

Minutes of the meeting of the CABINET held on TUESDAY 3 JANUARY 2017 at 6.30 pm.

Present: Councillor Marland (Chair)
Councillors Gifford, Gowans, Legg, Long, Middleton, Nolan and O'Neill.

Present: M Bracey (Corporate Director People), N Jones (Corporate Director Resources), D Sharkey (Corporate Director Place), T Blackburn-Maze (Service Director [Public Realm]), S Bridglasingh (Service Director [Legal and Democratic Services and Monitoring Officer]), A Moss (Interim Head of Transport), J Cheston (Development Plans [Team Leader]), M Smith (Strategic Finance Business Partner), R Trowse (Programme Manager) and S Muir (Committee Manager).

Also Present: Councillors Bint, R Bradburn, Crooks and McDonald and C Macdonald (Chief Executive Milton Keynes Development Partnership) and 5 members of the public.

C97 CABINET ANNOUNCEMENTS

The Cabinet received an announcement from Councillor Nolan, the Cabinet member for Children and Families, with reference to a revised implementation date of September 2018 for the expansion and relocation of St Mary's, Wavendon, Church of England Primary School.

C98 DISCLOSURES OF INTEREST

Councillors Bint, Marland and Middleton disclosed personal interests in Item 12 (Milton Keynes Development Partnership Business Plan) and Item 19 (Options for the Central Milton Keynes Multi-Storey Car Park), as members of the Milton Keynes Development Partnership Board.

C99 REFERENCES FROM OTHER BODIES - CHILDREN AND YOUNG PEOPLE COMMITTEE FAMILY DRUG AND ALCOHOL COURT: 23 NOVEMBER 2016

The Cabinet considered the recommendations from the meeting of the Children and Young People's Committee held on 23 November 2016 in respect of the Family Drug and Alcohol Court.

Councillor Crooks, Chair of the Children and Young People's Committee, in presenting the item, requested that in the forthcoming budget discussions continued funding of the Family Drug and Alcohol Court be supported.

Councillor Nolan, the Cabinet member for Children and Families, indicated that the Family Drug and Alcohol Court was a project supported by the Council and that it was anticipated that additional funding of £50k would be available to the Council in the next financial year.

Councillor Nolan also indicated that work was in progress to widen the remit of the Milton Keynes Family Drug and Alcohol Court and that a funding bid, which had reached the final stage of the application process, had been made to Government to support this.

Councillor Crooks thanked Councillor Nolan for her update.

C100

WALTON NEIGHBOURHOOD PLAN

The Cabinet considered recommending the Council to make the Walton Neighbourhood Plan that was introduced by Councillor Gifford, the Cabinet member for Place.

Councillor Gifford indicated that, following a referendum held on 17 November 2016 residents in the parish of Walton had returned a majority 'Yes' to the question asked "whether those voting wanted Milton Keynes Council to use the neighbourhood plan when deciding planning applications in the neighbourhood area".

Councillor Gifford also indicated that following the Council's agreement, notification of the decision was required to be sent to Walton Community Council and be published by the Council.

Councillor Gifford congratulated all those who had participated in the successful referendum.

RESOLVED -

1. That the Council be recommend to make the Walton Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.
2. That, subject to the Council's agreement to the making of the Neighbourhood Plan:
 - (a) the decision document and the Walton Neighbourhood Plan be published on the Council's website and in other manners, to bring them to the attention of people who live, work or carry out business in the neighbourhood area; and
 - (b) the decision document and details on how to view the plan be sent to the qualifying body (Walton Parish Council) and any person who asked to be notified of the decision.
3. That Walton Community Council be congratulated on the successful outcome of the referendum.

C101

MILTON KEYNES MINERALS LOCAL PLAN PROPOSED MODIFICATIONS

The Cabinet considered the Milton Keynes Minerals Local Plan Proposed Modifications that were presented by Councillor Gifford, the Cabinet member for Place.

Councillor Gifford indicated that following the public examination hearing sessions into the Minerals Local Plan in October 2016, a schedule of Proposed Modifications to the Plan had been drawn up at the request of the Planning Inspector. The proposed modifications were required to be published and any representations be considered by the Inspector. The Inspector's Report would then be issued and, provided that she deemed it to be 'sound' and legally compliant, the Minerals Local Plan would then be recommended to the Council for adoption.

Councillor Gifford also indicated that, at the request of Councillor P Geary, a Ward member for Olney, the draft Proposed Modifications in relation to MM25 and MM26 (specific development requirements for Site A3 Northampton Road, Lathbury and Site A4 Manor Farm and Lavendon Mill) had been shared on an informal basis with the Olney Ward Councillors and representatives of Lathbury Parish Meeting.

