

EXECUTIVE – 10TH APRIL 2006 AT 6.00 P.M.

THEME: ENVIRONMENT AND REGENERATION

PRESENT: Councillor Franks (Chair); Councillors J. Davies, R. Davies, Howes, Q. Hussain, Patterson, Pedersen, Rutstein, and Strange.

APOLOGY: Councillor Iqbal

IN ATTENDANCE: Councillors R.J. Davis, Ireland, Roden, Shaw and Simmons

DECISIONS 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 a Scrutiny Committee, a Scrutiny Panel or the Scrutiny Board***
- (6) Where the decision will be the subject of a recommendation to the Full Council***

AGENDA ITEM/ WARD(S) AFFECTED	SUBJECT	DEC. NO.	DECISION AND REASONS FOR DECISION	OTHER OPTIONS CONSIDERED
2.1	Published decisions of the Executive held on 27 th March, 2006	EX/115/06	That the published decisions of the meeting of the Executive held on 27 th March 2006 be agreed as a correct record of the meeting. Reason: Administrative	

AGENDA ITEM/ WARD(S) AFFECTED	SUBJECT	DEC. NO.	DECISION AND REASONS FOR DECISION	OTHER OPTIONS CONSIDERED
3.1 All	Children and Young People's Plan 2006-2009	EX/116/06	<p>(i) That the Children and Young People's Plan attached at an Appendix to the report of the Director of Children and Learning (Ref: 3.1) be endorsed.</p> <p>(ii) That the Council be recommended to approve the Children and Young People's Plan which forms part of the Council's Policy Framework in place of the Children's Service Plan, Education Development Plan, Sure Start Plan, Class Size Plan and School Organisation Plan.</p> <p>Reason: Statutory</p> <p>(Note: The above item was considered by the Executive in compliance with Regulation 15 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (General Exception)).</p> <p>Exempt from call-in process – Category (6)</p>	There are no realistic alternative options in respect of the recommendations.

AGENDA ITEM/ WARD(S) AFFECTED	SUBJECT	DEC. NO.	DECISION AND REASONS FOR DECISION	OTHER OPTIONS CONSIDERED
7 All	Bedfordshire and Luton Casualty Reduction Partnership	EX/117/06	<p>(i) That the Council's commitment in principle to continuing the Bedfordshire and Luton Casualty Reduction Partnership in a form to be determined be confirmed.</p> <p>(ii) That the Head of Engineering and Transportation be instructed along with the other partners to investigate options for the future of the Bedfordshire and Luton Casualty Reduction Partnership and to report recommendations to a future meeting of the Executive.</p> <p>Reason: In order to reduce the number of road casualties</p>	To give notice of its intention to withdraw from the Bedfordshire and Luton Casualty Reduction Partnership.
8 All	Speed Management Strategy	EX/118/06	<p>That the Speed Management Strategy attached at Appendix 1 to the report of the Head of Engineering and Transportation (Ref: 8) be approved as Council policy.</p> <p>Reason: To improve road safety</p>	Not to approve the Speed Management Strategy as Council Policy.

AGENDA ITEM/ WARD(S) AFFECTED	SUBJECT	DEC. NO.	DECISION AND REASONS FOR DECISION	OTHER OPTIONS CONSIDERED
9 All	Road Safety Audit Policy	EX/119/06	<p>That the revised Road Safety Audit Policy attached at Appendix 1 to the report of the Head of Engineering and Transportation (Ref: 9) be approved as Council Policy.</p> <p>Reason: In order to improve road safety reduce any financial risk to the Council</p>	<p>(i) Not to approve the Road Safety Audit Policy as Council policy but instruct the Head of Engineering and Transportation to carry out road safety audits to HD19/03 without any amendments.</p> <p>(ii) Not to approve the Road Safety Audit Policy as Council policy and instruct the Head of Engineering and Transportation to continue carrying out road safety audits as per government documents/ procedures HD19/94 and HD42/94.</p> <p>(iii) Not to approve the Road Safety Audit Policy as Council policy and instruct the Head of Engineering and Transportation to discontinue carrying out road safety audit.</p>

