At a meeting of Sustainable Communities Overview and Scrutiny Committee held in Priory House Council Chamber on 11 July 2019 from 10am

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<th>Present:</th>
<th>Cllr D McVicar (Chair)</th>
<th>Cllr M Foster (Vice-Chair)</th>
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1. **Members' Interests**

Councillor Gomm declared an interest in relation to item 10 as he was previously a member of the board at Mid Beds Link a Ride. Councillor Walsh declared an interest in relation to item 10 as she previously worked with one of the public speakers. Cllr Walsh had also met with Link a Ride on several occasions to organise community transport within her Ward. Councillor Matthews declared an interest in relation to item 10 as he previously met with representatives from the various community transport providers.

2. **Chairman’s Announcements and Communications**

The Chair welcomed all new and returning Members to the Committee and confirmed that the meeting was public and would be webcast in accordance with Committee procedure.

3. **Minutes**

RESOLVED that the Minutes of the Sustainable Communities Overview and Scrutiny Committee held on 14 March 2019 be confirmed and signed by the Chair as a correct record.

4. **Petitions**

None.

5. **Questions, Statements and Deputations**

Three speakers delivered statements which included the following in summary:-

- That it was not the intention of the transport providers to have the current contract set aside, instead they wished to highlight core concerns regarding the procurement process due to inadequate responses to concerns they had raised.
- That the Committee reject the recommendation within the report to take no further action.
- That the process had been driven by officers and not Members with concerns that information had not been shared with Committee Members at an earlier meeting and that Councillors had not received answers to their questions.
• That Mid Beds Link a Ride (MBLAR) had not refused to hand over their customer lists, GDPR had prevented them from doing so.
• Why contract monitoring information was considered sensitive and could not be shared in public.
• That to challenge the decision via legal channels would prove too costly and that the decision should be independently reviewed.
• Queries in relation to disparities between tenders and how operators were funded with MBLAR being chased for monies they stated they did not owe the Council.
• That Bedford Rural Communities Charity (BRCC) had been keen for MBLAR to work collaboratively and in conjunction with them, that several meeting had taken place to secure this approach and services had been sub-contracted to them in lieu of this but that in the end a decision had been taken by the provider not to join BRCC.
• Following MBLAR’s decision BRCC developed the new company Green Sand Country, procured additional vehicles, recruited drivers and the new contract commenced in October 2019.
• BRCC were serving parts of the area which had not historically been served by the previous transport provider and that the customer base was steadily increasing, with the company determined to deliver the best possible service for users and the Council.

6. Call-In

None.

7. Requested Items

None.

8. Executive Members Updates

The Executive Member for Community Services advised Members that the Dunstable Leisure Centre and library had opened to the public, a large number of events were being run for children over the school holidays with recent events well attended. The work on the swimming pool was progressing, testing would be undertaken and work had commenced to begin demolishing the old site at which the leisure centre and library had previously stood. The wider leisure strategy was considered very important to the Council and residents, with the same company being contracted in order to provide consistency and the Executive Member highlighted the importance of Ward Members encouraging their respective town and parish councils to engage in the consultation process so that leisure facilities could be provided for residents and local communities.
In response to a Member query the Executive Member confirmed that Section 106 contributions would be used according to identified need.

The Executive Member for Regeneration provided details of a recent successful business networking event held locally, with outcomes demonstrating robust growth and a positive future for businesses within Central Bedfordshire. The Local Plan examination continued, the Inspector would provide feedback at the conclusion of the process which was anticipated to be in the Autumn of 2019, but progress to date indicated a positive outcome. There had recently been two significant planning appeal decisions and in both cases the Inspector supported the Council’s methodology which confirmed a five-year land supply.

In response to a Member query and a request from the Chair the Executive Member for Regeneration agreed to assess the outcome of a recent appeal which had not found in the Council’s favour and instead suggested that standard methodology be applied.

9. Dial a Ride Provision in Central Bedfordshire

The Executive Member for Community Services confirmed that a full written response to the statements delivered at item 6 would be provided in due course but he addressed the points raised by the speakers in summary:-

- That the tender process for the contracts had been undertaken on three occasions due to concerns raised by the operators and that on each occasion the Council had followed the requisite government and local guidelines with regards to procurement rules. The Council’s legal and procurement departments had assessed the process on each occasion and found it to have followed due process, as had the Corporate Resources Overview and Scrutiny Committee (CR OSC) which had scrutinised proceedings on two separate occasions.
- That with any new contract there was a mobilisation period where services would grow and progress rather than be in situ from day one.
- That all providers had agreed at the tender stage of the process to share their customer lists in light of an unsuccessful bid but that when the time came some had refused to do so.
- That service users were suffering as a result of non-collaboration between providers.

Prior to the delivery of the report which aimed to address those concerns raised by some transport providers, the Chair highlighted an exempt appendix which if Members wished to discuss any aspect it would be necessary to go into private session and exclude members of the press and public.

The Executive Member highlighted those areas of the report which addressed the concerns of residents and provided historic background to the issue which was in line with the wider passenger transport strategy which Members had previously supported. Despite some providers’ dissatisfaction with the outcome, it was suggested that it was
Inappropriate to continue to bring the matter before the Committee as appropriate due process had been followed.

In light of the report and address by the Executive Member, Members discussed the following in summary:

- That in some circumstances grants could be offered to transport providers without contravening EU law, however it would be necessary to assess the value of that approach.
- The variation in fares charged by the transport providers.
- Whether the approach which had been taken was appropriate given the good level of service historically provided and the need to support the voluntary sector.
- Accusations that officers had acted with impropriety, which should be put before the Monitoring Officer as it was beyond the remit of the Committee.
- That in order to meet requirements under GDPR, service users were required to give express consent to have their details shared with other providers but that the incumbent providers had not asked their users to do so.
- Confirmation that tender questions were available to all tenderers.
- That at its meeting in 2016, when considering the passenger transport strategy the Committee had recommended a delay of one year in order to assess the impact of the changes to transport providers. This had subsequently been rejected by the Executive and Members expressed the view that those concerns were the reason for the speakers’ attendance and report at this meeting.
- That it was not appropriate or legal to overturn the outcome of the procurement process but it was necessary to address unanswered questions.

