

Minutes of the MILTON KEYNES COUNCIL held on WEDNESDAY 15 JANUARY 2014 at 7.30 pm

Present: Councillor White (Mayor)
Councillors Alexander, Bald, Barney, Bint, Brackenbury, Bradburn, Bramall, Brock, Brunning, M Burke, S Burke, Coventry, Dransfield, Eastman, Edwards, Exon, Ferrans, A Geary, P Geary, Hawthorn, Hopkins, Hoyle, Jury, Kennedy, Khan, Klein, Legg, Long, Maric, Marland, D McCall, I McCall, McDonald, McKenzie, McLean, Middleton, Miles, O'Neill, Richards, Shafiq, Small, Tallack, Wales, Wallis, Webb, Wharton, C Williams, P Williams and Zealley

Alderpersons Bristow, Howell and Saunders

Apologies: Councillor Morris and Alderpersons Beeley, Connor, Ellis, E Henderson, I Henderson, Irons and Lloyd

Also Present: 100+ members of the public

CL70 MINUTES

RESOLVED -

That the Minutes of the meeting of the Council held on 23 October 2013 be approved and signed by the Mayor as a correct record.

CL71 DISCLOSURES OF INTEREST

Councillor Shafiq disclosed a pecuniary interest in Item 5(b)(i) (Regulatory Committee - Responsibility for Functions / Review of Hackney Carriage Arrangements) as a licensed Hackney Carriage driver.

CL72 ANNOUNCEMENTS

(a) New Year Honours

The Mayor congratulated the following persons who had received New Year Honours:

- Rachel Mary de Souza (DBE), of Woburn Sands for services to education;
- Gillian Hammond (CBE) of Caldecotte, Milton Keynes for services to Civil Service Management and Reform; and
- John Victor Doggart (OBE), who built the country's first solar heated house in Milton Keynes for services to Sustainable Energy Technologies and Energy Efficiency.

(b) John McCafferty

The Mayor drew the Council's attention to the recent national and local press coverage concerning Mr John McCafferty of

Newport Pagnell who had become the longest surviving heart transplant patient, receiving his transplant over 30 years ago.

The Mayor indicated that he had invited the honours recipients and Mr McCafferty to join him in the Parlour before the next Council meeting and also to attend the meeting so that the Council might show its appreciation of their successes.

(c) Cabinet Members

The Mayor announced that last week the Leader had appointed Councillor Bramall to the Cabinet with portfolio responsibilities for Public Realm, Social Inclusion, Performance Improvement, Value for Money and Emergency Planning. Councillor P Geary would hold the portfolio for Highways and Councillor McLean the portfolio for Transport.

(d) Assistant Director (Planning and Transport)

The Mayor advised the Council that Mr David Hackforth had been appointed on a temporary basis to cover the responsibilities of the Assistant Director (Planning and Transport).

(e) Newport Pagnell Fire

Councillor A Geary updated the Council on the large fire which had broken out today at premises in Newport Pagnell and passed on his thanks to those members of staff who had been involved.

(f) Provision of Essential Services over the Christmas / New Year Period

The Mayor asked that the Council's thanks be passed to those members of staff who had worked providing essential services over the Christmas / New Year period and who had provided support to communities during the recent threats from flooding.

(g) Former Councillor Derek Newcombe

The Mayor announced the death, shortly before Christmas, of former Councillor Derek Newcombe who had served from 1996 until 2002 representing the Walton Park Ward.

The Mayor reported that he had attended the funeral, which was held on Monday 16 December at Crownhill Crematorium, and had sent condolences to the family of former Councillor Newcombe on behalf of the Council.

The Council stood in silence as a mark of respect?

PUBLIC QUESTIONS

- (a) Question from Mr F Toates to Councillor P Geary (Cabinet member for Communities and Highways)

Mr F Toates asked Councillor P Geary if the Council was aware of the concerns of residents about the safety of pedestrians walking near the Groveway H9, particularly as a result of flooding of paths and concerns arising from walking through the park, particularly at night, when using the Groveway H9 bridges to cross the road.

Councillor P Geary indicated that he understood that officers were aware of the concerns and he undertook to request officers to meet with Mr F Toates on site, together with representatives of the Parks Trust, to discuss his concerns.

- (b) Question from Mrs F Kelley to Councillor Brock (Cabinet member for Adult Social Care, Health and Wellbeing)

Mrs F Kelley, noting that assistance for someone with a disability in obtaining employment was dependent upon eligibility for adult social care, asked Councillor Brock if she agreed that the eligibility criteria were heavily slanted in favour of the elderly living alone who were seeking to maintain independence as opposed to young people with disabilities who lived with carers and were seeking to establish independence.

Councillor Brock indicated that the adult social care eligibility criteria were prescribed nationally, and locally applied, she believed, without bias.

Councillor Brock invited Mrs Kelley to contact her to discuss the issues raised.

- (c) Question from Mr S Kelley to Councillor Brock (Cabinet member for Adult Social Care, Health and Wellbeing)

Mr S Kelley, asked Councillor Brock what assistance does the Council offer to school leavers with a disability to make the transition into employment

Councillor Brock indicated that the Council had responsibility for young people with a disability while they remained in education through the high needs block of the of the dedicated schools grant. However, careers advice was the responsibility of individual schools.

Councillor Brock invited Mr Kelley to contact her to discuss the issues raised.

- (d) Question from Miss R Kelley to Councillor Hopkins (Cabinet member for Economic Development and Enterprise)

Miss R Kelley, asked Councillor Hopkins if he agreed that it would be a good idea for the Council to set up a scheme with the top 10 local employers to provide work placements and sustainable employment for those with disabilities.

