

NOTICE OF MEETING**COMMITTEE : OVERVIEW & SCRUTINY COMMITTEE****DATE : TUESDAY 5TH MARCH 2019****TIME : 8.30PM
(OR AT THE CONCLUSION OF THE CRIME AND
DISORDER COMMITTEE)****PLACE : COUNCIL CHAMBER, LUTON TOWN HALL**

COUNCILLORS:	(CHAIR - VACANT)	GARRETT	RIAZ
	AGBLEY (VICE-CHAIR)	KEENS	RIVERS
	ASHRAF	T. KHAN	RODEN
	M. AYUB	LEWIS	ROGERS
	N. AYUB	MALIK	R. SALEEM
	BAKER	MIRZA	S. SALEEM
	CAMPBELL	MOLES	SKEPELHORN
	CHAPMAN	NICHOLLS	D. TAYLOR
	CHOWDHURY	O'CALLAGHAN	J. TAYLOR
	DAVIS	PEDERSEN	WAHEED
	M. J. DOLLING	PETTS	WORLDING
	FAROOQ	RAFIQ	YOUNG
	FRANKS	RATHORE	

QUORUM : 3 MEMBERS**Contact Officer: Eunice Lewis Direct Line: 01582 547149**



PUBLIC INFORMATION: Members of the public are entitled to take photographs, film, audio-record and report on all public meetings in accordance with the Openness of Local Government Bodies Regulations 2014. People may not however act in anyway considered to be disruptive and may be asked to leave. Notice of these rights will be given verbally at the meeting, as appropriate.

PURPOSE: To establish Scrutiny Sub-Committees.

This meeting is open to the public and you are welcome to attend.
For further information, or to see the papers, please contact us at the Town Hall:

H IN PERSON, 9am to 5pm, Monday to Friday, or

☎ CALL Democratic and Member Services on 01582 546038

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Arrangements can be made for access to meetings for  disabled people.

If you would like us to arrange this for you, please call us on 546038

AGENDA

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No.</i>
1.	ELECTION OF CHAIR	
2.	APOLOGIES FOR ABSENCE	
3.	MINUTES	
	3.1 19 th November 2018	4 - 5
4.	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).	
5.	DISCLOSURES OF INTERESTS	
	Members are reminded that they must disclose both the existence and the nature of any personal interest that they have in any matter to be considered at this meeting.	
	A Member with a personal interest in any matter to be considered at this meeting will also have a prejudicial interest in that matter if the interest is one 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 judgement of the public interest. A Member who has a prejudicial interest must withdraw from the meeting room unless (s)he has obtained a dispensation from the Council's Standards Committee.	
6.	URGENT BUSINESS	
	The Chair to report on any business which is considered to be urgent and which should be discussed at the meeting in accordance with Section 100B(4)(b) of the Local Government Act 1972 and to determine when, during the meeting, any such business should be discussed.	
7.	REFERENCES FROM COMMITTEES AND OTHER BODIES	
	7.1 - REFERENCE FROM EXECUTIVE MEETING ON 4TH FEB 2019 (Report of the Interim Service Director – Policy, Communities & Engagement)	6 - 11

REPORTS

- 8. ESTABLISHMENT OF A TASK AND FINISH GROUP – THE PROVISION OF BUS SERVICES IN LUTON** 12 - 13
(Report of the Democracy Manager)

- 9. LOCAL GOVERNMENT ACT 1972, PART VA**
To consider whether to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting during consideration of any item listed above if it is likely that if members of the public were present during those items there would be disclosure to them of exempt information falling within the Paragraphs of Part 1 of Schedule 12A to the Local Government Act 1972.

OVERVIEW AND SCRUTINY COMMITTEE

19th November 2018 at 19.40 p.m.

PRESENT: Councillor M. Dolling (Chair), Baker (Vice-Chair), Chapman, Davis, Michael Dolling, Franks, Keens, Mirza, Nicholls, Pedersen, Roden, and James Taylor

4. APOLOGY FOR ABSENCE (REF: 1)

Resolved: An apology for absence from the meeting was received on behalf of Councillor Rogers.

5. MINUTES (REF: 2.1)

Resolved: That the minutes of the meeting held on 15th March 2018 be taken as read, approved as a correct record and the Chair be authorised to sign them.