RESOLVED -

That the Council be recommended to publish for a six week public consultation, the schedule of proposed modifications to the Mineral Local Plan.

C102

CORPORATE ENFORCEMENT POLICY

The Cabinet considered updating the Corporate Enforcement Policy which sought to update the Enforcement Policy following the introduction of the statutory regulators code that was introduced by Councillor Legg, the Cabinet member for Public Realm.

It was reported that Council's Corporate Enforcement Policy was last updated on 13 September 2012. Since the last update the Government had introduced a statutory Regulators Code ("the Code"). The Code had been set by the Secretary of State and the Council's Policy was required to be in line with the Code. The Code laid down the principles that regulatory action should be transparent, accountable, proportionate and consistent.

It was also reported that the Legislative and Regulatory Reform Act 2006 as amended in 2014, required the Council to have regard to the Code in determining any general policy in the exercising of its regulatory functions.

Councillor Legg, the Cabinet member for Public Realm, indicated that a number of regulatory and enforcement functions were undertaken across the whole Council which included functions in connection with School Attendance, Development Control, Planning

Enforcement and Private Sector Housing as well as the functions undertaken by the Regulatory Service.

Councillor Legg also indicated that the draft policy included all of the amendments required by the legislation.

Councillor Marland stated that as the legislation had been changed, the Council was required to amend its policies accordingly.

The Corporate Director, Place clarified that updating policies was an executive function and he would ask officer colleagues to advise which Committees had consulted with in drafting of the new Policy.

The Cabinet also heard from Councillor Bint during consideration of the item.

RESOLVED -

That the updated Corporate Enforcement Policy be adopted.

C103

MILTON KEYNES DEVELOPMENT PARTNERSHIP BUSINESS PLAN

The Cabinet considered the Development Partnership Business Plan which was introduced by Councillor Middleton, the Cabinet member for Resources and Innovation.

It was reported that the Milton Keynes Development Partnership continued to make good progress against its Business Plan and the financial targets set by the Council. In particular, the Development Partnership had revised upwards its forecast for the financial year 2016/17 to £6.9m, an increase of £1.62 m (27% increase) and it was anticipated that it would meet its interest and MK tariff risk share reserve requirements to 2018 and beyond.

It was also reported that following the adoption of the Council Plan in July of this year (Minute C26 refers), the Development Partnership had started work to establish which projects could be brought forward in the near future to help meet the borough's housing needs including affordable housing. Work was ongoing and it was anticipated that a report on Housing would be submitted to the Partnership Board in January 2017.

Councillor Middleton indicated that the Development Partnership was currently being reviewed and the outcome of the review would be reported to the Cabinet at a later date.

Councillor Middleton also indicated that the Milton Keynes Development Partnership supported CMK Renaissance which was one of the six Big Projects identified by the MK Futures 2050 Commission. This was highlighted by the Campbell Park Northside project which was delivering a major high quality residential led development.

Councillor Marland (Leader of the Council) indicated that the Milton Keynes Development Partnership also had a role to play in

MKFutures 2050 as a major land holder in CMK. However, the Council needed to be clear about what it expected the Development Partnership to deliver.

The Cabinet also heard from 2 members of the public during consideration of the item.

RESOLVED -

1. That progress be noted.
2. That Milton Keynes Development Partnership's solid progress against the Business Plan and its short to medium term financial targets be noted.
3. That the revised upwards forecast for the financial year 2016/17 to £6.9m an increase of £1.62 m (27% increase) be noted.
4. That the forecast revenue and capital position from 2015/16 to 2019/20 be noted.
5. That Milton Keynes Development Partnership's intention to meet its interest and MK tariff risk share reserve requirements to 2018 and beyond be noted.

C104

CHANGES TO ARRANGEMENTS FOR THE APPOINTMENT OF EXTERNAL AUDITORS

The Cabinet considered the Changes to Arrangements for the Appointment of External Auditors which was introduced by Councillor Middleton, the Cabinet member for Resources and Innovation.

It was reported that changes to the arrangements for appointing external Auditors were required following the closure of the Audit Commission and the end of the transitional arrangements at the conclusion of the 2017/18 Audit of the Accounts.

It was also reported that there were two alternative approaches available to appoint external auditors with effect from the 1 April 2018. These were to either opt in to the Public Sector Audit Appointments Ltd. sector-led appointments process, or establish an auditor panel to advise on the appointment of the external auditor and ensure the maintenance of independent relationships. The earliest opportunity to opt into the Public Sector Audit Appointments Ltd., after this opportunity would be after 1 April 2018 with the appointment of auditors for 2019-20 accounts.