Councillor Hopkins agreed that it was good to encourage establishing such schemes and undertook to provide Miss Kelley details of any initiatives already ongoing.

- (e) Question from Ms E Campbell to Councillor Brock (Cabinet member for Adult Social Care, Health and Wellbeing)

Ms E Campbell asked Councillor Brock why it appeared that mental health service users were getting such a poor deal in relation to users of other Council services, and how had she ensured that the Council was meeting its equalities duty when participation in the Mental Health Partnership Board was dependent upon a service user's ability to meet their own access costs.

Councillor Brock indicated that she was proud to champion the Board and the increased user involvement it had brought, when compared to the previous arrangements.

Councillor Brock reported that the Board had a budget of £3,000, which was used to support the Board by meeting accommodation, refreshment and servicing costs. Resources available from Peoples' Voice also supported service user involvement at the Board.

Councillor Brock also indicated that the Board was actively looking at the possibility of meeting participants' travel costs.

Ms Campbell asked a supplementary question regarding the workings of the Mental Health Programme Board to which Councillor Brock undertook to provide a written response.

- (f) Question from Mrs A Rose to Councillor Bald (Cabinet member for Strategic Finance, Housing and Regeneration)

Mrs Rose, referring to a statement by the Prime Minister that he was still in favour of Council houses being sold and reducing stock and that the Labour Party were against this approach, asked Councillor Bald whether the Council was for or against.

Councillor Bald indicated the Right to Buy was prescribed in legislation, therefore the Council had no choice, but she supported the programme believing that everybody had the right to own their own home if they had the means.

Councillor Bald also drew attention to the use of proceeds from the sale of Council homes which were being used to

fund the purchase of properties from the open market to help the homelessness situation in Milton Keynes and to restart a Council house building programme by building 25 bungalows specially adapted for persons with disabilities.

- (g) Question from Mr T Baines to Councillor Bald (Cabinet member for Strategic Finance, Housing and Regeneration)

Mr Baines asked Councillor Bald how much Council Tax has the Council failed to collect in the financial year 2013/14 so far.

Councillor Bald indicated that she would have to provide the exact figure in writing. However, the collection rate was good, despite the Council Tax Reduction Scheme, although marginally below that for this time last year, but it was expected that 99.8% would eventually be collected.

Councillor Bald recognised the importance of achieving the highest collection rate possible and the potential impact on front line services uncollected tax could have.

Mr Baines asked a supplementary question, which was answered by Councillor Bald.

CL74

ACCESS TO INFORMATION PROCEDURE RULES

Councillor Miles moved the following recommendation from the meeting of the Constitution Commission held on 13 November / 13 December 2013, which was seconded by Councillor Tallack:

“That the revised Access to Information Procedure Rules be adopted.”

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

RESOLVED -

That the revised Access to Information Procedure Rules be adopted.

CL75

POLICY FRAMEWORK

Councillor Miles moved the following recommendation from the meeting of the Constitution Commission held on 13 November 2013, which was seconded by Councillor Tallack:

“That the following documents be adopt as the policy framework:

- (a) Future Libraries MK Plan (Annual Library Plan).
- (b) SaferMK Plan (Crime and Disorder Reduction Strategy).
- (c) Plans and Strategies which together comprise the Development Plan; and Development Plan Documents.
- (d) Youth Justice Plan.
- (e) Licensing Authority Policy Statement.

- (f) The Corporate Plan.
- (g) Local Transport Plan.
- (h) Comprehensive Equality Scheme.
- (i) Economic Development Strategy.
- (j) Gambling Policy.
- (k) Housing Strategy.
- (l) Local Investment Plan.
- (m) Low Carbon Strategy.”

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

RESOLVED -

That the following documents be adopt as the policy framework:

- (a) Future Libraries MK Plan (Annual Library Plan).
- (b) SaferMK Plan (Crime and Disorder Reduction Strategy).
- (c) Plans and Strategies which together comprise the Development Plan; and Development Plan Documents.
- (d) Youth Justice Plan.
- (e) Licensing Authority Policy Statement.
- (f) The Corporate Plan.
- (g) Local Transport Plan.
- (h) Comprehensive Equality Scheme.
- (i) Economic Development Strategy.
- (j) Gambling Policy.
- (k) Housing Strategy.
- (l) Local Investment Plan.
- (m) Low Carbon Strategy.

CL76

REVIEW OF OVERVIEW AND SCRUTINY PROCEUDRE RULE 5

Councillor Miles moved the following recommendation from the meeting of the Constitution Commission held on 13 November 2013, which was seconded by Councillor Tallack:

“That the following revised Overview and Scrutiny Procedure Rule 5 be adopted:

‘5. Meetings of the Overview and Scrutiny Select Committees

There shall be at least four ordinary meetings of each Overview and Scrutiny Select Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary meeting may be called, with the agreement of the Chair of the Overview and Scrutiny Management Committee, by the Chair, by any three Members of the Select Committee, or by the Assistant Director (Democratic Services), if he/she considers it necessary or appropriate. Before the Chair of the Overview and Scrutiny Management Committee gives his / her agreement he / she will, if possible, consult with the Vice-Chair(s). If there is no Chair of the Overview and Scrutiny Management Committee, or if the Chair of the Overview and Scrutiny Management Committee is unable to act, then the agreement of the Vice-Chair(s) will suffice.”

