

SUMMONS TO THE MEETING of the MILTON KEYNES COUNCIL

WEDNESDAY 22 NOVEMBER 2017
7.30 PM

COUNCIL CHAMBER

COUNCIL CHAMBER, CIVIC OFFICES CENTRAL MILTON KEYNES



Sharon Bridglalsingh
Service Director (Legal and Democratic Services)

For more information about the meeting please contact Simon Heap on (01908) 252567 or by e-mail simon.heap@milton-keynes.gov.uk

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AGENDA

Item No:

1. Procedure

(a) Apologies

(b) Minutes

To approve, and the Mayor to sign as a correct record, the Minutes of the meeting of the Council held on 18 October 2017 (Item 1(b))
(Pages 8 to 62).

(c) Disclosure of Interests

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

(d) Announcements

To receive any announcements.

2. Public Involvement

(a) Deputations and Petitions

No deputations have been submitted for consideration at this meeting.

Any petitions received will be reported at the meeting.

(b) Questions from Members of the Public

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

3. Business Remaining from Last Meeting

Notice of Motion:

The Ability of Councillors to Scrutinise Officer Decisions

Councillor C Williams - 5 October 2017

- “1. That this Council recognises the legitimate concerns expressed by many Ward Councillors and Town & Parish Councils with regard to the recent Officer decision of the awarding of a contract to an Organisation that is currently under investigation by the Audit department of this Council.
2. That this Council also recognises that there is a clear Constitutional mechanism in place to enable Councillors to scrutinise decisions made by the Cabinet and individual Members thereof. This mechanism is expressed as the ‘Call-In’ procedure.
3. That this Council further recognises that no such Constitutional mechanism exists for Councillors to scrutinise decisions made by Officers.

4. That this Council, therefore, agrees the following:
- (a) That the Constitution Commission of Milton Keynes Council shall present to Full Council at its meeting scheduled for 17 January 2018, a discussion paper for the possible introduction in May 2018 of a Constitutional mechanism by which Councillor may scrutinise decisions taken by Officers. This mechanism should include an equivalent of the 'call-in' procedure.
 - (b) That the Constitution Commission of Milton Keynes Council shall present to Full Council at its meeting scheduled for 17 January 2018, a discussion paper for the possible introduction in May 2018 of the relevant / necessary changes needed to the Constitution of Milton Keynes Council to ensure that no Organisation / Outside Body may be awarded any contract whilst it is under investigation by Milton Keynes Council."

4. Reports from Cabinet and Committees

- (a) Constitution Commission – 4 October 2017
 - (i) Dealing with Amendments to Recommendations and Motions

“That the Council be recommended to adopt the revised approach to dealing with Amendments to Recommendations and Motions as set out in the revised Council Procedure Rule 13.”

A report on this matter is attached at Item 4(a)(i) (**Pages 63 to 69**).

In accordance with Council Procedure Rule 21.2 this recommendation will stand adjourned without discussion to the next ordinary meeting of the Council.
 - (ii) Proposed Constitutional Changes Following Corporate Procurement Peer Review

“That the Council be recommended to amend the sum of £100,000 to £500,000 in the Note to the Key Decision Definition in Article 4 of the Constitution.”

A copy of the report considered by the Constitution Commission is attached at Item 4(a)(ii) (**Pages 70 to 81**).
 - (iii) Disclosable Pecuniary Interests

“That the Council be recommended to amend:

 - (a) Council Procedure Rule 19.5; and
 - (b) Cabinet Procedure Rule 3

so that they clarify the actions to be taken by councillors when disclosing a Disclosable Pecuniary Interest, a personal interests or other conflict of interest, as set out at Item 4(a)(iii) (**Pages 82 to 83**).”

A copy of the report considered by the Constitution Commission is attached at Item 4(a)(iv) (**Pages 84 to 91**).

In accordance with Council Procedure Rule 21.2, the recommendation in as far as this relates to Council Procedure Rule 19.5 will stand adjourned without discussion to the next ordinary meeting of the Council.

(b) Cabinet - 7 November 2017

Making the Woughton Neighbourhood Plan

“That the Council be recommended to make the modified Woughton Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

A copy of the report considered by the Cabinet is attached at Item 4(b) **(Pages 92 to 100)**.

5. Councillors' Matters

(a) Councillors' Questions

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

(b) Notices of Motions:

(i) Regeneration:MK – Reassurance to Residents

Councillor C Wilson - 8 November 2017

“1. That this Council notes that:

- (a) the seven priority Regeneration:MK estates, and the existing residents, are important to the social, economic and cultural fabric of Milton Keynes;
- (b) Regeneration:MK is about more than the built environment, and each regeneration scheme must include social and cultural benefits to each community and current residents in conjunction with any possible physical regeneration;
- (c) Regeneration:MK will improve job opportunities, local amenities and public transport;
- (d) it is essential to the success of Regeneration:MK that the views and wishes of residents are central to how each area will develop its regeneration proposals;
- (e) there is a commitment in the Council Plan 2016 to ensure that the scheme for each priority estate is community-led; and
- (f) Regeneration:MK is supported on a cross party basis by this Council.

2. That this Council further notes that:
 - (a) regeneration in Fullers Slade began on 24 June 2017 and Your:MK has begun consulting residents to co-design regeneration options, and that other priority estates will follow;
 - (b) Your:MK will ensure the final design option(s) brought forward will be financially sustainable and feasible to deliver;
 - (c) despite this engagement and assurances, long lead times and uncertainty has led to anxiety and worry for local residents;
 - (d) information has not always been as readily or easily available to residents or councillors as it could have been and this has caused unnecessary worry and mistrust;
 - (e) some important information required for communities to build trust and confidence in the process is still outstanding; and
 - (f) unless the regeneration process has the trust and confidence of residents it will not succeed, and that more effort is still needed to ensure this trust and confidence is established and maintained.
3. That this Council therefore:
 - (a) reaffirms the commitment made in Council Plan to a referendum of residents in each estate;
 - (b) asks Cabinet to clarify policy, in particular ensuring that the referendum offers residents the final say on any proposals, and consider recommending to Council:
 - (i) that the ballot contains a clear YES or NO option;
 - (ii) that Milton Keynes Council's Electoral Services should conduct the referendum;
 - (iii) that only those on the electoral roll in each regeneration area should be able to vote;
 - (iv) that every effort is made to ensure registration on affected estates is improved before any ballot;
 - (c) calls on Your:MK to make a step change in communication and engagement with residents to improve trust and confidence in the process;
 - (d) asks Cabinet to reaffirm the commitment that existing Council tenants will be offered accommodation at least equal to their current circumstances (in room number), unless they explicitly wish otherwise;

- (e) asks Cabinet to reaffirms the commitment that new social housing will meet Parker Morris space standards;
- (f) asks Your:MK to ensure all information in the public domain is easily accessible and available to residents and that as much information as possible is placed into the public domain;
- (g) asks Your:MK to engage and develop the role of ward councillors and parish councils in the regeneration process; and
- (h) calls on Your:MK to complete the “*detailed policy documents for residents, explaining the process for all tenures, including Compulsory Purchase Orders*” at the earliest opportunity, to clarify the position for owner occupiers, social tenants and private tenants.”

(ii) MK2050 Project Three - Learning 2050

Councillor Crooks - 8 November 2017

“That the Council:

1. notes the re-scoping of MK2050 Project Three - Learning 2050 reported in the Cabinet papers on 7 November 2017;
2. welcomes the exploration to be undertaken as to how Milton Keynes schools can give a greater focus to the STEM subjects - science, technology, engineering and maths - with a view to children and young people developing transferable skills and knowledge;
3. notes that a more detailed scope for this project is to be developed in due course in relation to the STEM subjects, higher education at MK:U and local business opportunities;
4. requests that consideration also be given to preparation for employment sectors in which Milton Keynes has person power shortages including teachers, social and care workers and the health professions; and
5. further requests that the project encompass provision at the further education level with particular regard to apprenticeships.”

6. Appointment of Milton Keynes Development Partnership Board Chairman

The Council is asked to confirm the appointment of Mr Bob Green to the post of Chairman of the Board for Milton Keynes Development Partnership for a 2 year term.

ITEM 1(b)



Minutes of the MILTON KEYNES COUNCIL held on WEDNESDAY 18 OCTOBER 2017 at 7.30 pm

Present: Councillor D Hopkins (Mayor)
Councillors Alexander, Bint, M Bradburn, R Bradburn, Buckley, Burke, Cannon, Clancy, Clifton, Coventry, Crooks, Dransfield, Eastman, Exon, Ferrans, Ganatra, A Geary, Gifford, V Hopkins, Hosking, Jenkins, Khan, Legg, Marland, D McCall, I McCall, McDonald, McKenzie, McLean, McPake, Middleton, Miles, Morris, Nolan, O'Neill, Patey-Smith, Petchey, Small, Walker, Wales, Wallis, Webb, P Williams, C Wilson and K Wilson

Alderman Bristow

Apologies: Councillors Bald, Betteley, Brackenbury, Brunning, Geaney, Gowans, Green, Long, Morla and C Williams and Aldermen Bartlett, Beeley, E Henderson and Howell and Alderwomen Irons, I Henderson, Lloyd and Saunders

Also Present: circa 65 members of the public

CL48 MINUTES

That the Minutes of the meeting of the Council held on 20 September 2017 be approved and signed by the Mayor as a correct record.

CL49 DISCLOSURE OF INTERESTS

Councillor Petchey disclosed a personal interest in item 5(b) 1 (Urban Capacity Study) as a member of Campbell Park Parish Council as the Amendment to the Motion included reference to Springfield which was within the Campbell Park Parish area.

Councillor D McCall declared a personal interest in item 5(b) 3 (Street Homelessness) as an employee of the Winter Night Shelter, a charity working with the homeless.

Councillor P Williams disclosed a personal interest in item 6 (Joint Health Overview and Scrutiny Committee Proposal) as an employee of Luton and Dunstable Hospital.

CL50

ANNOUNCEMENTS

The Mayor announced the death earlier today of Mrs Michaelle Geary, mother of Councillors Andrew and Peter Geary. The Mayor indicated that he would be passing on the Council's sympathy and condolences to Councillors A and P Geary at this sad time.

CL51

QUESTIONS FROM MEMBERS OF THE PUBLIC

- (a) Question from Mr M Galloway to Councillor Gifford (Cabinet member for Place)

Mr Galloway referred to paragraphs 1.19 and 1.20 of the Plan:MK document and the references to Aylesbury Vale District Council's resolution to approve the development of up to 1855 houses at Salden Chase, to which Milton Keynes Council objected, and the possibility of neighbouring authorities approving other developments on the edge of Milton Keynes.

Mr Galloway also pointed out that the draft Plan:MK referred to Memorandums of Understanding apparently agreed with Aylesbury Vale District Council and Central Bedfordshire Council that seemed to imply that this Council had accepted these developments despite, in the case of Salden Chase, the Council objecting to the development.

Mr Galloway ask Councillor Gifford to supply copies of the Memorandums of Understanding, together with details of how they had been agreed and confirmation that these "agreements" had not undermined or prejudiced the position of the Council to make its own decisions, for example, the Council's objection to the Salden Chase development.

Councillor Gifford indicated that the Memorandum of Understanding with Aylesbury Vale District Council and the Strategic Planning Framework with Central Bedfordshire Council had been drawn up, but not yet agreed. The documents were required to demonstrate that all three councils had met their statutory duty to co-operate in preparing their Local Plans. Such documents were routinely drawn up by councils as part of their plan making.

