



Minutes of the meeting of the MILTON KEYNES COUNCIL held on TUESDAY 8 SEPTEMBER 2009 at 7.30 pm

Present: Councillor E Henderson (Mayor)
Councillors Bint, Box, Bristow, Brock, Burke, Butler-Ellis, Campbell, Carstens, S Clark, U Clarke, Coventry, Crooks, Dransfield, Drewett, Edwards, Exon, Ferrans, Fraser, Galloway, A Geary, P Geary, Gerrella, I Henderson, Hopkins, Irons, Jury, Klein, Latham, 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.

Aldermen Connor and Howell were also present

Apologies: Councillors Barry, Hoyle and Lloyd and Aldermen Bartlett and Ellis

Also Present: 23 members of the public

CL38 MINUTES

RESOLVED -

That the Minutes of the meeting of the Council held on 14 July 2009 be approved and signed by the Mayor as a correct record.

CL39 ANNOUNCEMENTS

Special Needs Unit Gymnasts

The Mayor congratulated the Special Needs Unit Gymnasts who took part in the Special Olympics in Leicester at the end of July, and returned with 20 medals.

CL40 DISCLOSURES OF INTEREST

Councillor E Henderson declared a personal interest in Item 5(b)(i) (National Health Service) as a non-executive director of the Primary Care Trust.

Councillor I Henderson declared a personal interest in Item 5(b)(i) (National Health Service) as the spouse of a non-executive director of the Primary Care Trust.

Councillor Burke declared a personal interest in Item 5(b)(i) (National Health Service).

Councillor Gerrella declared a personal interest in Item 5(b)(i) (National Health Service).

Councillor Tamagnini-Barbosa declared a personal interest in Item 5(b)(i) (National Health Service).

Councillor Richards declared a personal interest in Item 5(b)(i) (National Health Service).

Councillor S Clark declared a personal interest in Item 5(b)(i) (National Health Service) as an employee of the Health Service.

Councillor Mallyon declared a personal interest in Item 5(b)(i) (National Health Service).

Councillor Bristow declared a personal interest in Item 5(b)(i) (National Health Service).

Councillor U Clarke declared a personal interest in Item 5(b)(i) (National Health Service).

Councillor Irons declared a personal interest in Item 5(b)(i) (National Health Service).

Councillor A Geary declared a personal interest in Item 5(b)(i) (National Health Service) as a member of the Conservative Party.

Councillor O'Neill declared a personal interest in Item 4(a) (Community Safety Partnership Plan 2009 – 2012) as a member of a delivery group of the Crime and Community Safety Partnership.

Councillor White declared a personal interest in Item 5(b)(iii) (National Government Demonstration Programme for Electric Vehicles) as a member of the Government's Renewable Fuels Agency.

CL41

REPORTS FROM CABINET AND COMMITTEES

(a) Cabinet – 21 July 2009

Community Safety Partnership Plan 2009 - 2012

Councillor McPake moved the following recommendation from the meeting of the Cabinet on 21 July 2009, which was seconded by Councillor Crooks:

“That the SaferMK Plan be approved.”

Councillor McPake reported that the Community Safety Partnership Plan, which had been adopted by the other partners on the Community Safety Partnership, and was also being considered by the Local Strategic Partnership Executive on behalf of the Partnership, would form the Council's Community Safety Strategy for 2009 – 2012.

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

RESOLVED –

That the SaferMK Plan be approved.

(Councillor O'Neill declared a personal interest in this Item.)

- (b) Shadow Overview and Scrutiny Management Committee
– 3 August 2009

Co-optees to Committees

Councillor Hopkins moved the following recommendation from the meeting of the Shadow Overview and Scrutiny Management Committee on 3 August 2009, which was seconded by Councillor Miles:

“That responsibility for agreeing the appointment of co-optees to serve on Select Committees rest with the Overview and Scrutiny Management Committee.”

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

RESOLVED –

That responsibility for agreeing the appointment of co-optees to serve on Select Committees rest with the Overview and Scrutiny Management Committee.

- (c) Shadow Overview and Scrutiny Management Committee – 13 August 2009

Terms of Reference for Select Committees

Councillor A Geary moved the following recommendation from the meeting of the Shadow Overview and Scrutiny Management Committee on 13 August 2009, which was seconded by Councillor C Morris:

“That the revised terms of reference for the four Select Committees be approved.”

