

COUNCIL DECISION NOTICE

The following decisions were taken by COUNCIL at its meeting held on WEDNESDAY 24 NOVEMBER 2021 at 7.42 pm.

CL84 MINUTES

RESOLVED:

That the Minutes of the meeting of the Council held on 20 October 2021 be approved and signed by the Mayor as a correct record.

CL88 QUESTIONS FROM MEMBERS OF THE PUBLIC

Questions were received from six members of the public.

ACTIONS:

1. Councillor Townsend undertook to ask officers to pass on Alderman Bartlett's concerns about smart highways to Highways England as part of ongoing dialogue between the organisations.

(Councillor Townsend / Director of Environment & Property)

2. Councillor Townsend undertook to ask officers to assess the site in Loughton identified as a litter hotspot to determine whether it would benefit from enhanced cleaning or additional waste infrastructure.

(Councillor Townsend / Director of Environment & Property)

3. Councillors R Bradburn and Middleton undertook to provide Ahmed Butt with a written response to his question.

(Councillor R Bradburn / Councillor Middleton / Director of Legal & Governance)

CL91 COUNCILLORS QUESTIONS

Questions were received from Councillors D Hopkins, Jenkins, Priestley (on behalf of B Nolan), Rankine, Taylor, Minns, Walker, K Bradburn and Rolfe

ACTIONS:

1. Councillor Middleton undertook to meet with Councillor Rankine and to provide him with an update on Windmill Hill Golf Course

(Councillor Middleton / Director of Environment & Property)

2. Councillor Wilson-Marklew undertook to discuss with officers the matter of the assistance the Council could provide homeowners with insulation improvements to their properties and to provide Councillor Taylor with a written response.

(Councillor Wilson-Marklew / Director of Customer & Community Services)

WHITE RIBBON CAMPAIGN

1. That this Council notes that:
 - a) Milton Keynes has a higher recorded rate of domestic abuse compared to any other area covered by Thames Valley Police;
 - b) in Milton Keynes last year (2020/21), Thames Valley Police recorded 4,338 domestic abuse-related crime incidents, which is a 29% increase compared to 2018/19 (3,356);
 - c) for the year ending March 2020, the Crime Survey for England and Wales (CSEW) estimated that approximately 7 in 100 women and 4 in 100 men had experienced domestic abuse in the last year while 82% of victims in criminal prosecutions of domestic abuse were women (ONS 2020);
 - d) in 2019/20, 867 individuals were referred to MK ACT – an increase of 262 (43.3%) from previous years and more than a quarter (26%) were assessed as high risk;
 - e) the number of repeat victims of a domestic abuse crime reported to Thames Valley Police increased from 34.6% in 2018/19 to 40.3% in 2020/21 while 8.5% of individuals referred to MK Act in 2020/21 were repeat victims;
 - f) 92% of rape cases recorded in the Thames Valley in the year to March 2020 involved female victims; and
 - g) just 1.6% of rape allegations nationwide result in someone being charged.
2. That this Council recognises that the White Ribbon Campaign is the largest effort in the world of men working to end men's violence against women, by encouraging men to pledge never to commit, condone or remain silent about violence against women.
3. That this Council believes that:
 - a) raising awareness plays a huge part in changing the cultural and social norms which are recognised as being highly influential in shaping individual behaviour, including the use of violence;
 - b) the Council, its Members and Staff, are influential in shaping social norms in our city and therefore have a leadership role in calling out unacceptable behaviour;
 - c) abuse and violence are a choice and there is no excuse for them; and
 - d) domestic abuse happens throughout every level of society, regardless of health, wealth and status.

4. That this Council resolves to:
 - a) arrange awareness training for councillors on male violence against women;
 - b) encourage staff and members to become Ambassadors and Champions by taking the PROMISE never to commit, excuse or remain silent about male violence against women;
 - c) make White Ribbon Day (25th November) part of the civic calendar with ambassador-led activities involving staff, members and the public;
 - d) work towards becoming a White Ribbon Accredited Authority; and
 - e) work closely with local agencies and organisations involved in tackling male violence against women to work towards making Milton Keynes a White Ribbon City.”