It was further reported that as the Council was part of the Local Government Shared Services (LGSS), there was a strong case to have a single external auditor across the Local Government Shared Services partners. The Public Sector Audit Appointments Ltd. had stated that the scheme "would endeavour to appoint the same auditors to bodies which are involved in formal collaboration/joint working initiatives or with combined authority areas, if the parties

considered that a common auditor would enhance efficiency and value for money”.

Councillor Middleton indicated that the issue had been considered by the Council’s Audit Committee on 28 September 2016 (Minute AC22 refers) which had supported the “Opt-In” approach.

RESOLVED -

1. That the Council be recommended to approve the opt-in to the sector led body (Public Sector Audit Appointments) for the national procurement of external auditors and ultimately the Council’s external auditors from 2018/19, which was the Audit Committee’s recommended followed.
2. That officer colleagues be requested to write to Public Sector Audit Appointments and request to meet with its Chief Officer to seek assurance that a single auditor be appointed for the LGSS Partners setting out the clear rationale in terms of the efficiency and value for money that this would achieve.

C105

MILTON KEYNES COUNCIL - COUNCIL PLAN

The Cabinet considered the progress on the implementation of the Council Plan which was introduced by Marland, Leader of the Council.

It was reported that the Cabinet had approved the Milton Keynes Council Plan Delivery Plan at its meeting on 13 July 2017 (Minute C26 refers), and that this was the second quarterly progress report.

It was also reported that the Council Plan contained three overall headline aims for Milton Keynes: to be a place of opportunity; an affordable place; and a healthy place. To support these overarching objectives, there were sixteen priority themes, each with a number of specific actions.

Councillor Marland highlighted that positive progress had been made in the following areas:

- A roadmap for the implementation of the MK Futures 2050 Commission report had been agreed by the on 6 October 2016 (Minute C61 refers);
- work to progress the recommendations of the Homelessness Task and Finish group with an update being provided to the Cabinet on 6 December 2016 (Minute C91 refers); and
- the updated Waste Strategy was scheduled to be considered by the for Cabinet on 7 March 2017.

Councillor Marland also indicated that the Agora Re- development at Wolverton was a “Red” rated which reflected the level of risk still attached to that project.

Councillor Marland clarified that some projects shown as “Green” were not yet completed and in these cases, “Green” referred to the number of implementation stages that had been completed.

Councillor Marland also clarified that work for the European Capital of Culture 2023 bid had started and was being carried out in tandem with other projects such as the MK Futures 2050 Commission; therefore no specific budget had been apportioned to the bid.

The Cabinet also heard from Councillors Bint and Crooks during consideration of the item.

RESOLVED -

That the progress on the implementation of the Council Plan Delivery Plan be noted.

C106

HOUSING REVENUE ACCOUNT BUDGET 2017/18

The Cabinet considered the Housing and Revenue Account Budget for 2017/18 that was introduced by Councillor Long (Cabinet member for Adult Care and Housing).

It was reported that that the Council was strongly committed to providing a high quality Council Housing service and to grow the service over the coming years based on a financially strong housing revenue account and effective regeneration.

It was also reported that report was prepared in accordance with the framework set out in the Financial Sustainability Plan, considered by Cabinet on 6 December 2016 (Minute C92 refers).

It was further reported that the 2017/18 Housing Revenue Account Dwelling Rent 2017/18 Dwelling Rent and 2017/18 Housing Fees and Charges would be recommended to the next Council meeting for adoption.

Councillor Long indicated that in line with the requirements of the Local Government Finance Act 2003, it be understood that the Corporate Director Resources, was of the view that the proposed budget was robust and that the forecast reserves were adequate.

Councillor Long clarified that a delegated decision was scheduled for 10 January 2017 to consider the outcome of the consultation about new and revised charges and the level subsidy for Sheltered Housing tenants. Councillor Long indicated that to date, the comments received from Sheltered Housing tenants to the consultation proposals were mainly positive.

Councillor Long also indicated that the Council would be recommended to agree the Housing Revenue Account fees and charges for 2017/18 that were set in accordance with the Income and Collection Policy, taking into account the reported proposed exceptions.

Councillor Long also summarised the assumptions that had been made in constructing the Housing Revenue Account Budget and highlighted that Housing Revenue Account Dwelling Rent 2017/18 would decrease by 1% in line with Government Guidance.

Councillor Long added that that the Housing Revenue Account was reporting a nett overall savings of £573k.