Councillor Miles moved the following amendment, which was seconded by Councillor White:

“That the recommendation be not approved and that the following be substituted therefor:

1. That, in addition to the four Select Committees proposed by the Overview and Scrutiny Management Committee, a fifth Select Committee, to deal, in general terms, with Partnerships and Growth, be appointed.
2. That the Terms of Reference proposed by the Overview and Scrutiny Management Committee for the four Select Committees be accepted until such time as they have been reviewed by the Management Committee under 3 below.
3. That the Overview and Scrutiny Management Committee be authorised to agree the Terms of Reference of the fifth Select Committee and revise the Terms of Reference of the other four Select Committees in the light of the appointment of the fifth

Select Committee.

4. That the Overview and Scrutiny Management Committee be authorised to approve any future changes to the Terms of Reference for the Select Committees.
5. That the fifth Select Committee and the Budget Review Group, when appointed, attract Special Responsibility Allowances at the same rate as the other Select Committees pending the Council's decision on the forthcoming report of the Independent Remuneration Panel."

A recorded vote was requested on clauses 1, 2, 3 and 5. The voting on clause 1 was as follows:

FOR: Councillors Bristow, Burke, Campbell, S Clark, Coventry, Crooks, Drewett, Edwards, Exon, Ferrans, Fraser, Galloway, Gerrella, E Henderson, I Henderson, Irons, Mallyon, D McCall, I McCall, McPake, Miles, O'Neill, Potts, Richards, Tallack, Tamagnini-Barbosa, Turnbull, White and Williams (29)

AGAINST: Councillors Bint, Box, Brock, Butler-Ellis, Carstens, U Clarke, Dransfield, A Geary, P Geary, Hopkins Jury, Klein, Latham, A Morris, C Morris, Small, Tunney, Wharton, and Wright (19)

ABSTENTIONS: None (0)

Clause 1 of the amendment was declared carried.

The voting on clauses 2, 3 and 5 was as follows:

FOR: Councillors Bristow, Burke, Campbell, S Clark, Coventry, Crooks, Drewett, Edwards, Exon, Ferrans, Fraser, Galloway, Gerrella, E Henderson, I Henderson, Irons, Mallyon, D McCall, I McCall, McPake, Miles, O'Neill, Potts, Richards, Tallack, Tamagnini-Barbosa, Turnbull, White and Williams (29)

AGAINST: Councillors Bint, Box, Brock, Butler-Ellis, Carstens, U Clarke, Dransfield, A Geary, P Geary, Hopkins Jury, Klein, Latham, A Morris, C Morris, Small, Tunney, Wharton, and Wright (19)

ABSTENTIONS: None (0)

Clauses 2, 3 and 5 of the amendment were declared carried.

Clause 4 was declared carried with 47 Members voting for, 1 Member voting against and 0 Members abstaining from voting.

On being put to the vote the substantive motion was declared

carried with 29 Members voting for, 19 Members voting against and 0 Members abstaining from voting.

RESOLVED –

1. That, in addition to the four Select Committees proposed by the Overview and Scrutiny Management Committee, a fifth Select Committee, to deal, in general terms, with Partnerships and Growth, be appointed.
2. That the Terms of Reference proposed by the Overview and Scrutiny Management Committee for the four Select Committees be accepted until such time as they have been reviewed by the Management Committee under 3 below.
3. That the Overview and Scrutiny Management Committee be authorised to agree the Terms of Reference of the fifth Select Committee and revise the Terms of Reference of the other four Select Committees in the light of the appointment of the fifth Select Committee.
4. That the Overview and Scrutiny Management Committee be authorised to approve any future changes to the Terms of Reference for the Select Committees.
5. That the fifth Select Committee and the Budget Review Group, when appointed, attract Special Responsibility Allowances at the same rate as the other Select Committees pending the Council's decision on the forthcoming report of the Independent Remuneration Panel

CL42

MEMBERS' QUESTIONS

- (a) Question from Councillor Gerrella to Councillor S Clark (Cabinet Member for Children)

Councillor Gerrella asked Councillor Clark to outline her role as Cabinet Member responsible for Children as far as it related to community schools.

Councillor Clark indicated that the role of Lead Member for Children was laid down in statute and welcomed the clarification recently given by the Chief Executive as to the roles of Members and officers.

With regard to the Sir Frank Markham School the decision to close the School was taken by the Cabinet. It was the role of officers to implement that decision and the responsibility for managing the delegated budget rested with the School's Management Committee. It was the responsibility of officers to report any concerns about the management of any school,

but the management was the school's responsibility.

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

- (b) Question from Councillor Turnbull to Councillor McPake (Cabinet Member for Communities)

Councillor Turnbull asked Councillor McPake when she understood that the football pitches next to Derwent Drive Youth Centre would be in use, as the target date kept being put back.

