow such a development but agreed to investigate these allegations. Such developments would require planning permission.

A Member stated that planning applications for development in parks should be considered in the light of their impact on the amenity of parks and refused for that reason. Luton was deficient in open space and it was important that the town looked after the open space available. People needed to get away from urban development.

Resolved: That the report (Ref: 11) be noted.

28 REVIEW OF PRIVATE AND HACKNEY CARRIAGE LICENSING (REF: 12)

The Scrutiny Officer updated the Committee on the progress of the review of the Private and Hackney Carriage Licensing she informed the Committee that at the initial meeting a project plan had been submitted. On the 7th April 2009 the Licensing Manager and a legal representative attended the meeting in which a draft consultation for Hackney carriage and private hire drivers was produced, that combines the existing policy and other relevant information making it a more comprehensive document. The Licensing Officer had examined other authorities' convictions policies and found that some of these were more intense. Some issues had been discussed.

- What was contained in the Convictions Policy?

- Can lay members be appointed to the Panel? The legal advice received states lay members cannot be appointed to the Panel as it is not part of the Constitution.
- Can Panel Members be forced to declare an interest if they are known to an applicant? Panel Members cannot be forced to declare an interest unless someone complains. If an applicant is known to them although the Member should declare a personal and prejudicial interest it is a personal decision of the Member concerned as to whether he states this interest.

Training for Members is offered in-house by Legal Services once a year and is conducted usually at the beginning of the Municipal year it is not compulsory and very few Members take up training that results in low attendance. Some Panels such as Housing Appeals and Planning there is a legal requirement for Members to be trained before they were allowed to represent the Panel. A discussion followed and it was considered that Members may be more willing to attend training if the training is provided by an outside training organisation.

The translators used are all approved Council translators. There had been an occasion when one translator had not given the Panel the correct information and once this was discovered the particular translator was not used again. Applicants were allowed to be accompanied by a family member or friend for support but these people were not to be used as translators.

The penalty point system was ambiguous at the present time and is in the process of being reviewed so that it works in conjunction with the DVLA system.

There was no legal requirement for the Taxi and Licensing Panel to be a Member led Panel if the Panel did not work adequately it could be Officer led. If the applicants were not satisfied with the Panel's decision they had the right of appeal to the magistrates.

The Committee had discussed the Panel Members were not always undertaking their role seriously and gave applicants the 'benefit of the doubt'. Panel Members should not automatically give licenses, Members should be encouraged to undertake training so that the public are protected and the Council is certain that the person granted a licence is a fit and proper person to hold a Hackney Carriage or Private Hire Drivers licence.

A Member enquired if the Council was legally liable if a licence was granted to a taxi driver who was not a fit and proper person to drive the public.

Another Member suggested that potential new private hire and Hackney Carriage drivers should be liable to stricter testing perhaps

authorised by an outside agency such as the Driving Standards Agency (DSA). Other local authorities used the DSA for their Hackney Carriage and private hire licensing testing. There were 2 different types of tests one for drivers who catered for wheelchair users and one that catered for non-wheelchair users only.

The Scrutiny Officer informed the Committee that a report on the Scrutiny Committees recommendations would be submitted to the Executive following the Best Practice evidence being provided by other local authorities that should be submitted to the meetings of the Committee in June and September 2009.

Resolved: That the report (Ref: 12) be noted.

(Note: Councillor Taylor disclosed a personal and prejudicial interest in the above item in that he was the holder of a taxi/private hire driver's licence. He left the meeting during discussion of the item)

29 ANNAUL REPORT 2008-09 (REF: 13)

The Scrutiny Officer submitted the Annual Report for 2008/09 and asked that Members send her any comments they may have on the Report which included the Electoral Services Review undertaken in 2008/09. The recommendations from the review had been submitted and accepted by the Executive. She advised that the Annual Reports for all Scrutiny Committees would be considered by Scrutiny Board at its meeting on 30th April 2009.

Members were currently in discussion as to the proposed changes to the scrutiny process. The new structures that had been planned were not going ahead at the present time.

The report from the Improvement Development Agency (IDeA) was still awaited once it is received Councillors from all parties will be invited to research the possibility of operating Task and Finish Groups. The new proposal will see the political balance abandoned and allow any Member who is a non Executive Member to volunteer to scrutinise and discuss a particular subject of interest this is allocated as a "Task and Finish" panel. In respect of election of Chairs this will be done as and when panels are allocated and run for the period of the review only.

It was emphasised that the new proposals put forward by the IDeA will need all councillors to be in agreement in order to facilitate the changes of the scrutiny process.

Resolved: (i) That the Annual Report (Ref: 13) be noted)

(ii) That the Scrutiny Board be recommended to approve the draft Annual Report.

Note: The meeting ended at 8.00 p.m.