AGENDA ITEM/ WARD(S) AFFECTED	SUBJECT	DEC. NO.	DECISION AND REASONS FOR DECISION	OTHER OPTIONS CONSIDERED
10 Saints/Limbury	Icknield Road – One Way Proposal	EX/120/06	<p>That approval be given to dropping the proposed one-way traffic scheme in Icknield Road in line with the objections to the advertised Traffic Regulation Order</p> <p>Reason: In response to consultations with local residents</p>	To implement the one-way scheme in Icknield Road.
11 All	Waste Supplementary Planning Document (SPD) Final Document for Adoption	EX/121/06	<p>(i) That the Supplementary Planning Document attached at Appendix A to the report of the Director of Environment and Regeneration (Head of Planning) (Ref: 11) be adopted as part of the Minerals and Waste Development Framework for Bedfordshire and Luton.</p> <p>(ii) That the Head of Planning be authorised, in consultation with the Executive Leader and the Executive Member with portfolio responsibility for the Environment, to complete the formal adoption process in accordance with the</p>	Not to produce the Supplementary Planning Document.

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			<p>Town and Country Planning (Local Development) (England) Regulations 2004 ('the Regulations'), including any minor amendments that may be required to the Supplementary Planning Document.</p> <p>Reason: In order to minimise waste and to improve recycling rates.</p>	
12 All	Integrated Transport and Highway Maintenance Annual Work Programme	EX/122/06	<p>(i) That the Integrated Transport and Highway Maintenance work carried out during 2005/06 be noted and the proposed programmes for those works in 2006/07 be approved.</p> <p>(ii) That any necessary changes to the programme of work for 2006/2007 to take into account increases/reductions in the available funding, alterations to schemes following public consultation and rescheduling due to clashes with utility company works or to take into</p>	<p>(i) To amend the recommendations.</p> <p>(ii) Not to approve the recommendations.</p>

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			<p>account other programmes of work be delegated to the Head of Engineering and Transportation in consultation with the Executive Member with portfolio responsibility for the Environment.</p> <p>Reason: To enable ongoing projects to continue.</p>	
13 All	Highway Maintenance Services Contract	EX/123/06	<p>That the Highway Maintenance Services Contract for 2006-2012 be awarded to Crowley.</p> <p>Reason: In accordance with the Council's tendering process</p>	Not to approve the appointment of Crowley and start the tender process again.
14 All	Environment and Regeneration Department Revenue Budget Monitoring Period 11	EX/124/06	<p>(i) That the report be noted.</p> <p>(ii) That approval be given to the write off of £385,625.11 owed to the Council by the High Town Action Trust as set out in paragraphs 27 and 28 of the report of the Director of Environment and Regeneration (Head of Resources and Performance Review) (Ref: 14).</p>	<p>(i) Not to write off the debt.</p> <p>(ii) Not to provide Environment and Regeneration with a budget from contingencies to cover the debt write off.</p>

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			<p>(iii) That approval be given to the transfer of a budget from contingencies to Environment and Regeneration to cover the debts written off.</p> <p>Reason: In order to clear an outstanding debt</p>	
15 All	Department of Environment and Regeneration Capital Monitoring	EX/125/06	<p>(i) That the report be noted.</p> <p>(ii) That release and spend approval of the special estimate of £12k for LTP projects as shown in Appendix A to the report of the Director of Environment and Regeneration (Head of Resources and Performance Review) (Ref: 15) be granted.</p> <p>(iii) That release and spend approval of the special estimates totalling £307.6k for non-LTP projects as shown in Appendix A to the report be granted.</p> <p>Reason: To enable projects to be moved forward</p>	<p>(i) Not to approve the special estimates and spend approval.</p> <p>(ii) To only approve specific items.</p>

