

Notice of Meeting

Committee	:	Executive	
Date	:	Tuesday, 06 April 2021	
Time	:	18:00	
Place	:	Virtual meeting via*Skype	
Councillors	:	Simmons (Chair) Burnett Castleman J. Hussain M. Hussain	A. Khan Malcolm K. Malik Shaw Timoney
Quorum	:	3 Members	

Contact Officer: Matt Hussey (01582 546032)

Email matt.hussey@luton.gov.uk

[Skype Meeting Link](#)

INFORMATION FOR THE PUBLIC

PURPOSE: The Executive is the Council's primary decision-making body dealing with a range of functions across the Council's activities and services.

***SKYPE:** During the Covid 19 emergency period, this meeting will take place virtually, via Skype. To access the meeting, please click on the link to the meeting above.

AGENDA

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No.</i>
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- 1. Apologies for Absence**
- 2. Published record of the meeting**

1. Public Decision Sheet - 8 March 2021

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Section 106, Local Government Finance Act 1992

Those item(s) on the Agenda affected by Section 106 of the Local Government Finance Act 1992 will be identified at the meeting. Any Members so affected is reminded that (s)he should disclose the fact and refrain from voting on those item(s).

Disclosures of Interests

Members are reminded that they must disclose both the existence and nature of any disclosable pecuniary interest and any personal interest that they have in any matter to be considered at the meeting unless the interest is a sensitive interest in which event they need not disclose the nature of the interest.

A member with a disclosable pecuniary interest must not further participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

A member with a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest, must similarly not participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

Disclosable pecuniary interests and Personal Interests are defined in the Council's Code of Conduct for Members and Co-opted members.

- 3. Business not covered by current forward plan:
General Exception**

The Executive Leader to report on any business which it is proposed should be considered by the Executive following compliance with Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

4. Business not covered by current forward plan: Special Urgency

The Executive Leader to report on any business which it is proposed should be considered following compliance with Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5. References from committees and other bodies

6. Recommendations from Scrutiny Reviews

7. Petitions

Business items

Executive Leader

8. Draft Calendar of Executive Meetings 2021-22 9 - 12

(Report of the Interim Service Director, Policy Communities and Engagement)

Inclusive Economy (Regeneration & Inclusive Growth)

9. Dedication of Proposed Park to Fields in Trust 13 - 17

(Report of the Service Director, Property & Infrastructure)

10. Regulation 4 of the Local Authorities (Executive Arrangements (Meetings & Access to Information)(England) Regulations 2012

To consider whether to pass a resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the public from the meeting during consideration of the item(s) listed below as it is likely, that if members of the public were present during the transaction of the item(s), exempt information within the meaning of the Paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972 indicated next to the item, would be disclosed to them.

11. **1. Private Decision Sheet - 8 March 2021**

- Paragraph (3) - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Population Wellbeing (Public Health & Integration)

12. **Private Report - Lewsey Pool Redundancies**

- Paragraph (3) - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Note: Rescheduled Items

- England's Economic Heartland Transport Strategy and Formal Application to Government to set up a Transport Body - Item Withdrawn

Note: Five days' notice is hereby given of items to be considered in private as required by Regulations (4) and (5) of the Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012.

Details of any representations received by the Executive about why any of the above exempt decisions should be considered in public: none at the time of publication of the agenda. If representations are received they will be published separately, together with the statement given in response.

Executive 8 March 2021

Present: Councillor Simmons (Chair), Councillors: Castleman, Burnett, J. Hussain, M. Hussain, Khan, Malcolm, K. Malik, Shaw and Timoney

Decision Sheet

Exemptions from the call-in process:

- (1) If the Council would be likely to suffer legal prejudice
- (2) If the Council would be likely to suffer financial prejudice
- (3) Where the calling-in of the decision would result in the decision not being capable of implementation at all
- (4) Where the decision is to incur or forego expenditure of £5,000 or less except where the decision has been taken otherwise that in accordance with the Council's Policy Framework or any policies, practices, or procedures adopted by the Executive
- (5) Where the decision results from a reference or report or recommendation from the Overview and Scrutiny Board or from a Task and Finish Group.
- (6) Where the decision will be the subject of a recommendation to the Full Council

