

Minutes of the meeting of the MILTON KEYNES COUNCIL held on TUESDAY
9 MARCH 2010 at 7.30 pm

Present: Councillor E Henderson (Mayor)
Councillors Barry, Bint, Box, Bristow, Brock, Burke, Butler-Ellis,
Carstens, S Clark, U Clarke, Coventry, Crooks, Dransfield, Drewett,
Edwards, Exon, Ferrans, Fraser, Galloway, A Geary, P Geary,
Gerrella, I Henderson, Hopkins, Hoyle, Irons, Jury, Latham, Lloyd,
Mallyon, D McCall, I McCall, McPake, Miles, A Morris, C Morris,
O'Neill, Potts, Richards, Small, Tallack, Tamagnini-Barbosa, Tunney,
Turnbull, Wharton, White, Williams and Wright.

Alderman Connor was also present

Apologies: Councillors Campbell and Klein and Aldermen Ellis and Howell

Also Present: 18 members of the public

CL99 MINUTES

RESOLVED -

That the Minutes of the meetings of the Council held on 9 February
2010 and 23 February 2010 be approved and signed as correct
records.

CL100 DISCLOSURES OF INTEREST

Councillor Bristow declared a personal interest in Item 5(b)(2)
(National Patient Medical Records) as his spouse was an employee
of the National Health Service.

Councillor Butler-Ellis declared a personal interest in Items 5(b)(1)
(Fortnightly Refuse Collections) and Item 5(b)(2)(National Patient
Medical Records) as a Director of the United Sustainable Energy
Agency, which administered the Council's carbon offset fund.

Councillor U Clarke declared a personal interest in Item 4(b)
(Reconfiguration Options in Milton Keynes) as an employee of the
National Health Service in Milton Keynes.

Councillor Gerrella declared a personal interest in Item 4(b)
(Reconfiguration Options in Milton Keynes) as his spouse was an
employee of the National Health Service.

Councillor E Henderson declared a personal interest in Item 4(b)
(Reconfiguration Options in Milton Keynes) as a non-executive
director of the Primary Care Trust.

Councillor I Henderson declared a personal interest in Item 4(b)
(Reconfiguration Options in Milton Keynes) as spouse of a non-
executive director of the Primary Care Trust.

Councillor Mallyon declared a personal and prejudicial interest in Item 5(b) (National Patient Medical Records) as an employee supplying IT software to the National Health Service in Milton Keynes.

Councillor White declared a personal interest in Items 5(b)(1) (Fortnightly Refuse Collections) and Item 5(b)(2)(National Patient Medical Records) as Secretary of the North Bucks Federation of Small Businesses, Chair of the United Sustainable Energy Agency, which administered the Council's carbon offset fund.

CL101

ANNOUNCEMENTS

1. Bletchley Leisure Centre - Building Research Establishment Environmental Assessment Method (BREEAM) Standards

The Mayor announced that the new Bletchley Leisure Centre building had been judged to be excellent at the recent Ecobuild Conference.

The Mayor congratulated all involved, both officers and the Council's main contractor SDC.

2. George Byfield MBE

The Mayor announced the death of George Byfield MBE who had been a Member of Great Linford Parish Council since 1998, and also a member of the Conniburrow Community Association and the former Council Housing Forum.

The Council also heard from Councillor White.

CL102

QUESTION FROM MEMBER OF THE PUBLIC

1. Mr Peter Gladwin asked Councillor Crooks why the leaflet from Central Milton Keynes Town Council had not been sent out with the Council Tax demands and on whose authority was that decision made.

Councillor Crooks referred to the convention which had allowed parish and town councils to also include a leaflet with the Council Tax Demand. The leaflet from Central Milton Keynes Town Council had included a claim that this Council was acting unlawfully with regard to its review of parish boundaries. As this was not believed to be the case, the leaflet was potentially defamatory and therefore could not be circulated by this Council. A suggested revised draft of the letter, which expressed the concerns of the Town Council but removed the word 'unlawful', was not acceptable to the Town Council. The letter was therefore not circulated. Councillor Crooks pointed out that the Town Council could circulate the letter itself from its own resources.

