

Minutes of the MILTON KEYNES COUNCIL held on WEDNESDAY 16 SEPTEMBER 2015 at 7.30 pm

Present: Councillor McLean (Mayor)
Councillors Alexander, Bald, Baume, Betteley, Bint, Brackenbury, Bradburn, Bramall, Brunning, Buckley, M Burke, Cannon, Clancy, Clifton, Coventry, Crooks, Dransfield, Eastman, Exon, Ferrans, Ganatra, Geaney, P Geary, E Gifford, R Gifford, Gowans, Green, D Hopkins, V Hopkins, Hosking, Khan, Legg, Lewis, Long, Marland, D McCall, I McCall, McDonald, McKenzie, McPake, Middleton, Miles, Morla, Morris, Nolan, O'Neill, Patey-Smith, Walker, Wallis, Webb, White, C Williams, P Williams and Wilson
Aldermen Bartlett, Bristow and Connor and Alderwoman Saunders

Apologies: Councillors A Geary and Small and Aldermen Beeley, E Henderson and Howell and Alderwomen I Henderson, Irons and Lloyd

Also Present: 23 members of the public

CL46 MINUTES

The Minutes of the meeting of the Council held on 15 September 2015 were not considered.

CL47 DISCLOSURES OF INTEREST

Councillor D McCall declared a personal interest in all items which referred to homelessness, as he worked for a homelessness charity.

Councillor Bramall declared a personal interest in Item 5 (b)(i) (Right to Buy for Housing Association Tenants) as she was employed by a public relations company who had contracts with property developers.

The Council also received advice in relation to disclosing interests in motions relating to private sector landlords.

CL48 ANNOUNCEMENTS

1. HM The Queen

The Mayor informed the Council that he had written to the Queen, on behalf of the people of Milton Keynes and the Council congratulating her on becoming the Nation's longest serving monarch.

2. New Deputy Lieutenants from Milton Keynes

The Mayor announced that the Lord Lieutenant of Buckinghamshire had commissioned six new Deputy Lieutenants for Buckinghamshire, three of whom, Debbie Brock, Marion Hill and Fola Komolafe, were from Milton Keynes.

3. Greg Rutherford

The Mayor announced that that he would be sending Greg Rutherford, a recent former resident of the Borough, the Council's congratulations on winning a gold medal at the World Athletics Championships in Beijing, adding to his Olympic, European and Commonwealth titles.

4. Alderman Henry Powell-Sheddon

The Mayor announced, with regret, the death of Alderman Henry Powell-Sheddon.

The Mayor advised the Council that Alderman Powell-Sheddon had attended the first meeting of Milton Keynes District Council in June 1973 and served as a councillor on Milton Keynes Borough Council until May 1984. He became an Alderman on 22 January 2008. Alderman Powell-Sheddon also served as a County Councillor.

The Mayor informed the Council that he would be attending the funeral, which was being held on Monday 21 September 2015 at 3.00pm at Hardmead Church.

The Council also heard from Councillors Crooks, Dransfield, P Geary and White, together with Alderman Bristow.

The Council stood for a minutes silence as a mark of respect.

5. Mineral Local Plan

The Mayor announced that consideration of the Mineral Local Plan, consideration of which was deferred at the last meeting of the Council to allow a peer review of the allocations in the draft Plan to be carried out, would now take place at the next meeting of the Council on 21 October 2015.

6. Conduct of the Meeting

As the Council had a very full agenda this evening with some important items to be debated, the Mayor, requested Councillors:

- to be brief, including when asking questions;
- not to deviate from the subject under discussion;
- not to repeat what has already been said; and
- to limit contributions to the essential.

CL49

QUESTIONS FROM MEMBERS OF THE PUBLIC

- (a) Question from Mr M Galloway to Councillor A Geary (Chair of the Development Control Committee)

Mr M Galloway asked Councillor A Geary if he agreed that planning applications submitted by Council Departments should be exemplars for others to follow and not ones which

caused professional officers such as planners, highways engineers and other consultees to have to challenge aspects that could and should have been dealt with beforehand and, if so, whether he would ask officers to review, perhaps with the responsible Cabinet member, what could be done to improve the quality of applications, so, for example, there was no need for planners and internal consultees to have to repeatedly request information that should have been submitted as part of the application.

In the absence of the Chair of the Development Control Committee, the Mayor indicated that he would arrange for Mr Galloway to be provided with a written response to his question.

- (b) Question from Mr R Pearce to Councillor Miles (Cabinet member for Children and School Improvement)

Mr Pearce, referring to the delay by at least one year of the proposed new school at Oxley Park Academy and the lack of year 2 school places in the 4 schools nearest to Kingsmead, asked Councillor Miles why Priory Rise School, which had the classrooms already in place to open an additional year 3 class for September 2016, had been told by the Council not open an additional year 3 class.

Councillor Miles recognised the problems being experienced by some parents to find places at local schools and referred to the work which had been carried out to try and resolve the demand for school places at Oxley Park Academy, which included discussions with both the Academy and Priory Rise School. Councillor Miles also referred to the efforts of officers to administer what was a very complex system.

