

Minutes of the meeting of the CABINET held on WEDNESDAY
19 DECEMBER 2012 at 7.00 pm

Present: Councillor A Geary (Chair)
Councillors Bald, Bint, Brock, Dransfield, P Geary and Hopkins

Officers: D Hill (Chief Executive), T Hannam (Corporate Director Resources), L Bull (Corporate Director [Community Wellbeing]), G Tolley (Corporate Director [Children and Families]), M Brown (Assistant Director [Neighbourhood Services]), N Fenwick (Assistant Director [Planning, Economy and Development]), N Jones (Assistant Director [Financial Management]), J Moffoot (Assistant Director [Democratic Services]), I Ali (Acting Assistant Director [Law and Governance]), D Beaumont (Partnering Manager), S Gonsalves (Head of Policy and Performance), J Grace (Head of Major Works), K Pettit (Head of Revenues and Benefits - Client), A Townsend (Revenues and Benefits Service Delivery Manager), C Chandler (Senior Finance Manager) and S Heap (Democratic Services Manager)

Also Present Councillors M Burke, Coventry, Edwards, Miles, Long, Venn and P Williams and 12 members of the public.

C93 MINUTES

RESOLVED -

That the Minutes of the meeting of the Cabinet held on 28 November 2012, be approved and signed by the Chair as a correct record.

C94 DISCLOSURES OF INTEREST

Councillor Hopkins declared a personal interest in Item 15 (Milton Keynes Core Strategy - Main Modifications), as the Chair of Wavendon Parish Council and as a landowner in Wavendon.

Councillor Bint also informed the Cabinet that, in relation to Item 17 (Bradwell Abbey) he had previously been a Trustee.

C95 CABINET ANNOUNCEMENTS

- (a) Councillor Bald announced that the Government's proposed Local Government Finance Settlement for 2013/14, was broadly as anticipated. However, details of the various specific grants and indications of settlements beyond 2013/14 were still awaited.
- (b) Councillor A Geary announced that the transfer of Homes and Communities Agency Assets was scheduled to take place on 14 January 2013 and that Mr J Duggan had been appointed as the Independent Chair of the MK Development Partnership.

Councillor A Geary expressed his thanks, and those of the Cabinet, to John Moffoot (Assistant Director [Democratic Services]) for the support he has given to him and Members of the Council over many years and wished him well in his retirement.

C96

INWARD INVESTMENT / CITY DEALS - REFERRALS FROM ECONOMY, GROWTH AND REGENERATION SELECT COMMITTEE: 5 DECEMBER 2012

The Cabinet considered the following referrals from the meeting of the Economy, Growth and Regeneration Select Committee held on 5 December 2012, Minutes EGR19 and EGR20 refer:

Inward Investment

- “1. That the Cabinet be requested to ensure that there was a plan in place to increase private sector investment to cover the costs of the work undertaken on the private sectors’ behalf by the Council.
2. That the Cabinet ensure that businesses are fully engaged and encouraged to invest in SEMLEP to ensure they gain access to the full amount of core funding available. A sum of £250,000 would be available through match funding by the public and private sector.”

City Deals

- “1. That the Cabinet be requested to consider the governance issues to ensure a wider ownership of the decision making process. Entering into the City Deal would have long term implications including the commitment of resources and finances and requests that the Cabinet considers a wider involvement than officers and the Leader of the Council in his SEMLEP role.
2. That the concerns raised by the Committee be brought to the attention of the Cabinet, in particular, cross-boundary issues and resulting complexities, the implications of the request to extend the tariff beyond 2014, how the barriers to growth in Milton Keynes may be different to the barriers to growth in other local authorities within the combined authority area, accountability and the project management of the process.
3. That the Cabinet consider the issue around the need for stable bus routes across Milton Keynes as an issue and not just the bus routes that cross boundaries.
4. That the Cabinet give consideration to the inclusion of issues around affordable housing.
5. That the Cabinet make a full assessment of the benefit of entering into the city deal and make a full assessment of what the other authorities in the SEMLEP area were adding to the process.

The Cabinet heard from Councillor White on behalf of the Select Committee.

The Cabinet received the recommendations and Councillors A Geary and Hopkins undertook to take the issues forward as appropriate, including raising the issues identified with the SEMLEP Board.