Councillor McPake indicated that she understood that there had been problems with the drainage, but would investigate further and provide a written answer.

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

- (c) Question from Councillor Butler-Ellis to Councillor S Clark (Cabinet Member for Children)

Councillor Butler-Ellis asked Councillor Clark about a particular piece of case work he was dealing with, where he was having difficulty in getting assistance from officers.

Councillor Clark advised Councillor Butler-Ellis to contact the Corporate Director.

- (d) Question from Councillor Coventry to Councillor Mallyon (Cabinet Member for Transport and Highways).

Councillor Coventry asked Councillor Mallyon to approach the Bus Companies, which had painted their buses colours to signify particular routes, with regard to them using the correctly coloured buses on the routes in order to avoid confusion for passengers.

Councillor Mallyon agreed to do so.

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

- (e) Question from Councillor P Geary to Councillor Mallyon (Cabinet Member for Transport and Highways).

Councillor P Geary asked Councillor Mallyon if the budget increase for 2009/10 for pothole repair was sufficient to meet the backlog in repairs.

Councillor Mallyon indicated that it was unlikely that the Council would be able to repair all potholes as new ones were constantly appearing and it was likely that the situation would get worse over the winter.

Councillor P Geary asked a supplementary question which was answered by Councillor Mallyon.

- (f) Question from Councillor Potts to Councillor C Morris (Chair of the Development Control Committee)

Councillor Potts asked Councillor Morris when she would be coming forward with the review of how the consultation on the wind farm application had been conducted.

Councillor Morris indicated that she had raised the issue with officers, but was unable to take this matter forward until such time as officers had completed their work.

Councillor Potts asked a supplementary question which was answered by Councillor Morris.

- (g) Question from Councillor A Geary to Councillor Crooks (Leader of the Liberal Democrat Group).

Councillor A Geary asked Councillor Crooks if he believed the recent Standards Committee investigation into a complaint which had arisen because of a typographical error and seen the Members concerned exonerated was a good use of public money.

Councillor Crooks declined to comment.

- (h) Question from Councillor Bristow to Councillor Mallyon (Cabinet Member for Transport and Highways).

Councillor Bristow asked Councillor Mallyon to look at the safety issues for pedestrians who were having to walk along the verge of the A421 Grid Road following the closure of the access through an industrial estate.

Councillor Mallyon asked Councillor Bristow to supply him with further details so that he might respond.

- (i) Question from Councillor Bint to Councillor Crooks (Leader of the Council)

Councillor Bint asked if there had been any instances where the Administration had not claimed all credit for successes and blamed officers when things had gone wrong.

Councillor Crooks indicated that Members were accountable and offices responsible for implementation of decisions and as such Members were right in taking credit when appropriate.

- (j) Question from Councillor Richards to Councillor Crooks (Leader of the Council)

Councillor Richards asked about the Council's use of Regulation of Investigatory Powers Act 2000 (RIPA) powers.

Councillor Crooks indicated that between April 2008 to March 2009 the use of RIPA powers were authorised by the Council on 16 occasions, all for directed surveillance. These included items such as selling tobacco to minors; fly-tipping at recycling and lorry parks; dog fouling; surveillance of an employee; and unlicensed plying for hire.

From March 2009 to the end of August there have been 10 authorisations for unlawful plying for hire, fly-tipping and Benefit fraud.

Councillor Crooks also indicated that the Council currently had 17 senior authorised officers who could authorise the use of the RIPA powers and that this was to be shortly reduced to 5 senior officers.

Councillor Crooks also agreed to provide a fuller written answer.

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

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

Councillor Dransfield referred to the Sir Frank Markham School's deficit budget and asked Councillor Clark what policies the Cabinet had in place to ensure that officers were in a position to ensure school funds were not misused.

Councillor Clark indicated that the approved deficit budget had not been overspent and she would need to check on what policies had been approved.

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

- (l) Question from Councillor Williams to Councillor S Clark (Cabinet Member for Children)

Councillor Williams drew attention to the improved examination results achieved by students at the Radcliffe School and asked Councillor Clark if she believed it right to review the decision to turn the School into an Academy.

Councillor Clark indicated that she would prefer to see a local scheme for the Radcliffe School and had asked officers to consult with the Department for Children, Schools and Families as to whether it was possible to provide Wolverton with a local solution.

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

Councillor Morris asked if the policy of micro-management by Cabinet Members was being shelved.