As a supplementary question Mr Pearce ask Councillor Miles why an additional class had not be opened at Oxley Park Academy, as it had been last year, to help meet demand for the school.

Councillor Miles indicated that he would ask officer colleagues to provide a written response to both questions.

CL50

ADMINISTRATIVE CHANGES TO THE CONSTITUTION

Councillor Brackenbury moved the following recommendation from the meeting of the Constitution Commission held on 22 July 2015, which was seconded by Councillor Marland:

“That the following words be added to Article 17 of the Constitution:

‘The Service Director (Legal and Democratic Services) / Monitoring Officer is authorised to up-date the titles of officers and the management structure to ensure that they remain current and other consequential amendments to reflect Council decisions to ensure that the Constitution remains a contemporary document, provided

that no changes undertaken by the Service Director will take effect until they have been agreed by the Council.”.

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

RESOLVED –

That the following words be added to Article 17 of the Constitution:

‘The Service Director (Legal and Democratic Services) / Monitoring Officer is authorised to up-date the titles of officers and the management structure to ensure that they remain current and other consequential amendments to reflect Council decisions to ensure that the Constitution remains a contemporary document, provided that no changes undertaken by the Service Director will take effect until they have been agreed by the Council.

CL51 WOLVERTON TOWN CENTRE NEIGHBOURHOOD PLAN

Councillor Legg moved the following recommendation from the meeting of the Cabinet held on 14 September 2015, which was seconded by Councillor Marland:

“That the Wolverton Town Centre Neighbourhood Plan be ‘made’ pursuant to the provisions of section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.”.

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

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

RESOLVED –

That the Wolverton Town Centre Neighbourhood Plan be ‘made’ pursuant to the provisions of section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

CL52 INVESTMENT IN PROPERTY FUND FOR TEMPORARY ACCOMMODATION

The Council noted that the Cabinet had deferred the item on the Investment in Property Fund for Temporary Accommodation at its meeting on 14 September 2015 and as a result there was no recommendation for the Council to consider

CL53 MEMBERS’ QUESTIONS

(a) Question from Councillor C Williams to Councillor Marland (Leader of the Council)

Councillor C Williams referring to his written statement and questions which he had circulated to Councillor Marland, indicated that he would accept a written response, on the understanding that the supporting statement, questions and the answers were published to all councillors.

Councillor Marland agreed to provide a written response.

- (b) Question from Councillor Bald to Councillor Marland (Leader of the Council)

Councillor Bald, referred to the Investment in Property Fund for Temporary Accommodation, consideration of which was deferred by the Cabinet on 14 September 2015, suggested that it was not clear whether the fund would help those in bed and breakfast accommodation. Councillor Bald in expressing concern at the time it had taken to bring forward the proposal, the idea having been first raised in February, and the apparent lack of alternative initiatives, asked Councillor Marland if he was willing to work with the Conservative Group to look at alternative ways of addressing the current high usage of bed and breakfast accommodation for the homeless as the Conservative Group had a number of costed alternatives.

Councillor Marland, in agreeing to work with other Groupar, indicated that the Investment in Property Fund for Temporary Accommodation would provide up to 70 units of accommodation and would both help those in bed and breakfast accommodation and help tackle the causes of homelessness, including those homeless persons who were not statutorily homeless.

As a supplementary question, Councillor Bald referred to the increase in the number of homeless people which the Conservative Group, when in Administration, had halved and which had now trebled. Councillor Bald also referred to the apparent lack of action to address the problem and sought an assurance from Councillor Marland that the Labour Administration would work in partnership to address the use of bed and breakfast accommodation and homelessness.

Councillor Marland again agreed to work together and indicated that Councillor Bald could meet with him to discuss the situation. Councillor Marland also clarified that discussions on the Investment in Property Fund for Temporary Accommodation were commenced much more recently than February and that he understood that there were no registered homeless person in 2011 when the Conservative Group took control of the Council.

- (c) Question from Councillor Morla to Councillor Miles (Cabinet member for Children and School Improvement)

Councillor Morla, referring to the problems faced by parents seeking in-year admissions to schools, particularly on the west flank of Milton Keynes, asked Councillor Miles what measures he was putting in place to help alleviate the need for parents in search of a school place to apply on a daily basis.

Councillor Miles recognised the problems being faced by parents and indicated that he would arrange for Councillor Morla to receive a written response regarding her concerns at the problem being expressed by parents in search of a school place and the need to apply on a daily basis and asked that she provide him with any further details in writing of her specific concerns. Councillor Miles pointed out that the School Admissions Process was laid down in law.

- (d) Question from Councillor P Geary to Councillor Miles (Cabinet member for Children and School Improvement)

Councillor P Geary, referring to the closure of the Early Intervention Centre, asked Councillor Miles to outline why the Centre had closed and when he first became aware of plans to close the centre.

Councillor Miles undertook to provide a written response.