Mr Gladwin asked a supplementary question which was answered by Councillor Crooks.

2. Mr Ken Baker referred to his previous question to Councillor Crooks asked at a previous meeting of the Council, regarding the Council's policy on the Listing of the Shopping Building in Central Milton Keynes and asked when he could expect a reply to his question.

Councillor Crooks explained that a reply had now been sent to Mr Baker regarding the Council's position on the Listing of the Shopping Building and the current situation in respect of the management guidelines being re-negotiated between the Council and the owners of the Shopping Building to accommodate internal changes related to its special architectural character.

Councillor Crooks stated that he was satisfied that the Council had never established a formal position on this issue. The current Management Guidelines were approved by the then Development Control Committee on 26 August 1998. The Committee was informed that the prospect of listing the Building had been considered and rejected by the Department for Culture, Media and Sport on the advice of English Heritage because it was felt that the building was not under threat. However the Department had asked the Council with the Owners and English Heritage to explore the possibility of entering into Management Guidelines which would cover future works to the Building. Discussions had followed to reach an agreed text, which was the version that the Committee formally approved in 1998 on behalf of the Council.

Councillor Crooks explained that one of the provisions of the Management agreement was that it should be reviewed every two years, but this appeared not to have happened.

Councillor Crooks stated that he now understood that access to the Management Guidelines had been refused to members of the public. If that was the case then the decision was incorrect and he apologised, as the Guidelines were approved in public and the supporting documentation from the Department for Culture, Media and Sport and English Heritage stated that they wished for the Guidelines to be publicly available.

Councillor Crooks explained that discussions between English Heritage and the Council had re-opened in May 2007 when officers were asked for an opinion on whether it would be appropriate to add the Shopping Building and the Circle of Light structure to the statutory List. Officers replied in June that they were satisfied with the existing protection measures but suggested that 'having regard to the absence of any biennial reviews' it might be appropriate to review the existing agreement to ensure that it remained relevant to changing circumstances and complete in its scope. This review was then started and a revised set of Management Guidelines

was currently under consideration by English Heritage (whom it was understood to have agreed them) and the Owners.

Councillor Crooks undertook that, once officers had everyone's formal agreement he would place the proposed new Guidelines in the Cabinet Forward Plan and ensure that the Development Control Committee has a full opportunity to consider and advise on them beforehand if it so wishes. The Cabinet decision would be subject to both Member and public call-in if thought necessary.

Councillor Crooks, recognising that the Guidelines were separate from the issue of Listing, reported that in response to a request from the Listing Branch of the Department for Culture, Media and Sport in the autumn of 2008, officers replied on 6 October 2008 to the effect that the Shopping Building was of special architectural interest and, when considered against English Heritage's published selection criteria, worthy of designation. The letter concluded by saying that the Council fully supported a recommendation to add the building to the Statutory List. Councillor Crooks stated that he understood that a number of elected Members had subsequently expressed their views to the Department both for and against Listing, but the Council itself had not expressed a formal view. Councillor Crooks suggested that any Members who wished to test the collective view of the Council could submit a motion for debate.

Mr Baker asked a supplementary question which was answered by Councillor Crooks.

3. Mr Tom Fraser asked Councillor Crooks if he could outline the plans of Gaming International for the use of the Milton Keynes Bowl, whether Gaming International would be required to remove the brick building recently erected on the site and in light of the limited use the Bowl had been put to, could the underbidder now be asked to reactivate their plans.

Councillor Crooks undertook to provide Mr Fraser with a written response to his questions concerning the future use of the Milton Keynes Bowl, including, if possible, details of the advice given to Members awarding the current contract.

Mr Fraser asked a supplementary question which was answered by Councillor Crooks.