6. ESTABLISHMENT OF A TASK & FINISH GROUP (LONDON LUTON AIRPORT POLLUTION AND AIR QUALITY) (REF: 7)

Members considered an oral report from the Overview and Scrutiny Board meeting held on 19th November 2018 which requested the Overview and Scrutiny Committee (OSC) to approve the establishment of a London Luton Airport Task and Finish Group to investigate air pollution and air quality impact with a focus on the wards around close proximity of the Airport.

Following brief consideration, Members agreed that a Task and Finish Group be established to investigate and to scrutinise air pollution and air quality around the London Luton Airport with a focus on the wards in that area.

Members were informed that an email seeking expression of interest from Members to form membership of the T&FG would be sent out as soon as possible and Members of the OSC would be informed accordingly.

Resolved: (i) That the establishment of a London Luton Airport (Air Pollution and Air Quality Impact) be approved.

(ii) That the Democratic Services Team Leader be requested to send out expression of interest invitation to Members in order to establish Membership of the Task and Finish Group.

(iii) That the Task and Finish Group terms of reference be submitted for approval to a future meeting of the Overview and Scrutiny Board.

- (i) Councillors Franks and J. Taylor declared personal and prejudicial interest in regard to Agenda Item 11 - (London Luton Airport Surface Access and Air Quality) as Directors of London Luton Airport Limited. They both left the room during the consideration of the item.**

- (ii) The meeting ended at 19.45pm**

OVERVIEW AND SCRUTINY BOARD	AGENDA ITEM 7.1
<p>DATE OF MEETING: 5TH MARCH 2019</p> <p>REPORT OF: INTERIM SERVICE DIRECTOR – POLICY, COMMUNITIES & ENGAGEMENT</p> <p>REPORT AUTHOR: MATTHEW HUSSEY – DEMOCRACY AND SCRUTINY OFFICER</p> <p>SUBJECT: REFERENCE FROM EXECUTIVE: THE ESTABLISHMENT OF A TASK & FINISH GROUP – PROVISION OF BUS SERVICES IN LUTON</p>	

PURPOSE

1. To enable the Overview and Scrutiny Committee (OSC) to consider the recommendation of the Executive to establish a task & finish group to look at the provision of bus services in Luton

RECOMMENDATIONS

2. **That the Executive request the Overview and Scrutiny Committee (OSC) consider establishing a task & finish group to look at the provision of bus services in Luton after the Local Elections in May 2019.**

REPORT

3. At its meeting held on 4th February 2019, the Executive considered a reference-from the Overview and Scrutiny Board on bus passenger transport issues in Luton and subsequently resolved:

“(i) That the recommendation of the Overview and Scrutiny Board be noted:

“That the Overview and Scrutiny Board requests the Executive to consider and explore options as to how the provision of bus services in Luton can be improved within the context of the new Bus Services Act 2017.”

That the following additional recommendation be agreed:

(ii) That the Overview & Scrutiny Committee be requested to establish a Task & Finish Group to look at the provision of bus services in Luton after the Local Elections in May 2019.”

4. The reason was to consider the recommendation of the Overview and Scrutiny Board.

PROPOSAL/OPTION

5. That the Overview & Scrutiny Committee be requested to establish a Task & Finish Group to look at the provision of bus services in Luton after the Local Elections in May 2019.

APPENDIX (if any)

Appendix A - Reference From The Overview And Scrutiny Board – Bus Passenger Transport Issues In Luton

LIST OF BACKGROUND PAPERS (if any)

Executive Decision EX/15/19

Report For:	Executive	Item No: 5.2
Date:	04 February 2019	
Report Of:	Service Director, Policy, Communities & Engagement	
Report Author:	Eunice Lewis-Okeowo	

Subject:	Reference from the Overview and Scrutiny Board – BUS PASSENGER TRANSPORT ISSUES IN LUTON	
Lead Executive Member(s):	Councillor Paul Castleman	
Wards Affected:	All	
Consultations:	Councillors Scrutiny Stakeholders Others	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Recommendations

1. That the Overview and Scrutiny Board requests the Executive to consider and explore options as to how the provision of bus services in Luton can be improved within the context of the new Bus Services Act 2017.