As a supplementary question, Councillor P Geary asked Councillor Miles if he would meet with him to discuss the closure of the Centre, and why the closure of the Centre had not featured as part of the Council's budget discussions.

Councillor Miles indicated that he would meet with Councillor P Geary.

- (e) Question from Councillor Bradburn to Councillor Miles (Cabinet member for Children and School Improvement)

Councillor Bradburn, referring to the home to school transport difficulties being experienced by students attending Rickley Park Special Needs Pre-School asked Councillor Miles when would the transport be organised.

Councillor Miles indicated that he was aware of difficulties with home to school transport and had been holding discussions with officers with the aim of seeking improvements. Councillor Miles undertook to request officers to investigate the particular difficulties being experienced by the students attending Rickley Park Special Needs Pre-School and respond to Councillor Bradburn.

As a supplementary question, Councillor Bradburn asked Councillor Miles to respond as quickly as possible in order that he might respond to the families affected as soon as possible.

Councillor Miles indicated that he ask the Corporate Director to look into the matter next morning.

- (f) Question from Councillor Dransfield to Councillor Marland (Leader of the Council)

Councillor Dransfield, referring to a reported statement by Councillor Marland that if Jeremy Corbyn was elected Leader of the Labour Party that the Labour Party would lose both credibility and councillors, asked Councillor Marland, now Jeremy Corbyn had been elected, whether the Labour Group would follow national policy and so lose seats.

Councillor Marland indicated that members of the Labour Party held wide ranging views and the Party would discuss its policies and ultimately unite behind its elected Leader. Councillor Marland referring to the level of support attracted by Jeremy Corbyn, suggested that he was clearly addressing matters that people cared about.

As a supplementary question, Councillor Dransfield asked Councillor Marland, bearing in mind that the Labour Party was moving to the left, if he had considered joining the Conservative Party.

Councillor Marland again indicated that members of the Labour Party held wide ranging views and not all agreed with the Party Leader's views. Leadership was about moderating personal views, opening up debate and reaching a consensus on proper issues.

- (g) Question from Councillor Hosking to Councillor Long (Cabinet member for Health and Wellbeing)

Councillor Hosking, referring to an outbreak of legionella at Clifton Court Sheltered Housing Scheme, asked Councillor Long what he knew of the outbreak and what conversations he had had with officers.

Councillor Long indicated that he was not aware of the outbreak of legionella, but recognising the potential seriousness of any outbreak, would hold discussions with officers as soon as possible.

As a supplementary question, Councillor Hosking, expressing his concern that Councillor Long, as the responsible Cabinet member, was not aware, asked Councillor Long to discuss with officers why he and ward councillors had not been informed of the outbreak.

Councillor Long undertook for Councillor Hoskins to be updated on the outbreak and advised why ward councillors were not made aware.

REFUGEE CRISIS

The Mayor ruled that in accordance with Section 100B(4)(b) of the Local Government Act 1972, the Council should debate the following motion as an urgent item so that , if agreed, the Council might inform the Government of its commitment to receive and support refugee families.

Councillor D McCall moved the following motion which was seconded by Councillor Marland:

- “1. That this Council, mindful of the tragic events in the Mediterranean and elsewhere and noting the comments of the Prime Minister for the UK to fulfil its moral responsibility and give sanctuary to thousands of refugees from war, instructs the Chief Executive to advise the Government that - as with other local authorities - Milton Keynes will commit to receive and support its fair share of refugee families.
2. That the Chief Executive be requested to reflect the position of the Local Government Association in her communication to the Government, highlighting the already stretched resources of local government and the extra resources such placements would require.
3. That the Council also request the Corporate Director - Place to undertake a review of the likely cost to the Council of any such placements, noting the offer of financial help to councils from the Government.”

Councillor Bramall moved the following amendment which was seconded by Councillor V Hopkins and subsequently withdrawn with the consent of the Council:

- “1. That all of the words in clause 1, after the word ‘war’ be deleted and replaced with:
 - ‘(a) requests the Chief Executive to work with officers and the voluntary sector to appeal to and build a database of local residents who are willing to offer sanctuary to refugees; and that once this database is functional, requests the Chief Executive to contact Government to reflect the level of ability of Milton Keynes to assist;
 - (b) acknowledges the considerable efforts made by officers in housing to support a growing number of unaccompanied asylum seeker children, currently 36; and
 - (c) invites the Cabinet to provide Council with a proposal as to how housing resources will be allocated between local people, particularly those 140 families currently in Bed and Breakfast and those refugees to whom the Council offers refuge.’

2. That the words 'of Milton Keynes and that' be added after the word 'position' in clause 2."

On being put to the vote the motion was declared carried with 52 councillors voting in favour, 1 councillor voting against and 1 councillor abstaining from voting.

The Council heard from seven members of the public during consideration of the motion.