CL103

REPORTS FROM CABINET AND COMMITTEES

- (a) Audit Committee – 4 February 2010

Capital Budget Monitoring - Oakgrove School Phase 2

The Council noted the Audit Committee's serious concern that the funding of Oakgrove School Phase 2 could be delayed by the apparent lack of satisfactory evidence that the School had been constructed to Building Research Establishment

Environmental Assessment Method (BREEAM) Standards.

The Council received a response from the Leader of the Council which set out the new arrangement for the management of projects such as school builds. The Leader also reported that it was intended to report to the Audit Committee on 8 April 2010 on current project management arrangements.

- (b) Health and Community Wellbeing Select Committee – 4 February 2010

(Deputy Mayor in the Chair.)

Reconfiguration Options in Milton Keynes

Councillor Irons moved the following recommendation from the meeting of Health and Community Wellbeing Select Committee on 4 February 2010, which was seconded by Councillor I Henderson:

“That the Committee’s view that an urgent approach should be made to the Strategic Health Authority and the Department of Health jointly by the Primary Care Trust and the Council to protect the successful integration of health and social care services in Milton Keynes be endorsed.”

The Council heard from 2 members of the public on this matter.

On being put to the vote the motion was declared carried unanimously.

RESOLVED –

That the Health and Community Wellbeing Select Committee’s view that an urgent approach should be made to the Strategic Health Authority and the Department of Health jointly by the Primary Care Trust and the Council to protect the successful integration of health and social care services in Milton Keynes be endorsed.

(Councillors U Clarke, Gerrella, E Henderson and I Henderson declared personal interests in this item.)

(Mayor in the Chair.)

CL103

MEMBERS’ QUESTIONS

- (a) Question from Councillor Bint to Councillor Galloway (Cabinet Member for Environment, Planning and Growth)

Councillor Bint asked Councillor Galloway as to the status of Brooklands in planning policy terms and whether the article in the media was to be believed that it was to be a self contained community.

Councillor Galloway indicated that he was not aware, but would investigate and provide a written answer.

- (b) Question from Councillor Coventry to Councillor Crooks (Leader of the Council)

Councillor Coventry asked Councillor Crooks for an assurance that the meeting of the Transport Stakeholders Group to meet with Arriva would not clash with a meeting of the Parish Review Working Group.

Councillor Crooks referred the question to Councillor Mallyon (Cabinet Member for Transport and Highways), who indicated that it was hoped to commence the Transport Stakeholders Group at 7.00 pm on 17 March after the meeting of the Parish Review Working Group. He undertook to inform Members as soon as possible.

Councillor Coventry asked a supplementary question which was answered by Councillor Mallyon.

- (c) Question from Councillor Butler-Ellis to Councillor Mallyon (Cabinet Member for Transport and Highways)

Councillor Butler-Ellis asked Councillor Mallyon if he could organise a separate exclusive meeting for Members of the Council to meet with Arriva to address all of their concerns.

Councillor Mallyon indicated that he was concentrating on arranging for Members to attend the Transport Stakeholders Group as a priority and would then see if it was possible to arrange further meetings for Members with Arriva.

- (d) Question from Councillor A Geary to Councillor Crooks (Leader of the Council)

Councillor Geary asked Councillor Crooks if he would join with him in expressing gratitude to Councillors Bristow, Carstens, S Clark, E Henderson, I Henderson, Latham and Turnbull, who would be retiring from the Council in May, for their dedicated service to the Council and their communities over a number of years.

Councillor Crooks agreed to endorse the gratitude expressed by Councillor Geary.

- (e) Question from Councillor White to Councillor Crooks (Leader of the Council)

Councillor White asked Councillor Crooks what changes had happened to the client side management of projects and contracts during the last year.

Councillor Crooks indicated that he had already referred to the management of capital projects relating to schools earlier in the meeting. He also referred to reports to the Budget Review Group on new ways of working with capital projects generally and specifically how resource allocation had been split from approval to spend. Slippage on capital projects was down to 10% from 23% two years ago and the contract with Mouchel

had been reviewed, together with projects carried out by Mouchel on the Council's behalf and was likely to yield an extra £5m per annum available to the Council's finances for the next 5 years.

