

AGENDA

Item No:

1. Procedure

(a) Apologies

(b) Minutes

To approve, and the Mayor to sign as a correct record, the Minutes of the meetings of the Council held on 17 February 2016 (Item 1) (**Pages 12 to 40**)

(c) Disclosure of Interests

Councillors to declare any disclosable pecuniary interests, or personal interests (including other pecuniary interests), they may have in the business to be transacted, and officers to disclose any interests they may have in any contract to be considered.

(d) Announcements

(i) To receive any announcements.

(ii) To receive a presentation from the Chief Fire Officer.

2. Public Involvement

(a) Deputations and Petitions

No deputations have been submitted for consideration at this meeting.

Any petitions received will be reported at the meeting.

(b) Questions from Members of the Public

To receive questions and provide answers to questions from members of the public.

3. Business Remaining from Last Meeting

None

4. Reports from Cabinet and Committees

(a) Cabinet – 11 January 2016

Shared Services Partnership (LGSS and Milton Keynes) (Minute 131 refers)

“That, based on the outline business case and the terms of the partnership arrangement the Council be recommended to agree:

(a) that Milton Keynes Council join the LGSS Shared Service Partnership from 1 April 2016;

(b) to appoint three Councillors to represent the Council on the Joint Committee, and delegate to the Committee responsibility for setting the LGSS Budget (within the amounts delegated by individual councils); agreeing the service plan; monitoring performance and quality of service delivery and making decisions on expenditure and commercial arrangements; and

- (c) that the appointments to the Joint Committee be reviewed as part of the Council's annual process for appointments to outside organisations."

The Cabinet also requested that the Scrutiny Management Committee review the proposal to inform the Council's decision in March 2016. The Scrutiny Management Committee considered the proposal on 27 January 2016.

A report which addresses the Cabinet's recommendation, including the issues raised by both the Scrutiny Management Committee and the Audit Committee, is attached at Item 4(a) (**Pages 41 to 112**).

- (b) Children and Young People Committee – 10 February 2016

Children and Young People Committee – Terms of Reference

"That the Council be recommended to adopt the revised Terms of Reference for the Children and Young People Committee (Item 4(b) (**Pages 113 to 114**))."

- (c) Joint Negotiating Committee (Employer's Side) – 22 February 2016

Pay Policy Statement 2016/17

"That the Pay Policy Statement 2016/17 be agreed and be recommended for adoption by full Council at its meeting on 23 March 2016."

A copy of the report considered by the Committee is attached at Item 4(c) (**Pages 115 to 122**).

- (d) Cabinet – 14 March 2016

Great Linford Neighbourhood Plan North and Great Linford Neighbourhood Plan South

"That the Council be recommended to 'make' the Great Linford Neighbourhood Plan North and the Great Linford Neighbourhood Plan South pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004."

A copy of the report considered by the Cabinet is attached at Item 4(d) (**Pages 123 to 128**).

- (e) Constitution Commission – 2 March 2016

- (i) Council Procedure Rule 15

"That the Council be recommended to amend Council Procedure Rule 15 as follows [changes in bold type and strikethrough]:

'15.4 No resolution will be rescinded, no action will be deferred, and no matter referred back, where it has already been acted upon, if the rescission or deferment would disadvantage a third party who has become entitled to a right as a result of the resolution, **which includes decisions of the Licensing**

and Regulatory Committees and their sub-committees where a licence or permission has been awarded and the applicant notified of the decision.'

'15.4 When a Member intends to submit a motion to rescind a decision, notice must be given to the Monitoring Officer within 24 hours of the decision **being published** of the Member's intention to submit a rescinding motion, in order to prevent the decision being implemented. The actual motion must be signed by at least five Members, and be submitted within five working days of the decision being ~~taken~~ published.'

In accordance with Council Procedure Rule 21.2 once moved and seconded, this recommendation must stand adjourned without discussion to the next ordinary meeting of the Council.

(ii) **Substitutions of Cabinet members to Quasi-Judicial Committees - Council Procedure Rule 23.1**

"That the Council be recommended to amend Council Procedure Rule 23.1, as follows: [changes in bold type and strikethrough]

'The Monitoring Officer, 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 **to the Audit Committee** 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.'

In accordance with Council Procedure Rule 21.2 once moved and seconded, this recommendation must stand adjourned without discussion to the next ordinary meeting of the Council.

(iii) **Schedule of Council Meetings - Council Procedure Rule 1**

"That the Council be recommended to adopt the revisions to Council Procedure Rule 1 as set out as at Item 4(e)[i]) **(Pages 129 to 130)**.

In accordance with Council Procedure Rule 21.2 once moved and seconded, this recommendation must stand adjourned without discussion to the next ordinary meeting of the Council.