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

RESOLVED -

That the following revised Overview and Scrutiny Procedure Rule 5 be adopted:

“5. Meetings of the Overview and Scrutiny Select Committees

There shall be at least four ordinary meetings of each Overview and Scrutiny Select Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary meeting may be called, with the agreement of the Chair of the Overview and Scrutiny Management Committee, by the Chair, by any three Members of the Select Committee, or by the Assistant Director (Democratic Services), if he/she considers it necessary or appropriate. Before the Chair of the Overview and Scrutiny Management Committee gives his / her agreement he / she will, if possible, consult with the Vice-Chair(s). If there is no Chair of the Overview and Scrutiny Management Committee, or if the Chair of the Overview and Scrutiny Management Committee is unable to act, then the agreement of the Vice-Chair(s) will suffice.”

CL77

DESIGNATION OF CLERK TO THE APPEALS PANEL

Councillor Miles moved the following recommendation from the meeting of the Constitution Commission held on 13 November 2013, which was seconded by Councillor Tallack:

“That the Assistant Director (Education, Effectiveness and Participation) be designated as the Clerk to the Education Appeals Panels, with responsibility for arranging for the appointment and training of Panel members, as contained in Part 3 (Responsibility for Functions) of the Constitution, as from 1 April 2014.”

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

RESOLVED -

That the Assistant Director (Education, Effectiveness and Participation) be designated as the Clerk to the Education Appeals Panels, with responsibility for arranging for the appointment and training of Panel members, as contained in Part 3 (Responsibility for Functions) of the Constitution, as from 1 April 2014.

CL78

ARTICLE 7 - THE CABINET

Councillor Miles moved the following recommendation from the meeting of the Constitution Commission held on 13 December 2013, which was seconded by Councillor Tallack:

“That the following definition of the term ‘Executive’ be included in Article 7 of the Cabinet, relating to the Cabinet:

‘For the purposes of the Constitution the term Executive refers to the totality of the arrangements, encompassing the Leader, the Cabinet, Portfolio Holders and Cabinet Committees and the Leader’s delegations to officers.’”

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

RESOLVED -

That the following definition of the term ‘Executive’ be included in Article 7 of the Cabinet, relating to the Cabinet:

“For the purposes of the Constitution the term Executive refers to the totality of the arrangements, encompassing the Leader, the Cabinet, Portfolio Holders and Cabinet Committees and the Leader’s delegations to officers.”

CL79

AUDIT COMMITTEE TERMS OF REFERENCE

Councillor Miles moved the following recommendation from the meeting of the Constitution Commission held on 13 December 2013, which was seconded by Councillor Tallack:

“That the following change to the Terms of Reference for the Audit Committee be agreed:

‘3.1 Audit Activity

3.1.1 To approve the internal audit strategy and charter and monitor its progress.

3.1.2 To approve, but not direct, Internal Audit’s annual plan of work and monitor unscheduled work that could potentially divert audit resources away from the plan, and monitor performance against those plans, ensuring that there is no inappropriate scope or resource limitations.’”

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

RESOLVED -

That the following change to the Terms of Reference for the Audit Committee be agreed:

‘3.1 Audit Activity

3.1.1 To approve the internal audit strategy and charter and monitor its progress.

3.1.2 To approve, but not direct, Internal Audit’s annual plan of work and monitor unscheduled work that could potentially divert audit resources away from the plan, and monitor performance against those plans, ensuring that there is no inappropriate scope or resource limitations.’

CL80

DATES FOR ANNUAL MEETINGS OF THE COUNCIL

Councillor Miles moved the following recommendation from the meeting of the Constitution Commission held on 13 November 2013, which was seconded by Councillor Tallack:

“1. That the following revised wording for the first paragraph of Council Procedure Rule 1(a) be agreed:

‘The Ceremonial Meeting will take place on the Wednesday 13 calendar days after the day of local elections, or in a year when there are no Local Elections on the Wednesday 13 calendar days after the first Thursday in May at 7.30 pm.’

2. That the following revised wording for the first paragraph of Council Procedure Rule 1(b) be agreed:

‘The Business Meeting will take place on the Wednesday 20 calendar days after the day of local elections, or in a year when there are no Local Elections on the Wednesday 20 calendar days after the first Thursday in May at 7.30 pm.’”

The Council noted that in accordance with Council Procedure Rule 21.2 the recommendation would stand adjourned without discussion to the next ordinary meeting of the Council.

CL81

SUBSTITUTION OF EXECUTIVE / CABINET MEMBERS ON QUASI-JUDICIAL / AUDIT COMMITTEES

Councillor Miles moved the following recommendation from the meeting of the Constitution Commission held on 13 November 2013, which was seconded by Councillor Tallack:

“That the following revised wording for Council Procedure Rule 23 be adopted:

‘23. Substitution on Committees, Sub-Committees and Overview and Scrutiny Committees/Panels

23.1 The Assistant Director (Democratic Services), or his/her authorised representative at a meeting of a body, is authorised to agree substitutions for Members of bodies submitted in writing by appropriate Group Leaders, Deputy Group Leaders, the Chair or Group Spokesperson of the body concerned before the scheduled start time of the meeting at which the substitution is to apply. Substitutions may only be made in accordance with the total number of seats allocated to each political group and the agreed balance of seats between the political groups on the body, and appointed substitutes must not be Members of the Cabinet, except, where a Cabinet member is appointed to a committee they may be substituted by another Cabinet Member.

No member of the Cabinet may be substituted to an overview and scrutiny committee / panel.