RESOLVED -

1. That this Council, mindful of the tragic events in the Mediterranean and elsewhere and noting the comments of the Prime Minister for the UK to fulfil its moral responsibility and give sanctuary to thousands of refugees from war, instructs the Chief Executive to advise the Government that - as with other local authorities - Milton Keynes will commit to receive and support its fair share of refugee families.
2. That the Chief Executive be requested to reflect the position of the Local Government Association in her communication to the Government, highlighting the already stretched resources of local government and the extra resources such placements would require.
3. That the Council also request the Corporate Director - Place to undertake a review of the likely cost to the Council of any such placements, noting the offer of financial help to councils from the Government.

CL55

RIGHT TO BUY FOR HOUSING ASSOCIATION TENANTS

Councillor C Williams moved the following motion which was seconded by Councillor O'Neill:

- "1. That the Council notes:
 - (a) the Conservative Government's proposal to extend the Right to Buy to Housing Association tenants, to be paid for by selling off the most expensive Council Housing stock;
 - (b) the shortage of affordable rented homes in Milton Keynes (currently estimated to be at least 850 and due to rise to over 1,000 within the next three years) and expresses its concern that the Conservative government's plans will make matters far worse;
 - (c) the recent Local Government Association "First 100 Days" campaign which highlighted there are 1.7 million households on waiting lists for affordable housing across England and that more than 3.4 million adults between 20 and 34 live with their parents;

- (d) the research carried out by the National Housing Federation which shows that just 16% of the public believed that extending Right to Buy to housing association tenants would be the most useful way of tackling the affordability crisis, and that the public's top choice, selected by 46% of the people, was to help housing associations and / or councils to build more affordable homes;
 - (e) a report by the Financial Times on 14 June 2015 which shows that there could be a funding gap of over £1 billion to pay for the scheme; and
 - (f) and agrees with the following warning from UNISON: *“Solving the housing crisis requires a significant increase in all types of housing – particularly affordable social housing – to meet housing demand, and will not be solved by selling housing association homes and depleting the nation’s social housing stock. The acute shortage of housing is leading to spiralling housing costs, which families across the nation are struggling to meet”*.
2. That the Council opposes the forced sell off of council housing to pay for this Conservative plan and is concerned that the Conservative Government has also:
 - (a) failed to address the situation for many local authorities which no longer have any housing stock to sell as they have transferred theirs to housing associations;
 - (b) failed to address the situation in areas of high housing demand where there are often few suitable sites to build replacement social housing stock; and
 - (c) failed to recognise that this means housing associations will simply be trying to catch up with replacing homes rather than building affordable housing to give more people homes they need.
 3. That the Council notes that even the Conservative Mayor of London has said he did not want to see councils “deprived at a rapid rate of their housing stock” if more homes were not being built to replace them.
 4. That the Council recognises the desire by many to own their own homes, and suggests that proposals put forward by the Liberal Democrats for a “Rent to Own” model and Shared Ownership housing would represent a better way of reaching this goal.

5. That the Council also notes that there are existing routes for housing association tenants to own their own properties – some Housing Association tenants already have the Right to Acquire.
6. That the Council condemns the Conservative Government's scheme and resolves to:
 - (a) work with other neighbouring authorities and housing associations to oppose the current Conservative government proposals;
 - (b) work with housing associations, developers and other 'interested parties' to find innovative ways to build more affordable homes and to begin to redress the chronic shortage; and
 - (c) write to both Members of Parliament to insist that they:
 - (i) show their public support for this Council's position;
 - (ii) speak up in Parliament for more social and affordable housing, and not less; and
 - (iii) demand a genuine "one for one" replacement but not at the cost of losing more Milton Keynes Council housing."

Councillor Walker moved the following amendment which was seconded by Councillor Morla:

- "1. That the words 'the most expensive Council Housing stock' be deleted from clause 1(a) and replaced with the words 'high value assets'.
2. That the words 'that the Conservative government's' be deleted from clause 1(b) and replaced with the words 'with any' and the word 'that' be added after the word 'plans'.
3. That clauses 1(d) and (e) be deleted and replaced with:
 - '(d) the Government's majority gives it the mandate to look to implement the Right to Buy policy which is a core part of the upcoming Housing Bill;
 - (e) the assurances by the Department for Communities and Local Government that the sale of "high value stock" to pay for the discount in Right to Buy properties will also allow capital to spent on building a like for like property, pay off debt and also the clearing of brownfield site for future developments;'
4. That the words '*agrees with*' be deleted from clause 1(f).