Councillor Gifford pointed out that the Memorandum of Understanding with Aylesbury Vale District Council did not specifically relate to the planning application for residential development at Salden Chase to which the Council objected.

Councillor Gifford confirmed that the Council's objection to the residential development at Salden Chase remained and once the Memorandum of Understanding with Aylesbury Vale District Council and the Strategic Planning Framework with Central Bedfordshire Council had been finalised they would be published.

Mr Galloway, thanked Councillor Gifford for her confirmation that the Council's objection to the Salden Chase development remained and, as a supplementary question, asked Councillor Gifford if the Council, when considering Plan:MK, could delete the reference to the Memorandum of Understanding with Aylesbury Vale District Council as he believed that if the Memorandum did not refer specifically to Salden Chase it should not be referenced.

Councillor Gifford indicated that the Council needed to show that Plan:MK was sound. The Council would of course look at any minor adjustments to the wording it considered necessary.

(b) Questions from Mrs S Kent to Councillor Marland (Leader of the Council)

Mrs Kent, pointing out that Stantonbury residents, had protested in each year since 2014 about the potential disposal of the small green amenity space near their properties, asked Councillor Marland why this site kept coming forward, first in the Site Allocation Plan, then in the Urban Capacity Study, even after assurances given that the site would remain as amenity land.

Councillor Marland explained that the Urban Capacity Study had been produced as part of the Plan:MK process. To demonstrate that Plan:MK was sound it had been necessary to assess each site for its suitability for housing. It was made clear in Plan:MK that the site referred to had been assessed and was not suitable for housing development. If the Council had not undertaken the Urban Capacity Study and had not designated the site as not suitable for housing, the Planning Inspector might have included the site in Plan:MK for development.

Councillor Marland took the opportunity to apologise for the way in which details of the Urban Capacity Study had reached the public domain.

CL52

PLAN:MK

Councillor Jenkins moved the following motion which was seconded by Councillor V Hopkins:

- "1. That this Council notes that:
 - (a) the development of Plan:MK is the single most important document currently being prepared by this Authority;
 - (b) Government is placing pressure on local authorities to produce local plans that are robust, deliverable and have the evidence base to support their content and recommendations;

- (c) areas of land have been included in the latest version of the draft Plan:MK in the south east of Milton Keynes as future housing expansion areas despite the Council's Cabinet publically declaring the need to retain such areas as reserve corridors for much needed future infrastructure, specifically the Oxford – Milton Keynes – Cambridge Expressway;
 - (d) areas of land on the said eastern flank (so called South East Milton Keynes – east of Old Farm Park) have been included despite the Council's Cabinet declaring the need to allow for the impact of the 3500+ dwellings identified in 2004 (2001-2011 Local Plan) – the so called Strategic Land Allocation – and taken forward in the Core Strategy (2013) - be properly assessed before any additional housing sites are identified;
 - (e) so far, despite the urban expansion area being first identified in 2004 only 37 properties in the so called Strategic Land Allocation in and around Wavendon have been developed;
 - (e) in addition, areas of land between Woburn Sands and Old Farm Park and in and around Bow Brickhill have been included despite the Cabinet's previous commitment to a planning moratorium on any additional development in these areas until 2026 and the agreed boundary to development represented by the Bletchley to Bedford branch line;
 - (f) employment land (so called Caldecotte South) has been included as a last minute afterthought without any due process, public consultation or published evidence base;
 - (g) a seven pitch traveller site has been included in the second draft of Plan:MK despite no such proposals being included in the first draft for consultation; and
 - (h) the consultation has been a sham and that decisions have been taken in private session by a so called 'working group' to which members of the public were excluded and from which no minutes or public notes of discussions are available.
2. That the Council therefore calls upon the Council's Cabinet to:
- (a) abandon this fatally flawed second draft Plan:MK and undertake to return to Council in January 2018 with a revised second draft, evidence based and properly prepared for publication and further consultation;

- (b) allow time for a public session of the so called 'working group' to be arranged to allow for members of the public and other members of this authority to attend and present evidence for the various options for housing sites and employment sites under consideration;
 - (c) allow time for a special one off meeting of the Cabinet to facilitate full public debate of what emerges from the working group session;
 - (d) allow time for officers to fully assess the impacts of the Wavendon Properties planning appeal decision and its effects upon future housing planning numbers;
 - (e) allow time for officers to fully assess the impact of recent government changes to the methodology used to calculate future housing need; and
 - (f) Reinstate a planning moratorium on any urban expansion development in the so called South East Milton Keynes area above and beyond what has been already agreed at least until a decision on the route of the Oxford – Milton Keynes – Cambridge Expressway is agreed and published.
3. That this Council notes that it will not be pushed by various vested interests into taking short term housing decisions at the expense of much needed long term infrastructure improvements."

Councillor A Geary moved the following amendment which was seconded by Councillor Walker and accepted by the mover of the motion:

"That all of the words after the word 'therefore' in the introductory sentence to Clause 2 be deleted and replaced with the words 'agrees to'."

The Council heard from three members of the public.

On being put to the vote the motion, as amended was declared lost with 15 councillors voting in favour, 28 councillors voting against and 0 councillors abstaining from voting.

CL53

APPROVAL OF PROPOSED SUBMISSION VERSION OF PLAN:MK

Councillor Marland moved and Councillor Miles seconded 'that in accordance with Council Procedure Rule 21.1, Council Procedure Rule 13.6(c) (Ownership of Motions) be suspended in order that the ownership of the motion remained with the mover of the original motion in respect of this item'.

The procedural motion was agreed by acclamation.

Councillor Gifford (Cabinet member for Place) moved the following recommendation from the meeting of the Cabinet held on 3 October 2017, which was seconded by Councillor Marland:

“That the Council be recommended to publish the Proposed Submission version of Plan:MK, as amended by the Cabinet at its meeting on 3 October 2017, for six weeks’ consultation and then submit Plan:MK to the Secretary of State for Communities and Local Government under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).”

The Mayor moved and the Deputy Mayor seconded ‘that in accordance with Council Procedure Rule 21.1, Council Procedure Rule 13.6(a) (Amendments to Motions) be suspended in order that amendments can be moved in respect of this item’.

The procedural motion was agreed by acclamation.

Councillor O’Neill moved the following amendment which was seconded by Councillor Marland and accepted by the mover of the motion:

“That the Cabinet recommendation be amended by the addition of the words ‘subject to the Submission Version of Plan:MK being amended by the additional changes put forward by the Plan:MK Working Group (Annex A)’”.

Councillor A Geary moved the following amendment which was seconded by Councillor Walker:

“That the following additional clause be added to the recommendation from the Cabinet:

‘That the Council recognising the pledges and assurances given by Cabinet of a Planning Moratorium in South East Milton Keynes, reaffirms its commitment to such and agrees that any proposed buffer included in this area will not be brought forward before 2026, so allowing the routes of the Oxford - Milton Keynes - Cambridge Expressway and East - West rail to be determined and housing planned strategically around them.’”

On being put to the vote the amendment was declared lost with 16 councillors voting in favour, 30 councillors voting against and 0 councillors abstaining from voting.

Councillor A Geary moved the following amendment which was seconded by Councillor Walker and accepted by the mover of the motion:

“That the words ‘this figure will be dependent on the amount of land which would be available should the Oxford - Milton Keynes - Cambridge Expressway route impact upon this site’ be deleted from the second sentence of Paragraph 4.17 on page 5 of the ‘Additional Changes put Forward by the Plan:MK Working Group’ and replaced with the words ‘with the aspiration and desire to actively encourage the inclusion and facilitation of the Oxford - Milton Keynes -

Cambridge Expressway, which will provide a much needed infrastructure upgrade for both local residents and the regional economy, Plan:MK recognises that the figure of 9.7% could be reduced depending upon the outcome of future decisions on the alignment of the Oxford - Milton Keynes - Cambridge Expressway’.”

Councillor Ferrans moved the following amendment which was seconded by Councillor Crooks and accepted by the mover of the motion:

“That the following additional clauses be added to the recommendation from the Cabinet:

- ‘1. That this Council notes with concern that legislation, in particular the viability test, prevents the Council requiring the % of affordable housing that the Strategic Housing Market Assessment indicates is needed in Plan:MK.
2. That the Council also notes that some developers on some sites are able, and in some cases proactively willing, to offer more.
3. That the Council therefore amends the proposed Submission version of Plan:MK, Paragraphs A and C (as corrected by Cabinet) of Policy HN2, and item 11 of table 24 (Monitoring framework) to substitute “at least 31%” instead of “31%”.”

Councillor Ferrans moved the following amendment which was seconded by Councillor Crooks:

“That the following additional clauses be added to the recommendation from the Cabinet:

- ‘1. That the Council notes that while endorsing the submission version of Plan:MK together with such amendments as are approved at this meeting, it remains concerned that Government restrictions on planning law prevent the Council planning formally for the number of affordable homes actually required.
2. That Council notes that the numbers requiring affordable housing are continuing to rise, so that the reality is that more affordable accommodation than the plan requirement will, in practice, be needed unless there are radical changes in legislation.
3. That the Council therefore welcomes the initiatives already outlined by the Administration and calls on Cabinet to continue to progress all avenues available to it to encourage developers, and to use Council and Milton Keynes Development Partnership land, to increase the supply of affordable housing beyond the requirements in Plan:MK.

4. That the Council requests the Chief Executive to write again to the Department for Communities and Local Government drawing attention to the restricting effect that current legislation, particularly the “one-size-fits-all” nature of the viability test, and current restrictions on Council borrowing for council housing, are having on the Council’s ability to meet known demand in this area, and urging the Government to reconsider its policies in relation to planning and financing affordable housing.
5. The Council requests the Chief Executive to write to our MPs to ask for their support in this matter, and to relay their response back to Councillors.”

On being put to the vote the amendment was declared carried with 30 councillors voting in favour, 16 councillors voting against and 0 councillors abstaining from voting.

Councillor Ferrans moved the following amendment which was seconded by Councillor Crooks and accepted by the mover of the motion:

“That the following additional clauses be added to the recommendation from the Cabinet:

- ‘1. That this Council notes the Government’s project to build an expressway through the Oxford - Cambridge Arc, and welcomes and endorses Plan:MK’s wish to exploit Milton Keynes’ central position in this arc for the benefit of our residents.
2. That the Council notes with concern that other authorities are now actively exploring routes for the expressway through the surrounding area and that there is therefore a danger that a route will be chosen that does not bring the maximum benefit to Milton Keynes.
3. That the Council therefore calls on the Cabinet to step up work assessing possible routes for both the expressway and the links between it and the existing strategic highway network and railways in and close to Milton Keynes Borough with options given to, and input from, the Plan:MK Working Group, which advises the Cabinet Member for Place, and bring forward a desired route as quickly as possible.”

Councillor Ferrans moved the following amendment which was seconded by Councillor Crooks and accepted by the mover of the motion:

“That the following additional clause be added to the recommendation from the Cabinet:

‘That this Council notes that the logic for Policy L7 on the siting of noisy sports is incorrect, and amends it to:

“Planning permission will only be permitted for noisy sports provided there is no unacceptable disturbance to farm livestock and wildlife and where:

- (a) the ambient noise level of the area is already high, and the noise generated by the new activity will not be dominant; and/or
- (b) the noise experienced at nearby noise sensitive development, or public rights of way and other areas of informal countryside recreation would not be significantly increased; and/or
- (c) there is a need to facilitate sports to ensure that people have the opportunity to play as part of regularly maintaining a healthy lifestyle and noise levels can be effectively reduced by siting and screening.””