Background

2. At the meeting of the Overview and Scrutiny Board (OSB) held on 14th January 2018 a report of the Director, Place and Infrastructure was considered entitled “Bus Passenger Transport Issues in Luton”.
3. The report outlined the current situation in relation to three key areas of the provision of bus passenger transport in Luton; partnership arrangements between the Council and bus operators, the process for making changes to bus timetables/routes and the provision of information about bus services available to the public including Real-Time Passenger Information (RTPI) displays.
4. A presentation was delivered by Steve Blackmore from the Department for Transport (DfT) outlining the opportunities that the new legislation of the Bus Services Act 2017 might present for Local Authorities in these and other areas. He informed Members that changes to the Registration process within Act had recently been introduced and the operator now has to inform the Local Transport Authority (LTA) 28 days before the proposal is formally submitted to the Traffic Commissioners, with a further 42 days before the changes come into effect.
5. Consultation was undertaken in 2018 on the Regulations associated with providing Accessible information on buses that requires operators to provide audio-visual messages about ‘next stop’ on buses. Associated with this, the DfT are currently consulting operators about provision of ‘Open Data’ so that can be used by ‘app’ developers”.
6. During discussions Members were informed that the Bus Services Act 2017 changed the existing Quality Partnership legislation in England, removing the requirement (under the Transport Act 2000) that local authorities must provide ‘facilities’ (e.g. new stops/ shelters) and allowed local authorities to introduce ‘measures’ that encourage bus use such as

reducing car parking provision or increasing parking charges. The 2017 Act also allows LTA's to include 'requirements' in a partnership scheme such as 'Smart' ticketing, how information is provided to passengers and how bus services are publicised. All existing statutory Quality Partnerships in England became Advanced Quality Partnership Schemes in June 2017 providing access to the new powers for Local Authorities. Members were also informed of the additional opportunities provided by Enhanced Quality Partnerships, which includes an option for the LTA to take over operation of the Registration process for new/amended services that is currently provided by the Traffic Commissioners. Within the Statutory Partnership Scheme, the LTA can identify the expected outcomes to be delivered by the bus operators; failure to deliver those outcomes would mean failure to meet the commercial market and the needs of the public.

7. Members expressed concern that Luton residents struggle to have access to robust and workable bus services in Luton. There are major employment locations such as Capability Green with no real accessibility to transport services. The real time display services, and the constant changes to bus service routes and relocation of bus stops and the impact on local people including the vulnerable and the elderly were all issues faced by local people. In this context Mr Blackmore advised that as buses operate in a de-regulated environment (under the provisions of the 1985 Transport Act), even the 2017 Act did not allow LTA's to control routes, frequencies or stopping points.
8. Members debated whether franchising was an option for Luton. Mr Blackmore explained that only a Combined Authority with an elected Mayor can automatically apply for Powers to Franchise bus operations. Other LTA's who wanted to pursue Franchising have to apply to the Secretary of State but were informed by Mr Blackmore that no Local Authority had so far made a request for this scheme. He anticipated it would take 2-3 years to introduce such a scheme. Members were informed that the Council would have to fully fund any franchising scheme, including the cost of an independent audit, although the Council can request information from the operator to inform the business case for both a Franchise scheme and the audit.

PROPOSAL/OPTION

9. Following the submission of the report and the issues expressed about the difficulties faced by bus service users in Luton, Members of the Board agreed that there were options available to the Council within the new Bus Services Act 2017 to improve the provision of bus services in Luton.
10. Consequently, the Overview and Scrutiny Board made the following proposal:-

“That the Overview and Scrutiny Board requests the Executive to consider and explore options as to how the provision of bus services in Luton can be improved within the context of the new Bus Services Act 2017”

Goals and Objectives

11. To consider the recommendations from the Overview and Scrutiny Board meeting held on 14th January 2019 in respect of the Bus Passenger Transport Issues in Luton.

Proposal

12. That the Executive is requested to consider the recommendation from the Overview and Scrutiny Board meeting held on 14th January 2019.

Alternative options considered and rejected (please specify)

13. To agree the recommendations of the Overview and Scrutiny Board in full

14. To reject all or some of the options available for Powers under the 2017 Buses Act or request further information

Appendices

Appendix A - Overview and Scrutiny Board Report (including Appendices) - 14th January 2019.

Background Papers

There are no background papers to this report.

