

ADMINISTRATION AND REGULATION COMMITTEE

19th June 2019 AT 6.00 P.M.

PRESENT: Councillors Akbar (Chair), Hopkins (Vice Chair), Abid, Adrees, Lovell, Mead and Wynn.

38. APOLOGIES FOR ABSENCE (REF: 1)

An apology for absence from the meeting was received on behalf of Councillor Garrett.

39 MINUTES (REF: 2.1 & 2.2)

Resolved: That the minutes of the meetings held on the 1st April 2019 and 21st May 2019 be approved as a true and correct record of the meetings and the Chair be authorised to sign them.

40. ADDITION OF A SECTION OF PATH AT LANGLEY PLACE TO THE DEFINITIVE MAP AND STATEMENT (REF: 7)

The Strategic Policy Adviser presented the report (Ref: 7) which sought the Committees authority to proceed with the legislative process in order to add a section of path at Langley Place to the Definitive Map and Statement.

Members were advised that previous reports on 29 November 2018 and 29 January 2019 had been previously considered and deferred due to legal issues identified regarding the possibility of a pre-action protocol for judicial review. A letter had been received on 12th April 2019 from Bevan Brittan lawyers for private and third sectors attached as Appendix B to the report (Ref 7) which sets out the intention for judicial review following actions taken by this Committee. The cost of the pre-action could be costly to the Council and the reason why the report was brought before the Committee.

The Service Director, HR and Monitoring Officer advised the Committee that due to new membership on the committee some background information would be helpful for the Committee.

The Strategic Policy Adviser further advised that the developer received permission under permitted development rights to convert one of the commercial units in Albert Road into residential units and following that permission the developer approached the council to extend the path from the estate up to the hill. Historical records show Langley Path was a public path right of way and paperwork show the Council sold that area of land back in 1939/40 and that information was presented in previous reports to the committee including

information on the sale of land. The industrial estate was constructed in late 1970s and there are photos to show this. The key messages from previous report submitted in November 2018 and January 2019 are:

- a) Langley Path is a public path right of way and there is no stop-up order that can be found to refute this;
- b) information obtained from land registry show the land was sold in the late 1930/40s
- c) No records can be found to show the path was stopped-up when the land was sold or transferred.

Appendix A to the report shows the area referred to and the frontage to the pub is the area where the path use to be. The Pub does not own the land from the existing highway down to the industrial estate.

The Planning Solicitor provided the Committee with the legal perspective adding the area of land referred to in the report is a public right of way and papers submitted to subsequent meeting of the Committee clearly show it as highway land. The land outside the red area in Appendix A was not relevant to the decision in terms of development and land that is deemed as highway cannot be built upon. There is a legal term often referred to which is 'adverse possession' but this is not applicant to this; the only way you can remove highway rights is through a stop-up order which there is no paperwork to substantiate one had ever been given therefore the Committee have one option to confirm the path as highways and follow the council procedure in accordance to the definitive map and statement and publish the relevant public notices in the papers.

Members debated the issue at length and;

Resolved: (i) That the report be deferred to the next meeting on 17th July 2019 and the Officer be requested to include previous reports (29th November 2018 and 29th January 2019) and minutes and evidence of the stopped up order mentioned at the meeting (19th June) in order for the Committee to make an informed decision based on all the evidence before them.

[Note: Councillor Hopkins withdrew her personal interest declared at previous meetings stating she has no personal association to anybody in that area.]

41. PUBLIC PROTECTION ADMINISTRATION STAFF RESTRUCTURE (REF: 8)

The Strategic Regulatory Manager Public Protection presented the report (Ref 8) on the public protection administration staff restructure which sought approval to implement the proposed changes to ensure the integrated and efficient deployment of administration and support roles within the division.

Members were informed that all affected staff would transfer within their existing roles limiting the need for redundancies. In January 2019 Public Protection undertook a significant restructure which had been approved by the Committee to re-align and create a new model of working relating to enforcement and regulation. The restructure highlighted the need to restructure the Neighbourhood Regulatory Services.

Public protection carries out a wide range of services such as trading support team, neighbourhood case support team and parking services which require a variety of administration and support roles to facilitate the work of the department.

Following feedback from the consultation with affected staff and stakeholders it became apparent that some existing work relations with trade waste, clinical waste and special collection needed to be continued and the proposals were amended to reflect the continuation of these duties within an 'internal trading' arrangement and the job description relating to the business and trading officer role was also amended.