23.2 Substitute Members will have all of the powers and duties of an ordinary Member of the body, but will not be able to exercise any special powers or duties (chair, vice-chair or spokesperson) exercisable by the persons they are substituting, unless specifically appointed by the body.

23.3 Substitution to the Development Control and Licensing and Regulatory Committees will only be permitted where substitutes have received the appropriate training and this has been verified by the Assistant Director (Democratic Services).”

The Council noted that in accordance with Council Procedure Rule 21.2 the recommendation would stand adjourned without discussion to the next ordinary meeting of the Council.

CL82

SIGNING OF SUB-COMMITTEE MINUTES BY PARENT COMMITTEES

Councillor Miles moved the following recommendation from the meeting of the Constitution Commission held on 13 November 2013, which was seconded by Councillor Tallack:

“That the following revised additional wording for Council Procedure Rule 22 be adopted:

‘22.3 Signing of Sub-Committee Minutes

In addition to Rule 17.1, where it is stated that the Minutes of the proceedings will be signed at the next suitable meeting, in the case of a Sub-Committee this will be the next meeting of the Sub-Committee, or of the appointing committee, as practicable.”

The Council noted that in accordance with Council Procedure Rule 21.2 the recommendation would stand adjourned without discussion to the next ordinary meeting of the Council.

“That the following new Clause 11.3 be added to Council Procedure Rule 11 (Notice of Motion) and the existing Clause 11.3 renumbered to '11.4':

'11. 3 Motions of a Like Intent

Where two or more motions, submitted in accordance with this Procedure Rule are, in the opinion of the Monitoring Officer, of the same, or similar intent, he / she will either:

- (a) seek agreement to the withdrawal of one or more of the motions to leave one remaining motion; or
- (b) combine the motions, with the agreement of the Members submitting the motions, with the combined motion being notified to Members of the Council not later than 12 noon four clear working days before the meeting at which the motion is to be considered.

The combined motion will take the place of the first of the motions submitted in the order on the agenda and will be in the joint names of the Members submitting the original motions. The Members submitting the combined motion will be expected to agree who will move and second the motion.

In the event that Members decline to withdraw their motions, or do not agree to the motions being composited, the Council will (subject to any ruling of the Mayor) deal with the motions in the order in which notice was received.”

The Council noted that in accordance with Council Procedure Rule 21.2 the recommendation would stand adjourned without discussion to the next ordinary meeting of the Council.

CL87

HOUSING REVENUE ACCOUNT BUDGET - 2014/15 TO 2017/18

Councillor Bald moved the following recommendation from the meeting of the Cabinet held on 18 December 2013, which was seconded by Councillor A Geary, on which a recorded vote was requested:

- “1. That the Housing Revenue Account Budget for 2014/15 be approved and the implications for future years for the delivery of the Council’s priorities be noted.
- 2. That the increases in rents, service charges and other fees and charges as follows and as detailed in Annex C be agreed:
 - (a) A 3.5% increase in average rents for 2014/15 with tenants being informed in line with statutory responsibilities under the Housing Act 1985;
 - (b) a 3.5% increase in service charges for 2014/15 in line with the average rent increase;

- (c) a 3.5% increase in garage rents in line with the average rent increase; and
- (d) an increase in Shared Ownership rents of 4% for 2014/15 in line with the contractual obligations of the lease.”

The voting was as follows:

FOR: Councillors Bald, Barney, Bint, Bramall, Brock, Brunning, M Burke, Coventry, Dransfield, Edwards, A Geary, P Geary, Hawthorn, Hopkins, Hoyle, Jury, Kennedy, Khan, Klein, Legg, Long, Marland, McDonald, McKenzie, McLean, Middleton, Miles, O'Neill, Small, Wales, Wallis, Webb, Wharton, White and P Williams (35)

AGAINST: Councillors Alexander, Brackenbury, Bradburn, S Burke, Eastman, Exon, Ferrans, Maric, D McCall, Richards, Shafiq, Tallack, C Williams and Zealley (14)

ABSTENTIONS: (0)

The recommendation was declared carried.

RESOLVED -

1. That the Housing Revenue Account Budget for 2014/15 be approved and the implications for future years for the delivery of the Council's priorities be noted.
2. That the increases in rents, service charges and other fees and charges as follows and as detailed in Annex C be agreed:
 - (a) A 3.5% increase in average rents for 2014/15 with tenants being informed in line with statutory responsibilities under the Housing Act 1985;
 - (b) a 3.5% increase in service charges for 2014/15 in line with the average rent increase;
 - (c) a 3.5% increase in garage rents in line with the average rent increase; and
 - (d) an increase in Shared Ownership rents of 4% for 2014/15 in line with the contractual obligations of the lease.

CL88

CORPORATE PLAN

Councillor A Geary moved the following recommendation from the meeting of the Cabinet held on 18 December 2013, which was seconded by Councillor McLean:

“That the refreshed Corporate Plan 2012/16 be approved.”

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

RESOLVED -

That the refreshed Corporate Plan 2012/16 be approved.

CL89

INTRODUCTION OF SCRAP METAL DEALERS ACT 2013

Councillor P Geary moved the following recommendation from the meeting of the Cabinet held on 18 December 2013, which was seconded by Councillor A Geary:

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

“That, in respect of the Scrap Metal Dealers Act 2013, the Regulatory Committee be authorised to:

- (a) determine licences where an applicant has relevant offences’ a Police representation, or other significant objection has been received;
- (b) refuse or revoke licences; and
- (c) vary or impose conditions.”