5. That the following new clauses 1(g) and (h) be added:
 - '(g) and supports the right of tenants in Housing Association properties who aspire to own their own home and have the means to fulfil their aspirations; and
 - (h) recent constructive and positive dialogue between Government and Housing Associations across the country.'
6. That the words 'opposes the forced sell off of council housing to pay for this Conservative plan and is concerned that the Conservative Government has also' be deleted from clause 2 and replaced with the words 'will therefore support Housing Associations in implementing Government's policy and asks officers to'.
7. That clauses 2(a) to (c) be deleted and replaced with:
 - '(a) assess the overall impact of right to buy on Housing Association Properties in Milton Keynes and report their findings to Cabinet and the Scrutiny Management Committee at their earliest convenience;
 - (b) work with Department for Communities and Local Government to make it aware of the local potential impacts; and
 - (c) lobby Department for Communities and Local Government to pool receipts from the sale of high value stock nationally so areas with low housing stock such as Milton Keynes receive a fair distribution so it can provide the discounts and build replacement housing.'
8. That the word 'in' be added after the word 'Council in clause 4, the word 'recognises' be amended to 'recognising', the words 'and suggests that proposals put forward by the Liberal Democrats for a 'Rent to Own model and' and the words 'housing would represent a better way of reaching this goal' be deleted and the words 'will continue to look at all options to help people realise their aspiration, such as the expansion of be added before the words 'Shared Ownership'.
9. That the words 'condemns the Conservative Government's scheme' be deleted from clause 6 and replaced with the words 'welcomes the expansion of the Right to Buy giving even more people an opportunity to own their own home'.
10. That the word 'oppose' be deleted from clause 6(a) and replaced with the words 'plan for'.
11. That the word 'demand' be deleted from clause 6(c)(iii) and replaced with the words 'work towards'."

On being put to the vote the amendment was declared lost with 20 councillors voting in favour, 33 councillors voting against and 0 councillors abstaining from voting.

On being put to the vote the motion was declared carried with 33 councillors voting in favour, 20 councillors voting against and 0 councillors abstaining from voting.

The Council heard from three members of the public during consideration of the motion.

RESOLVED -

1. That the Council notes:
 - (a) the Conservative Government's proposal to extend the Right to Buy to Housing Association tenants, to be paid for by selling off the most expensive Council Housing stock;
 - (b) the shortage of affordable rented homes in Milton Keynes (currently estimated to be at least 850 and due to rise to over 1,000 within the next three years) and expresses its concern that the Conservative government's plans will make matters far worse;
 - (c) the recent Local Government Association "First 100 Days" campaign which highlighted there are 1.7 million households on waiting lists for affordable housing across England and that more than 3.4 million adults between 20 and 34 live with their parents;
 - (d) the research carried out by the National Housing Federation which shows that just 16% of the public believed that extending Right to Buy to housing association tenants would be the most useful way of tackling the affordability crisis, and that the public's top choice, selected by 46% of the people, was to help housing associations and / or councils to build more affordable homes;
 - (e) a report by the Financial Times on 14 June 2015 which shows that there could be a funding gap of over £1 billion to pay for the scheme; and
 - (f) and agrees with the following warning from UNISON: *"Solving the housing crisis requires a significant increase in all types of housing – particularly affordable social housing – to meet housing demand, and will not be solved by selling housing association homes and depleting the nation's social housing stock. The acute shortage of housing is leading to spiralling housing costs, which families across the nation are struggling to meet"*.

2. That the Council opposes the forced sell off of council housing to pay for this Conservative plan and is concerned that the Conservative Government has also:
 - (a) failed to address the situation for many local authorities which no longer have any housing stock to sell as they have transferred theirs to housing associations;
 - (b) failed to address the situation in areas of high housing demand where there are often few suitable sites to build replacement social housing stock; and
 - (c) failed to recognise that this means housing associations will simply be trying to catch up with replacing homes rather than building affordable housing to give more people homes they need.
3. That the Council notes that even the Conservative Mayor of London has said he did not want to see councils “deprived at a rapid rate of their housing stock” if more homes were not being built to replace them.
4. That the Council recognises the desire by many to own their own homes, and suggests that proposals put forward by the Liberal Democrats for a “Rent to Own” model and Shared Ownership housing would represent a better way of reaching this goal.
5. That the Council also notes that there are existing routes for housing association tenants to own their own properties – some Housing Association tenants already have the Right to Acquire.
6. That the Council condemns the Conservative Government’s scheme and resolves to:
 - (a) work with other neighbouring authorities and housing associations to oppose the current Conservative government proposals;
 - (b) work with housing associations, developers and other ‘interested parties’ to find innovative ways to build more affordable homes and to begin to redress the chronic shortage; and
 - (c) write to both Members of Parliament to insist that they:
 - (i) show their public support for this Council’s position;
 - (ii) speak up in Parliament for more social and affordable housing, and not less; and
 - (iii) demand a genuine “one for one” replacement but not at the cost of losing more Milton Keynes Council housing.

CL56 HOUSING IN MILTON KEYNES

With the consent of the Council the motion was withdrawn.

CL57 LEGAL ACTION - REMOVAL OF ASBESTOS CONTRACT

The Mayor indicated that as the last two motions on the agenda were inadvertently recorded in the wrong order, as minor changes were made to the MK Futures 2050 Commission motion after Legal Action on the Removal of Asbestos Contract motion was submitted, the Council would debate the motion on the Legal Action on the Removal of Asbestos Contract in advance of the MK Futures 2050 Commission motion.