(Cabinet member for Resources / Cabinet member for Public Realm / Director of Finance & Resources / Director of Customer & Community Services/ Director of Law & Governance)

CL93 TIMELY ADOPTION AND PRE-ADOPTION MAINTENANCE OF NEW ROADS

1. That this Council notes that:
 - a) when a new area is built, the land including roads and footways still belong to the developer until they are adopted by MK Council;
 - b) the Council will only adopt them if they have been constructed to an acceptable standard, these roads and streets are then classed as Highways Maintainable at Public Expense, which means that the Council pays for repairs, cleaning and gritting;
 - c) there are roads and streets that are unadopted and the Council does not have the responsibility to carry out maintenance works on these works such as gritting, repairing, cleaning and cutting back vegetation;
 - d) there are many roads in MK that have not yet been adopted, despite adjacent house-building having been finished years ago;
 - e) unadopted roads can be poorly maintained by the developers with potholes, poor drainage and no or inadequate street lighting and other services such as landscaping often not being properly undertaken by developers or service charge companies, which can affect residents' quality of life and safety.
 - f) often people who live on unadopted roads struggle to get the developers or service companies to do even basic maintenance to the roads and verges, year after year; and
 - g) there is a commitment to substantial housebuilding in and around MK for at least the next 15 years, during which time tens of thousands of new residents will experience the problems already facing similar numbers of existing residents, unless significant changes are made to how the development system works.

2. That this Council asks the Cabinet to:
 - a) Take the lead in ensuring developers and service companies fulfil their obligations to their residents;
 - b) seek to understand the scale of the issue, understanding that build rates can often be slow, and investigate effective ways that road adoption times can be reduced using by current powers, and to ask an appropriate officer to produce suggestions of what new powers may be effective in tackling this issue so a request can be made to government;
 - c) ensure that the current policy of requiring all roads and accesses contained in planning proposals to be of an adopted standard is fulfilled, that where issues have arisen a review is undertaken to ensure any provisions within Section 138 agreements can be enacted, that where problems occur all possible avenues are explored by the council to ensure that vital works maintain unadopted highways in an area are carried out by a developer or service company, and investigate, if at all possible, provisions for the work to be done by the Council at the developers' expense if the developers fail to maintain the area properly; and
 - d) write to the Secretary of State for Levelling Up, Housing and Communities requesting that Councils be allowed to insert planning conditions about when roads should be adopted.

(Leader of the Council / Director of Planning & Placemaking / Director of Environment & Property)

CL94

PLANNING ENFORCEMENT

1. That this Council notes that:
 - a) planning enforcement is an essential function of development management within a local authority;
 - b) effective planning enforcement is critical for ensuring public confidence in the planning system;
 - c) local planning authorities have responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative areas however, local planning enforcement action must be expedient and proportionate;
 - d) there are a range of statutory powers for local authorities to investigate and take action against unauthorised development but that this action must be proportionate to any alleged breach;
 - e) unauthorised development can take a wide range of forms, of differing scales and it can occur over varying timeframes;
 - f) the effects of unauthorised development can be harmful and undesirable to the public and the wider environment and affect the amenity of a neighbourhood; and

- g) unauthorised development can result in irreparable harm to our heritage assets.
- 2. That this Council welcomes the work of the new Director of Planning and Placemaking and Head of Planning are undertaking to secure additional resources to the enforcement team but notes that recruitment and retention of experienced officers in the current market is challenging.
- 3. That this Council recognises:
 - a) the response of the Leader of the Council and Cabinet Member for Planning at the Full Council meeting of 16 September 2020 where he accepted that planning enforcement had not always performed adequately in the past;
 - b) the recent finding of maladministration by the Local Government Ombudsman over a failure to ensure adequate enforcement record keeping;
 - c) the recent judgement of the First-tier Tribunal (General Regulatory Chamber) Information Rights which found that 'the [Council's] enforcement team failed to keep proper records of site visits between January 2018 and August 2019';
 - d) a recent Local Government Ombudsman finding that they will not be investigating a complaint supported by a former councillor, which upholds the view of an officer that it was not expedient to take enforcement action in that case, and that:
 - i) care should be taken not use individual examples as representative of the whole service;
 - ii) that it is the role of the council is to ensure proper systems and processes are in place to expedite a good service; and
 - iii) that there must be a distinction between the professional judgement of officers and the personal opinion of councillors.
 - e) the concern expressed by some members of the Development Control Committee and two members of the public at the meeting of 3 June 2021 over alleged repeated failures to deal with alleged unacceptable unauthorised development which was now immune from possible enforcement action due to the passage of time.
- 4. That this Council acknowledges that:
 - a) there remain serious concerns expressed by some members of the public, some Parish Councils and some Ward Councillors over the effectiveness of planning enforcement in Milton Keynes, noting that the scale of the issue and the actions taken to resolve them should be proportionate to the problems and that disingenuous and exaggerated politically driven attacks on the service undermine morale and are impacting the ability to recruit new officers;