RESOLVED -

That, in respect of the Scrap Metal Dealers Act 2013, the Regulatory Committee be authorised to:

- (a) determine licences where an applicant has relevant offences’ a Police representation, or other significant objection has been received;
- (b) refuse or revoke licences; and
- (c) vary or impose conditions.

CL90

LOCAL COUNCIL TAX REDUCTION SCHEME REGULATIONS

The Mayor ruled, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that as the Local Council Tax Reduction Scheme needed to be adopted by 31 January 2014, the Council should consider this matter as a matter of urgency.

Councillor Bald moved the following motion, which was seconded by Councillor A Geary:

“That the Local Council Tax Reduction Scheme for the financial year 2014/15, on the basis of the Scheme as adopted by the Council on 12 December 2012 be continued, with the implementation of any changes to the Prescribed Local Council Tax Reduction Scheme Regulations issued by Department for Communities and Local Government, being delegated to Corporate Director Resources.”

On being put to the vote the motion was declared carried, with 18 Members voting in favour, 14 Members voting against and 17 Members abstaining from voting.

RESOLVED -

That the Local Council Tax Reduction Scheme for the financial year 2014/15, on the basis of the Scheme as adopted by the Council on 12 December 2012 be continued, with the implementation of any changes to the Prescribed Local Council Tax Reduction Scheme Regulations issued by Department for Communities and Local Government, being delegated to Corporate Director Resources.

CL91

MEMBERS' QUESTIONS

- (a) Question from Councillor Long to Councillor Bald (Cabinet Member for Strategic Finance, Housing and Regeneration)

Councillor Long, noting that the Council had sold 140 housing properties since May 2010 and that it was the Government's policy to replace every property sold with a new one, asked Councillor Bald when the outstanding 115 houses would be built and how would the build be funded.

Councillor Bald indicated that she did not fully know the answer to the question, but believed that it was not strictly one for one.

Councillor Bald apologised for not knowing the answer and undertook to inform Councillor Long as to the facts around the Government's commitment and how the Council was responding.

Councillor Long asked a supplementary question which was answered by Councillor Bald.

- (b) Question from Councillor S Burke to Councillor Bald (Cabinet Member for Strategic Finance, Housing and Regeneration)

Councillor S Burke asked Councillor Bald how many new Council houses had been built in the current Council year.

Councillor Bald responded that no new houses had been completed this year, as properties took between 2^{1/2} and 3 years to complete from the beginning of the process.

Councillor Bald informed the Council that a ground breaking ceremony for the new bungalows would be taking place next week and that the bungalows were due for completion fifteen months after that, which was very much to timetable.

Councillor S Burke asked a supplementary question which was answered by Councillor Bald.

- (c) Question from Councillor Miles to Councillor Dransfield (Cabinet Member for Children's Services and Lifelong Learning)

Councillor Miles asked Councillor Dransfield if, in light of figures provided to the Budget Review Group, he could advise of plans for the services currently housed in 'The Point' when the lease expires?

Councillor Dransfield undertook to investigate and provide a written answer.

- (d) Question from Councillor Hoyle to Councillor P Geary (Cabinet member for Communities and Highways)

Councillor Hoyle asked Councillor P Geary as to how many claims resulting from damage to vehicles from hitting potholes had been made in December.

Councillor P Geary indicated that he was unable to provide a definitive figure, but the number of claims had been the lowest since 2006, which was a testament to the work by the Council to repair the potholes in both the roads and footways.

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

- (e) Question from Councillor P Williams to Councillor Brock (Cabinet member for Adult Social Care, Health and Wellbeing)

Councillor P Williams asked Councillor Brock what measures she was taking to ensure the people of Milton Keynes were consulted on the review of the provision of health services in Bedford and Milton Keynes and to ensure that Milton Keynes had a first class hospital serving the residents of Milton Keynes.

Councillor Brock indicated that the Chief Executive of the Hospital had stated, in answer to a question from the Chair of the Health and Adult Social Care Select Committee, that in his opinion it should not be the case that there would be any downgrading of maternity or accident and emergency services provided at Milton Keynes Hospital as a result of any review. The Clinical Commissioning Group representative supported that view, but cautioned that it was not possible to give a 'cast iron' guarantee.

Councillor Brock also indicated that any review would be led by the NHS, not the Council, but recognised that the Council would want to play a full part.

Councillor Brock recognised that any provision had to be sustainable, which might lead to some difficult issues to be faced by local populations going forward.

Councillor P Williams asked a supplementary question which was answered by Councillor Brock.

- (f) Question from Councillor Eastman to Councillor P Geary (Cabinet member for Communities and Highways)

Councillor Eastman asked Councillor P Geary as to how many claims resulting from damage to vehicles from hitting potholes had been made during the current year, how many had been rejected and how did this compare with previous years.

Councillor P Geary undertook to provide Councillor Eastman with a written answer.

- (g) Question from Councillor Coventry to Councillor A Geary (Leader of the Council)

Councillor Coventry asked Councillor A Geary if he believed in early year's education and was supportive of it.

Councillor A Geary indicated that he was.

Councillor Coventry asked a supplementary question relating to the Coffee-Tots Pre-School which he referred for an answer by Councillor Dransfield, the responsible Cabinet member.

- (h) Question from Councillor A Geary to Councillor D McCall (Leader of the Liberal Democrat Group)

Councillor A Geary asked Councillor D McCall how many new Council homes were planned or built during the time the Council had a Liberal Democrat Administration.

Councillor D McCall indicated that the rules around building Council homes were different under the Labour Government of the time, therefore the opportunity was not available.

Councillor D McCall stated that his Group was supportive of building new Council homes.