Councillor Bald moved the following motion which was seconded by Councillor Ganatra:

- “1. That this Council:
 - (a) takes very seriously the role that the Administration and every councillor have in ensuring that tax payers’ money is carefully managed and stewarded;
 - (b) against this backdrop, notes that:
 - (i) the Council was taken to Court by Woods Building Services regarding the award of an £8m contract for the removal of asbestos which they claimed had been incorrectly scored;
 - (ii) the Council decided to defend its position in court;
 - (iii) it appears that the Council did this without first thoroughly investigating and reviewing the scores awarded;
 - (iv) in so doing the Council failed to protect tax payers against a claim for costs; and substantial legal costs;
 - (v) the Court (July 15) ruled against the Council in favour of Woods and awarded costs against the Council of £122k; and
 - (vi) the Court ordered the tender to be rerun and left open a potential challenge for loss of profit from Woods, arising from flawed procurement.
2. That having due regard to the fact that contracts of more than £100k are determined by the Council’s Cabinet Committee (Procurement and Commissioning), Council believes that this failure may signpost a systemic weakness in the Procurement process for large contracts which needs to be thoroughly investigated.

3. That the Council further notes that despite the very significant value of contracts being considered by the Procurement and Commissioning Committee, meetings rarely last more than 30 mins.
4. That the Council believes that the Procurement and Commissioning Committee may be taking the approach of rubber stamping recommendations, rather than adopting a more challenging and rigorous process with difficult questions being asked and the Council further believes that this approach has potentially serious financial consequences in terms of securing value for money for tax payers and in the safeguarding of public funds.
5. That the Council therefore asks the Audit Committee to mount an investigation into what went wrong on this particular contract and based on these findings, to recommend any changes/ actions with regards to the Procurement process overall; with the aim of this investigation being to safeguard tax payers money and to protect the Council's reputation.
6. That the Council calls for a full financial evaluation of the costs of this judgement, including legal cost, potential claims for damages and the costs of rerunning the tender process."

Councillor Middleton moved the following amendment which was seconded by Councillor Marland:

- "1. That the words 'on the basis of unequivocal external legal opinion that the Council had a strong case and in the view of that same external opinion Council had complied fully with its existing Procurement procedures. However, the Council is concerned that while such a step was taken, it has not been possible able to establish in a properly documented fashion the authorisation method for proceeding with that defence case to court, and therefore asks that the Chief Executive ensure a robust corporate procedure for future legal instruction' be added to the end of clause 1(b)(ii).
2. That the words 'in the view of Mr Justice Coulson's judgement, although that opinion does highlight that while two internal reviews did take place of the contract scoring, he believes those reviews, some of the scoring undertaken in general and the record keeping to support this scoring to be flawed or deficient in method and process' be added to the end of clause 1(b)(iii).
3. That the words 'although noting in light of legal proceedings and the judgement, Woods have continued to provide the service to the Council and will do so until the contract is properly retendered' be added to the end of clause 1(b)(vi).

5. That the words 'although noting that, given the legal opinion of Mr Justice Coulson in this case was predicated on technical procedural and professional failings by procurement professionals that were not even highlighted by Council's external professional legal opinion specialising in procurement, it would be exceedingly unlikely that Cabinet would have been able to establish such a procedural flaw in the professional advice it had received, in good faith from officers, in a meeting of any length' be added to the end of clause 3.
6. That all of the words, after the word 'Committee' in clause 4 be deleted and the words 'was correct to have already reviewed this issue far in advance of this motion and notes the report 'Measures to Strengthen Procurement Practise and Procedures' has already been received and agreed by the Committee on 1 September 2015, and this highlights the seriousness with which Cabinet takes its procurement and commissioning role in ensuring value for money to the taxpayer' added.
7. That all of the words, after the word 'Council in clause 5 be deleted and the words 'welcomes the proactive action already taken by Chief Executive and Leader of the Council in asking the new Director of Place (noting that because Building Services, Procurement and Internal Audit functions involved are all currently provided by the Milton Keynes Service Partnership, this was to provide complete transparency and robustness) to undertake a complete review of this matter, and asks that the report be presented to the Audit Committee for review and that the Audit Committee make any recommendations to Cabinet on any lessons learned it believes may improve procurement within the Council in future, including any possible actions the Procurement and Commissioning Committee could take to increase its effectiveness it feels necessary' added.
8. That the following new clause be added:
 - '7. That Cabinet be requested to undertake a speedy review of the procurement policies of the Council and of the Procurement Service, noting the opportunity the Milton Keynes Service Partnership Review presents in this regard, and that Cabinet be requested to resolve any issues that may be highlighted by this case, ensure suggestions from the Audit Committee's review of the facts are taken seriously, and that any possible weaknesses identified in procurement and commissioning procedures or implementation are addressed in a timely manner'."

On being put to the vote the amendment was declared lost with 21 councillors voting in favour, 31 councillors voting against and 1 councillor abstaining from voting.

On being put to the vote the motion was declared carried with 31 councillors voting in favour, 0 councillors voting against and 22 councillors abstaining from voting.