AGENDA ITEM/ WARD(S) AFFECTED	SUBJECT	DEC. NO.	DECISION AND REASONS FOR DECISION	OTHER OPTIONS CONSIDERED
16 Northwell	Marsh Farm Master Plan	EX/126/06	<p>(i) That support in principle be given to the delivery of the Marsh Farm Master Plan.</p> <p>(ii) That support be given to the provision of library, housing office and community centre services being included in the community hub.</p> <p>(iii) That support be given to the redevelopment of the central area of Marsh Farm including the Jubilee Centre, Library, Purley Centre and flats and Purway Close.</p> <p>(iv) That the alignment of the Housing Investment Programme work in Marsh Farm with environmental works in the housing neighbourhoods be agreed.</p> <p>(v) That support be given to the alignment of the Future Living Needs of Luton's Old People Strategy including the provision of an extra care facility as part of the central area redevelopment.</p>	<p>(i) To do nothing.</p> <p>(ii) To deliver only one element of the scheme.</p>

AGENDA ITEM/ WARD(S) AFFECTED	SUBJECT	DEC. NO.	DECISION AND REASONS FOR DECISION	OTHER OPTIONS CONSIDERED
			<p>(vi) That the project management process outlined in paragraph 20 of the joint report of the Head of Regeneration and Acting Head of Capital and Asset Management (Ref: 16) be approved.</p> <p>(vii) That the granting of a long lease of Marsh House to Marsh Farm Community Development Trust (MFCDT) for the purpose of development of a heritage centre be agreed in principle.</p> <p>Reason: In order to maximise the opportunities to deliver change at Marsh Farm</p> <p>(Note: Councillor Pedersen disclosed a personal and prejudicial interest in the above item in her capacity as a Director of the Marsh Farm Community Development Trust and left the meeting during consideration of the item).</p>	

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17 All	Annual Efficiency Statement – Year 2 Forward Looking Statement	EX/127/06	<p>(i) That the report be noted.</p> <p>(ii) That the Annual Efficiency Forward Looking Statement attached at Appendix A to the report of the Director of Resources (Ref: 17) be approved.</p> <p>(iii) That the Director of Resources and the Chief Executive be authorised in consultation with the Executive Member with portfolio responsibility for Finance and Information to make further changes to the statement which may be required to update the information prior to its submission to the Office of the Deputy Prime Minister.</p> <p>(iv) That the Director of Resources be authorised to submit the Forward Looking Statement to the Office of the Deputy Prime Minister.</p> <p>Reason: Statutory Exempt from call-in process – Category (3)</p>	<p>(i) To make changes to the Statement.</p> <p>(ii) Not to submit the Statement.</p>

AGENDA ITEM/ WARD(S) AFFECTED	SUBJECT	DEC. NO.	DECISION AND REASONS FOR DECISION	OTHER OPTIONS CONSIDERED
18 All	Health and Safety Law Enforcement Service Plan 2006-2007	EX/128/06	<p>(i) That the report be noted.</p> <p>(ii) That the adoption and implementation of the Health and Safety Law Enforcement Service Plan for 2006/2007 attached at Appendix A to the report of the Head of Environmental and Consumer Services (Ref: 18) be endorsed.</p> <p>Reason: In ensure that the Health and Safety at Work Act 1974 is adhered to.</p>	Not to approve the Health and Safety Law Enforcement Service Plan for 2006/2007.
19 All	Waste Minimisation and Landfill Allowance Trading Scheme (WaMiLATS)	EX/129/06	<p>(i) That the options for dealing with waste management as set out in the Council's Waste Minimisation and Landfill Allowance Trading Scheme (WaMiLATS) be noted.</p> <p>(ii) That approval be given to set Council domestic waste diversion rates of 25% in 2005/06, 31% in 2006/07, 37% in 2007/08, 42% in 2008/09 and 45% in 2009/10, to examine all options for achieving these targets and to receive update reports on how the Council is performing in relation to the targets.</p>	<p>(i) To reject the recommendations.</p> <p>(ii) To modify the recommendations.</p>

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			<p>(iii) That approval be given to receive a future report on options for the Council's Commercial Waste collection service due to the specific implications of the Landfill Allowance Trading System (LATS) for the service.</p> <p>(iv) That it be agreed that the following sums need to be placed in the Council's Medium Term Financial Strategy in order to meet the Council's Waste Minimisation and LATS targets:</p> <ul style="list-style-type: none"> • £180k in 2006/07 • £242k in 2007/08 • £142k in 2008/09 • £106k in 2009/10 <p>(v) That it be noted that the sums referred to in decision (iv) above are cumulative and total £670k extra spend on waste diversion by 2009/10 (further increases will be required in the Medium Term Financial Plan after 2009/10).</p> <p>(vi) That it be agreed that for all future new housing developments the developers should pay for the wheeled</p>	