Councillor Crooks also thanked the contribution of the Audit Commission in helping the Council to seek improvements.

Councillor White asked a supplementary question which was answered by Councillor Crooks.

- (f) Question from Councillor C Morris to Councillor Crooks (Leader of the Council)

Councillor C Morris asked Councillor Crooks if he could get the Central Milton Keynes Shopping Building Management Guidelines to Central Milton Keynes Town Council for its comment.

Councillor Crooks explained that once the individual parties, English Heritage, the Council and the owners were happy with the Management Guidelines it would be necessary to agree a process for the adoption of the Guidelines which he envisaged would involve a wide consultation including the Town Council and other interested parties.

Councillor C Morris asked a supplementary question which was answered by Councillor Crooks.

- (g) Question from Councillor A Morris to Councillor Mallyon (Cabinet Member for Transport and Highways)

Councillor A Morris asked Councillor Mallyon why the Pavement and Verge Traffic Order had only been rolled out across 25 streets in Milton Keynes when it could have provided a great benefit to many vulnerable pedestrians in the Borough.

Councillor Mallyon indicated that a blanket policy would not have worked in many areas and would have only exacerbated existing parking problems, often caused by the design of streets. Councillor Mallyon explained that the Order was trying to target the areas of most need and the streets had been drawn up in conjunction with interested parties.

Councillor A Morris asked a supplementary question which was answered by Councillor Mallyon.

- (h) Question from Councillor Williams to Councillor Crooks (Leader of the Council)

Councillor Williams asked Councillor Crooks if he would give an undertaking to organise urgently an all party delegation, including representatives of the Milton Keynes Primary Care Trust (where appropriate), to lobby the Minister for Health to retain the current partnership arrangements.

Councillor Crooks indicated that he would, and would also arrange for an all party delegation to meet the Strategic Health Authority; and Local MPs, as well as organising written representation to the appropriate civil servants.

Councillor Williams asked a supplementary question which was answered by Councillor Crooks.

- (i) Question from Councillor Dransfield to Councillor Miles (Leader of the Labour Group).

Councillor Dransfield asked Councillor Miles to name one Government Department which held data on individuals, including individuals from Milton Keynes, that had not lost data.

Councillor Miles indicated that he was the Leader of the Labour Group on the Council and was not responsible for Government Departments and therefore unable to answer the question.

Councillor Dransfield asked a supplementary question which was answered by Councillor Miles.

- (j) Question from Councillor Richards to Councillor Mallyon (Cabinet Member for Transport and Highways)

Councillor Richards asked Councillor Mallyon if he was aware that there was currently no method of tracking the progress on the replacement or provision of a new street name plate once requested by a Member.

Councillor Mallyon indicated that he was and undertook to request officers to put a process in place.

Councillor Richards asked a supplementary question which was answered by Councillor Mallyon.

- (k) Question from Councillor Hoyle to Councillor S Clark (Cabinet Member for Children)

Councillor Hoyle drew Councillor Clark's attention to the shortage of speech and language therapists in Milton Keynes and asked why she had not been pressing for city-wide funding for speech therapists by the Primary Care Trust, rather than expecting individual schools to pay for the service.

Councillor Clark indicated that the provision of speech and language therapists was the responsibility of the Primary Care Trust and there was currently no joint provision with the Council. Councillor Clark invited Councillor Hoyle to consider approaching the Children's Trust with regard to the possibility of providing Borough wide funding for speech and language therapists

Councillor Hoyle asked a supplementary question which was answered by Councillor Clark.

- (l) Question from Councillor Tamagnini-Barbosa to Councillor Crooks (Leader of the Council)

Councillor Tamagnini-Barbosa congratulated Councillor Crooks on the increase in Broadband speed in his Ward.

Councillor Crooks indicated that this was an example of a pilot project being undertaken by British Telecom in taking Broadband direct to homes. Councillor indicated he hoped that it would be possible for British Telecom to be able to provide a similar service to the rest of urban Milton Keynes in the next 18 months. Councillor Crooks recognised the need to also be able to provide a similar standard of service to the rural areas of the Borough.