RESOLVED -

1. That this Council:
 - (a) takes very seriously the role that the Administration and every councillor have in ensuring that tax payers' money is carefully managed and stewarded;
 - (b) against this backdrop, notes that:
 - (i) the Council was taken to Court by Woods Building Services regarding the award of an £8m contract for the removal of asbestos which they claimed had been incorrectly scored;
 - (ii) the Council decided to defend its position in court;
 - (iii) it appears that the Council did this without first thoroughly investigating and reviewing the scores awarded;
 - (iv) in so doing the Council failed to protect tax payers against a claim for costs; and substantial legal costs;
 - (v) the Court (July 15) ruled against the Council in favour of Woods and awarded costs against the Council of £122k; and
 - (vi) the Court ordered the tender to be rerun and left open a potential challenge for loss of profit from Woods, arising from flawed procurement.
2. That having due regard to the fact that contracts of more than £100k are determined by the Council's Cabinet Committee (Procurement and Commissioning), Council believes that this failure may signpost a systemic weakness in the Procurement process for large contracts which needs to be thoroughly investigated.
3. That the Council further notes that despite the very significant value of contracts being considered by the Procurement and Commissioning Committee, meetings rarely last more than 30 mins.

4. That the Council believes that the Procurement and Commissioning Committee may be taking the approach of rubber stamping recommendations, rather than adopting a more challenging and rigorous process with difficult questions being asked and the Council further believes that this approach has potentially serious financial consequences in terms of securing value for money for tax payers and in the safeguarding of public funds.
5. That the Council therefore asks the Audit Committee to mount an investigation into what went wrong on this particular contact and based on these findings, to recommend any changes/ actions with regards to the Procurement process overall; with the aim of this investigation being to safeguard tax payers money and to protect the Council's reputation.
6. That the Council calls for a full financial evaluation of the costs of this judgement, including legal cost, potential claims for damages and the costs of rerunning the tender process.

CL58

PROCEDURAL MOTION

The Mayor moved and the Deputy Mayor seconded that in accordance with Council Procedure Rule 21, Council Procedure Rule 8.5 be suspended to allow each of the Group Leaders to speak for up to one minute on the MK Futures 2050 Commission motion.

The procedural motion was agreed by acclamation.

RESOLVED –

That in accordance with Council Procedure Rule 21, Council Procedure Rule 8.5 be suspended to allow each of the Group Leaders to speak for up to one minute on the MK Futures 2050 Commission motion.

CL59

MK FUTURES 2050 COMMISSION

Councillor Marland moved the following motion which was seconded by Councillor Bald:

- “1. That this Council believes that:
 - (a) the time is right to initiate an ambitious project to explore potential long-term futures, as part of the emergence of Milton Keynes as a UK city and economy of increasing significance, and as it continues to grow as a place;
 - (b) external experts with a strong connection to Milton Keynes and the region should be engaged in the project to provide wider perspectives, knowledge and external challenge, including insights from national and international benchmark cities;

- (c) such a project must ensure the full range of Milton Keynes residents and communities are engaged, especially young people; and
 - (d) consideration of the future of Milton Keynes through such a project should be integrated with the process for developing Plan:MK, to allow the two distinct work streams to take full benefit from each other as part of a formal process.
2. That the Council therefore resolves to:
- (a) establish a MK Futures 2050 Commission comprising experts from a range of sectors and backgrounds to engage local people, organisations, businesses, parish and town councils and the Elected Members of Milton Keynes Council in a process to explore the long-term future of Milton Keynes;
 - (b) ask the Commission to deliver the following key outcome, based on the Terms of Reference for the Commission that were developed with contributions from key stakeholders:

‘A view of potential longer term futures for Milton Keynes, noting the need to ensure flexibility for as yet unknown possibilities; making recommendations to the Council for its consideration in development of its medium and longer term policy framework’;
 - (c) consider the Commission’s report at a dedicated Council meeting at an appropriate time in the next municipal year, where it will be used as the basis for the Council to seek the following outcomes through engagement with the Government and other relevant stakeholders to:
 - (i) re-establish Milton Keynes as a project of national importance (as when the city was first designated in 1967);
 - (ii) develop a framework and/or “deal” with Government and other relevant stakeholders that will provide optimal arrangements to deliver the vision for the city’s future; and
 - (iii) fully inform and complement the process for developing key strategies and policies, including the parallel programme of work on Plan:MK (the Council’s spatial plan).
 - (d) invite Sir Peter Gregson, Vice Chancellor of Cranfield University, to Chair the Commission and deliver by July 2016 a report and recommendations for the Council to consider;