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			<p>bins or other waste containers that are needed for the residents to participate in recycling and waste diversion schemes, and to dispose of their residual waste.</p> <p>(vii) That the Head of Street Services and the Head of Corporate Finance be authorised to explore the potential for a cross-regional PFI deal with Milton Keynes, Northamptonshire and Bedfordshire, as requested by DEFRA, and to report back to a future meeting of the Executive on the results of those discussions.</p> <p>Reason: To improve the Council's performance in respect of recycling</p>	
20 All	Housing Act 2004 – Housing Health and Safety Rating Scheme – Empty Dwelling Management Orders – Houses in Multiple Occupation – Accreditation and Authorisations.	EX/130/06	(i) That it be noted that under the provisions of the Housing, Health and Safety Rating Scheme Bands A, B and C relate to mandatory action and endorse the proposal that, under the provisions of that Scheme and where appropriate, Private Sector Housing Officers respond to defects and deficiencies in dwellings that score within Bands D to J by initiating statutory remedial action whenever necessary.	To refrain from implementing the discretionary statutory function of the Housing Health and Safety Rating Scheme and monitor progress made (if any) by sole use of the mandatory statutory requirement.

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			<p>(ii) That the work being currently undertaken in respect of Empty Dwelling Management Orders, Licensing of Houses in Multiple Occupation and the Accreditation Scheme for private rented accommodation as detailed in paragraphs 13 to 23 of the report of the Head of Housing (Strategy and Private Sector) (Ref: 20) be noted.</p> <p>(iii) That the Head of Housing (Strategy and Private Sector) be authorised to take such action as is necessary under any of the provisions contained in Parts 1, 2, 3, 4 and 7 of the Housing Act 2004.</p> <p>(iv) That for the avoidance of any doubt it be formally ratified that any and all actions previously taken by Private Sector Housing Officers under the provisions of the:</p> <ul style="list-style-type: none"> • Environmental Protection Act 1990 – Section 80 • Building Act 1984 – Sections 59, 64 and 76 	

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			<ul style="list-style-type: none"> • Local Government (Miscellaneous Provisions) Act 1982 – Section 29 • Local Government (Miscellaneous Provisions) Act 1976 – Section 16 • Prevention of Damage by Pests Act 1949 – Sections 4 and 6 • Public Health Act 1961 – Sections 17, 22 and 35 • Public Health Act 1936 – Sections 45, 48, 49, 50, 51, 52, 83, 84, 85, 140, 141, 259, 268, 284, 285 and 287 • Caravan Sites and Control of Development Act 1960 (Licensing and regulatory controls) <p>and that it be formally confirmed that the Head of Housing (Strategy and Private Sector) be authorised to take such action as is necessary under any of the above provisions.</p>	

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			<p>(v) That for the avoidance of any doubt it be formally ratified that any and all actions previously taken by Private Sector Housing Officers under the provisions of the:</p> <ul style="list-style-type: none"> • Housing Act 1985 – Sections 189, 190, 197, 264, 265, 352, 354, 356, 358, 372 and 395 • Housing Act 1996 – ‘minded to’ provisions for Sections 189, 190, 352 and 372 of the Housing Act 1985 <p>(vi) That the Monitoring Officer be authorised to make such changes to Part 6 of the Constitution as are necessary to give effect to decisions (iii) and (iv) above.</p> <p>(vii) That the Executive acknowledge the voluntary work undertaken by two of the Council’s Private Sector Housing Officers</p>	