Councillor Crooks also indicated that he hoped for Milton Keynes to become the third national centre for internet access which would bring significant benefits for Milton Keynes.

- (m) Question from Councillor Miles to Councillor Mallyon (Cabinet Member for Transport and Highways)

Councillor Miles asked Councillor Mallyon if after the election a review of the workings of the Transport Partnership could be undertaken to ensure that it was fit for purpose.

Councillor Mallyon indicated that such a review would be a high priority after the upcoming elections.

- (n) Question from Councillor P Geary to Councillor McPake (Cabinet Member for Communities)

Councillor Geary asked Councillor McPake if she regretted trying to push through changes to the Parish Charter in a way that was contrary to the current Charter.

Councillor McPake indicated that she was responding to the wishes of the parish and town councils to try to get a new Charter in place during this financial year. Councillor McPake indicated that parish and town councils, through the Parish Assembly, had now indicated that more time should be taken and as a result a special Cabinet meeting would be held towards the end of June 2010 rather than in March. Councillor McPake stressed that the revised timetable would not delay the award of the parish grants.

Councillor Geary asked a supplementary question which was answered by Councillor McPake.

- (o) Question from Councillor Tunney to Councillor Galloway (Cabinet Member for Environment, Planning and Growth)

Councillor Tunney asked Councillor Galloway if the Winter Green Maintenance Programme could be co-ordinated with the litter picking schedule to ensure that the litter exposed by the cutting back of undergrowth was quickly cleared.

Councillor Galloway replied that this should be happening and he would take this up with officers.

Councillor Tunney asked a supplementary question which was answered by Councillor Galloway.

CL105

FORTNIGHTLY REFUSE COLLECTION

Councillor Crooks moved the following motion, which was seconded by Councillor I Henderson:

“That this Council, further to the question asked at the Council meeting on 23 February 2010, places on record its unequivocal opposition to a fortnightly refuse collection.”

Councillor Hopkins moved the following amendment which was seconded by Councillor Bint and accepted by the mover of the motion:

“That the following additional clause be added:

“That this Council, in re-affirming its commitment to weekly refuse collections agrees also to request the Cabinet to re-examine how both the pink sack recycling and the green / food waste collections may be better promoted in order to keep the amount of black sack refuse, and thus the amount of Landfill Tax, to a minimum.”

On being put to the vote the motion, as amended, was declared carried unanimously.

RESOLVED –

1. That this Council, further to the question asked at the Council meeting on 23 February 2010, places on record its unequivocal opposition to a fortnightly refuse collection.
2. That this Council, in re-affirming its commitment to weekly refuse collections agrees also to request the Cabinet to re-examine how both the pink sack recycling and the green / food waste collections may be better promoted in order to keep the amount of black sack refuse, and thus the amount of Landfill Tax, to a minimum.

(Councillors Butler-Ellis and White declared a personal interest in this item.)

CL106

NATIONAL PATIENT MEDICAL RECORDS

Councillor Tamagnini-Barbosa moved the following motion, which was seconded by Councillor Gerrella:

- “1. That this Council notes that Milton Keynes Primary Care Trust is currently writing to all patients registered with a Milton Keynes doctor about creating national ‘summary care records’.

2. That the Council notes that groups, such as no2id, have expressed concern that:
 - (a) summary care records may be joined with a National Identity database;
 - (b) electronic records are open to hacking or misuse by non-legitimate parties for personal gain; and
 - (c) despite re-assurances, Government has a woeful record in data security.
3. That this Council therefore urges its citizens to carefully consider the information supplied by Milton Keynes Primary Care Trust and reminds residents that they have the option to opt-out of having a summary care record created for them."

Councillor C Morris moved the following amendment which was seconded by Councillor A Geary:

"That the following additional clause be added:

'That this Council requests the Corporate Director Community Wellbeing to urgently provide a written report to the Cabinet addressing the areas of concern, as set out in the motion above, with the potential of making written representations to both the Primary Care Trust and the two Members of Parliament for Milton Keynes, if it is considered necessary.'