- (e) ask the Commission to consider a range of possible futures for Milton Keynes through to 2050 and address the following three key questions in order to provide focus to its work:
 - (i) what might be the role and significance of Milton Keynes as a place and economy in the region, the UK and more widely including how it relates to other major places, cities and nearby large towns?
 - (ii) what might be the character of Milton Keynes as defined by its people, environment and culture?
 - (iii) what are the opportunities to pursue and challenges to address if we are to compete with other UK and international benchmark cities economically and in quality of life?;
- (f) require that the work of the Commission:
 - (i) recognises the unique character of Milton Keynes;
 - (ii) challenges both positive and negative preconceptions about the city, whether held by internal or external stakeholders;
 - (iii) makes provision to test its thinking and emergent recommendations and allow input from the political leaders of the Council;
 - (iv) ensure the process is transparent, with evidence gathering in public and made publicly available, but with deliberations being in a closed environment, with a summary of these deliberations being made publicly available;
 - (v) to be responsible for ensuring the engagement and input of the full range of MK residents, communities and Milton Keynes Council Elected Members, especially young people;
 - (vi) engages regional (including neighbouring councils), national and international stakeholders and seeks insights from national and international benchmark cities; and
 - (vii) is timetabled such that it can formally draw from, complement and inform the work to develop Plan:MK, including the consultation on the Plan:MK Vision and Development Options and feed into the development of the Preferred Options stage.”

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

RESOLVED –

1. That this Council believes that:
 - (a) the time is right to initiate an ambitious project to explore potential long-term futures, as part of the emergence of Milton Keynes as a UK city and economy of increasing significance, and as it continues to grow as a place;
 - (b) external experts with a strong connection to Milton Keynes and the region should be engaged in the project to provide wider perspectives, knowledge and external challenge, including insights from national and international benchmark cities;
 - (c) such a project must ensure the full range of Milton Keynes residents and communities are engaged, especially young people; and
 - (d) consideration of the future of Milton Keynes through such a project should be integrated with the process for developing Plan:MK, to allow the two distinct work streams to take full benefit from each other as part of a formal process.

2. That the Council therefore resolves to:
 - (a) establish a MK Futures 2050 Commission comprising experts from a range of sectors and backgrounds to engage local people, organisations, businesses, parish and town councils and the Elected Members of Milton Keynes Council in a process to explore the long-term future of Milton Keynes;
 - (b) ask the Commission to deliver the following key outcome, based on the Terms of Reference for the Commission that were developed with contributions from key stakeholders:

‘A view of potential longer term futures for Milton Keynes, noting the need to ensure flexibility for as yet unknown possibilities; making recommendations to the Council for its consideration in development of its medium and longer term policy framework’;
 - (c) consider the Commission’s report at a dedicated Council meeting at an appropriate time in the next municipal year, where it will be used as the basis for the Council to seek the following outcomes through engagement with the Government and other relevant stakeholders to:

- (i) re-establish Milton Keynes as a project of national importance (as when the city was first designated in 1967);
 - (ii) develop a framework and/or “deal” with Government and other relevant stakeholders that will provide optimal arrangements to deliver the vision for the city’s future; and
 - (iii) fully inform and complement the process for developing key strategies and policies, including the parallel programme of work on Plan:MK (the Council’s spatial plan).
- (d) invite Sir Peter Gregson, Vice Chancellor of Cranfield University, to Chair the Commission and deliver by July 2016 a report and recommendations for the Council to consider;
- (e) ask the Commission to consider a range of possible futures for Milton Keynes through to 2050 and address the following three key questions in order to provide focus to its work:
- (i) what might be the role and significance of Milton Keynes as a place and economy in the region, the UK and more widely including how it relates to other major places, cities and nearby large towns?
 - (ii) what might be the character of Milton Keynes as defined by its people, environment and culture?
 - (iii) what are the opportunities to pursue and challenges to address if we are to compete with other UK and international benchmark cities economically and in quality of life?;
- (f) require that the work of the Commission:
- (i) recognises the unique character of Milton Keynes;
 - (ii) challenges both positive and negative preconceptions about the city, whether held by internal or external stakeholders;
 - (iii) makes provision to test its thinking and emergent recommendations and allow input from the political leaders of the Council;
 - (iv) ensure the process is transparent, with evidence gathering in public and made publicly available, but with deliberations being in a closed environment, with a summary of these deliberations being made publicly available;

- (v) to be responsible for ensuring the engagement and input of the full range of MK residents, communities and Milton Keynes Council Elected Members, especially young people;
- (vi) engages regional (including neighbouring councils), national and international stakeholders and seeks insights from national and international benchmark cities; and
- (vii) is timetabled such that it can formally draw from, complement and inform the work to develop Plan:MK, including the consultation on the Plan:MK Vision and Development Options and feed into the development of the Preferred Options stage.

CL60

LEADER'S EXECUTIVE SCHEME OF DELEGATION

In accordance with Cabinet Procedure Rule 1.2, the Council received the revised Leader's Executive Scheme of Delegation noting the following amendments relating to the Terms of Reference for Procurement and Commissioning which have been made since the Scheme was reported to the June meeting of the Council:

- (a) the membership requirement has been amended to a minimum of three and the quorum being amended to reflect this;
- (b) removing a duplication under the 'Functions' section and adding review periods; and
- (c) unify with the Key Decision Limit the authorisation levels at which officers and Procurement and Commission can agree specifications, invite tenders and award contracts in the Procurement and Financial Scheme of Delegation

THE MAYOR CLOSED THE MEETING AT 11:03 PM