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			<p>in becoming accredited trainers for the Housing, Health and Safety Rating Scheme and conducting the ensuing training of all such Officers in Bedfordshire and Hertfordshire.</p> <p>Reason: To ensure that the discretionary statutory functions of the Housing, Health and Safety Rating Scheme are implemented</p>	
21 All	Home Care Commissioning Business Case	EX/131/06	See Decision No. EX/135/06.	
22 All	Implementation of Strategy for the Future Living Needs of Luton's Older People	EX/132/06	(i) That the Director of Housing and Community Living be instructed to consult with service users, their families and carers together with the Trades Unions and staff concerned about the possible closure of Farley, Warden Hill and Sherd Lodge Elderly Persons Homes, and to report the results of that consultation to a future meeting of the Executive.	<p>(i) To do nothing.</p> <p>(ii) To close 1 or 2 homes only.</p> <p>(iii) To choose not to seek a partner.</p>

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			<p>(ii) That the Director of Housing and Community Living be instructed to investigate procurement arrangements for a partner to develop future extra care housing schemes.</p> <p>Reason: In order to move forward the implementation of the agreed strategy .</p>	
23	LOCAL GOVERNMENT ACT 1972, PART VA	EX/133/06	<p>A resolution was passed under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and the public were excluded from the remainder of the meeting as it was likely that if members of the public were present during consideration of the item remaining there would be disclosure to them of exempt information falling within Paragraphs of Part 1 of Schedule 12A to the Local Government Act 1972.</p> <p>Reason: Statutory</p>	

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24 All	Future of the Refuse Collection Service	EX/134/06	<p>(i) That it be accepted that the Refuse Collection Services described in paragraph 4 of the report of the Head of Street Services (Ref: 24) would form the basis of any Contract Specification in the event of testing the services in the open market.</p> <p>(ii) That any decision for the externalisation of the Refuse Collection Services be deferred until:</p> <p>(1) The Council has implemented the Waste Minimisation and Landfill Allowance Trading Scheme Strategy.</p> <p>(2) The outcome of any changes required in the methods of service delivery is clearer.</p> <p>(3) The Council has established a partnership with another authority or other authorities and/or WRG with regard to the future methods of reducing waste to landfill.</p>	<p>(i) Not to accept that the Refuse Collection Services described in paragraph 4 of the report would form the basis of the Contract Specification in the event of market testing the services in the open market and amend the list accordingly.</p> <p>(ii) To accept the recommendations in the 2001 report of the Audit Commission Inspectors following the Street Services Best Value Review and expose the refuse collection services to open competition.</p> <p>(iii) To reject the recommendations made by Inspectors from the Audit Commission in 2002 following the Street Services Best Value Review to expose the refuse collection services to open competition.</p> <p>(iv) To defer any decision for the</p>

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			<p>(iii) That it be accepted that considerable changes will be required in the Refuse Collection Services in order for the Council to mitigate risks and obligations under the Landfill Allowance Trading Scheme and that exposing the collection services to external competition at this stage could increase financial risk to the authority.</p> <p>Reason: To ensure all options in dealing with the future waste collection arrangements are considered (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.)</p>	<p>externalisation of the refuse collection services until the Council has implemented the WaMiLATS Strategy and the outcome of any potential partnership working with other local authority partner/s and/or WRG is clearer.</p> <p>(v) To reject that considerable changes will be required in the Refuse Collection Services and accept the risks and obligations under the Landfill Allowance Trading Scheme and accept any financial risk to the Authority.</p>
25 All	Home Care Commissioning Business Case	EX/135/06	That the Business Plan for Home Care External Procurement Strategy attached at Appendix A to the report of the Director of Housing and Community Living (Ref: 25) be approved and that implementation now proceed.	<p>(i) To seek modification of the proposals made.</p> <p>(ii) To seek lower cost by doing more/all ourselves.</p>

AGENDA ITEM/ WARD(S) AFFECTED	SUBJECT	DEC. NO.	DECISION AND REASONS FOR DECISION	OTHER OPTIONS CONSIDERED
			<p>Reason: To enable the Council to develop appropriate mechanisms to commission home care.</p> <p>(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.)</p>	<p>(iii) To seek lower cost/better risk and reward through market testing.</p> <p>(iv) To abandon the project.</p>

The meeting ended at 7.40 p.m.

DATE OF PUBLICATION: Wednesday 12th April, 2006

CALL IN DEADLINE: Friday, 21st April, 2006