RESOLVED –

1. That the Proposed Submission version of Plan:MK be approved for six weeks’ consultation and then submission to the Secretary of State for Communities and Local Government under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), subject to the Submission Version of Plan:MK being amended by the additional changes put forward by the Plan:MK Working Group (**Annex A**) and the words ‘this figure will be dependent on the amount of land which would be available should the Oxford - Milton Keynes - Cambridge Expressway route impact upon this site’ be deleted from the second sentence of Paragraph 4.17 on page 5 of the ‘Additional Changes put Forward by the Plan:MK Working Group’ and replaced with the words ‘with the aspiration and desire to actively encourage the inclusion and facilitation of the Oxford - Milton Keynes - Cambridge Expressway, which will provide a much needed infrastructure upgrade for both local residents and the regional economy, Plan:MK recognises that the figure of 9.7% could be reduced depending upon the outcome of future decisions on the alignment of the Oxford- Milton Keynes -Cambridge Expressway’.
2. That this Council notes with concern that legislation, in particular the viability test, prevents the Council requiring the % of affordable housing that the Strategic Housing Market Assessment indicates is needed in Plan:MK.
3. That the Council also notes that some developers on some sites are able, and in some cases proactively willing, to offer more.
4. That the Council therefore amends the proposed Submission version of Plan:MK, Paragraphs A and C (as corrected by Cabinet) of Policy HN2, and item 11 of table 24 (Monitoring framework) to substitute “at least 31%” instead of “31%”.

5. That the Council notes that while endorsing the submission version of Plan:MK together with such amendments as are approved at this meeting, it remains concerned that Government restrictions on planning law prevent the Council planning formally for the number of affordable homes actually required.
6. That Council notes that the numbers requiring affordable housing are continuing to rise, so that the reality is that more affordable accommodation than the plan requirement will, in practice, be needed unless there are radical changes in legislation.
7. That the Council therefore welcomes the initiatives already outlined by the Administration and calls on Cabinet to continue to progress all avenues available to it to encourage developers, and to use Council and Milton Keynes Development Partnership land, to increase the supply of affordable housing beyond the requirements in Plan:MK.
8. That the Council requests the Chief Executive to write again to the Department for Communities and Local Government drawing attention to the restricting effect that current legislation, particularly the "one-size-fits-all" nature of the viability test, and current restrictions on Council borrowing for council housing, are having on the Council's ability to meet known demand in this area, and urging the Government to reconsider its policies in relation to planning and financing affordable housing.
9. That the Council requests the Chief Executive to write to our MPs to ask for their support in this matter, and to relay their response back to Councillors.
10. That this Council notes the Government's project to build an expressway through the Oxford - Cambridge Arc, and welcomes and endorses Plan:MK's wish to exploit Milton Keynes' central position in this arc for the benefit of our residents.
11. That the Council notes with concern that other authorities are now actively exploring routes for the expressway through the surrounding area and that there is therefore a danger that a route will be chosen that does not bring the maximum benefit to Milton Keynes.
12. That the Council therefore calls on the Cabinet to step up work assessing possible routes for both the expressway and the links between it and the existing strategic highway network and railways in and close to Milton Keynes Borough with options given to, and input from, the Plan:MK Working Group, which advises the Cabinet Member for Place, and bring forward a desired route as quickly as possible.

13. That this Council notes that the logic for Policy L7 on the siting of noisy sports is incorrect, and amends it to:

“Planning permission will only be permitted for noisy sports provided there is no unacceptable disturbance to farm livestock and wildlife and where:

- (a) the ambient noise level of the area is already high, and the noise generated by the new activity will not be dominant; and/ or
- (b) the noise experienced at nearby noise sensitive development, or public rights of way and other areas of informal countryside recreation would not be significantly increased; and/ or
- (c) there is a need to facilitate sports to ensure that people have the opportunity to play as part of regularly maintaining a healthy lifestyle and noise levels can be effectively reduced by siting and screening”.

CL54

MAKING OF CASTLETHORPE NEIGHBOURHOOD PLAN

Councillor Gifford (Cabinet member for Place) moved the following recommendation from the meeting of the Cabinet held on 3 October 2017, which was seconded by Councillor Marland:

“That the Council makes the Castlethorpe Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.”

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

RESOLVED –

That the Council makes the Castlethorpe Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

CL55

MAKING OF SHERINGTON NEIGHBOURHOOD PLAN

Councillor Gifford (Cabinet member for Place) moved the following recommendation from the meeting of the Cabinet held on 3 October 2017, which was seconded by Councillor Marland:

“That the Council makes the Sherington Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.”

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

RESOLVED –

That the Council makes the Sherington Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

CL56**PROPOSED HOUSING AND REGENERATION RESTRUCTURE**

Councillor Marland (Leader of the Council) moved the following recommendation from the meeting of the Cabinet held on 3 October 2017, which was seconded by Councillor O'Neill:

“That the funding for the proposed increase to the Housing Staffing establishment of £200k from the Invest to Save reserve in 2017/18 (one-off funding) and an addition to the base revenue budget of £871k from 2018/19 split over two financial years as follows be approved:

- (a) £751,000 in 2018/19; and
- (b) £120,000 in 2019/20.”

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

RESOLVED -

That the funding for the proposed increase to the Housing Staffing establishment of £200k from the Invest to Save reserve in 2017/18 (one-off funding) and an addition to the base revenue budget of £871k from 2018/19 split over two financial years as follows be approved:

- (a) £751,000 in 2018/19; and
- (b) £120,000 in 2019/20.

CL57**COUNCILLORS' QUESTIONS**

- (a) Question from Councillor Eastman to Councillor Marland (Leader of the Council)

Councillor Eastman asked Councillor Marland what he thought about Jeremy Corbyn's recent defeat of the Government in a vote on Universal Credit.

Councillor Marland indicated that he understood that Universal Credit was to be rolled out in the near future as part of the NHS computer spine. He believed the real issue was that people would be made to wait for up to six weeks which could put them into debt and place them at serious risk of ongoing debt and becoming homeless. The Government should listen to Parliament.

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

Councillor Bint asked Councillor Marland for a briefing paper on why parking sensors were being installed in some parking spaces, specifically:

- (i) what was the scope of the scheme;
- (ii) which parking spaces had been picked and why;
- (iii) what the decision making process was; and

- (iv) why a parking space allocated for the exclusive use of a single household had been included.

Councillor Marland indicated that the survey had been brought forward under the Smart City Programme and he would arrange for a written reply to be given.

- (c) Question from Councillor Walker to Councillor Marland (Leader of the Council)

Councillor Walker asked Councillor Marland what conversations he had been having in recent months with neighbouring authorities, particularly in this region, on matters such as transport, housing, infrastructure and strategic regional planning.

Councillor Marland indicated that discussions were on going with all neighbouring authorities in Buckinghamshire, Cambridgeshire, Northamptonshire and Oxfordshire regarding the England's Economic Heartland Strategic Partnership. Discussions had also been on going with the Central Area Authorities which were Northamptonshire, the four unitary authorities and the districts in Buckinghamshire on how to progress the National Infrastructure Commission's and the Department for Communities and Local Government's work.

Councillor Marland also indicated that the Acting Director of Policy, Insight and Communications had prepared a briefing note that was discussed briefly by Group Leaders earlier this week.

Councillor Marland offered both Councillor Walker and Councillor A Geary a meeting to discuss further.

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

Councillor Dransfield asked Councillor Marland if, when the Council was holding its meetings at the Church of Christ the Cornerstone, he had noticed the number of rats running wild.

Councillor Marland indicated that he had and he was aware of the problem. As part of the Business Improvement District there was to be a 'Deep Clean' of the area. A survey would also be undertaken of which areas in the city centre had the biggest rat problem and it was intended that the rats in those areas would be humanely disposed of.

Councillor Dransfield, noting that the rat problem was not confined to the area around the Church and was across the city centre, even extending into his Ward of Loughton, suggested that previous Labour administrations had been reluctant to address such problems. As a supplementary question Councillor Dransfield asked Councillor Marland if he would commit to clearing up what was a dangerous situation,

particularly for young children.

Councillor Marland indicated that pest extermination had not been a statutory responsibility for the Council for some time, but he was happy to provide statistics on the number of rats caught.

Councillor Marland outlined that it had been a Conservative Administration, of which Councillor Dransfield had been part, which imposed the original cuts on the pest control service. However, the cuts to the service had been as a consequence of the reduction in funds available to the Council. The Council had already reduced its budget by £130m and faced increasing pressures from amongst other things, homelessness, adult social care and children's care. To meet the reductions in income and the increasing pressures other services had to be reduced or cut altogether.

Councillor Marland suggested that Councillor Dransfield should write to the Prime Minister for an explanation of why she believes the cuts are necessary.

CL58 URBAN CAPACITY STUDY

Councillor Walker moved the following motion which was seconded by Councillor McDonald:

“That this Council:

1. notes with concern the recent Urban Capacity Study which unhelpfully raises again the concept of development on many green open spaces within the built up environment of Milton Keynes;
2. recalls the decision of Council and Delegated Decision on 25 March 2015 and 23 June 2015 to not include numerous sites of significant recreational and amenity value to local residents;
3. notes and reaffirms this Council's commitment to the values and principles of Milton Keynes including the preservation of green open spaces which was one of the original founding principles of the New City and which remains one of its Unique Selling Points;
4. calls upon the Cabinet as the Executive Arm of this Council to urgently confirm its commitment to the decision of Council as mentioned in point 2 above and for the Leader of the Council to reassure Council that the details of the Urban Capacity Study will not be taken forward in any form as an option for Strategic Development; and
5. asks Cabinet to voluntarily register, the two sites in Woolstone (UCS072 and UCS073), one site in Springfield (UCS074), one site in Stantonbury (UCS100) and one site in Bletchley (UCS107) as Village Greens under the Commons Act 2006

section 15(8) bearing in mind the re-assurance that the Leader gave at Full Council on 21 June 2017 in respect of the Woolstone and Springfield sites and previous Cabinet member assurances in respect of the sites in Bletchley and Stantonbury.”

Councillor Ferrans moved the following amendment which was seconded by Councillor I McCall and accepted by the mover of the motion:

- “1. That in clause 1 of the motion the words ‘the recent Urban Capacity Study which unhelpfully raises again the concept of development on many green open spaces within the built up environment of Milton Keynes’ be deleted and replaced with ‘both the content and process for the recent Urban Capacity Study which:
 - (a) was published without any reference to the Plan:MK Working Group;
 - (b) assessed many green open spaces within the built up environment of Milton Keynes as developable, ignoring responses to the previous consultation and more recent use of the sites; and
 - (c) caused alarm by suggesting development on current sheltered housing sites such as Springfield Court.and the clause renumbered 3.
2. That in clause 2 of the motion the words ‘responses from residents to the previous consultations on some of these sites and the’ be added after the word ‘the’ and the words ‘not exclude numerous’ be replaced by the words ‘exclude the’.
3. That in clause 3 the words ‘notes and’ be deleted, the words ‘in its 50th year be added after the word ‘Keynes’, the words ‘supporting expansion in line with housing need and’ be added after the word ‘including’, all of the words after the word ‘spaces’ be deleted and the clause renumbered 1.
4. That in clause 4 all of the words after ‘the’ in the second line be replaced by the words ‘removal of all of these sites from development’ and the clause renumbered 9.
5. That in clause 5 the word ‘asks’ be replaced by the words ‘calls on the’, the word voluntary be replaced by the words ‘apply to’, the words ‘and the play area and buffer space of the Springfield Boulevard 1 Site (UCS075) be added after ‘(UCS107), all of the words after ‘15(8)’ be deleted and the clause renumbered 11.