IMPLICATIONS

For Executive Reports:

- All grey boxes must be completed
- All statements must be cleared by an appropriate officer

For CLMT Reports:

- Only the dark grey boxes must be completed
- Clearance is not required

Legal	Clearance Agreed By	Dated
<p>The Bus Services Act 2017 (the 2017 Act) received Royal Assent on April 27 2017. The aim of the 2017 Act was to improve bus services for passengers by providing local authorities, the Secretary of State and bus operators with a new toolkit to enable improvements to be made to bus services in their areas.</p> <p>In particular, the 2017 Act:</p> <ul style="list-style-type: none">• strengthened arrangements for partnership working between bus operators and local authorities in England, introducing new Advanced Quality and Enhanced Partnership schemes;• introduced, in England, bus franchising powers to replace previous Quality Contract Schemes;• modernised previous ticketing legislation and• provided the powers necessary for a step change in the information available to passengers through audio and visual on-board information (across Great Britain) and through the provisions of open data on timetable, fares and bus service arrival times (in England).	Raj Popat-Principal Solicitor	18 th January 2019

Finance	Clearance Agreed By	Dated
Bus services in Luton are currently provided entirely on a commercial basis by the operators with no subsidy from the Council; tendered local bus services were ceased in 2014. The Council incurs spend on infrastructure (e.g. bus stops, shelters, etc) to support public transport. Any proposals to improve the provision of bus services within Luton will need to be fully assessed in terms of affordability to ensure that there is no increase in costs to the Council that aren't included within the approved budget.	Darren Lambert, Finance Business Partner	18 th January 2019

Integrated Impact Assessment (IIA) – Key Points		
Equalities / Cohesion / Inclusion (Social Justice)	Clearance Agreed By	Dated
The lack of robust bus services in particular areas will have a negative impact on local people including the vulnerable and the elderly. Any measures to improve public transport, along with the active promotion of those, is expected to result in greater equality particularly for those groups that rely on public transport	Maureen Drummond, Cohesion and Equalities Adviser	18 th January 2019
Environment	Clearance Agreed By	Dated
Whilst there are no direct impacts of this report, indirectly any measures to improve public transport, along with the active promotion of those, is expected to result in greater use of public transport and therefore improve the environment.	Keith Dove, Strategic Policy Adviser.	18 th January 2019
Health	Clearance Agreed By	Dated
Whilst there are no direct impacts of this report, indirectly any measures to improve public transport, along with the active promotion of those, is expected to result in greater use of public transport and improve the environment, therefore have health benefits.	Hubber, Lucy , Public Health Manager	21 st January 2019
Community Safety	Clearance Agreed By	Dated
Staffing	Clearance Agreed By	Dated
Other	Clearance Agreed By	Dated

OVERVIEW AND SCRUTINY COMMITTEE (OSC)		AGENDA ITEM 8
DATE OF MEETING:	5TH MARCH 2019	
REPORT OF:	INTERIM SERVICE DIRECTOR - POLICY, COMMUNITIES & ENGAGEMENT	
REPORT AUTHOR:	DEBBIE JANES (DEMOCRACY MANAGER - TEL: 01582 546038)	
SUBJECT:	PROPOSED ESTABLISHMENT OF A TASK AND FINISH GROUP (TFG) - (PROVISION OF BUS SERVICES IN LUTON)	

PURPOSE

1. To enable the Overview and Scrutiny Committee (OSC) to consider recommendation from the Overview and Scrutiny Board meeting which, took place on 4th February 2019.

RECOMMENDATION(S)

2. That the Overview and Scrutiny Committee (OSC) consider recommendations from the Executive meeting for the establishment of a Task and Finish Group.
3. Agree the timeline for the review as deemed appropriate after May 2019

REPORT

4. The Executive on 4th February 2019, considered a reference from the Overview and Scrutiny Board meeting in respect of the provision of bus services in Luton within the context of the new legislation with reference to item 6.1 above.
5. This meeting is convened to consider that proposal or recommendation from that meeting as only the Overview and Scrutiny Committee can establish a Task and Finish Group or a scrutiny sub-committee to carry out reviews.
6. The Overview and Scrutiny Committee is also asked to consider and agree the timeline for the review with a view to commence after May local election.

PROPOSAL/OPTION

7. That the Overview and Scrutiny Committee (OSC) consider the recommendations from the Executive meeting held on 4th February 2019 on the establishment of a Task and Finish Group.

LIST OF BACKGROUND PAPERS

8. Agenda Item 6.1 Reference from Executive meeting on 4th February 2019.