C97 MEMBER'S ITEM FROM COUNCILLOR VENN - RELOCATION OF REPAIR GARAGES, FENNY STRATFORD

The Cabinet noted that this item had been withdrawn.

C98 MEMBER'S ITEM FROM COUNCILLOR EDWARDS - FLOOD PREVENTION: HUNTER DRIVE DRY BALANCING LAKE

At the request of Councillor Edwards the Cabinet considered asking Anglia Water Services, which had responsibility for the Hunter Drive Dry Balancing Lake, to bring the site back to its original condition, to alleviate any risk of flooding of the area, or if appropriate to take legal action against Anglia Water Services for not carrying out its obligations.

Councillor A Geary undertook to make representations to Anglia Water on behalf of the Council, and to call for a report to a future Cabinet meeting if the representations were unsuccessful.

C99 REVENUE AND CAPITAL BUDGET MONITORING

The Cabinet considered the forecast outturn position for the General Fund; Capital Programme, Housing Revenue Account and Dedicated Schools Grant.

It was noted that:

- (a) the revenue forecast outturn for the General Fund was an underspend of (£0.339m);
- (b) there was a forecast underspend of (£0.744m) on the Dedicated Schools Grant;
- (c) there was a forecast overspend of £1.042m on the Housing Revenue Account; and
- (d) there was a forecast underspend on the Capital Programme of (£0.857m) against the latest spend approval which was mainly due to a re-phasing of a number of schemes.

The Cabinet heard from Councillor Long during consideration of this item.

RESOLVED -

1. That the forecast outturn positions reported by Service Groups and the overall forecast General Fund revenue position of a underspend of (£0.339m), be noted.
2. That the expenditure to date and projected outturn for the Capital Programme 2012/13 be noted.

C100 REVISIONS TO CAPITAL PROGRAMME AND SPEND APPROVALS

The Cabinet considered changes to the 2012/13 Capital Programme as a result of new schemes and amendments to current schemes.

It was noted that the changes outlined resulted in a revised Capital Programme for 2012/13 of £111.09m with Spend Approval of £108.74m.

The Cabinet heard from Councillor Long during consideration of this item.

RESOLVED -

1. That the amended resource allocation and spend approvals for the Capital Programme 2012/13 be approved.
2. That the re-phased resource allocation and spend approvals for the Capital Programme 2012/13 be approved.
3. That the funding position for the Capital Programme 2012/13 be noted.

C101 COUNCIL TAX BASE 2013/14

The Cabinet considered the Council Tax Base for 2013/14, which was the basis for individual precepting authorities to calculate their Council Tax requirements.

It was reported that the change from Council Tax Benefit to Local Council Tax Support meant that rather than receiving a benefit to offset the cost of Council Tax, eligible residents would receive a discount, which would reduce the tax base for all precepting authorities and potentially result in a lower collection rate. Part of the potential loss created by the tax base reduction would be offset by a Local Council Tax Support Grant. With regard to potential losses which would be incurred by parish and town councils a grant from Government, to be distributed by this Council, would be made available to offset a proportion of their financial losses.

The Cabinet accordingly considered a method for distributing the grant, to allow town and parish councils to set their precepts. The Cabinet noted that the final distribution of the grant would be determined by the Council in February alongside the setting of the 2013/14 Budget.

The Cabinet heard from Councillors Edwards and Long during consideration of this item.

RESOLVED -

1. That the 2013/14 tax base be set at 74,879.22 Band D equivalent properties.
2. That the provision for uncollectable amounts of Council Tax for 2013/14 be set at 2.13% producing an expected collection rate of 97.87%.

3. That the Council be recommended to adopt the Local Council Tax Support Grant distribution to parish and town councils at its meeting on 20 February 2013.

C102

HOUSING REVENUE ACCOUNT BUDGET 2013/14 TO 2016/17

Further to Minute C90, of the Cabinet's meeting on 28 November 2012, when the draft Housing Revenue Account Budget was considered, the Cabinet considered the Housing Revenue Account Budget for the period 2013/14 to 2016/17, including the proposed average rent increase for 2013/14 and the main medium term risks and issues which might impact on the budget assumptions.