The Committee considered the following proposals:

- Creation of a business & support officer (L6) to provide lead coordination of the trading support unit;
- Creation of support officer roles (L3) (2.6 fte) to be allocated within either the trading support team or the neighbourhood case support team dependent on demand levels;
- Creation of an additional Neighbourhood Case Support Officer post (L4) to increase staff provision within the case support function;
- Creation of an additional Parking Services Officer post (L3-5 career progression) to enable the transfer of processing work relating to abandoned vehicles to the processing team.
- The post deletion of the 7.04 posts set out in the OCA

Resolved: (i) That the Committee approved the:

- (a) restructure of Public Protection Administration Staff as set out in the OCA attached at Appendix A to the report (Ref 8).
- (b) deletion of 7.04 posts as detailed in the OCA attached at Appendix A to the report (Ref 8).
- (c) creation of 5.6 posts as detailed in the OCA attached at Appendix A to the report (Ref 8).

42. APPOINTMENT OF THE ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER (REF: 9)

The Interim Service Director, Policy Communities and Engagement presented the report (Ref 9) on the appointment of Electoral Registration Officer and Returning Officer for Local Government Elections which sought approval to appoint an Electoral Registration Officer in accordance with Section 8(2)(a) of the Representation of the People Act 1983 and a Returning Officer for Local Government Elections in accordance with Section 35 of the Representation of People Act 1983.

The Committee was advised the Council has duty to appoint an officer as the Electoral Registration Officer (ERO) for each constituencies situated within the Borough. The Electoral Registration Officer for each parliamentary constituency automatically assumes the role of Acting Returning Officer at a Parliamentary Election.

The Council also has a duty to appoint an officer as the Returning Officer for Local Government Elections.

The interim Chief Executive was previously appointed to both roles up to the 31st May 2019 to ensure continuity in delivering the elections held on 2nd and 23rd May 2019. It had now become necessary to appoint the Council's permanent Chief Executive to these roles.

Resolved: That the appointment of the Chief Executive as the Electoral Registration Officer and the Returning Officer for Local Government Elections with immediate effect be approved.

43. APPOINTMENT OF STATUTORY SCRUTINY OFFICER (REF: 10)

The Interim Service Director, Policy Communities and Engagement presented the report (Ref 10) which sought approval to recommend to Council the temporary appoint of a Statutory Scrutiny Officer in accordance with the requirements of the Local Democracy, Economic Development and Construction Act 2009.

The Committee was advised that the Statutory Scrutiny Officer position was introduced in the 2009 Act as an officer of the council with responsibility for promoting the role of the overview and scrutiny.

The role of Statutory Scrutiny Officer cannot be the authority's Head of Paid Service, Monitoring Officer or Chief Finance Officer (S. 151).

Other councils take a different approach as to who they designate as their Statutory Scrutiny Officer with some choosing a Chief Officer within the department in which scrutiny resides. Others chose a most senior person in the authority with day to day responsibility for providing support to the scrutiny function. At Luton the Statutory Scrutiny Officer role has been designated to the Service Director, Policy Communities and Engagement who had recently been appointed to the role of Interim Corporate Director, Customer and Commercial and warrants a new appointment to the Statutory Scrutiny Officer position to ensure the role continues to be delivered seamlessly.

The role of Service Director, Policy Communities and Engagement is currently filled on an interim basis and in order to maintain continuity in the scrutiny function and propose that the position be filled on a temporary basis to the Democracy Manager as the most senior person in the authority with day to day responsibility to providing support to the scrutiny function.

Resolved: That Council be recommended at their meeting on 30th July 2019 to appoint the Democracy Manager as the Council's Statutory Scrutiny Officer on a temporary basis with immediate effect up to 31 March 2020.

44. CREATION OF A POST OF CORPORATE DIRECTOR AIRPORT AND CONSEQUENTIAL TRANSFERS (SENIOR MANAGEMENT STRUCTURE PHASE 1) (REF:11)

The Chief Executive presented the report (Ref 11) which sought approval to amend the Senior Management Structure of the council to include an additional post of Corporate Director, Airport to head up an additional department within the Council to deal with matters relating to the Airport and other consequent matters.

He further advised that LLAL with the support of the Council, and had earmarked on an ambitious multi-million-pound development programme which includes: the LLAL DART to improve customer experience and encourage more people to travel to the airport. The multi-million-pound development programme would create new jobs and opportunities for new businesses at the Century Park and Bartlett Square sites; and the launch of the company's vision for sustainable growth from 2020 to 2050 to increase passenger capacity at the airport to 38 million per annum. That passenger footfall would make an enormous contribution to the economic regeneration of Luton and achieve the objectives in the Luton Investment Framework.