Councillor Crooks indicated that he was bringing forward a review of the Scheme of Delegation of Executive Functions.

- (n) Question from Councillor White to Councillor S Clark (Cabinet Member for Children)

Councillor White asked Councillor Clark to detail what measures she had put in place to ensure agreed policies were implemented and budget adhered to and that she was fulfilling the requirements of the statutory role of Lead Member for Children.

Councillor Clark indicated that she had recently given evidence about her role to 4 inquiries and none had found that she was not undertaking her role properly.

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

- (o) Question from Councillor S Clark to Councillor A Geary (Leader of the Conservative Group)

Councillor Clark asked Councillor Geary if he believed that Councillor Bint's recent comments about Sir Frank Markham School crossed the line of acceptable behaviour.

Councillor Geary, after taking legal advice, declined to answer as the incident was likely to be the subject of a complaint to the Council's Standards Committee.

CL43

NATIONAL HEALTH SERVICE

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

"That this Council

- (a) deplores recent critical comments made by leading national Conservatives about the National Health Service;
- (b) supports instead reform measures that will reduce meaningless target setting and dependence on Private Finance Initiative (PFI) funding; and
- (c) welcomes in Milton Keynes the closer working together of the Council and the Primary Care Trust across a whole range of intermediate services designed to give the patient a better and more joined up experience."

On being put to the vote the motion was declared carried with 26 Members voting for, 0 Members voting against and 17 Members abstaining from voting.

RESOLVED –

That this Council

- (a) deplores recent critical comments made by leading national Conservatives about the National Health Service;

- (b) supports instead reform measures that will reduce meaningless target setting and dependence on Private Finance Initiative (PFI) funding; and
- (c) welcomes in Milton Keynes the closer working together of the Council and the Primary Care Trust across a whole range of intermediate services designed to give the patient a better and more joined up experience.

(Councillors Bristow, Burke, S Clark, U Clarke, Gerrella, E Henderson, I Henderson, A Geary, Irons, Mallyon, Richards and Tamagnini-Barbosa declared a personal interest in this Item.)

CL44

DEVELOPMENT - CENTRAL MILTON KEYNES

The Council received a deputation of residents of Milton Keynes who raised the issue of the lack of environmental impact reports and visual impact assessments on landmark developments in Central Milton Keynes.

Councillor C Morris moved the following motion, which was seconded by Councillor A Geary, on which a recorded vote was requested:

“That this Council:

1. recognises the concerns of local residents from Linford South Ward and other surrounding areas of Central Milton Keynes to proposed development and design issues in and around the City Centre;
2. further notes the perception of holes and flaws within planning guidance and design codes to fully address such issues; and
3. commends the work of the Local Development Framework Advisory Group in attempting to address these issues for the future and urges the Council to learn from past errors to ensure that these are not repeated, and where necessary to lobby for positive change to Regional and Central Government in order to make a positive difference for the future of all of our residents.”

The voting was as follows:

FOR: Councillors Bint, Box, Bristow, Brock, Butler-Ellis, Carstens, Coventry, Dransfield, A Geary, P Geary, Hopkins, Irons, Jury, Klein, Miles, A Morris, C Morris, O'Neill, Small, Tunney, Turnbull, Wharton and Wright (23)

AGAINST: Councillors Burke, S Clark, Crooks, Drewett, Exon, Ferrans, Fraser, Galloway, E Henderson, I Henderson, D McCall, I McCall, McPake, Potts, Tallack, Tamagnini-Barbosa and Williams (17)

ABSTENTIONS: Councillors Mallyon and Richards (2)

The motion was declared carried.

RESOLVED -

That this Council:

1. recognises the concerns of local residents from Linford South Ward and other surrounding areas of Central Milton Keynes to proposed development and design issues in and around the City Centre;
2. further notes the perception of holes and flaws within planning guidance and design codes to fully address such issues; and
3. commends the work of the Local Development Framework Advisory Group in attempting to address these issues for the future and urges the Council to learn from past errors to ensure that these are not repeated, and where necessary to lobby for positive change to Regional and Central Government in order to make a positive difference for the future of all of our residents.