RESOLVED -

1. That the Council be recommended to adopt the Housing Revenue Account Revenue Budget for 2017/18.
2. That the Council be recommended to agree the Housing Revenue Account Dwelling Rent 2017/18, being a 1% reduction and an average decrease of 89p per week.
3. That the Council be recommended to agree that the Housing Revenue Account fees and charges for 2017/18 be set in accordance with the Income and Collection Policy, apart from the proposed exceptions as set out in the report.
4. That, in line with the requirements of the Local Government Finance Act 2003, it be noted that the Corporate Director, Resources, is of the view that the proposed budget is robust and that the forecast reserves are adequate.

C107

REVENUE AND CAPITAL BUDGET MONITORING REPORT TO END OF DECEMBER 2016

The Cabinet considered the provisional outturn for the General Fund, the Housing Revenue Account (HRA) and the Dedicated Schools Grant.

It was reported that:

- (a) The General Fund revenue forecast outturn was forecasting an overspend of £3.154m, after the use of (£7.248m) one-off resources which was a decrease in the forecast overspend of (£0.031m) since Period 8. The main reason for the overspend was the delay to the opening of the Residual Waste Treatment Facility due to the bankruptcy of a sub-contractor;
- (b) The Dedicated Schools Grant was reporting a forecast overspend of £1.027m against budget (an improvement of (£0.109m) since Period 8;
- (c) The Housing Revenue Account was reporting a (£1.340m) surplus; and
- (d) The Capital Programme had spend approval of £263.810m. The outturn was £124.018m, an overall variation of £139.792m. The main element of this variation was the re-phasing of the Residual Waste Treatment Facility of (£129m).

Councillor Middleton, the responsible Cabinet member for Resources and Innovation, introduced the report and indicated that

despite on- off resources being used here was an overspend of £3.154m mainly due to increased spending on temporary homelessness which impacted on Housing, Adult Social Care and Children and Families and Home to School budgets and the delays to the residual Waste Treatment Facility due to the bankruptcy of a subcontractor. This had resulted in extra costs for alternative landfill and temporary solutions to the Council, whilst it was not able to use the Waste Facility

Councillor Middleton also highlighted other areas of concern and the management actions being taken to mitigate the overspends

Councillor Marland thanked the Housing section for their hard work in reducing the number of people in temporary Bed and Breakfast accommodation since 2011 by finding solutions in procuring other more suitable temporary accommodation. These solutions had consequentially reduced the Temporary Bed and Breakfast budget.

RESOLVED -

1. That the current forecast outturn of £3.185m, after the use of (£7.248m) of one-off resources and the mitigating management actions which were currently underway to minimise the overspend, be noted.
2. That the one-off resources held in the Council Reserves used to offset emerging risks and higher levels of demand in a number of service areas and that the impact of further deterioration in the financial position could impact on the one-off resources available to the 2017/18 budget be noted.

C108

REVISIONS TO CAPITAL PROGRAMME AND SPEND APPROVALS

The Cabinet considered granting spend approval for schemes and amendments to existing schemes within the 2016/17 Capital Programme.

It was reported that the changes outlined in the report would result in a revised Capital Programme for 2016/17 of £287.98m. Against that programme, £263.81m of spend approval had been given to enable individual projects to commence or continue.

It was also reported the Milton Keynes Tariff Programme for 2016/17 was unchanged at £48.09m with the total spend approval for these contributions at £23.4m.

Councillor Middleton, the responsible Cabinet member for Resources and Innovation, indicated that the Cabinet was continuing to invest in highways and parking schemes and highlighted the following:

- Walton Road Wavendon - provision of highway safety measures allowing for projected future levels of traffic whilst

maintaining the character of the village which was funded from a Tariff contribution.

- Central Milton Keynes Multi-Storey Car Park - provision of further car parking spaces to ensure Central Milton Keynes remained a high quality and desirable destination. This was subject to the agreement of the Central MK Multi-Storey Options Report scheduled to be considered later at this meeting.

Councillor Middleton also indicated that amendments to the resource allocation and spend approvals included:

- Whitehouse Primary School - the draft final account had been received and the contract completed under budget at £0.13m;
- Newton Leys Primary School - the draft final account had been received and the contract completed under budget at £0.20m; and
- Aids and Adaptations funding of £0.30m to assist with some social care and hospital discharge challenges which it was anticipated would enable vulnerable people to remain longer in their own homes.

The Cabinet also heard from Councillor Long during consideration of the item.