The proposals are set out below:

- To create a new post of Corporate Director, Airport reporting to the Chief Executive. The job description and person specification is set out at Appendix B to the report (Ref 11).

The reasons for the post creation are:

- London Luton Airport is the single largest asset in which the Council has an interest;
- Passenger growth had grown from under 10 million to 17 million since 2012 due mainly to initiatives such as the growth incentive scheme promoted by the LLAL team
- Passenger growth has increased the value of the airport to £1.5bn to UK GDP creating 30,800 jobs in 2015

Consultation took place with affected staff, the Leaders of the political group on the council, trade unions and other key stakeholders. No redundancies were proposed and there were no deletions of existing posts except for the post of Commercial Manager (LLAL) graded M7 a post which had remained vacant since 2018 to work within the LLAL managing contacts and other commercial arrangements.

The cost of the post will be fully met by LLAL with no call upon the council's budget. Provision has already been made for this within the LLAL budget with additional services to be purchased from the Council and it is anticipated that the company will be able to make significant reduction in the amount spent on external advice as a result of the appointment.

Resolved: (i) That the creation of a post of Corporate Director, Airport and the transfer of the existing post of Service Director, LLAL from the department of Place and Infrastructure to that of the Airport be approved.

(ii) That the existing post of Service Director, Transformation and Technology be transferred from the Chief Executive's Department to that of Customer and Commercial be approved;

(iii) That the report be recommend to Council at its meeting on 30th July 2019 for approval and the Service Director, HR and Monitoring Officer be authorised to amend Part 19 of the Council Constitution (Management Structure) and to make any necessary consequential change thereto.

45. LUTON MUSIC SERVICE YOUTH ORCHESTRA (REF: 12)

The Music Service Manager presented the report (Ref 12) which sought approval to make changes to the out of school orchestral provision to prevent duplication and to deliver budget savings.

The Committee was informed that since 1999 the government's Music Standards Fund had been set up. Luton music service (LMS) was generously funded by central government and Luton Council and these levels of funding had been maintained with further increases following the 2008 Comprehensive Spending Review. The total outturn budget for LMS in 2010/11 was around £1.34m of which £246k (18%) was earned income leaving LMS 82% dependent on government funding streams.

An OCA of the school provision was carried out in 2013/14 that resulted in the deletion of 6.35 posts which was achieved through redundancy and retirement. A new structure was implemented linking the cost of lessons to the full cost recovery rate for the service and type and length of lesson. A new menu system of choosing out of school activities was implemented in September 2018 to give parents more choice and to allow them the opportunity to pay for the number of sessions attended rather than a blanket fee.

One of the out of school activities on Wednesday evening is no longer financially viable due to the number of children attending the group had fallen significantly over the past five years. The staff ratio to student is now too high. There are four members of staff, three are contracted on another evening during the week and one is not.

It is proposed to offer the same activity at the Saturday morning school where the current students will be able to participate and there will be sufficient contracted staff to cover the session.

The proposal from the music service is to delete the Wednesday evening post and reduce hours of three posts by 2 hours each.

Due to the small number of employees affected and to protect individual confidentiality an IIA was not attached to the report but there were no noticeable impact on people sharing a characteristic.

The three staff affected hours will be reduced by 2 hours per week from their current contract and will receive pay protection and one member of staff would be made redundant. Consultation took place between 23 April and 23 May 2019 and no alternative proposals were put forward.

Resolved: (i) That the reduction in staffing hours and post deletion as outlined in section 5 of the report (Ref 12) be approved.

[Note: Councillor Wynn requested his objection to the recommendation be recorded in the minutes.]

**46. ADMINISTRATION AND REGULATION COMMITTEE WORK PROGRAMME
2019-20 (REF: 13)**

The Service Director HR and Monitoring Officer presented the report (Ref 13) which requested the Committee to plan and determine its work programme for the year.

Resolved: (i) That the items scheduled for the meeting on 17th July 2019 be noted.

(ii) That the Langley Path item (Ref 7) be deferred to next meeting on 17th July 2019 and the Officer be requested to submit a report and presentation to include all previous reports and minutes considered by the committee and information relating to the stopped-up order mentioned at the meeting to enable Members to make an informed decision.

(The meeting ended at 7.10pm)