On being put to the vote the amendment was declared carried, with 23 Members voting in favour, 19 Members voting against and 2 Members abstaining from voting.

Councillor Miles moved the following amendment which was seconded by Councillor Coventry:

"That the word 'and' at the end on paragraph 2(b)(ii) and all of paragraph 2(b)(iii) be deleted."

On being put to the vote the amendment was declared lost, with 9 Members voting in favour, 29 Members voting against and 6 Members abstaining from voting.

Councillor Miles moved the following amendment which was seconded by Councillor Coventry:

"That the words in paragraph 2(b)(iii) be deleted and replaced with the following:

'a much higher level of data security will be required before the public can have confidence in such systems.'

On being put to the vote the amendment was declared carried, with 21 Members voting in favour, 16 Members voting against and 7 Members abstaining from voting.

On being put to the vote the substantive motion was declared carried, with 26 Members voting in favour, 12 Members voting against and 4 Members abstaining from voting.

RESOLVED –

1. That this Council notes that Milton Keynes Primary Care Trust is currently writing to all patients registered with a Milton Keynes doctor about creating national 'summary care records'.
2. That the Council notes that groups, such as no2id, have expressed concern that:
 - (a) summary care records may be joined with a National Identity database;
 - (b) electronic records are open to hacking or misuse by non-legitimate parties for personal gain; and
 - (c) a much higher level of data security will be required before the public can have confidence in such systems.
3. That this Council therefore urges its citizens to carefully consider the information supplied by Milton Keynes Primary Care Trust and reminds residents that they have the option to opt-out of having a summary care record created for them.
4. That this Council requests the Corporate Director Community Wellbeing to urgently provide a written report to the Cabinet addressing the areas of concern, as set out in the motion above, with the potential of making written representations to both the Primary Care Trust and the two Members of Parliament for Milton Keynes, if it is considered necessary.

(Councillors Bristow, Butler-Ellis and White declared a personal interest in this item and Councillor Mallyon declared a personal and prejudicial interest, left the meeting and took no part in the voting on this item.)

CL107

OVERVIEW AND SCRUTINY ANNUAL REPORT

The Council received the Overview and Scrutiny Annual Report which was presented by Councillor Hopkins, Chair of the Overview and Scrutiny Management Committee.

Councillor Hopkins indicated that the report was targeted at the Council's partners as a way of showing the positive role overview and scrutiny could play in providing improved services for the community, which he believed should be the focus of the work of overview and scrutiny.

RESOLVED –

That the Overview and Scrutiny Annual Report be received.

ANNUAL REPORTS OF COMMITTEES

The Council received the Annual Reports for the Audit Committee, the Development Control Committee, the Licensing Committee and the Regulatory Committee which were presented by the Chairs of those committees.

Councillor White, Chair of the Audit Committee, thanked Members and officers for their support, and drew attention to the Council's relationship with the Council's contractor Mouchel as a key focus for the Committee.

Councillor C Morris, Chair of the Development Control Committee, referred to the considerable improvements in the operation of the Committee over the year and the improved relationships between Members and officers and improved engagement with residents and parish and town councils. Councillor Morris also referred to the report from the Audit Commission which recognised the improvements made. Councillor Morris particularly thanked Councillor Bristow for his support. The level of detail in the report was welcomed and it was suggested that attention needed to be given to the low level of success at appeal.

Councillor Tallack, Chair of the Licensing and Regulatory Committees, thanked Members and officers for their support, particularly Councillor Bristow and Councillor Box who had been instrumental in working to improve relations with South Northamptonshire District Council over taxi licensing issues. Councillor Tallack also referred to the up and coming licence applications for casinos.

RESOLVED –

That the annual reports for the Audit Committee, the Development Control Committee, the Licensing Committee and the Regulatory Committee be received.

THE MAYOR CLOSED THE MEETING AT 10.33 PM