Councillor A Geary asked a supplementary question which was answered by Councillor D McCall.

- (i) Question from Councillor Brackenbury to Councillor Bald (Cabinet member for Strategic Finance, Housing and Regeneration)

Councillor Brackenbury, noting that the Council was to supplement its housing stock by spending up to £4m purchasing properties from the private market, asked Councillor Bald what protections were in place to stop the properties being bought under the 'Right to Buy' and whether a risk assessment had been carried out.

Councillor Bald indicated that the properties were being purchased to accommodate principally persons who were currently homeless, therefore they would not qualify for the 'Right to Buy' for a number of years as there was a three year qualification period, also the Council was not able to sell at a price below that paid.

Councillor Bald also indicated that the purchases were one of a number of initiatives which were proving successful to reduce the number of homeless persons and those living in temporary accommodation.

Councillor Brackenbury asked a supplementary question which was answered by Councillor Bald.

- (j) Question from Councillor Edwards to Councillor Bald (Cabinet member for Strategic Finance, Housing and Regeneration)

Councillor Edwards, referring to the announcement that the Council was to supplement its housing stock by spending up to £4m purchasing properties from the private market and noting that the funding was over 4 years, asked Councillor Bald if she had a longer term policy to meet what would be an ever increasing demand for Council homes, as additional finance would be limited.

Councillor Bald indicated that, on top of the 35 to 40 properties it was hoped to purchase on the open market and the 25 new bungalows being built, the regeneration programme was intended to bring in considerable levels of private finance in addition to the Council's own resources to enable the building of a large number of new properties.

Councillor Edwards asked a supplementary question which was answered by Councillor Bald.

- (k) Question from Councillor Marland to Councillor D McCall (Leader of the Liberal Democrat Group)

Councillor Marland asked Councillor D McCall what his Party's position was on the 'Bedroom Tax'.

Councillor D McCall sought clarification as to whether Councillor Marland was referring to the National Party, or the Local Party, but stated that his Group supported protecting the most vulnerable people in Milton Keynes, which included the principle of making larger properties available to families in need. However, he recognised that the lack of available properties of a size which allowed persons to vacate larger properties, meant it was not possible for people to downsize and avoid the tax.

Councillor Marland asked a supplementary question which was answered by Councillor D McCall.

- (l) Question from Councillor Jury to Councillor Hopkins (Cabinet member for Economic Development and Enterprise)

Councillor Jury asked Councillor Hopkins if he joined her in congratulating the Council's contractor SERCO, for the excellent refuse and recycling service provided over the Christmas / New Year period.

Councillor Hopkins indicated that he applauded the work undertaken by SERCO and the Council's officers, particularly over the Christmas / New Year period and undertook to pass on the Council's congratulations.

Councillor Hopkins also referred to a recent report from the Secretary of State for Communities and Local Government, which commended the Council for its high recycling rates, while still maintaining a weekly refuse collection and used the Council's scheme as an example of good practice.

Councillor Jury asked a supplementary question which was answered by Councillor Hopkins

- (m) Question from Councillor M Burke to Councillor Bald (Cabinet Member for Strategic Finance, Housing and Regeneration)

Councillor M Burke, recognising the importance of the Council using its housing stock to the maximum, asked Councillor Bald why the Laurels, New Bradwell and the Nunnery, Bradwell Road had remained empty for up to 6 years.

Councillor Bald indicated that with regard to the Laurels, an agreement with a Housing Co-operative, which wanted to acquire the property had failed to progress at the current time. However, if no progress was made the Council would look at possibly renovating the property itself.

As far as the Nunnery was concerned Councillor Bald understood that the cost of the renovation works was likely to be prohibitive.

Councillor Bald undertook to provide Councillor M Burke with the up to date position, as soon as possible.

Councillor M Burke asked a supplementary question which was answered by Councillor Bald.

REGULATORY COMMITTEE - RESPONSIBILITY FOR FUNCTIONS / REVIEW OF HACKNEY CARRIAGE ARRANGEMENTS

Councillor Dransfield moved the following motion, which was seconded by Councillor A Geary:

- “1. That Part 3 of the Constitution, ‘Responsibility for Functions’ be amended, in particular the functions of the Regulatory Committee, by adding the following words in bold italics to the functions listed in the second column:

‘Regulatory Functions specified in list B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (The Functions Regulations) and the Health Act 2006 ***except the power to limit Hackney Carriage licence numbers under the Town and Police Clauses Act 1847 which will remain a function of the Council.***’
2. That in accordance with Council Procedure Rule 21.1, Council Procedure Rule 15, (which deals with the rescission of previous Decisions and Motions) be suspended.
3. That Minute RC23 of the meeting of the Regulatory Committee held on Wednesday 11 December 2013 (Review of Hackney Carriage Arrangements in Milton Keynes) be rescinded.
4. That, so far as is legally practicable, Hackney Carriage licences remain personal to the holder and to the particular vehicle for which they are awarded and any trade in licenses or vehicle plates be not supported.”

The Council considered at this point in the meeting whether, in accordance with Council Procedure Rule 21.1, Council Procedure Rule 15, (which deals with the rescission of previous Decisions and Motions) should be suspended (Clause 2 of Councillor Dransfield’s motion).

On being put to the vote the procedural motion moved by Councillor Dransfield was declared carried with 27 Members voting in favour, 19 Members voting against and 1 Member abstaining from voting.