- b) it is not acceptable for harmful unauthorised development to become immune from enforcement action due a failure to take action within the statutory timeframes when issues have been properly reported to the council for investigation;
 - c) enforcement failures can have a significant impact on peoples' lives and cause damage to the Council's reputation as the local planning authority; and
 - d) that while there are a small number of cases where the council has not performed as we would expect, overall, officers in this area work in a challenging environment and resolve the vast majority of cases without issue and that concerns about performance should be seen in proportion to the number of cases and the improvements made to address them.
5. That the Council therefore:
- a) welcomes the work being under the direction of the Planning Improvement Board to address past concerns in relation to planning enforcement in Milton Keynes;
 - b) welcomes the adoption of the Local Enforcement Plan by Cabinet in January 2021 and the steps taken to strengthen the enforcement service;
 - c) notes a performance report that will be presented to the Development Control Committee in December 2021 and requests that any concerns with current performance of enforcement be referred to the Cabinet member as appropriate;
 - d) resolves that councillors and parishes are offered training to help increase understanding of the enforcement process; and
 - e) asks Cabinet to review the resources available to the enforcement service during the budget setting process to ensure they meet the needs of the Local Enforcement Plan.

(Leader of the Council / Director of Planning & Placemaking)

CL95 LOCAL ELECTRICITY BILLS

1. That this Council acknowledges the efforts that this Council has made to reduce greenhouse gas emissions and promote renewable energy.
2. That this Council recognises that:
 - a) very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so;
 - b) making these financial costs proportionate to the scale of a renewable electricity supplier's operation would create significant opportunities for local companies, community groups and councils to be providers of locally generated renewable electricity directly to local people, businesses and organisations, if they wished; and

- c) revenues received by such local companies, community groups or councils that chose to become local renewable electricity providers could be used to help improve the local economy, local services and facilities and to reduce local greenhouse gas emissions.
3. That this Council notes that the Parliamentary Environmental Audit Committee, as a result of its 2021 Technological Innovations and Climate Change inquiry, recommended that a Right to Local Supply for local energy suppliers be established to address this.
 4. That this Council therefore resolves to support the Local Electricity Bill, currently supported by a cross-party group of 278 MPs and which, if made law, would establish a Right to Local Supply which would promote local renewable electricity supply by making the setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply company.
 5. That this Council further resolves to:
 - a) inform the local media of this decision; and
 - b) ask the Chief Executive to write to:
 - i) local MP Iain Stewart, who has not yet expressed support¹, asking him to support the Bill; and
 - ii) the organisers of the campaign for the Bill, Power for People, (at Camden Collective, 5-7 Buck Street, London NW1 8NJ or info@powerforpeople.org.uk) expressing its support.”

(Councillor Wilson-Marklew / Chief Executive / Director of Customer and Community Services)

CL96 MORE SUPPORT FOR EDUCATION CATCH UP SCHEMES

RESOLVED:

The Motion was withdrawn prior to the meeting.

CL97 CHANGE TO COMMITTEE MEMBERSHIP

RESOLVED:

That Councillor Montague be replaced by Councillor R Bradburn on the Joint Negotiating Committee (Employers Side)

(Director of Law and Governance)

¹ <https://powerforpeople.org.uk/the-local-electricity-bill/support>

CL98 DEVELOPMENT CONTROL COMMITTEE/PANEL – CHANGE OF NAME

RESOLVED:

1. That the Development Control Committee and Development Control Sub Committee (Development Control Panel), be renamed Planning Committee and Planning Panel respectively, from the 2022/23 Council year.
2. That the Director of Law and Governance be delegated authority to make the required consequential amendments to the constitution to reflect these changes.

(Director of Planning & Placemaking / Director of Law & Governance)