Agenda item(s) ward affected	Subject	Dec. No.	Decision and reason for decision	Other options considered
2.1 & 2.2 All	Published decision sheets of the Executive meetings held on 1 st and 9 th February 2021	EX/33/21	That the published decisions of the meetings of the Executive held on 1 st and 9 th February 2021 be agreed as a correct record of the meeting and signed by the Chair in due course.	
8A	Representation on Outside Body – Luton Fostering Panel	EX/34/21	That the replacement of Councillor Rivers with Councillor Taylor on the Luton Fostering Panel be approved with immediate effect.	
8. All	Revenue and Capital Budget Monitoring Quarter 3 2020-21	EX/35/21	<p>(i) That the Quarter 3 monitoring forecast for the General Fund predicts a small net overspend compared to the revised emergency budget, after use of the grant funding and income compensation received to meet the impacts from the coronavirus be noted.</p> <p>(ii) That the changes in the coronavirus grant funding up to Quarter 3 and the regulation changes introduced by the government, which has significantly reduced the expected use of reserves this year be noted.</p> <p>(iii) That the capital budget changes detailed in paragraphs 24 to 28 of this report, including a cumulative reduction and re-phasing of projects totalling £113 million be noted.</p>	<p>a) To note the current forecast subject to further developments</p> <p>b) To reject the report and implement alternative budget measures</p>

			Reason: To report the latest forecast outturn position across the council's finances	
9.	Regulation 4 of the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012	EX/36/21	A resolution was passed under Regulation 4(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the public from the meeting during consideration of the item(s) listed below as it is likely, that if members of the public were present during the transaction of the item(s), exempt information within the meaning of Paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972 indicated the item would be disclosed to them.	
10.1 & 10.2	Published Private decisions of the Executive held on 1 st and 9 th February 2021.	EX/37/21	That the published Private decisions of the meetings of the Executive held on 1 st and 9 th February 2021 be agreed as a correct record of the meeting and signed by the Chair.	
11. All	Acquisition of Liquidlogic's Early Years & Education System (EYES)	EX/38/21	That the recommendations in the report (Ref 11) of the Service Director, Customer and Organisation and Service Director, Education be approved and noted. (Note: The above item was considered in private by virtue of Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, Part VA.	

Meeting ended: 6.21pm

Date of Publication: 10 March 2021

Exempt Information

Summary of those matters which by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 may be discussed in private

Paragraph

No.

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour related matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Report For:	Executive
Date of Meeting:	06 April 2021
Report Of:	Interim Service Director, Policy, Communities and Engagement
Report by:	Matthew Hussey
Contact Officer:	Matthew Hussey Ext: 6032
Subject:	Draft Calendar of Executive Meetings 2021/22
Lead Executive Member(s):	Councillor Simmons
Wards Affected:	All
Consultations:	Councillors <input checked="" type="checkbox"/> Scrutiny <input type="checkbox"/> Stakeholders <input type="checkbox"/> Others <input type="checkbox"/>

Recommendations

- The Executive is recommended to approve the calendar of meetings for the Municipal Year 2021-22 insofar as it relates to Executive meetings set out in the Appendix to this report.**

Background

- Each year the Executive agrees the calendar of meetings of the Executive for the ensuing municipal year. This report proposes dates for the municipal year 2021-22.

The Current Position

- The current schedule of meeting dates covers the municipal year up to the end of April 2021. The attached shows draft Calendar dates for the Executive from May 2021 onwards.

Goals and Objectives

- To adopt a regular cycle of meetings of the Executive based on a four-week cycle and to facilitate decision making by providing a Calendar that allows scrutiny consideration of proposals prior to the Executive in a more effective and planned way, 6 times per year.

Proposal

- It is not proposed to alter the four week frequency of meetings of the Executive. However, additional meetings are planned for January 2022, in addition to the Budget meeting, to allow the Budget meeting agenda to be free from routine business and avoid delays in the consideration of other routine business.
- Executive is reminded that any approval given relates only to meetings of the Executive. The draft calendar insofar as it relates to all other meetings was submitted to the Council meeting on 23rd March 2021 and approved.

Key Risks

7. Not agreeing dates in advance impacts on production of the Executive Forward Plan and the ability of officers to effectively forward plan and programme items for submission to other relevant bodies prior to submission to the Executive.

Consultations

8. Not Applicable.

Alternative options considered and rejected (please specify)

9. To approve the dates set out in at Appendix A to this report.
10. To choose a different cycle of meeting dates.
11. Not to set meeting dates for the whole of the 2018-19 municipal year.