Councillor Tallack moved the following amendment which was seconded by Councillor Bradburn and accepted by the mover of the motion:

- “1. That the following new Clause 2 be added to the motion, and the remaining clauses renumbered accordingly:
- ‘2. That the Constitution Commission be asked to urgently review the delegation of functions to the Licensing and Regulatory Committees, as currently contained in Part 3 of the Constitution “Responsibility for Functions”, with a

view to identifying which functions should be retained by the Council, or delegated to the Cabinet, for decision.'

2. That the following additional words be added to the end of new Clause 4 (old Clause 3):

'on the grounds of irrationality, as a decision was made without the results of a full unmet demand survey, only a limited one, and failure to give full consideration to the equalities implications, so relevant factors were not taken into account.'

The Council heard the following questions which were asked of Councillor S Burke (Chair of the Regulatory Committee):

- (a) Question from Mr K Weldon

Mr Weldon asked Councillor S Burke if he was aware that because of the huge increase in taxi numbers, the trade was only 10% productive, and questioned whether this productivity rate would be accepted as a good business plan in any other industry or organisation.

Councillor S Burke indicated that he was aware of the concerns as they were expressed at the meeting of the Regulatory Committee and believed that they contributed to the decision of the Committee.

Councillor Burke also believed that perhaps the Hackney Carriage Trade had not been as proactive in getting trade as it could be.

Mr Weldon asked a supplementary question which was answered by Councillor S Burke.

- (b) Question from Mr Z Hussain

Mr Hussain asked Councillor S Burke if he thought that Councillor Dransfield's motion should be withdrawn because he had given no grounds on which to consider it.

Councillor S Burke indicated that he believed it was the right of any councillor to put a motion before Council.

- (c) Question from Mr P Kirkham

Mr Kirkham asked Councillor S Burke if he was aware that Councillor Tallack had been a past Chair of the Regulatory Committee and that he did not, when he was Chair, put forward a motion of this nature, and whether he thought that Councillor Tallack was supporting the motion just to thwart a democratic process, or just to undermine fellow councillors on the Regulatory Committee.

Councillor S Burke indicated that he was aware that Councillor Tallack had been both a member and Chair of the Regulatory Committee, which had introduced deregulation

when there was a majority of Liberal Democrat councillors. However, the Council was now under no overall control and decisions were therefore a matter of agreement between two or more political groups on the Council.

(d) Question from Mr W Hussein

Mr Hussein asked Councillor S Burke if he agreed that, since Councillor Tallack was a member of the Regulatory Committee that sat on 28 September 2013 which decided to undertake an unmet demand survey, it was a little poor for him to come back now and say it was the wrong decision.

Councillor S Burke indicated that Councillor Tallack was not currently a member and Chair of the Regulatory Committee.

(e) Question from Mr M Anwar

Mr Anwar asked Councillor S Burke if he agreed that, since the trade was deregulated with no recourse to any sort of survey in 2002, that the taxi trade was now trying to put right, great wrongs in the interest of public safety and was this why the Regulatory Committee decided to regulate the trade, last December.

Councillor S Burke indicated that the decision to deregulate the Hackney Carriage Trade in 2002 was as a result of a deregulatory consultation. The Committee also supported, at that time, a proposal to remove 'grandfather rights', but this was lost on challenge in the Courts on a technicality relating to records of the consultation process.

Councillor S Burke also indicated that if the Council so wishes he would be happy for the Regulatory Committee to investigate the possible withdrawal of 'grandfather rights', so that there were not two types of Hackney Carriage driver in Milton Keynes and there was a standard fleet.

Councillor S Burke pointed out that a delimitation study in 2002 had found that it was not possible to get a Hackney Carriage after 6.00 pm at night. However, it was now possible to get one at any time, which was a good thing for users, if not necessarily for the Trade.

Councillor S Burke expressed the View that he did not support the charge of £400 a year by the Railway Company to wait at Bletchley Station as it prevented Hackney Carriages from seeking business and reduced availability and choice for customers.

The Council also heard from 8 members of the public during consideration of this item.

A recorded vote was requested on the motion.

The voting was as follows:

FOR: Councillors Alexander, Bint, Brackenbury, Bradburn, Brock, S Burke, Dransfield, Eastman, Ferrans, A Geary, P Geary, D McCall, I McCall and Tallack (14)

AGAINST: Councillors Bald, Barney, Bramall, Brunning, M Burke, Coventry, Edwards, Hawthorn, Hopkins, Hoyle, Jury, Kennedy, Khan, Klein, Legg, Long, Marland, McKenzie, McLean, Middleton, Miles, O'Neill, Wales, Wallis, Webb, Wharton, White, P Williams and Zealley (29)

ABSTENTIONS: Maric, Richards and C Williams (3)

The motion was declared lost.

CL93 REGULATORY COMMITTEE - RESPONSIBILITY FOR FUNCTIONS / REVIEW OF HACKNEY CARRIAGE ARRANGEMENTS

The Mayor ruled that as the intent of the motion had been debated and determined during the earlier motion submitted by Councillor Dransfield, in accordance with Council Procedure Rule 15, the motion would not be considered.

CL94 HACKNEY CARRIAGE LICENSES

The Mayor ruled that as the intent of the motion had been debated and determined during the earlier motion submitted by Councillor Dransfield, in accordance with Council Procedure Rule 15, the motion would not be considered.

CL95 MEMBERSHIP OF THE CABINET / ALLOCATION OF PORTFOLIOS

The Leader of the Council reported changes in membership of the Cabinet and associated portfolios, together with a revised Scheme of Executive Delegation, which reflected the changes in portfolios.