(iv) Overview and Scrutiny Procedure Rule 16 – Call-In of Decisions

“1. That the Council be recommended to amend Overview and Scrutiny Procedure Rule 16(c) as follows [changes in bold type]:

‘(c) During that period, the Assistant Director (Democratic Services) shall call-in a decision for scrutiny by the Executive Scrutiny Panel if so requested in writing by the chair or any **2 Members** of the Council, the chair or clerk of any Parish or Town Council and any 20 residents of the Borough, and shall then notify the decision taker of the call-in. In submitting the request to the Assistant Director (Democratic Services) for a decision to be called-in, the requester must specify a reason/reasons for calling in the decision. The Assistant Director (Democratic Services) shall call a meeting of the Panel on such a date as he/she may determine, where possible, after consultation with the chair of the Panel, and in any case within ten days of the decision to call-in.’

2. That the Council be recommended to add the following new clause to Overview and Scrutiny Procedure Rule 16, with the remaining clauses being re-lettered:

‘(d) Where as a result of any mediation meeting the decision maker, or where the decision maker is the Cabinet, the responsible Cabinet member, gives an undertaking in writing that the decision will be reviewed and the person calling in the decision for review confirms their agreement in writing prior to the meeting of the Executive Scrutiny Committee, the Chair, in consultation with the Vice-Chair will cancel the meeting, with a report on the outcome of the call-in being reported to the next meeting of the Executive Scrutiny Committee.’”

A copy of the reports considered by the Commission is attached at Item 4(e)[ii]) (**Pages 131 to 134**).

(f) Annual Reports of Committees

(i) Scrutiny Annual Report

To receive the Scrutiny Annual Report, which will be presented by the Chair of the Scrutiny Management Committee (Item 4[f][i]) (**Pages 135 to 146**).

(ii) Licensing and Regulatory Committees

To receive a report, which will be presented by the Chair of the Committees (Item 4[f][ii]) (**Pages 147 to 149**).

(iii) Executive Scrutiny Committee

To receive a report, which will be presented by the Chair of the Committees (Item 4[f][iii]) (**Pages 150 to 151**).

An annual report in respect of the Audit Committee will be presented to the June meeting of that Committee.

5. Councillors' Matters

(a) Councillors' Questions

Councillors to ask questions of the Leader, a Cabinet Member, the Chair of any Committee, or the Leader of a Political Group on the Council.

(b) Notices of Motions:

(i) European Union Referendum

Councillor Dransfield – 2 February 2016

"That leaving the EU will be good for Milton Keynes"

(ii) European Union Referendum

Councillor Crooks – 18 February 2016

"That this Council, mindful of the economic, social and cultural value to the United Kingdom and Milton Keynes of membership of the European Union, places on record its support for continued membership."

(iii) Future Working Programme

Councillor Bald – 4 March 2016

"That this Council:

- (a) notes the proposals contained within the Future Working Programme to spend £6.5m on the refurbishment of the Civic Offices;
- (b) further notes the concerns expressed by both opposition groups in the recent budget debate regarding the future difficulties in funding the Capital Programme with the potential to put the school building programme and other major infrastructure requirements in serious doubt;
- (c) believes that with so many other pressing demands on the services delivered by this Council, it is time to re-examine our own internal priorities; and
- (d) therefore requests the Cabinet revisit the Future Working Programme with the utmost urgency to explore alternative ways of delivering long term savings around our own Council properties, but without investing the huge levels of capital funding that are so desperately required on other capital projects and public services."

(iv) Tackling Tax Avoidance

Councillor Brackenbury – 9 March 2016

“That this Council:

1. notes the recent publicity and public interest in multinational companies accused of avoiding corporation tax via diverting profits from UK trade to countries with more favourable tax regimes;
2. regrets how taxation regulation has failed to keep pace with globalisation and online business in particular;
3. notes the estimates that such tax avoidance costs the UK up to £30bn per year, and the negative effect on small and medium-sized companies who pay more tax proportionately;
4. further notes that:
 - (a) the UK Government has taken steps to tackle the issue of tax avoidance and evasion by issuing Procurement Policy Note 03/14 (PPN 03/14), which applies to all Central Government contracts worth more than £5m and requires companies bidding for contracts to disclose any information submitted to HMRC subsequently found to be incorrect (failed tax avoidance) and to disclose information about convictions or challenges of their tax affairs by a foreign tax authority – not just by HMRC in the UK;
 - (b) Councils are able to ask these questions, and to use the answers as part of the procurement process in determining the winning bidder;
5. believes that bidders for Council contracts should be asked to account for their past tax record, using the standards in PPN 03/14, rather than the lower standards in the recent regulations;
6. asks the Cabinet to amend procurement procedures to require all companies bidding for service contracts worth more than £200k and for works contracts worth more than £3m to self-certify that they are fully tax-compliant in line with Central Government practice using the standards in PPN 03/14; and
7. ask the Cabinet to consider whether the thresholds above are the most appropriate for Milton Keynes, and to publicise this policy and report on its implementation annually.”