Appendices Attached

12. Integrated Impact Assessment

List of Background Papers - Local Government Act 1972, Section 100D

13. Appendix A: Draft Calendar of Executive Meetings for 2021-22

Implications - an appropriate officer must clear all statements

For CLMT only Legal and Finance are required

Required

Item	Details	Clearance Agreed By	Dated
Legal	The only legal implication is set out in body of the report, namely that the Council would have difficulty in meeting its obligation to publish the Forward Plan if the dates of the meetings are not agreed in advance.	Raj Popat, Principal Solicitor	24.03.21
Finance	There are no financial implications to the report.	Darren Lambert, Finance Business Partner	23 rd March 2021
Equalities / Cohesion / Inclusion (Social Justice)	There are no equalities implications to the report.	Maureen Drummond, Equality and Diversity Adviser	23 March 2021
Environment	There are no direct environmental implications of this report. However there are likely to be indirect impacts in that some reports to Executive in 2021-22 could have environmental implications.	Keith Dove, Strategic Policy Adviser	23 March 2021

Item	Details	Clearance Agreed By	Dated
Health	There are no health and wellbeing implications to the report.	Sally Cartwright, Service Director, Healthcare and Adult Commissioning	24.03.21

Optional

Item	Details	Clearance Agreed By	Dated
Community Safety			
Staffing			
Other			

APPENDIX

DATES AND TIMES OF EXECUTIVE MEETINGS 2021-22

DATE	TIME	MEETING
JUNE 2021		
Monday 01-06-2021	6 pm	EXECUTIVE
Monday 28-06-2021	6pm	EXECUTIVE
JULY 2021		
Monday 19-07-2021	6 pm	EXECUTIVE
AUGUST 2021		
Monday 16-08-2021	6 pm	EXECUTIVE
SEPTEMBER 2021		
Monday 13-09-2021	6 pm	EXECUTIVE
OCTOBER 2021		
Monday 11-10-2021	6 pm	EXECUTIVE
NOVEMBER 2021		
Monday 08-11-2021	6 pm	EXECUTIVE
DECEMBER 2021		
Monday 06-12-2021	6 pm	EXECUTIVE
JANUARY 2022		
Monday 10-01-2022	6 pm	EXECUTIVE
Monday 17-01-2022	6 pm	EXECUTIVE (DRAFT BUDGET)
FEBRUARY 2022		
Mon 09-02-2022	6 pm	EXECUTIVE (BUDGET)
MARCH 2022		
Monday 07-03-2022	6 pm	EXECUTIVE
APRIL 2022		
Monday 04-04-2022	6 pm	EXECUTIVE
Monday 25-04-2022	6 pm	EXECUTIVE

Report For:	Executive
Date of Meeting:	07 April 2021
Report Of:	Service Director – Property and Infrastructure
Report Author:	Mark Davie
Subject:	Dedication of Proposed Park to Fields in Trust
Lead Executive Member(s):	Cllr Sian Timoney
Wards Affected:	Wigmore
Consultations:	Councillors <input type="checkbox"/> Scrutiny <input type="checkbox"/> Stakeholders <input type="checkbox"/> Others <input type="checkbox"/>

Recommendations

- The Executive is recommended to agree in principle to the negotiation of and the entering into by the Council of a Deed of Dedication with Fields in Trust, in respect of the Replacement Park.**
- The Executive is recommended to delegate responsibility for negotiation and agreement of the terms of the Deed of Dedication to the Service Director, Property and Infrastructure, in consultation with the Portfolio Holder Regeneration and Inclusive Growth.**

Background

- The Council has recently made an in principle decision to grant planning consent to Foxhall Homes Ltd (a company wholly owned by the Council) for the development of a Housing scheme on Wandon Neighbourhood Park, Wandon Close, Luton (**“Development”**).
- As part of the proposed Development a replacement park is to be created on land adjacent to the current park as shown edged red on the plan annexed to this report as Appendix 1 (**“Replacement Park”**).
- The Replacement Park is land in the ownership of the Council which it has agreed to provide as a replacement park as part of the proposed Development.
- The Replacement Park has received a Certificate of Lawful Development from North Hertfordshire District Council and will therefore be created and laid out under our permitted development rights.
- Ownership of the Replacement Park shall remain with the ownership and responsibility of Luton Borough Council

The Current Position

- The Council is the owner of both Wandon Park and the proposed Replacement Park, as such it has control over the use of both plots of land, although the proposed Replacement Park is in North Hertfordshire this does not prevent the Council from controlling its use, within the confines of the planning system.