The Leader also sought the agreement of the Council to the following changes to committee membership resulting from changes to the membership of Cabinet:

- (a) Councillor Bint to replace Councillor Bramall as a member of the Executive Scrutiny Panel;
- (b) Councillor Bint to replace Councillor Hawthorn as a member of the Development Control Committee;
- (c) Councillor Hoyle to replace Councillor Bramall as a member of the Corporate Affairs and Performance Select Committee; and

- (d) Councillor Hawthorn to replace Councillor Bramall as a member of the Health and Adult Social Care Select Committee.

RESOLVED -

1. That Councillor Bint replace Councillor Bramall as a member of the Executive Scrutiny Panel.
2. That Councillor Bint replace Councillor Hawthorn as a member of the Development Control Committee.
3. That Councillor Hoyle replace Councillor Bramall as a member of the Corporate Affairs and Performance Select Committee.
4. That Councillor Hawthorn replace Councillor Bramall as a member of the Health and Adult Social Care Select Committee.

CL96

REVIEW OF POLLING DISTRICTS, PLACES AND STATIONS

The Council considered the report of the Electoral Registration Officer following a review of polling stations undertaken to meet the statutory requirement for the Authority to conduct a Review in accordance with the Electoral Registration and Administration Act 2013.

It was noted that the review had been conducted as early as possible because of the Review of Electoral Arrangements carried out by the Local Government Boundary Commission for England, which would necessitate Borough wide elections, that would be held on 22 May 2014.

It was reported that in conducting the review, the Electoral Registration Officer had published notice of the review in on the Council's website, and had also consulted all councillors and political parties. All comments received had been carefully considered and the proposals formulated following review of those comments.

The Council also noted that the Centre for Integrated Living, which considers the needs of disabled people in gaining access to buildings, had been commissioned to undertake a Disability Access Audit of six polling stations, which added to the 8 stations subject to a Disability Access Audit as part of the 2011 Review, and the 11 stations in 2007.

RESOLVED -

1. That the Polling Districts, Places and Polling Stations, as listed in the Annex to the report, be adopted for the purposes of the Representation of the People Act 1983.
2. That the Electoral Registration Officer be authorised to make any necessary adjustments in the light of availability in consultation with political party agents.

CL97

INDEPENDENT REMUNERATION PANEL

The Council considered the appointment of an Independent Remuneration Panel to carry out a comprehensive review of Members' allowances.

The Council noted that the Local Authorities (Members' Allowances) (England) Regulations 2003 made it a requirement to establish and maintain an Independent Remuneration Panel and for the Council to adopt a Scheme of Allowances for the forthcoming year by 1 April each year.

RESOLVED -

1. That the Chief Executive be granted delegated authority to take steps as necessary, following consultation with the Group Leaders, to recruit and appoint an Independent Remuneration Panel to carry out a comprehensive review of Members' allowances.
2. That the Panel be convened for a term of 4 years.
3. That the Chief Executive be delegated authority to agree the level of payments / expenses to be paid to the Chair and members of the Independent Remuneration Panel.

CL98

APPOINTMENT OF THE ROLE OF LOCAL AUTHORITY DIRECTOR OF PUBLIC HEALTH

The Council noted that from April 2013 public health services in England had returned to being hosted by Local Authorities and every local authority with public health responsibilities was required to make a joint appointment, with the Secretary of State for Health, of a specialist Director of Public Health, accountable for the delivery of their authority's public health duties.

The Council accordingly considered the appointment of a Director of Public Health.

It was reported that the Council, Bedford Borough Council and Central Bedfordshire Council had agreed to share a Director of Public Health, with the Director accountable to each Council's Chief Executive, an arrangement supported by Public Health England.

RESOLVED -

1. That the Agreement between Milton Keynes Council, Bedford Borough Council and Central Bedfordshire Council to have a shared a Director of Public Health be noted.
2. That the appointment of Muriel Scott, as the Director of Public Health for Milton Keynes Council in addition to her current position as Director of Public Health for both Bedford Borough Council and Central Bedfordshire Council be approved.

CL99

SENIOR MANAGEMENT RECRUITMENT: CHIEF EXECUTIVE / HEAD OF THE PAID SERVICE

The Council noted the intention of the Chief Executive to retire in September 2014, together with details of the process for recruiting a new Chief Executive/Head of the Paid Service.

The Council considered establishing an Appointment Panel to deal with the appointment process and recommend a preferred candidate to the Council in due course.

RESOLVED -

1. That the process for recruiting a new Chief Executive/Head of the Paid Service be noted.
2. That an Appointment Panel, with the following Terms of Reference, be established in the proportions 3:2:2 (3 Conservatives, 2 Labour members and 2 Liberal Democrats), to deal with the Chief Executive/Head of the Paid Service appointment process and to submit a recommendation to the Council in due course:
 - (a) determine the needs and role requirements associated with the Chief Executive/Head of Paid Service and how this need is to be met in the future;
 - (b) review of the Job Description and Person Specification;
 - (c) review and determination of salary level;
 - (d) long-listing, shortlisting, interviewing and final selection of the preferred candidate.

CL100

APPOINTMENT OF DIRECTOR OF MILTON KEYNES DEVELOPMENT PARTNERSHIP BOARD

The Council noted that Will Cousins had been appointed as an Independent Director of the Milton Keynes Development Partnership.

CL101

QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS

The Council noted that in accordance with Access to Information Procedure Rule 17.3, the provisions for special urgency, as set out in Access to Information Procedure Rule 16, had not used during the period 1 September 2013 to 31 December 2013.

THE MAYOR CLOSED THE MEETING AT 11:43 PM