6. That the following clauses be added:
 - '4 affirms the role of locally led consultation and decision-making on when sites should be considered for either development or additional protections, primarily through the neighbourhood planning process;
 - 5 reaffirms its commitment to saving five of the spaces, and part of the sixth, namely the two sites in Woolstone (UCS072 and UCS073), one site in Springfield (UCS074), one site in Stantonbury (UCS100) and one site in Bletchley (UCS107) and the land incorporating the popular play area from the Springfield 1 site (UCS075);
 6. welcomes the decision not to include five of these sites as housing sites in the proposed submission version of Plan:MK;
 7. welcomes the reassurance that the Leader gave at Full Council on 21 June 2017 in respect of the Woolstone and two Springfield sites and previous Cabinet member assurances in respect of the remaining sites;
 8. regrets the decision of Campbell Park Parish Council to propose the whole of the Springfield Boulevard 1 site for development, contradicting both their own proposed Neighbourhood Plan policies and those of Milton Keynes Council;
 10. calls upon Campbell Park Parish Council to modify the boundaries of the proposed developable area at Springfield Boulevard 1 (UCS075) to exclude the play area and its surrounding buffer space; and”

The Council heard from two members of the public.

On being put to the vote the motion, as amended was declared carried with 27 councillors voting in favour, 0 councillors voting against and 19 councillors abstaining from voting.

RESOLVED –

That this Council:

1. reaffirms this Council's commitment to the values and principles of Milton Keynes in its 50th year including supporting expansion in line with housing need and the preservation of green open spaces;
2. recalls the responses from residents to the previous consultations on some of these sites and the decision of Council and Delegated Decision on 25 March 2015 and 23 June 2015 to exclude the sites of significant recreational and amenity value to local residents;

3. notes with concern both the content and process for the recent Urban Capacity Study which:
 - (a) was published without any reference to the Plan:MK Working Group;
 - (b) assessed many green open spaces within the built up environment of Milton Keynes as developable, ignoring responses to the previous consultation and more recent use of the sites; and
 - (c) caused alarm by suggesting development on current sheltered housing sites such as Springfield Court;
4. affirms the role of locally led consultation and decision-making on when sites should be considered for either development or additional protections, primarily through the neighbourhood planning process;
5. reaffirms its commitment to saving five of the spaces, and part of the sixth, namely the two sites in Woolstone (UCS072 and UCS073), one site in Springfield (UCS074), one site in Stantonbury (UCS100) and one site in Bletchley (UCS107) and the land incorporating the popular play area from the Springfield 1 site (UCS075);
6. welcomes the decision not to include five of these sites as housing sites in the proposed submission version of Plan:MK;
7. welcomes the reassurance that the Leader gave at Full Council on 21 June 2017 in respect of the Woolstone and two Springfield sites and previous Cabinet member assurances in respect of the remaining sites;
8. regrets the decision of Campbell Park Parish Council to propose the whole of the Springfield Boulevard 1 site for development, contradicting both their own proposed Neighbourhood Plan policies and those of Milton Keynes Council;
9. calls upon the Cabinet as the Executive Arm of this Council to urgently confirm its commitment to the removal of all of these sites from development;
10. calls upon Campbell Park Parish Council to modify the boundaries of the proposed developable area at Springfield Boulevard 1 (UCS075) to exclude the play area and its surrounding buffer space; and
11. calls on the Cabinet to apply to register, the two sites in Woolstone (UCS072 and UCS073), one site in Springfield (UCS074), one site in Stantonbury (UCS100) and one site in Bletchley (UCS107) and the play area and buffer space of the Springfield Boulevard 1 Site (UCS075) as Village Greens under the Commons Act 2006 section 15(8).

CL59 REGENERATION:MK

With the consent of the Council, Councillor C Wilson withdrew the motion.

CL60 STREET HOMELESSNESS

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

- “1. That this Council:
 - (a) notes that homelessness of all types is a significant problem in Milton Keynes;
 - (b) believes it is a basic human right to have a safe place to sleep at night; and
 - (c) notes that austerity cuts to welfare, reductions to funding for services that support people, and a lack of social housing supply has increased the problem of homelessness locally and nationally.
2. That this Council further notes the statement given to Cabinet on Tuesday 3 October 2017 by the Leader of the Council regarding the provision of services to street homeless people in Milton Keynes.
3. That this Council therefore:
 - (a) supports the wish to provide at least 30 emergency accommodation places this winter from one-off funds, and the ongoing Roughsleeping Strategy consultation and Budget Scrutiny which will identify if a base pressure provision in future years is required;
 - (b) supports the expansion of the Outreach service, but notes that the money provided by Central Government for the service is not ongoing after 2019;
 - (c) supports working with partners to establish a service provision specification for street homeless people with high needs, and to submit a funding request to Central Government;
 - (d) supports undertaking work to offer street homeless people training or employment, and encouraging businesses and partners to do so;
 - (e) supports in principle establishing an easy way for the public to donate to homeless charities and end cash begging in Milton Keynes;
 - (f) calls on the Cabinet to implement the outlined street homelessness services as quickly as possible;
 - (g) calls on our Members of Parliament to support the submission to Central Government for the High Needs Street Homeless Support Services; and

- (h) calls on the Government to properly fund homelessness services, lift the Housing Revenue Account limit to allow social housing to be built at the levels required, and fund all public services properly ending austerity policies that are the root cause of homelessness.”

Councillor Ganatra moved the following amendment which was seconded by Councillor Jenkins:

“That the following new Clauses 2 and 3 be added to the motion and the remaining Clauses renumbered:

- ‘2. That Council further notes, notwithstanding these difficulties, that the Labour Administration:
 - (a) chose to remove funding from third party providers of hostels for the street homeless in the first 2 years of its administration;
 - (b) wasted this money, and considerably more, on substandard expensive Bed and Breakfast accommodation, casting aside better solutions;
 - (c) removed funding for homelessness prevention;
 - (e) failed to bid for Government funds earmarked for councils to provide accommodation and support for homeless people, especially street homeless;
 - (e) whilst this was happening, embarked on the practice of building up considerable reserves, from tax payers money, in the housing revenue account and the general fund; and
 - (f) allowed considerable suffering by homeless people on a large and growing scale whilst building up these reserves, preferring to blame Central Government for all the Administration’s woes.
- 3. That the Council welcomes the proposed investment in the restructure of the Housing and Regeneration Teams elsewhere on this agenda, but puts on record that this has come too late and that it exposes the ineptitude of the Labour Administration.”

On being put to the vote the amendment was declared lost with 13 councillors voting in favour, 28 councillors voting against and 0 councillors abstaining from voting.

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

RESOLVED –

1. That this Council:
 - (a) notes that homelessness of all types is a significant problem in Milton Keynes;
 - (b) believes it is a basic human right to have a safe place to sleep at night; and
 - (c) That austerity cuts to welfare, reductions to funding for services that support people, and a lack of social housing supply has increased the problem of homelessness locally and nationally.
2. That this Council further notes the statement given to Cabinet on Tuesday 3 October 2017 by the Leader of the Council regarding the provision of services to street homeless people in Milton Keynes.
3. That this Council therefore:
 - (a) supports the wish to provide at least 30 emergency accommodation places this winter from one-off funds, and the ongoing Roughsleeping Strategy consultation and Budget Scrutiny which will identify if a base pressure provision in future years is required;
 - (b) supports the expansion of the Outreach service, but notes that the money provided by Central Government for the service is not ongoing after 2019;
 - (c) supports working with partners to establish a service provision specification for street homeless people with high needs, and to submit a funding request to Central Government;
 - (d) supports undertaking work to offer street homeless people training or employment, and encouraging businesses and partners to do so;
 - (e) supports in principle establishing an easy way for the public to donate to homeless charities and end cash begging in Milton Keynes;
 - (f) calls on the Cabinet to implement the outlined street homelessness services as quickly as possible;
 - (g) calls on our Members of Parliament to support the submission to Central Government for the High Needs Street Homeless Support Services; and
 - (h) calls on the Government to properly fund homelessness services, lift the Housing Revenue Account limit to allow social housing to be built at the levels required, and fund all public services properly ending austerity policies that are the root cause of homelessness.

CL61 THE ABILITY OF COUNCILLORS TO SCRUTINISE OFFICER DECISIONS

In accordance with Council Procedure Rule 11.2 the Council noted that Councillor C Williams had given notice of his intention to move the motion at the meeting of the Council to be held on 22 November 2017.

CL62 JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE PROPOSAL

Councillor Jenkins moved the following motion which was seconded by Councillor R Bradburn:

- “1. That the establishment of a Joint Health Overview and Scrutiny Committee (discretionary Joint Health Overview and Scrutiny Committee with statutory scrutiny powers) to scrutinise the Sustainable and Transformation Partnership for Bedford, Bedfordshire, Luton and Milton Keynes be approved.
2. That the model Joint Health Overview and Scrutiny Committee Terms of Reference (Annex B) be approved.
3. That the Chief Executive be delegated authority to approve any variations to the Terms of Reference following further discussion with the other constituent authorities, subject to consultation with the Group Leaders in respect of any proposed significant variations.
4. That the requirement for the Joint Committee to be politically proportionate across the constituent authorities be waived.
5. That Councillors R Bradburn, Coventry and Jenkins be appointed to represent the Council on the Joint Health Overview and Scrutiny Committee.
6. That substitutes for the appointed representatives be agreed at a future meeting of the Council”.

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

RESOLVED -

1. That the establishment of a Joint Health Overview and Scrutiny Committee (discretionary Joint Health Overview and Scrutiny Committee with statutory scrutiny powers) to scrutinise the Sustainable and Transformation Partnership for Bedford, Bedfordshire, Luton and Milton Keynes be approved.
2. That the model Joint Health Overview and Scrutiny Committee Terms of Reference (**Annex B**) be approved.
3. That the Chief Executive be delegated authority to approve any variations to the Terms of Reference following further discussion with the other constituent authorities, subject to consultation with the Group Leaders in respect of any proposed significant variations.

4. That the requirement for the Joint Committee to be politically proportionate across the constituent authorities be waived.
5. That Councillors R Bradburn, Coventry and Jenkins be appointed to represent the Council on the Joint Health Overview and Scrutiny Committee.
6. That substitutes for the appointed representatives be agreed at a future meeting of the Council.

CL63

MEMBERSHIP OF COMMITTEES

The Mayor moved and the Deputy Mayor seconded:

“That the appointment of Councillor Bald to replace Councillor McLean on the Budget Scrutiny Committee and the appointment of Councillor Morris to replace Councillor McDonald on the Health and Adult Social Care Committee be confirmed.”

On being put to the vote the motion was declared carried by acclamation.

RESOLVED –

That the appointment of Councillor Bald to replace Councillor McLean on the Budget Scrutiny Committee and the appointment of Councillor Morris to replace Councillor McDonald on the Health and Adult Social Care Committee be confirmed.

CL64

WARD BASED BUDGETS 2017/18

The Council noted that for the period 1 April 2017 to 30 September 2017, applications totalling £7,095 had been approved.

THE MAYOR CLOSED THE MEETING AT 10:39 PM

**ADDENDUM TO ITEM 4: APPROVAL OF PROPOSED SUBMISSION VERSION OF PLAN:MK FOR COUNCIL MEETING
WEDNESDAY 18 OCTOBER 2017.**

Introduction

This schedule comprises changes proposed to correct errors and omissions which have come to light since Cabinet approved the Proposed Submission Version of Plan:MK on Tuesday 3 October.