It was reported that there had been a major change to the financing of the Housing Revenue Account from April 2012, as a result of the implementation of the Housing Self-Financing regime. The change had required the Council to take on a significant amount of debt in exchange for not paying future Housing Subsidy and had resulted in the Housing Revenue Account having to fund:

- (a) the costs of borrowing for the initial debt settlement; and
- (b) future capital expenditure through revenue contributions to capital based on the long-term asset management needs of the housing stock and the funding available in the Housing Revenue Account.

The Cabinet heard from Councillors Edwards and Long during consideration of this item.

RESOLVED -

1. That the Council be recommended to agree the Housing Revenue Account Budget 2013/14 and note the implications for future years for the delivery of the Council's priorities.
2. That the Council be recommended to approve increases in rents, service charges and other fees and charges as follows:
 - (a) a 4% increase in average rents for 2013/14 and that tenants be informed in line with statutory responsibilities under the Housing Act 1985;
 - (b) a 4% increase in service charges for 2013/14 in line with the average rent increase;
 - (c) a 4% increase in garage rents in line with the average rent increase; and
 - (d) an increase in Shared Ownership rents of 4% for 2013/14 in line with the contractual obligations of the lease.

C103

DISCRETIONARY BUSINESS RATE RELIEF GUIDELINES

The Cabinet considered the Discretionary Rate Relief guidelines which it was intended would come into effect on 1 April 2013.

It was noted that Government had amended legislation to allow for billing authorities to retain a proportion of the Business Rates collected from 1 April 2013, which effectively transferred some of the financial risk and benefits of business rates to local authorities. The Council had taken this opportunity to review the current guidelines linked to discretionary elements of Business Rates to ensure that the interests of Council Tax payers were considered and that the guidelines took account of the Council's overriding aims and objectives.

It was reported that the draft Guidelines had been the subject of public consultation which had identified:

- (a) concern from some national and local charities that this might result in a cut in their funding as they might not be eligible for discretionary rate relief, while other charities and not for profit organisations had welcomed the proposals as there was a direct correlation to the benefit to Milton Keynes Council tax payers;
- (b) a view that charitable discretionary rate relief should be awarded on an annual basis, although responses were divided as to whether this would place additional bureaucracy onto charitable organisations, or whether an annual declaration would assist with planning; and.
- (c) concern as to whether the decision making process would be objective.

The Cabinet noted that the Guidelines had been drafted in a way as to benefit those businesses delivering benefits for Milton Keynes and its citizens and that the Guidelines included an appeal process and entitlements would be reviewed annually.

The Cabinet heard from Councillor Edwards and two members of the public during consideration of this item.

RESOLVED -

That the Discretionary Rate Relief guidelines be approved.

C104

CORPORATE PERFORMANCE - QUARTER TWO 2012/13

The Cabinet considered the corporate and service performance for Quarter Two of 2012/13, based on the 66 performance indicators which formed the corporate dashboard, which was designed to provide a robust high level assessment of performance in achieving the Council's themes, outcomes and priorities, and of the 'corporate health' of the organisation.

It was noted that as of the end of 30 September 2012, for the 50 measures where data was available and targets set:

26 (52%) were on or above target

11 (22%) were within 5% of the target

3 (6%) were between 5 and 10% below target

10 (20%) were more than 10% below target

It was noted that a detailed assessment of performance against the Council's outcomes and priorities, taking account of achievement against relevant service objectives, and progress in delivering relevant projects, would be provided in the quarter three report.

The Cabinet also noted that, of the 10 measures where performance was more than 10% below target:

- (a) three measures relating to the Development Control service were underperforming, primarily due to staffing resource and to address this new staff had been recruited to fill vacancies, which in time would deliver improved performance;
- (b) the number of net additional dwellings (1531) in Milton Keynes in 2012/13, was below target, with only 637 dwellings being built to date, although it was anticipated that a similar number would be delivered by the end of the year and in addition the anticipated completion of the Shenley Wood Care village would bring the total dwelling completions to approximately 1390, which was 90.8% of the target;
- (c) the number of affordable homes delivered was just below target, but still significantly better than the national profile;
- (d) the number of new enquiries resulting in a move or relocation to Milton Keynes was still being impacted on by the effects of the recession and business confidence, but that it was anticipated to improve with the launch of the Inward Investment Plan;
- (e) the measure relating to care leavers in education, employment and training was expected to achieve the target by the end of the year and was performing better than the year end position for 2011/12;
- (f) the gap between the median Foundation Stage Profile score of all children locally and the mean score of the lowest achieving 20% of children locally, as a percentage of the median score of all children locally, although below target, was better than the national profile and statistical neighbours;
- (g) the percentage point gap between pupils who were identified as having special educational needs and achieved 5 A*-C grades, or equivalent including English and Maths at Key Stage 4, and their peers who had not been identified as having special educational needs, although below target, had improved since 2011/12 and was significantly better than the national average;
- (h) work was ongoing to reduce the gap between the end of one tenancy and the start of another, with the median void length having dropped from 40.7 days in Quarter 2 in 2011/12 to 37.3 days in this quarter.

The Cabinet heard from individual portfolio holders on specific indicators related to their portfolios.

The Cabinet heard from Councillors Long and Miles this item.

RESOLVED -

That the Quarter Two position be noted.

C105 MILTON KEYNES CORE STRATEGY - MAIN MODIFICATIONS

Further to the Council's adoption in January 2010 of its Core Strategy, the Cabinet considered draft modifications that the Inspector, who conducted the Public Hearing into objections to the Strategy, considered necessary to make the Core Strategy sound and legally compliant.

It was reported that if agreed by the Cabinet and adopted by the Council, the modifications would be the subject of a further six week consultation period with any responses being sent to the Inspector for consideration before the Inspector's final report was issued.

It was noted that the suggested modifications had been considered by the Local Development Framework Advisory Group.

The Cabinet also considered a Sustainability Appraisal which identified a further potential modification to Policy CS 4.

RESOLVED -

1. That the Council be recommended to approve the main modifications and the sustainability appraisal for public consultation, together with the programme for the next stages of the Core Strategy towards adoption.
2. That officers be commended for their work in preparing and progressing the Core Strategy.

C106 HOUSING OPTIONS AND ALLOCATIONS SCHEME AND HOMELESS STRATEGY

The Cabinet considered a request from the Chair of the Housing Allocations Review Group, that the Cabinet defer consideration of the report on the Housing Options and Allocations Scheme and the Homeless Strategy to allow the Review Group more time to complete its report.

RESOLVED -

That consideration of the report on the Housing Options and Allocations Scheme and the Homeless Strategy be deferred to the next meeting of the Cabinet, in order to allow the Housing Allocations Review Group to report.

BRADWELL ABBEY

Further to its meeting held on 9 August 2011, the Cabinet considered utilising capital funds of £315k and reserve funds of £285k as match funding for a Heritage Lottery Fund grant to finance the Bradwell Abbey Restoration project, which if successful, would result, subject to changing the leasing arrangements for the Abbey, in an additional £1.68m being available from the Heritage Lottery Fund for capital works.

It was reported that three of the oldest buildings on the Abbey site were currently out of use due to structural deterioration and two other buildings were suffering from serious dilapidation and that if the Council was able to make funding available it would be possible to undertake restoration.

It was noted that local charity, City Discovery Centre, rented the site from the Council under a 25 year renewable lease, of which 10 years remained. The site is largely used for heritage education and community activity purposes, although some buildings are sub-let to commercial tenants. This is part of a mutual agreement to fund the work of the charity.

The Cabinet heard from two members of the public during consideration of this item, which included a statement read out on behalf of the Chair of the City Discovery Centre, who was unable to attend the meeting due to illness.

RESOLVED -

1. That the available funds of £315,000 and the reserve funds of £285,000 be used as match funding for the Bradwell Abbey Restoration project, which will (if successful) result in an additional £1.68m for capital works.
2. That a new lease be authorised, which includes the surrender of the existing City Discovery Centre lease, conditional on the Heritage Lottery Fund application monies of £1.68m being available for investment into the Bradwell Abbey site on the basis of:
 - (a) a new lease being for a term of 50 years and being drawn on a tenants full repairing and insuring basis and with a rent review in 2022 to the same terms and on the same date as the existing lease arrangements to the City Discovery Centre;
 - (b) subject to (a) above, the Council committing to project managing the development and delivery of the Bradwell Abbey restoration project and committing to match funding of £600,000 to support the site works; and
 - (c) the continuing availability of the existing revenue allocation of £52,000 per annum for a period of up to five years whilst the site is restored.