**RECOMMENDED:**

1. That the Committee note the procurement process had been previously considered by the Corporate Resources Overview and Scrutiny Committee, as a result of which it was agreed the tendering of the contracts was undertaken in line with the relevant legislation and procurement best practice.

2. That in response to the views presented to the Committee, a politically proportionate working group be formed to meet on one occasion to address the 20 areas of concern raised by speakers and that an invitation be extended to all interested parties.

**10. Parking Management Strategy**

The Executive Member for Community Services welcomed representatives from the Council’s highways contractor, Jacobs, who delivered a presentation which set out an interim parking strategy.

In light of the presentation Members discussed the following in summary:

- That only a small number of residents had appeared to respond to the consultation in relation to resident parking zones. It was confirmed that the number was in line with other consultations of this nature.
• Whether multiple carers could apply for parking permits. It was confirmed that the permit was issued to the person receiving the care, not their carers directly and that anyone with a valid blue badge could park in a disabled bay, not just the person who had requested it.
• That it appeared counter-productive to support only those schools with a travel plan already in place, instead those schools without one required additional support. In response it was confirmed that it was necessary to incentivise schools in the first instance but in the long term all schools would be encouraged to ensure that they had active travel plans in place.
• Concern that the document did not include area specific information and that Members had not been consulted. In response the Executive Member confirmed that the presentation provided details of the interim overarching strategy which was in lieu of a wider report currently in its early stages, with specific zones to be considered in consultation with Members at a later date.
• Whether the Council had benchmarked against other local authorities. It was confirmed that they had begun to so do.
• Whether the implementation of a permit system would disadvantage those on a low income. It was confirmed that the Council had to recover costs, if another system were to be considered it would mean a change to the Constitution.
• The impact on towns and high streets as a result of parking restrictions and the need to ensure parity of approach between towns and rural areas, recognising the need for a bespoke approach in some areas with small and narrow streets, roads and pathways.
• The need to enforce against idling cars in order to mitigate the environmental impact to which it was confirmed that the Council had approached the Secretary of state for Transport to request additional powers in this regard.

RECOMMENDED that the Committee support the content and implementation of the draft Parking Management Strategy

11. Construction Code of Practice

The Executive Member for Regeneration introduced a report which set out the approach to minimise the effects of construction by setting out the Council’s overall standards for developers building homes and commercial buildings in the area.

In light of the report Members discussed the following in summary:-
• That the document was very welcome due to historic on site damage caused by some developers. It was suggested specific wording be included in the code to ensure the protection of significant elements of a site, in particular areas of environmental interest.
• That building alarms on site were required to be in good working order and the responsibilities of planning or public protection officers during instances of disturbance.

• The complexities regarding restricting the delivery of goods and materials on sites and the need to assess these on a case by case basis at the planning stage.

RECOMMENDED that the Committee support the Construction Code of Practice as technical planning guidance for Development Management purposes and that the Executive grant delegate authority to the Director of Regeneration and Business, in consultation with the Executive Member for Planning and Regeneration to make any minor amendments to the Construction Code of Practice.

12. Outcome of public consultation on the Air Quality Action Plan and the finalised plan

The Executive Member for Community Services delivered a report which set out the Council’s air quality action plan following government findings that emissions were above target levels in some towns. A recent public consultation had concluded and the Council were subsequently assessing four different areas of work in order to address and reduce emissions.

In light of the report Members discussed the following in summary:-

• The logistics of implementing the plan and how aspirational measures would work in practice.

• Confirmation that a car park in Ampthill had been free of charge but had been underutilised, as a result of which the developer had submitted an application for a residential development.

• That an alternative solution was required in Sandy until such time that Highways England made a decision regarding the relocation of a road.

• That incentives within Ampthill included encouraging and developing cycling networks within the town, the introduction of HGV bans and to encourage taxi drivers to switch to electric vehicles. It was anticipated that lots of small changes would result in a reduction in emissions to below government targets.

• Confirmation that the action plan was a series of measures and actions required of the authority following government findings in relation to emissions.

• That in addition to an HGV ban, that weight restrictions would be considered as well.

RECOMMENDED that the Executive Member for Community Services approve the finalised Air Quality Action Plan for adoption into Central Bedfordshire Council’s policies.
13. Public Space Protection Orders

The Community Safety Partnership & Communities Manager delivered a report which set out a number of orders regarding anti-social behaviour, dog fouling and alcohol exclusion zones. There was a need to consult on new government legislation relating to public space protection orders and during the consultation commencing in September 2019 residents would be asked whether the areas identified were appropriate. Once the exercise had concluded the results would be brought back to the Committee for comment in March 2020 with implementation following the Executive in April 2020.

In light of the report Members expressed support of the recruitment of 24 additional community safety officers and were encouraged that they had been granted delegated police powers.

RECOMMENDED that the Committee support that the Public Space Protection Order proposal should go out to a 12-week public consultation.

14. Work Programme & Executive Forward Plan

AGREED the Committee work programme subject to the following amendments:-
- Dunstable High Street Regeneration – 12 September 2019
- A Review of the Planning Enforcement Plan – 12 September 2019
- Community Safety Update – 23 January 2019
- That a future report detailing the outcome of a task force meeting on community transport concerns be delivered – date TBC