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
New Paragraph 4.3	To read as follows: “The Council however recognises that given previous records of under-delivery of housing, particularly in relation to the provision of affordable housing, simply providing enough land to meet the OAN may result in a plan that is not effective in meeting its needs over the plan period.”	To clarify the Council’s reasons for overproviding on the OAN.
Paragraph 4.3	Amend text to read as follows (changes and additions in red and underlined): “The Council’s housing target for Plan:MK is therefore to set the OAN as a minimum target, delivering a total of at least 26,500 dwellings between 2016 and 2031, whilst <u>also allocating enough land to provide a buffer of approximately 10%.</u> ”	To explicitly outline the Council’s intention to overprovide on its housing need so as to ensure the plan effectively meets the needs of the Borough.

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
Paragraph 4.4	<p><u>However, to ensure that Plan:MK is positively prepared and effective in meeting the needs of the Borough over the plan period, the plan allocates sufficient land for approximately 29,000 dwellings, thus providing a land supply buffer above the OAN of approximately 9.7%.”</u></p> <p>Amend text to read as follows (changes and additions in red and underlined):</p> <p>This approach will <u>help allow</u> the Council to comfortably deliver the dwellings to house the natural growth of the Borough's population and those who choose to move to the area, <u>but whilst</u> also providing <u>enough sites to enable delivery of the majority of</u> the affordable housing need of the Borough over the plan period, <u>as identified in the SHMA. Furthermore,</u> it assists in balancing housing and job provision across the Borough, and provides flexibility in the supply of land to ensure the OAN is met even in the event of deliverability issues on certain sites.</p>	To clarify the Council's reasons for overproviding on the OAN.
Paragraph 4.6	<p>Amend text to read as follows (changes and additions in red and underlined):</p>	To clarify the land supply position with regard to the provision of a buffer.

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
	<p>“The strategy for the distribution of development within the Borough and the allocation of sites <u>to ensure Plan:MK is an effective plan which meets</u> the established housing need and provides a <u>suitable land supply buffer 40%</u>, has been informed by the components of the Borough’s existing land supply. This information has enabled a calculation to be made of the amount of development for which new land allocations will need to be provided for.”</p>	
Paragraph 4.7	<p>Amend text to read as follows (changes and additions in red):</p> <p>“Taking into account the above, and in addition to sources of supply listed, there is a need for sites, to deliver a minimum of 4,650 additional dwellings, to be identified over the plan period, so as to meet the OAN. To provide <u>a-10% the required land supply</u> buffer, <u>in the region of 10% above the OAN</u>, sites for a further 2,650 dwellings <u>would-be are also</u> required.”</p>	To clarify the land supply position with regard to the provision of a buffer.
Paragraph 4.9	<p>Amend text to read as follows (changes and additions in red and underlined):</p> <p>“Whilst a range of potential growth options</p>	To clarify the land requirement to provide for a buffer above the OAN.

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
	<p>were assessed during the preparation of Plan:MK, the majority of which were also consulted on as part of the Strategic Development Directions Consultation (2016) and the Draft Plan:MK Consultation (2017), the number of dwellings which could be delivered within the existing urban area, as evidenced within the updated SHLAA (2017), <u>provided the starting point for providing the housing needed. limited the need for further significant growth beyond the existing urban area within the plan period.</u></p> <p><u>Whilst sites within the existing urban area, identified by the SHLAA, and the continuation of a windfall allowance across the plan period can provide approximately 4,230 dwellings, this is not sufficient to meet either the OAN or the required land supply buffer necessary to make Plan:MK an effective plan.</u></p> <p><u>To provide the 3,000 dwellings additionally required, Plan:MK has allocated a site to the south-east of the existing urban area.”</u></p>	
Paragraph 4.13	Amend text to read as follows (additions and	Editing error

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
	<p>changes in red and underlined):</p> <p>“(Committed and new sites are outlined within <u>Appendix E the Housing schedule within this plan</u>”).”</p>	
Paragraph 4.17	<p>Amend text to read as follows (additions and changes in red and underlined):</p> <p><u>“With the requirement to provide enough land to meet the OAN and provide a land supply buffer to enable the plan to be effective. Plan:MK is therefore allocates land in this area to provide a total of 3,000 dwellings. This enables the provision of a land supply buffer of approximately 9.7%. However, this figure will be dependent on the amount of land which would be available should the Oxford-Milton Keynes-Cambridge Expressway route impact upon this site.”</u></p>	To clarify the reasoning for allocation of the full SEMK site.
Policy DS2	<p>Amend text in first paragraph to read as follows (changes and additions in red and underlined):</p> <p>“Plan:MK will deliver a minimum of <u>29,000</u> <u>26,500</u> dwellings across the Borough of Milton Keynes”</p>	Editing error

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
Policy DS2	<p>Insert new bullet point below “The continued development of Central Milton Keynes including the Campbell Park residential area,” to read:</p> <p><u>“The completion of existing commitments as outlined in Appendix E.”</u></p>	To clarify the role of existing commitments within the Housing Strategy.
Table 4.3	In “Overall Housing Target” within Row 1, replace “29,000 dwellings” with “26,500 dwellings” .	Editing error
Policy SD1	<p>Insert new criterion 19:</p> <p><u>“Development should result in a net gain in biodiversity.”</u></p>	To remedy an omission
New para 5.20	<p><u>“With regard to movement within and to/from any Strategic Urban Extension, the Council will seek a range of mitigation measures both within and beyond the site to avoid creating any severe impacts on the highway and to support smart, shared and sustainable mobility in line with Strategic Objective 12 of the plan. Such measures may consist of traditional highway upgrades or the delivery of infrastructure and/or funding to support alternative measures.</u></p>	Provide clarity to supporting text of Policy SD11 and strengthen the linkages with Mobility Strategy

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
Paragraph 5.24	<p>such as <u>Mass Transit solutions. The choice of measures should be in accordance with the Council's Mobility Strategy and Local Investment Plan.</u>"</p> <p>Insert new text in red and underlined as follows:</p> <p><u>"Because the Council wishes to encourage economic growth, prosperity and job creation within the Oxford – Cambridge arc,</u> it will work with developers and relevant infrastructure providers to determine the timing and phasing of this housing delivery over the plan period taking into account the ongoing infrastructure planning being undertaken by other agencies in respect of East West Rail and the Oxford to Cambridge Expressway proposals. Due to the close relationship between this development area and the East-West Rail line, the Council will work with developers and infrastructure providers to prepare a development framework which maximises the opportunities for sustainable travel. The principal vehicular access to the site should be sought via an extended</p>	<p>In response to a request from the Councillor Working Group and to correct a typographical error.</p>

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
Policy SD13	<p>H10 Grid Road that is delivered ahead of occupation of new housing within the site.”</p> <p>Insert additional text following “<i>the needs of Milton Keynes up to 2031 and beyond.</i>”</p> <p><u>“Planning permission for housing and associated uses will not be permitted until 2019/20, once the detailed alignment of the Cambridge-Milton Keynes-Oxford Expressway is known.”</u></p>	To ensure the site is not brought forward until the full impact and land take of the expressway is clarified.
Site plan illustrating Caldecotte South site accompanying Policy SD16	Reinstate site plan	Site plan was inadvertently omitted from Plan:MK.
Explanatory text for new Policy SD18 (Campbell Park)	<p>Insert explanatory text for new Policy SD18:</p> <p><u>“The Campbell Park grid square is located between H5 Portway, H6 Childs Way, V8 Marlborough Street and the Grand Union canal. Within this area, over the period of this plan, land between H5 Portway and Silbury Boulevard and land between Avebury Boulevard and H6 Childs Way will be developed for new housing together with other facilities normally found within a</u></p>	Production of a separate policy for Campbell Park to provide certainty and clarity for planning in the Campbell Park area.

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
	<p><u>residential area. If planning permission 17/00967/OUTEIS is implemented, a new pedestrian and cycle bridge over the Grand Union canal will connect Campbell Park to a new marina and pub proposed in Newlands.</u></p> <p><u>Located at the centre of Milton Keynes, the park area of Campbell Park has a mix of formal gardens, water features, woodland and open pasture. It is the largest park within the city centre and one of the city's greatest assets hosting many of Milton Keynes' major festivals and events. To encourage more people to visit the park, where opportunities arise, the Council will seek to improve links to the park from the surrounding area. Planning applications which could affect the setting of the park will be assessed for their impact."</u></p>	
New Policy SD18 for Campbell Park	<p>Insert new policy after Policy SD17 for Campbell Park as follows:</p> <p><u>"POLICY SD18 CAMPBELL PARK</u></p> <p><u>Development within Campbell Park must accord with the following principles.</u></p>	<p>Production of a separate policy for Campbell Park to provide certainty and clarity for planning in the Campbell Park area.</p> <p>As a consequence of having a new policy for Campbell Park, Policy SD2 will need to be amended to delete references</p>

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
	<p><u>Residential development should be designed:</u></p> <ol style="list-style-type: none"> 1. <u>To provide a range of well-designed good quality living environments</u> 2. <u>To be flexible and adaptable meeting a range of needs including those of older people, young professionals and families.</u> <p><u>The role of Campbell Park as the main city centre park will be maintained and links to the park will be improved where opportunities arise. The impact of development proposals on the setting of the park will be considered in the determination of planning applications for those proposals."</u></p>	to Campbell Park.
Explanatory text for new Policy SD19 (Central Bletchley Urban Design Framework)	<p>Insert explanatory text for new Policy SD19:</p> <p><u>"The area covered by the Central Bletchley Urban Design Framework is shown on the adopted Policies Map. Central Bletchley has suffered from a lack of investment over the past decade with the Bletchley Leisure Centre being the only significant development built during this period. A</u></p>	

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
	<p><u>public realm improvement scheme (Fixing the Links) has been completed and has helped to improve the quality and legibility of the pedestrian connections between Bletchley Railway Station and the Town Centre. Planning permission has also been granted for a high density residential development to the north of Stephenson House.</u></p> <p><u>The Council is seeking to deliver transformational regeneration of Central Bletchley over the plan period in conjunction with the proposed delivery of East-West Rail (EWR) services. The key point about EWR is that it will place Bletchley at the intersection of strategic east-west and north-south rail routes linking key centres of economic activity, both within and beyond the South East Midlands Local Enterprise Partnership area. The increased accessibility and connectivity created by EWR will act as a catalyst for new investment in Bletchley.</u></p> <p><u>A significant opportunity for Central Bletchley relates to increasing the density of housing in the area that will in turn increase</u></p>	

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
	<p><u>economic activity and the diversification of retailing opportunities.</u></p> <p><u>Bletchley Town Centre is defined as a Town Centre in the retail hierarchy and Government policy advocates the redevelopment of underutilised brownfield land within Town Centres especially where they can capitalise on proximity to excellent public transport services. Central Bletchley benefits from access to train and bus services and is a key bus interchange. Parking provision will be provided in accordance with Policy CT10”.</u></p>	
<p>New policy SD19 for Central Bletchley Urban Design Framework Area</p>	<p>Insert new policy SD19 Central Bletchley Urban Design Framework after new Policy SD18 as follows:</p> <p><u>“Development within the Central Bletchley Urban Design Framework area will be guided by the following principles:</u></p> <ol style="list-style-type: none"> <u>1. The density of residential development to be 150-250 dwellings per hectare.</u> <u>2. Improved pedestrian connections and legibility.</u> <u>3. Improved public realm.</u> 	<p>Production of a separate policy for Central Bletchley Park to provide certainty and clarity for planning in the area to be covered by a forthcoming Urban Design Framework for Central Bletchley.</p>

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
	<p>4. <u>Refurbishment and /or redevelopment of key sites and buildings.</u></p> <p>5. <u>Exploring options for the early redevelopment of the Police and Fire Station sites.</u></p> <p>6. <u>Exploring the potential of existing infrastructure to help enable and unlock residential-led mixed use development opportunities</u></p> <p>7. <u>Further improve the quality of pedestrian routes to and from Bletchley Station.</u></p> <p>8. <u>Development should not preclude the delivery of an 'eastern entrance' to Bletchley railway station."</u></p>	
Policy HN1, Criteria C.2.a	<p>Amend text to read as follows (changes and additions in red and underlined):</p> <p>"a. Central Milton Keynes <u>(excluding Campbell Park): 150 – 500 dwellings per hectare.</u>"</p>	To improve accuracy and clarity of the policy.
Policy HN2	<p>Amend text to read as follows (changes and additions in red and underlined):</p> <p>"A. Development proposals for 11 or more homes should provide <u>at least 31% and general no more than 50%</u> of those homes</p>	To provide clarity that the 31% is a minimum, subject to further provisions in the policy, and the provision over 50% will not generally be acceptable one the grounds of creating mixed and balanced communities.