9. As part of the proposed s106 agreement (a form of agreement to secure planning contributions and mitigations placed on the owner of the land) in relation to the Development (“**S106**”) there is a requirement for the future use of the proposed Replacements Park to be protected in perpetuity as public open space.
10. In order for Foxhall Homes to bring forward its proposed Development, and although the S106 obligation to provide the Replacement Park is not enforceable against the Council, Foxhall must comply with the S106 obligation, thus the Council needs find a way of protecting the future use of the Replacement Park in perpetuity as public open space.
11. The most appropriate means of securing this protection is to “dedicate” the Replacement Park to an organisation known as Fields in Trust.
12. Fields in Trust is a long established charity that was set up to protect playing fields from excessive development by land owners nearly 100 years ago. Over this time they have worked with over 300 Councils to protect green space.
13. By entering into a Deed of Dedication the Council would effectively be handing over non-operational control of the Replacement Park to Fields in Trust. So whilst the Council would continue to exercise day to day control of the land. Fields in Trust could prevent any attempt to change the use of or build new structures on the Replacement Park.
14. This will have the effect of preserving the use of the proposed Replacement Park as public open space in perpetuity as once entered into the Council will not be able to unilaterally revoke the deed.
15. Several Luton Parks including Memorial Park and Lewsey Park are already dedicated to the Fields in Trust having been included in the QE2 memorial paying field programme.
16. Therefore the dedication of parkland to Fields in Trust is not a new process for the Council and the process and consequences are well known.
17. Once dedicated the Council could not undertake any form of development on the Replacement Park without the permission of Fields in Trust. In the case of small scale development to enhance the park (for example the provision of a pavilion or snack stand) they are likely to grant permission. However, this dedication would remove the Council’s ability to develop the land for commercial purposes, Fields in Trust have strict criteria in this respect.
18. In view of the Council’s stated objective to protect the Replacement Park, dedication of the Replacement Park to Fields in Trust is the only viable option available to the Council
19. There is no cost inherent in the dedication although the Council will need to make a small contribution toward the legal fees incurred by Fields in Trust, such a sum is negligible.

Goals and Objectives

20. To agree a dedication of the proposed Replacement Park to Fields in Trust

Proposal

21. That the Council enters into a Deed of Dedication for the proposed park with Fields in Trust

Key Risks

22. There is a risk that the Council will change plans and decide it needs to develop the Replacement Park for some future purpose, this dedication will remove that right, so members should be clear that they are comfortable with this long term commitment before agreeing to it.

Consultations

23. N/A

Alternative options considered and rejected (please specify)

24. The placement of a restrictive covenant on the Replacement Park – This option was considered, however, as the beneficiary of the covenant the Council unilaterally agree to its removal at a later date, thus this option did not provide the level of security required for the Replacement Park.