(v) **Reinstatement of Housing and Communities Select Committee**

Councillor C Williams – 10 March 2016

“That this Council, mindful of the housing crisis and the increase in homelessness within the Borough of Milton Keynes, agrees to reinstate the Housing and Communities Select Committee at its Business Annual General Meeting in May 2016.”

(vi) **Impact of Conservative Government Housing ‘Reforms’**

Councillor C Williams – 10 March 2016

- “1. That this Council notes the recent Local Government Association (LGA) report on the cumulative impact of the Conservative Government’s housing ‘reforms’ on councils and communities.
2. That this Council notes with distress, although without surprise, that the following data has emerged from those councils who participated in the compiling of the report:
 - (a) 78% stated that there would be a significant increase in homelessness;
 - (b) 90% responded that the number of Council homes would decrease;
 - (c) 74% noted that Council homes sold under ‘Right to Buy’ would not be replaced;
 - (d) 82% replied saying that there would be major reduction in the resources available for repair and maintenance of their existing stock; and
 - (e) 80% commented that there would be an increase in demand for temporary accommodation.
3. That this Council notes that the 2013 Strategic Housing Market Assessment predicted that Milton Keynes would need more than 500 additional homes available for social rent and also notes with dismay, therefore the Conservative Government’s policy shift away from funding social rented housing towards less affordable types of housing.
4. That this Council, therefore, mindful of the housing crisis and the increase in homelessness in the Borough of Milton Keynes, calls upon the Chief Executive to write to our two Members of Parliament to demand that the Conservative Government reverses their disastrous housing ‘reforms’ and amends the third stage of their Housing Bill to change the current legislation to enable Councils to help those families and individuals in housing need and, in particular, to increase Government funding for the social rented sector.

5. That this Council therefore:
 - (a) notes the efforts of Milton Keynes charities and voluntary groups to alleviate homelessness;
 - (b) thanks and commends all such organisations for their commitment; and
 - (c) agrees to continue to support and to work in co-operation with all such organisations in finding innovative ways of dealing with our housing and homelessness crisis.”

(vii) **Right to Buy**

Councillor C Williams – 10 March 2016

- “1. That this Council notes the recent report from the Communities and Local Government Select Committee (CLG Select Committee) which states ‘the Right to Buy policy has played a major role in the loss of social rented stock’ and therefore supports the view that ‘Right to Buy’ has exacerbated the continuing reduction of Milton Keynes Council’s housing stock.
2. That this Council also notes that, in Milton Keynes, the number of applications made under ‘Right to Buy’ more than doubled between the years 2010 and 2015.
3. That this Council further notes, with alarm and regret that, in Milton Keynes, an estimated 1,100 flats sold under ‘Right to Buy’ are now in the hands of lease holders / private landlords who reside at a different postal address. Furthermore, this Council deplores the fact that up to 40% of houses sold under Right to Buy are also now in the hands of private landlords
4. That this Council, therefore, declares its opposition to ‘Right to Buy’ and instructs the Chief Executive to write to our two Members of Parliament demanding their support for our continuing resistance to this insidious policy.”

6. Scheme of Councillors Allowances’ 2016/17

To consider Item 6 (**Pages 152 to 168**)

7. Returning Officer’s Fees

To consider Item 7 (**Pages 169 to 172**)

8. Appointment of RegenerationMK Committee

Further to Minute CL90(3) of the Council’s meeting on 13 January 2016, to determine the number of Members and Membership to form the RegenerationMK Committee.

Should the Council wish to determine that the Committee need not comply with the Local Government and Housing Act 1989 and Local Government (Committees and Political Groups) Regulations 1990 (political balance) it would be necessary for the Council to agree with no votes against.

The Council is also recommended to appoint all Members of the Council, with the exception of Cabinet members (unless they are substituting for another Cabinet member), as substitutes to the Committee.

9. Ward Based Budgets - 1 April 2014 to 31 March 2016

All Councillors have a budget of £1,000 to spend on Ward based issues, giving them the ability to make contributions to projects carried out in their local communities by local organisations.

For the period 1 April 2015 to 31 March 2016 (the deadline for applications having closed at the end of February 2016), applications totalling £53,156 have been approved. Details of the applications are attached at Item 9 (**Pages 173 to 178**).

Contact Officer: June Allen (Councillor and Electoral Services Manager) - MK254844

Background Papers: Applications

10. Appointments of Service Director (Public Realm)

The Council is asked to note that Tom Blackburne-Maze has been appointed to the post of Service Director (Public Realm) and will take up the post in early May.

11. Quarterly Report on Special Urgency Decisions

In accordance with Access to Information Procedure Rule 17.4, to note that the Provisions for Special Urgency, as set out in Access to Information Procedure Rule 16, was not used during the period 1 January 2016 to 29 February 2016

Access to Information Procedure Rule 16 provides for key decisions to be taken within the usual 5 day notice period, subject to the agreement of the Chair/Vice-Chairs of the Scrutiny Management Committee.

Contact Officer: Simon Heap (Committee Services and Scrutiny Manager) – 01908 252567

Background Papers: None