ESTABLISHMENT OF A LOCAL TRANSPORT BODY

The Cabinet considered establishing a Local Transport Body, which the Government required to be established to allocate funding to local priorities transport.

It was noted that the Local Transport Body on which Milton Keynes would be represented would comprise the four highway authorities within the SEMLEP area (Milton Keynes, Central Bedfordshire, Bedford Borough and Luton) and each local authority would be represented at Member level.

It was reported that an officer group with representatives from the four authorities had been established and senior officers were developing the governance/assurance requirements along with the prioritisation process for the body to discuss and agree at their early meetings.

The Cabinet noted that the Local Transport Body was required to have a prioritised set of transport schemes for the Board to consider by July 2013. Therefore the Council's officers were in the process of compiling a list of appropriate schemes, drawn from the Council's Local Transport Plan and Policies, to be considered, once approved by the Portfolio Holder via a future delegated decision, as part of the prioritisation process.

It was also noted that the capital budget available for allocation by the Local Transport Body, covering the 5 year period 2014- 2019, was still to be notified.

It was reported that the Council could choose not to participate in the Local Transport Body, but this would remove the Council's influence on allocating funding to supporting important local schemes. Also the Council could alternatively seek a wider or different amalgamation of local transport authorities. However, other neighbouring highway authorities had indicated that they were supporting different arrangements which did not involve Milton Keynes.

RESOLVED -

1. That the creation of the Local Transport Body be approved.
2. That the Leader of the Council be nominated to represent the Council on the body.
3. That the Cabinet Member for Transport and Highways be authorised to submit an extended list of appropriate transport schemes to the Local Transport Body to be assessed within the prioritisation process.

COMMUNITY RIGHT TO CHALLENGE

The Cabinet noted that the Council was required by the Localism Act 2011 to have a process in place to consider Expressions of Interest from relevant bodies to provide services currently delivered by the Council.

It was noted that any Expression of Interest must contain certain information specified by statute and, should the Council require, be submitted within specified time periods. The Council must consider any Expression of Interest and a decision made as to whether or not the Expression of Interest was to be accepted. An Expression of Interest can only be rejected on grounds set out in statute. If the Expression of Interest was accepted a formal procurement process would be required.

The Cabinet accordingly considered a draft Community Right to Challenge policy, and whether to specify a period during which any Expression of Interest had to be submitted.

RESOLVED -

1. That the Community Right to Challenge Policy be approved.
2. That, following the approval of the policy and in addition to a June to December window, a one-off window to receive Expressions of Interest be agreed for 31 January 2013 to 28 February 2013.
3. That officers be requested to publish details of the periods for expressions of interest to be submitted on the Council's website

C110

EXCLUSION OF PUBLIC AND PRESS

RESOLVED -

That the public and press be excluded from the meeting by virtue of Paragraph 3 (Information Relating to the Financial or Business Affairs of the Authority) of Part I of Schedule 12A of the Local Government Act 1972, in order that the Cabinet consider the following report:

Strategic Partnering Contract for the Installation and Maintenance of Gas and Heating Appliances within the Council's Housing Stock.

C111

STRATEGIC PARTNERING CONTRACT FOR THE INSTALLATION AND MAINTENANCE OF GAS AND HEATING APPLIANCES WITHIN THE COUNCIL'S HOUSING STOCK

The Cabinet considered extending the current contract with Wheldon Contracts and Services Ltd, Newport Pagnell for the servicing, maintenance and repair of domestic heating systems in Council houses which was due to expire on 31 March 2014.

RESOLVED -

That the contract for domestic heating systems in Council houses, currently let to Wheldon Contracts and Services Ltd, Newport Pagnell, be extended for a further three years in accordance with conditions of the present contract, together with the renegotiated terms relating to costs and service performance contained in the Mouchel Building Services report, so that the revised contract end date becomes 31 March 2017.

THE CHAIR CLOSED THE MEETING AT 9:46 PM