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
Para 7.38	<p>as affordable housing.”</p> <p>Amend text to read as follows (changes and additions in red and underlined):</p> <p>“National policy limits the ability of local planning authorities to set policies and targets for fully wheelchair accessible homes to those dwellings where the local authority is responsible for allocation or nominating a person to live in that dwelling. An analysis within the Council’s Strategic Housing Market Assessment indicates that the projected increase in households likely to need wheelchair accessible housing accounts for 5% of the overall housing requirement, and 10% within affordable tenures. This supports setting a 10% target for category M4(3) <u>wheelchair accessible</u> within affordable tenures, as reflected in Policy HN4. In addition, the local planning authority will require 5% of new market dwellings to be <u>capable of being adapted to</u> the wheelchair accessible <u>standard</u> (category M4(3)) to ensure there are opportunities within the housing stock to service these needs. However, due to a general lack of data on this issue, the</p>	To improve the accuracy of the supporting text and clarity of guidance for decision makers with regard to viability of meeting the policy requirements.

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
Policy HN11	<p>demand for wheelchair accessible and adaptable homes may be greater than that presented in the SHMA. Therefore, the requirements set out in Policy HN4 are considered to be the minimum requirement. Where it is considered important to do so, and subject to viability and feasibility, higher percentages may be sought on a case by case approach. <u>Where accepted viability evidence indicates that the M4(3) wheelchair accessible standard would not be viable, taking into account all other obligations being sought, then the Council may accept dwellings designed to the M4(3) wheelchair adaptable standard which does not carry as high a cost.</u></p> <p>Amend criterion A to read as follows (changes and additions in red and underlined):</p> <p>“A. Pitches at the following existing, developed and allocated Traveller sites will be safeguarded:</p> <ul style="list-style-type: none"> • Calverton Lane (12 existing pitches and 4 allocated pitches) • Willen Road (6 existing pitches) 	To clarify the carrying forward of existing allocations, which are yet to be developed, at Calverton Lane and Newton Leys into Plan:MK.

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
	<p><u>Pitches at the following previously allocated sites will be carried forward as allocations and safeguarded in Plan:MK:</u></p> <ul style="list-style-type: none"> ● <u>Calverton Lane (4 allocated pitches)</u> ● <u>Newton Leys (8 allocated pitches)</u> <p><u>To accommodate the full identified need of 19 pitches for the period up to 2031, 7 new pitches will be provided as part of the strategic site in South East Milton Keynes.</u></p> <p>Proposals should be approved for an alternative use of a safeguarded site if an alternative, replacement site has been identified and developed to provide facilities of an equivalent or improved standard (including its location), or if sufficient evidence can be produced to show that there no longer remains a need for the site(s) to be retained for Gypsy and Traveller use.</p> <p>To accommodate the full identified need of 19 pitches for the period up to 2031, 7 new pitches will be provided as part of the strategic site in South East Milton Keynes.</p>	

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
Policy HN11	<p>New Gypsy and Traveller sites, or extensions to an existing lawful site, shall also be safeguarded for such use.”</p> <p>Amend criterion B. viii to read as follows (changes and additions in red and underlined):</p> <p>“viii. The site is not within an Area of Attractive Landscape. The development complies with Plan:MK Policies NE4 and NE5.”</p>	To be consistent with landscape policies within Plan:MK.
Policy EH1	<p>Amend text to read as follows (changes and additions in red and underlined):</p> <p>;</p> <p>“Proposals to upgrade or expand existing schools and promote the development of new schools in locations where additional provision is required will be supported <u>permitted</u> subject to achieving the criteria below.”</p>	To provide clarity on how to interpret the policy.
Revised para 9.20	<p>Amend text to read as follows (changes and additions in red and underlined):</p> <p>“As part of the MK Futures 2050</p>	To improve clarity and remove reference to Cranfield University. Now provided a reference to Business and Development Plan for MK:U.

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
Revised para 9.21	<p>Programme, a Business and Development Plan has now been prepared for the new university in Milton Keynes (further details can be found here: http://mkfutures2050.com/images/pdfs/MKU-brochure-07-06-17-FINAL-reduced.pdf). The intention is that the Council is working with Cranfield University to prepare a business case for the new university, which was completed in spring 2017, with the hope of the first student intake will be in around five years' time."</p> <p>Amend text to read as follows (changes and additions in red and underlined):</p> <p>"It is anticipated that Central Milton Keynes (Site B4) will be allocated for the University site. and Policy EH4 (below) will detail the Council's expectations in terms of spatial or planning-related principles relating to its delivery."</p>	This sentence was removed to reflect the change in policy EH4.
Policy EH4	<p>Replace existing policy text as follows:</p> <p><u>"Planning permission will be granted for a new university campus and, if required, the co-location of MK College. This will include student accommodation and ancillary</u></p>	Text considered as more the vision and ambition hence not a policy – now moved to supporting text and thus policy revised accordingly.

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
Policy EH7	<p><u>facilities, on site B4 in Central Milton Keynes, as shown on the Policies Map.</u></p> <p>Amend text to read as follows (changes and additions in red and underlined):</p> <p>“Milton Keynes Council is committed to reducing health inequalities, increasing life expectancy and improving quality of life of the borough. Permissio <u>Proposals</u> should be designed refused for proposals that are contrary or counterproductive to achieve any of the aspirations below.”</p>	To phrase the policy positively.
Para 9.39	<p>Amend text to read as follows (changes and additions in red and underlined):</p> <p>“In Milton Keynes it is also evident that obesity doubles from Year R to Year 6 therefore, children are starting secondary schools more obese. The Council is currently collaborating with Leap (a not for profit organisation) to improve active lifestyles of around 50,000 people. Although, based on current weight and obesity trends, as detailed above, this adds to the need to limit access to takeaways around secondary schools, but not inclusive (Public Health England; National Child Measurement</p>	Revised paragraph as it was considered too wordy

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
Policy NE1	<p>Programme 2014/15.”</p> <p>Amend text to read as follows (changes and additions in red and underlined):</p> <p>“C. Development proposals which would be likely to harm the biodiversity or geological conservation value of a site of county-wide (MK Wildlife sSites, Wildlife Corridors) or local importance (Local Nature Reserves, Wildlife Corridors, Biological Notification Sites, local wildlife sites) or which serves as a 'biodiversity offset site' will only be permitted where:”</p>	To ensure correct terminology is used in relation to nature designations.
Policy L2	Add the word “or” at the end of criterion i.	To be consistent with the NPPF wording outlined in para 14.23
Policy L3	<p>Move criterion 6 to end of Policy L3 as shown below:</p> <p>“In certain cases, the loss of amenity open space may be acceptable if it is adequately compensated by proposals for improvements to the quality of green infrastructure and appearance of amenity space elsewhere in the locality or the wider Open Space network</p> <p><u>7G</u>. Open space lost will need to be replaced</p>	To be consistent with the existing text in the Local Plan in Policy L2. The wording “in certain cases” also suggests that it is a concluding statement that could override other policy in L3 and therefore needs to be a concluding statement

Policy and/or Paragraph Number	Details of Proposed Changes	Reason for Change
	<p>by equivalent or better following an assessment justifying this need.</p> <p>Change of use of amenity open space will be considered given the availability and accessibility of open space in the surrounding area, based on distances in Appendix A.</p> <p><u>In certain cases, the loss of amenity open space may be acceptable if it is adequately compensated by proposals for improvements to the quality of green infrastructure and appearance of amenity space elsewhere in the locality or the wider Open Space network.</u></p>	
Appendix A	See Annex A below which will replace the existing Appendix A	To reflect changes requested by the Councillor Working Group
Appendix E	Add new column to Table 23.2 to clarify that residential-led mixed use will be acceptable for the CMK sites listed.	To provide clarity on the acceptable uses for sites within CMK.
New Appendix F	List of all existing local shopping centres to be subject to Policy ER10 in Plan:MK	To implement recommendations in the Council's Retail Capacity and Leisure Study 2017.

Annex A

Appendix A: Public Open Space and Recreation Facility Provision

Introduction

The purpose of this table is to identify the required standards of provision for new public open space and recreational facilities as part of new development in Milton Keynes. They should be applied taking into account the current open space provision in Milton Keynes illustrated in the Open Space Categories Maps so as to determine the need for new open space as part of new development.

The provision and standards are only applicable to publicly accessible open space.

The table is divided into 3 sections:

The first section identifies those categories of open space that are normally required(1) in new developments, with their catchments*, characteristics and principles of design

The second section identifies those open space categories that will be required if the existing site already includes features of that category. . Minimum size and catchment area are not however applicable or relevant and hence not specified, rather the table identifies characteristics and principles for their design.

The 3rd section identifies categories that maybe required but will be determined on a case by case basis, again including characteristics and principles for their design.

* Where a catchment distance is indicated, public open space of the required size or larger must be provided within the catchment distance from any home in applicable developments (1). A category of open space of a larger size, including ones with no catchment marked, will be deemed to meet the need for categories of smaller sizes of open space as well, providing it is within the required catchment distance of the homes for these smaller sizes of open spaces.

(1) Developments in the urban area including MK, Newport Pagnell, Olney, Woburn Sands and strategic urban extensions will be expected to comply with the stated catchment areas in full. Developments of between 11 and 50 homes will be expected to contribute to the improvement and maintenance of existing categories of open space.