Appendices Attached

25. Appendix 1 – Plan

List of Background Papers - Local Government Act 1972, Section 100D

26. None

Implications - an appropriate officer must clear all statements

For CLMT only Legal and Finance are required

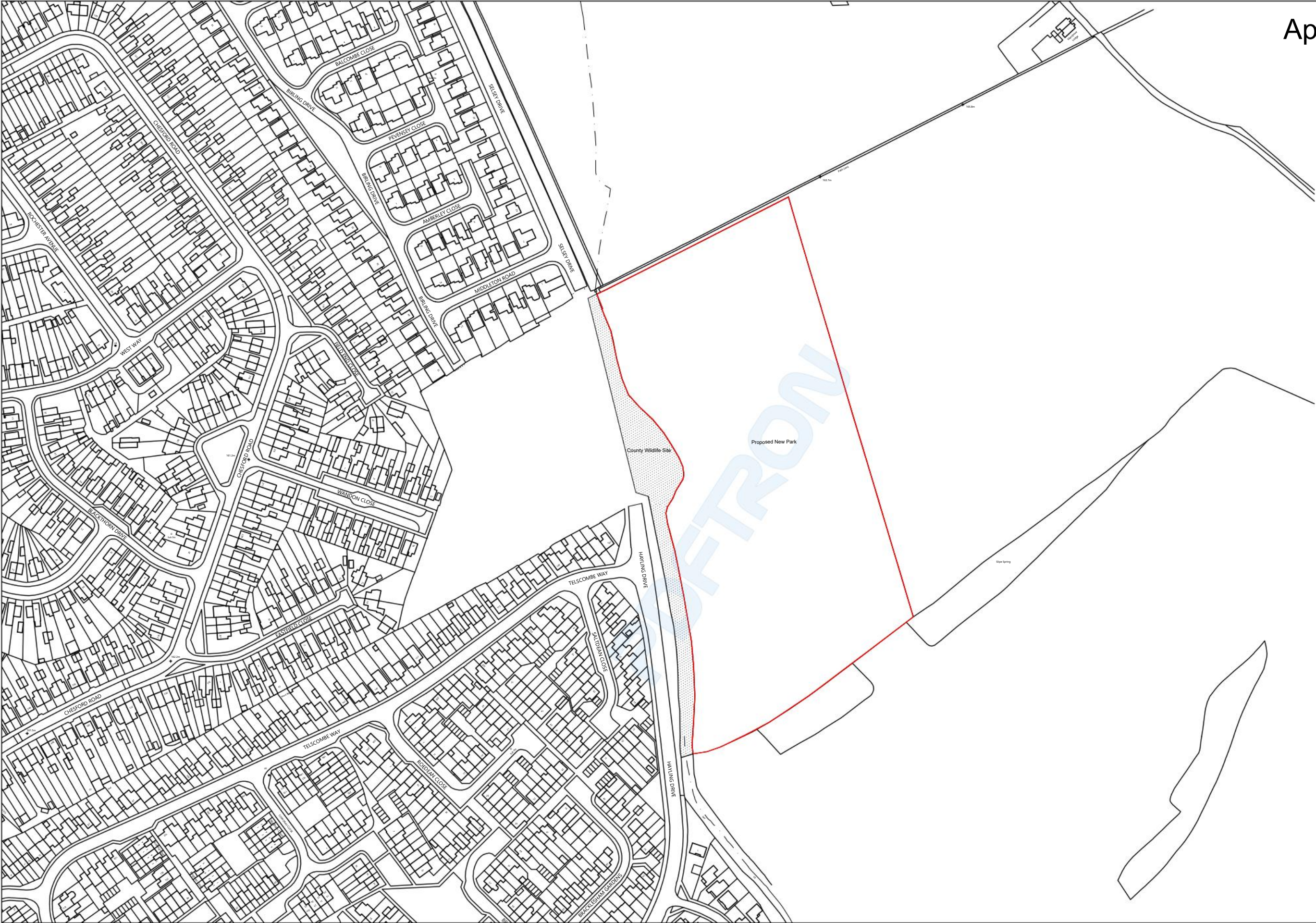
Required

Item	Details	Clearance Agreed By	Dated
Legal	The legal implications are as set out in the body of the report	Lyndsey Parsons – Solicitor Property and Planning	16/03/2021
Finance	The financial implications are as set out in the body of the report. There are no additional ongoing cost implications associated with the report.	Darren Lambert, Finance Business Partner	18 th March 2021
Equalities / Cohesion / Inclusion (Social Justice)	This is a technical land ownership matter with no obvious equality implications	Maureen Drummond, Equality and	16 March 2021

Item	Details	Clearance Agreed By	Dated
		Diversity Adviser	
Environment	This is a technical land ownership matter with no obvious direct environmental implications. Indirectly, however, the use of the replacement park could contribute to encouraging walking and cycling both for residents in the vicinity of Wandon Park but also within the wider East Luton area, thereby contributing to reduced carbon emissions.	Keith Dove, Strategic Policy Adviser	16/03/2021
Health	This is a technical land ownership matter with no obvious health implications	Lucy Hubber, Director of Public Health	17/03/2021

Optional

Item	Details	Clearance Agreed By	Dated
Community Safety			
Staffing			
Other			



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LEGEND

SITE BOUNDARY

COUNTY WILDLIFE SITE



ADDRESS
Wandon Park, Hayling Drive, Luton. LU2 8DX

CLIENT
Luton Borough Council

DRAWING TITLE
Site Location Plan
K2 No 000223

PROJECT NAME
Wandon Park

REV	DESCRIPTION	BY	DATE	DRAWN BY	DATE	CHECKED BY	DATE	SHEET NO:
								1 OF 1

SCALE
1/2500 @ A3

DWG NO.	STAT.	REV.	DRAWING STATUS
02771-PCS-P1-00-DR-A-223_3 S10	P0		LEGAL

Luton

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