CL45

NATIONAL DEMONSTRATION PROGRAMME FOR ELECTRONIC VEHICLES

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

- “1. That this Council notes that Milton Keynes is challenged to accommodate a significant expansion in its population. At the same time, Milton Keynes is determined to further its reputation as an economically successful, and progressive, community.
2. That this Council further notes that as part of its plan for sustainable transport systems, the Government has declared an intention to create a national environment which encourages the popular uptake of electric vehicles. This represents a major opportunity for Milton Keynes, as it was founded on the proposition of ‘personal mobility’ and now has a requirement to reduce its greenhouse gas emissions.
3. That this Council therefore proposes that Milton Keynes should seek to be included in the national Government demonstration programme for electric vehicles and that an appropriate local programme for this purpose should be developed under the leadership of the Council. The programme should:
 - (a) be set in the context of the developing Climate Change and Sustainable Transport Strategies for the borough;
 - (b) recognise that Milton Keynes is a city that is uniquely designed for personal mobility and so should aim to develop an integrated programme in which personal mobility is part of, not separate from, a first-class sustainable public transport system;

- (c) develop an understanding of the behavioural, physical, political, economic and infrastructure changes necessary to encourage the mass uptake of electric vehicles;
- (d) be a partnership project that engages with local businesses, including the world class car manufacturing companies based in and around Milton Keynes, and the local centres of academic excellence;
- (e) help further the economic vision for the city, as set out in the Milton Keynes Economic and Learning Partnership document 'From New Town to International City', which sets out a strategy based on the development of a knowledge based economy; and
- (f) consider how the Council's vehicle fleet and those of other local organisations and companies might make use of electric vehicles."

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

RESOLVED –

1. That this Council notes that Milton Keynes is challenged to accommodate a significant expansion in its population. At the same time, Milton Keynes is determined to further its reputation as an economically successful, and progressive, community.
2. That this Council further notes that as part of its plan for sustainable transport systems, the Government has declared an intention to create a national environment which encourages the popular uptake of electric vehicles. This represents a major opportunity for Milton Keynes, as it was founded on the proposition of 'personal mobility' and now has a requirement to reduce its greenhouse gas emissions.
3. That this Council therefore proposes that Milton Keynes should seek to be included in the national Government demonstration programme for electric vehicles and that an appropriate local programme for this purpose should be developed under the leadership of the Council. The programme should:
 - (a) be set in the context of the developing Climate Change and Sustainable Transport Strategies for the borough;
 - (b) recognise that Milton Keynes is a city that is uniquely designed for personal mobility and so should aim to develop an integrated programme in which personal mobility is part of, not separate from, a first-class sustainable public transport system;

- (c) develop an understanding of the behavioural, physical, political, economic and infrastructure changes necessary to encourage the mass uptake of electric vehicles;
- (d) be a partnership project that engages with local businesses, including the world class car manufacturing companies based in and around Milton Keynes, and the local centres of academic excellence;
- (e) help further the economic vision for the city, as set out in the Milton Keynes Economic and Learning Partnership document 'From New Town to International City', which sets out a strategy based on the development of a knowledge based economy; and
- (f) consider how the Council's vehicle fleet and those of other local organisations and companies might make use of electric vehicles.

(Councillor White declared a personal interest in this Item.)

CL46

APPOINTMENTS TO OVERVIEW AND SCRUTINY COMMITTEES

The Council considered making appointments to the new Overview and Scrutiny structure, taking into account the implications for the membership of the Council's other committee structure as a result of the appointments.

Councillor P Geary moved the following recommendation, which was seconded by Councillor I Henderson:

1. That five Members be appointed to the Overview and Scrutiny Management Committee in the ratio of 2 Conservative Group Members, 2 Liberal Democrat Group Members and 1 Labour Group Member.
2. That members be appointed to the Overview and Scrutiny Select Committees in the ratio of 4 Conservative Group Members, 4 Liberal Democrat Group Members and 2 Labour Group Members.
3. That the Council note the overall proportions of seats held by the respective Groups and allocates 1 additional seat to the Liberal Democrat Group."

Councillor Miles moved the following amendment which was seconded by Councillor Crooks and accepted by the mover of the recommendation:

"That the following words be added at the end of recommendation 2.3:

'in a manner to be agreed by the Chief Executive in consultation with Group Leaders'."

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

RESOLVED –

1. That five Members be appointed to the Overview and Scrutiny Management Committee in the ratio of 2 Conservative Group Members, 2 Liberal Democrat Group Members and 1 Labour Group Member.
2. That members be appointed to the Overview and Scrutiny Select Committees in the ratio of 4 Conservative Group Members, 4 Liberal Democrat Group Members and 2 Labour Group Members.
3. That the Council notes the overall proportions of seats held by the respective Groups and allocates 1 additional seat to the Liberal Democrat Group, in a manner to be agreed by the Chief Executive in consultation with Group Leaders.

THE MAYOR CLOSED THE MEETING AT 10.46 PM