Categories of Open Space/Facilities	Minimum Size	Catchment Area or Standard (the latter applicable only to playing fields)	Characteristics	Principles
SECTION 1				
District Parks	District Parks – minimum 20ha	1200m	These are spaces that actively attract visitors from a wide catchment, typically further than 10 kilometres. They offer unique or novel experiences that extend visiting time.	<ul style="list-style-type: none"> • Normally would be part of linked network of multi-functional open space • Needs to include a major visitor attraction • Must have very good public transport accessibility • Must have adequate parking
Local Parks	Minimum 1-2ha	600m	Urban parks, rural parks and formal gardens, open to the general public that provide opportunities for various informal recreation and community events. A local park may include	<ul style="list-style-type: none"> • Normally would be part of linked network of multi-functional open space unless local circumstances would justify a standalone local park. • Should, where appropriate, include opportunities for some woodland, natural planting or other wildlife feature to foster

Pocket Parks	Up to 1ha	300-400m	<p>children's play, sitting out areas, landscaped environment, community events area, kickabout area and playing fields if the park is large enough. Local Parks will vary in size, but will be expected to be a minimum of 1-2ha</p>	<p>biodiversity</p> <ul style="list-style-type: none"> • Must be in accessible location and accessible from various locations • Must have very good public transport accessibility • If segregated pedestrian routes provide access to the park they must feel safe and be overlooked • Should have the fronts of housing facing at least 1 side of park • If includes playing fields requires adequate provision of parking • Must include high quality paths on and around the edge of site
			<p>Includes small areas of inviting public space that has an overall coherent landscape design approach and tend to be well integrated into and have a positive relationship with the surrounding development.</p> <p>Provides for informal play and passive recreation</p> <p>Should include seating</p>	<ul style="list-style-type: none"> • Normally would be part of linked network of multi-functional open space unless local circumstances would justify a standalone pocket park. • Should, where appropriate, include opportunities for some woodland, natural planting or other wildlife feature to foster biodiversity • Must be integrated into the surrounding development • Adjacent development must front onto and overlook park • Must be in highly accessible location e.g. should be on key pedestrian route such as redway

Amenity Open Space	Up to 1000m ²	400m	Can include a play areas but they should not take up more than 50% of the park Commonly found in housing areas, they predominantly comprise grass areas. The primary purpose of these spaces is to provide opportunities for informal activities close to home or work as well as visual amenity to help break up the built form Can be used to incorporate on street parking	<ul style="list-style-type: none"> • There should be direct routes leading to pocket park that are safe and overlooked • Should be in accessible locations and integrated into the surrounding development • Should be overlooked by the fronts of housing • To soften the visual impact of on street parking it should, when appropriate, allow opportunities for unallocated visitor parking around the edges of amenity open space
Local Play Areas (LPAs)	0.04ha (excluding 20m separation buffer between activity zone and residential properties)	300m	Includes equipped play areas predominantly those under the age of 8 years close to home. Providing opportunities for play, physical activity and social interaction.	<ul style="list-style-type: none"> • Co-location of the LPAs with linear, district, local or pocket parks is preferable. Unless the co-location is not possible (mostly when parkland is outside the LPAs catchment area) then LPAs could be provided as standalone areas within the development • Activity zone to be at least 20m from residential property boundaries and 30m from roads • Must be easily accessible on key pedestrian routes/redways • There should be direct pedestrian routes/redways leading to play areas that

Neighbourhood Play Areas (NPAs)	0.1 ha (excluding 30m separation buffer between activity zone and residential properties)	600m	Includes equipped play areas, ball courts, skateboard areas and teenage shelters with the primary purpose of providing opportunities for play, physical activity and social interaction involving both children and young people. Can include multi-use game areas (MUGAs). MUGAs are totally enclosed games areas which provide facilities for a range of sports normally 5-a-side football, basketball, netball etc. MUGAs are available for free public use all year round	<p>are safe and overlooked</p> <ul style="list-style-type: none"> To be overlooked by the fronts of housing Mainly for children up to age 8 For unsupervised play close to home Approximately 5 items of play equipment and small games area. These quantities will need to be greater in areas of higher density family housing
				<ul style="list-style-type: none"> Co-location of the NPAs with linear, district, local or pocket parks is preferable. Unless the co-location is not possible (due to parkland being outside the NPAs catchment area) then NPAs could be provided as standalone areas within the development Active zone to be at least 40m from residential property boundaries and 30m from main roads; if noisy sports facilities e.g. wheeled sports are included within NPAs then greater than 30m buffer zones from residential properties may be required to address potential noise problems Must be easily accessible on key pedestrian routes/redways There should be direct routes leading to play area that are safe and overlooked For all children, but emphasis on 8+ For unsupervised play Approximately 8 items of play equipment

<p>Playing fields and Outdoor Sports Facilities (Does not include school playing fields as these are not publicly accessible)</p>	<p>N/A</p>	<p>As per provision standards included in most recent Playing Pitch Strategy. The required standard for the quantity of provision for playing field area is 0.52 ha per 1000. (Playing Pitch Strategy, 2015)</p>	<p>Is a wide ranging category of open space, which includes both natural and artificial surfaces for sport and recreation that are either publicly or privately owned, but are publicly accessible they include playing pitches, athletics tracks, bowling greens and golf courses with the primary purpose of participation in outdoor sports</p>	<p>and ball games areas, goal wall, cycle area, larger more adventurous equipment. These quantities will need to be greater in areas of higher density family housing</p> <ul style="list-style-type: none"> • Co-location of playing fields with linear, district or local parks is preferable. • Must include adequate provision of parking • If publicly accessible should have accessible network of pedestrian routes around and across site • Fencing around playing pitches may be considered for the development of the standard of play for the local sports clubs in order to meet the National Governing Bodies of Sport current guidelines and ensure a safe environment for the activity / sport. However, prior to erection informal consultation will be sought with the local communities and must adhere to planning regulations • New playing pitches must meet Sport England standards for formal participation of training and matches
<p>Allotments and Community Growing Areas</p>	<p>In areas of high demand; based on current allotments waiting lists.</p>	<p>700-1000m</p>	<p>Allotments and Community Growing Areas</p>	<ul style="list-style-type: none"> • Normally would be part of linked network of multi-functional open space unless local circumstances would justify a standalone allotment. • Must include adequate amount of parking

Sports Facilities	As per provision and quality standards included in most recent Sports and Active Communities Strategy			
SECTION 2				
Linear Parks	n/a	n/a	Key structural component of MK, following the water bodies across the city, they have an important green infrastructure role: mitigating flood events, preserving archaeology, as pedestrian and cycle corridors, for wildlife and recreation. The feel of the corridors change across the city, more formal in urban areas and more agricultural on the periphery. They are often multi-functional to include for example playing fields, play areas, paddocks and allotments	<ul style="list-style-type: none"> • Only required where an urban extension incorporates a significant watercourse • Will be characterised by linked network of multi-functional open space that includes many other typologies of open space • Must have very good public transport accessibility • Key green infrastructure role: mitigating flood events, wildlife corridors, preserving archaeology, pedestrian and cycle corridors. Must have adequate parking
Green Access Links	Depends on existing site features	N/A	Provide green corridors along certain transport routes and public rights of way (footpaths, redways, roads other than grid roads) as well as historic hedgerows. They may support a range of habitats important for nature	<ul style="list-style-type: none"> • Most appropriate to associate with and follow historic rights of way and / or hedgerows to be retained in new development • Should be fairly considerable in length and provide direct access to reach key facilities within a development • Should be made to be as accessible as possible from the wider area

Areas of Wildlife interest – Natural and semi natural	Depends on existing site features	N/A	conservation and / or provision for walking, running and cycling.	<ul style="list-style-type: none"> Existing wildlife sites should be used to structure a development such that wildlife site is well integrated into the development and provides visual amenity. In this regard development should front onto wildlife sites. If appropriate, footpaths should be included through the site especially if they form part of help create direct pedestrian routes linking wider destination
SECTION 3				
Transport Corridors	Refer to Transport Policy	N/A	Define the urban form of Milton Keynes, flanking the main grid roads they buffer local communities from the noise and visual impact of passing vehicles and	<ul style="list-style-type: none"> Must be consistent with transport policies on grid road reserves/corridors

			<p>providing an attractive landscape feature to the motorist. Also provide key wildlife habitats</p>	
Paddocks	To be required and assessed on a case by case basis	To be required and assessed on a case by case basis	<p>Includes small fenced outdoor pasture area where a horse is kept. A paddock may have a dirt or grass surface. For the purpose of the Open Space Assessment only paddocks within the settlement boundaries are being considered.</p>	<ul style="list-style-type: none"> • Mostly to be located in rural areas • Could be included in linear parks • Not expected within development's within the existing city boundary • Their private usage means they can be located in secluded places
Civic Spaces	To be required and assessed on a case by case basis	To be required and assessed on a case by case basis	<p>Includes civic and market squares and other hard surfaced community areas designed for pedestrians. The primary purpose of providing a setting for civic buildings, public gatherings and community events.</p>	<ul style="list-style-type: none"> • Should be located in highly accessible locations with significant volumes of footfall • Should be positively addressed by buildings with active frontages facing the civic space • Should have a comfortable height to width ratio to create an appropriate sense of enclosure

JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE

The below have been proposed following a meeting on 27 September 2017 of Councillors from Bedford Borough Council, Central Bedfordshire Council, Luton Borough Council and Milton Keynes Council.

Terms of Reference

Membership

- 1.1. That the requirement for political proportionality is waived. Each council may apply proportionality in their own appointment process if they wish.
- 1.2. That the JHOSC is comprised of Members from Bedford Borough Council, Central Bedford Council, Luton Borough Council and Milton Keynes Council.
- 1.3. That each council appoints 3 members to the JHOSC as per their own arrangements. Substitutes will be permitted. (NB: these should be non-executive members of the local authority)
- 1.4. That the quorum will be at least one member from three of the four constituent councils.

Chairing, voting, standing orders and meeting schedule

- 1.5. The JHOSC will elect four Vice-Chairs (one from each member authority) each year. The meetings will be chaired by the Vice-Chair from the authority where the meeting is taking place. There will be no standing Chair.
- 1.6. The JHOSC will operate under the standing orders of the lead administrative local authority.
- 1.7. Each Member of the Committee will have one vote.
- 1.8. The JHOSC will agree the venues, dates and times of its meetings, noting that its work will be subject to the NHS timetable for consultation in some cases.

Support to the JHOSC

- 1.9. The lead administrative authority and other member authorities will provide administrative and scrutiny support to the JHOSC. The lead administrative authority will act as the co-ordinating body for the JHOSC and will provide a named officer for that purpose. Each authority will provide a named officer to act as scrutiny support and liaise with the lead administrative authority officer and the JHOSC officer support group as required.
- 1.10. The member authorities will share costs equally associated with hosting the JHOSC.

- 1.11. Each member authority will publish and distribute committee papers to its own members. The lead administrative authority will ensure that the JHOSC papers are published on the internet.

Scope of the JHOSC's Work

- 1.12. That the JHOSC will scrutinise the work done under the auspices of the local BLMK STP, across the 5 workstreams and the STP governance arrangements.
- 1.13. That the JHOSC, for the purposes of statutory consultation on service change proposals arising from the STP, will act as the statutory health scrutiny consultee for those local authorities affected by those proposals. Where only one authority is affected, the matter will be referred back by the JHOSC to the local authority's HOSC.
- 1.14. That the JHOSC will, in the course of its work, require attendance from appropriate representatives of NHS organisations and require evidence in writing.
- 1.15. That the JHOSC may, as part of its scrutiny of the STP and any statutory consultations arising from the STP, invite interested parties to attend and give evidence to the JHOSC, in person and in writing.

JHOSC Reports

- 1.16. At the conclusion of evidence gathering, Members will deliberate and agree in principle, their conclusions, comments and recommendations. The JHOSC will then delegate the responsibility for drafting its final report to the lead administrative council scrutiny officer, after consultation with the four Vice-Chairs.
- 1.17. The JHOSC will endeavour to reach consensus and avoid the need for any minority reports. If unavoidable, a minority report could be prepared by a dissenting JHOSC Member or Members and attached to the final report.
- 1.18. The scrutiny officers will collaborate to prepare the draft report, summarising the evidence, conclusions and any comments and recommendations agreed by the JHOSC. The draft report will be circulated to each Member of the JHOSC for comments.
- 1.19. Once the final version of the report has been agreed, after consultation with the four Vice-Chairs, the lead scrutiny officer will forward it directly to the NHS commissioners/responsible body, with a request for a written response within timescales set out in legislation.