RESOLVED -

1. That the additions to resource allocation and spend approvals for the 2016/17 Capital Programme be approved.
2. That the amended resource allocation and spend approvals for the 2016/17 Capital Programme be approved.
3. That the amended resource allocation and spend approvals for the 2016/17 Capital Programme approved by delegated decisions on the 8th November 2016 be noted.
4. That the revised funding position for the 2016/17 Capital Programme be noted.
5. That the amended resource allocation and spend approvals for the 2016/17 Tariff Programme be approved.
6. That the current position of the 2016/17 Tariff Programme be noted.

C109

CENTRAL MILTON KEYNES MULTI-STOREY CAR PARK OPTIONS

The Cabinet considered the options for a multi-storey car park in Central Milton Keynes which were presented by Councillor Gifford, Cabinet member for Place.

It was reported that the Council Plan 2016-20 included a commitment to undertake a study to investigate options for the

construction of a new multi storey car park. An internal Project Team had had undertaken a feasibility study with Milton Keynes Development Partnership on a site identified off Avebury Boulevard, close to Central Milton Keynes rail station, on land that was currently owned by the Development Partnership.

The Cabinet also considered the development of a multi-story car park in the context of the need to provide additional car spaces for the expected increase demand from commuters arising from the opening of new train lines and the development of Central Milton Keynes. Therefore the options of not providing extra car park spaces was not considered reasonable and would not address the Council's commitment to provide more car-parking spaces.

The option to allow others to develop the Car Park on the Council's behalf, was not considered to provide the best value for money to the Council as even though the financial risk would be passed to the operator, the Council would be likely to lose control of the uses and designation of the car park which could hinder any strategic objectives that the Council could have in the future regarding car parking and transportation in and around Central Milton Keynes.

A third option for Milton Keynes Development Partnership to build the car park and have an arrangement with the Council regarding the income was not considered feasible, as it be complicated when compared to the preferred option of the Council building and operating the car park whilst leasing the land from the Development partnership.

Councillor Gifford clarified that under the preferred option of the Council building and operating the car park whilst leasing the land from Milton Keynes, any or all part of the costs of the provision and maintenance of off-street parking was an eligible use of the parking surplus account in accordance with s.55 of the Road Traffic Regulation Act 1984

Councillor Gifford indicated that it was anticipated that a multi-storey car park providing further car parking spaces would contribute to meeting the demand from local businesses, whilst supporting the local economy and ensuring that that Central Milton Keynes remained a high quality and desirable destination.

Councillor Marland, Leader of the Council, clarified that the decisions on the construction method, site acquisition and future management arrangements would be delegated to the Corporate Director Place in consultation with the Cabinet member for Place.

Councillor Marland also indicated that an initial resource allocation and spend approval of £50k from the Capital Programme 2016/17 was approved earlier in the meeting, together with a further resource allocation of £10,118m approved for 2017/18 to complete the project, which would be financed through prudential borrowing.

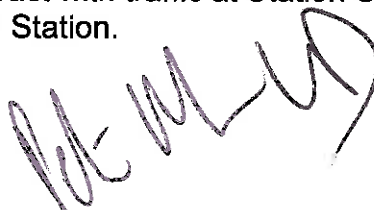
Councillor Marland further indicated that the proposed site for the multi storey car park was in very close proximity to the train station and therefore there was a potential risk that Network Rail would refuse to grant the required license to operate the car park under the Railway Act 1993. Discussions with Network Rail were ongoing.

Councillor Marland also indicated that in order that the proposed scheme was successful, joint working with CMK Town Council and local business was required. Councillor Marland stressed that it was important that consideration was given as to how the new Multi-Story car park would interact with traffic at Station Square and Milton Keynes Train Station.

The Cabinet also heard from Councillors Bint and Walker and a member of the public during consideration of the item.

RESOLVED -

1. 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 meeting consider Annex C to this report.
2. That the findings of the Feasibility Report be approved and the Council lease land from Milton Keynes Development Partnership to build and operate a multi-storey car park on land off Avebury Boulevard, close to Central Milton Keynes Railway Station, to deliver the additional parking capacity committed to in the 2015 Council budget.
3. That the decisions on the construction method, site acquisition and future management arrangements be delegated to the Corporate Director Place in consultation with the Cabinet member for Place.
4. That resource allocation and spend approval of £50k be approved from the Capital Programme 2016/17 with a further £10.118m resource allocation approved for 2017/18 to complete the project, which will be financed through prudential borrowing.
5. That options be considered as to how the new Multi-Story car park can interact with traffic at Station Square and Milton Keynes Train Station.



THE CHAIR CLOSED THE MEETING AT 19.40 PM