Local Resolution and Referral Powers

- 1.20. The JHOSC will carry out the process of local resolution with the relevant NHS bodies where it is required under the statutory consultation process.
- 1.21. Powers of referral to the Secretary of State for Health are to be retained by each local authority to exercise separately at the conclusion of each statutory consultation, on receipt of the JHOSC report and any relevant minority report from a JHOSC Member or Members.

Press and Media

- 1.22. That the lead administrative authority will act as the initial contact point for any press queries arising from the work of the JHOSC and will liaise with the Communications Teams of each participating local authority in order to ensure that the four Vice-Chairs consider and approve any comments on press queries.
- 1.23. The JHOSC will approve press releases relating to its work, delegating the responsibility for drafting them to the supporting officer group in consultation with the four Vice-Chairs.

Changes to the Terms of Reference

- 1.24. Any changes to the Terms of Reference can only be made by express agreement of the member authorities.

DEALING WITH AMENDMENTS TO RECOMMENDATIONS AND MOTIONS**RECOMMENDATION FROM: CONSTITUTION COMMISSION – 5 OCTOBER 2017**

Responsible Councillor: Councillor R Bradburn (Vice-Chair of the Constitution Commission)

Report Sponsor: Sharon Bridglalsingh (Service Director Legal and Democratic Services)

Author and contact: Simon Heap (Committee Services and Scrutiny Manager)
Tel: 01908 252567

Recommendation:

That the Council be recommended to adopt the revised approach to dealing with Amendments to Recommendations and Motions as set out in the revised Council Procedure Rule 13.

What Action is the Council being asked to take:

The Council is being requested to adopt a revised Council Procedure Rule 13 which deals with the way Amendments to Recommendations and Motions are dealt with.

A revised Council Procedure Rule 13, showing the amendments is attached at **Annex A**.

The main differences the revisions to the Procedure Rule would bring are:

- (a) Amendments will be moved and seconded without an introductory speech from the mover and seconder;
- (b) Parts of Amendments may be accepted by the mover of the original motion;
- (c) There will be no debate on individual amendments not accepted by the mover of the motion;
- (d) Amendments not accepted will be debated together with the original / substantive motion;
- (e) There will be no closing speech by a mover of an amendment; and
- (f) Each amendment / part of an amendment not accepted will be voted on in the order in which they were received.

An illustration of how the revised procedure rule might work in practice is attached at **Annex B**.

COUNCIL PROCEDURE RULE 13 – RULES OF DEBATE

13. *Rules of Debate*

13.1 No speeches until Motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.2 Right to require Motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

13.3 Secunder's speech

When seconding a motion ~~or amendment~~, a Member may reserve his/her speech until ~~later in~~ the debate. When the Member wishes to speak, he/she must indicate to the Mayor.

13.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point or order. No speech may exceed four minutes without the consent of the Mayor.

13.5 When a Member may speak again

A Member who has spoken ~~on to~~ moved or seconded a motion may not speak again whilst it is the subject of debate, except:

- ~~(a) to speak once on an amendment moved by another Member;~~
- ~~(b) to move a further amendment if the motion has been amended since he/she last spoke;~~
- ~~(c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);~~
- (a) in exercise of a right of reply **pursuant to Council Procedure Rule 13.8;**
- (b) on a point or order; and
- (c) by way of personal explanation.

13.6 Amendments to Motions

- (a) All amendments to reports from Cabinet and the Council's committees (Council Procedure Rule 2[f]) and to a motion submitted under Council Procedure Rule 11 (other than those Motions which may be moved without notice under Council Procedure Rules 12 and 13.8) must be submitted in writing to the Monitoring Officer initially by 12 noon two clear working days before the meeting at which the motion is to be considered. Receipt of the amendment will be acknowledged by the Monitoring Officer.

The Member submitting the amendment must then confirm in writing to the Monitoring Officer by 12 noon one clear working day before the meeting whether the amendment is to go forward, or notify the Monitoring Officer of any changes to the amendment. If no withdrawal, confirmation or change is received by the Monitoring Officer, it will be assumed that the amendment is to be considered in its initial form.

- (b) An amendment to a motion must be relevant to the motion and will either be:
- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words

as long as the effect of (ii) to (iv) is not to negate the motion.

- (c) All amendments submitted and having been moved and seconded **with no speeches**, will be offered by the Mayor to the mover of the motion for acceptance, **if accepted in whole or in part the amendment becomes part of the original motion which remains in the 'ownership' of the Member moving the original motion.**
- (d) If the mover of the motion agrees to accept the amendment, **or part of the amendment**, any Member of the Council may, at that point, call 'Object' which would require the amendment to be debated by the Council. ~~If an amendment is accepted, or carried after a Member of the Council objects to the mover of the motion accepting it, it will become part of the original motion.~~

- (e) All amendments, **or parts of an amendment** submitted, and not accepted by the mover of the motion, will be discussed by the Council together with the motion and voted on at the end of the debate in the order in which they were submitted to the Monitoring Officer.
- (f) If an amendment is carried, the motion as amended takes the place of the original motion and becomes in the 'ownership' of the Member moving the amendment. This becomes the substantive motion to which any further amendments are moved.

13.7 Withdrawal of Motion

A Member may withdraw a motion at the meeting with the consent of the meeting, or if he/she has moved the motion, with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.8 Right of Reply

The owner of the motion / substantive motion has the right to sum up at the close of the debate on the motion immediately before it is put to the vote.

- ~~(b) At the close of a debate on a motion and any proposed amendments:~~
 - ~~(i) the mover of the original motion has the right to reply to the debate; and~~
 - ~~(ii) the proposer of each amendment has the right to sum up the debate on their amendment in the order in which the amendments were proposed.~~

13.9 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion (with the exception of reports from Cabinet and the Council's committees and to motions submitted under Council Procedure Rule 11 - 'Notice of Motion');

Note: Paragraphs (b), (c) and (e) of Council Procedure Rule 13.6 'Amendments to Motions' will apply to amendments moved under this Procedure Rule.

- (c) to proceed to the next business;

- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond three hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 19.2 or to exclude them from the meeting under Rule 19.3.

13.10 Closure Motions

- (a) At the conclusion of a speech of another Member, a Member who has not already participated in the debate may move without comment that:
 - (i) the debate be adjourned;
 - (ii) the meeting proceed to the next business;
 - (iii) the meeting be adjourned; or
 - (iv) the question be put.
- (b) If the motion to adjourn the debate, proceed to the next business or adjourn the meeting is seconded:
 - (i) the Mayor will put the closure motion to the vote without further discussion;
 - (ii) if the motion is carried, the debate will stand adjourned, the meeting will proceed to the next business or the meeting will stand adjourned;
 - (iii) if the motion is lost, the debate will resume.
- (c) If the motion that the question be put is seconded:
 - (i) the Mayor will consider whether the question before the meeting has been sufficiently discussed;
 - (ii) if the Mayor considers that it has not, the debate will continue until the Mayor considers that adequate debate has taken place, after which a vote on the closure motion will be taken;
 - (iii) if the Mayor considers that the matter has been sufficiently discussed, the Mayor will put the closure motion to the vote without further discussion; and
 - (iv) if the motion is carried, the Mayor will invite the mover of the original motion and the amendment, if

an amendment is under discussion, to reply, and put the question before the meeting to the vote.

13.11 Points of Order and Personal Explanation

- (a) A point of order is a request from a Member to the Mayor to rule on an alleged irregularity in the procedure of the meeting.
- (b) A personal explanation will be confined to some material part of an earlier speech by the Member and on which a misunderstanding has occurred.
- (c) A Member may raise a point of order or a point of personal explanation at any time and is entitled to address the Mayor on the matter immediately; but:
 - (i) the Member who raises a point of order must specify immediately how a Procedural Rule or statutory provision has been broken or infringed;
 - (ii) in either case, the Member's speech must be confined to the point of order or personal explanation.
- (d) The ruling of the Mayor on a point of order or a personal explanation is final.

ANNEX B

DEALING WITH AMENDMENTS TO RECOMMENDATIONS AND MOTIONS

Moving and Seconding	
1.	Motion is moved and seconded with mover and seconder speech.
2.	First amendment / amendment is moved and seconded formally (no speech)
3.	Mover of motion is asked if he / she accepts all or part of amendment
4.	Further amendments are moved and seconded formally (no speech)
5.	Mover of motion is asked if he / she accepts all or part of amendment
Debate (on original or substantive motion)	
6.	Mover(s) of amendment(s) invited to speak
7.	Public speaking
8.	Other councillors (including seconders of amendments) invited to speak
9.	There will be no summing up by movers of the amendments
Voting*	
Any requests by a councillor for any amendment or the motion / substantive motion to be voted on in parts will be determined by the Council.	
10.	Vote held on each amendment, or part of amendment (where part of an amendment has been accepted by the mover of the motion) in the order in which they were moved.
11.	Owner of motion / substantive motion sums up
12.	Vote held on motion / substantive motion

ITEM 4(a)(ii)

MILTON KEYNES COUNCIL

22 NOVEMBER 2017

Report considered by the Constitution Commission – 5 October 2017

PROPOSED CONSTITUTIONAL CHANGES FOLLOWING CORPORATE PROCUREMENT PEER REVIEW

1. Purpose

- 1.1 This paper sets out a number of recommended changes to the Constitution to enable a more strategic focus on procurement within Milton Keynes Council (The Council).

2. Background

- 2.1 Members of the Commission will recall a Local Government Association (LGA) Peer review of the Council's procurement function in 2016. This peer review identified a number of key recommendations; the relevant ones are:

Peer Review Recommendations
Commissioning services and defining the purpose of procurement
Develop a more strategic approach to procurement which provides a coherent link between operational procurement practice and corporate aims
Streamline documentation and process so that they are proportionate to the required outcome
Develop a robust approach to intelligence sharing and good practice on procurement both within the organisation and by working better with partners
Taking a Strategic Approach to Procurement
Prioritisation of procurement projects by risk assessment to determine which to scrutinise to maximise value to the Council. This will allow the Council to maximise its capacity to deliver value for money through genuinely strategic procurement that drives forward corporate priorities.
Set up a cross party 'big ticket' approach focussed on procurement and commissioning in order to provide consistency of approach and to secure more systematic savings
Provide training for senior councillors and officers to reinforce the need for good practice and strategic thinking

- 2.2 Following this LGA review and through the integration of the LGSS partnership in April 2016, work was undertaken to determine a best practice approach to enhancing the strategic direction of how procurement is undertaken by the Council. This included an appraisal of the role of the current Procurement and Commissioning (P&C), and proposals were developed.

- 2.3 The proposals were presented to the Cabinet Member for Resources and Innovation, Councillor Middleton who set up a cross party working group consisting of himself and Councillors Geaney (Conservative) and Ferrans

(Liberal Democrat) to review them. The proposals were also presented to Corporate Leadership Team in December 2016 and revised in June 2017.

2.4 The proposed changes have been agreed by the Working Group and the consolidated recommended changes to the Constitution by Councillor Middleton are listed below:

1. An increase in the key decision limit to over £500k

The purpose of this change is to direct focus on key areas of strategic spend and the proposed change to increase the key decision limit from £100k to over £500k will only impact circa 3% of contracts annually by value.

This means that over 90% of future tenders by value will still be treated as a 'key decision' and published on the Forward Plan. These decisions will continue to be taken in public and are capable of being called in.

2. Empower Officers to approve Tenders/Contracts up to a value of £500K.

To propose an increase in the key decision limit to over £500K would mean that officers will take the decisions for all tenders and contract up to that value. These officers are referred to in the Leader's Scheme of Delegation. Decisions for tenders and contracts with a value above £500k will be taken by Cabinet. The Working Group was clear that the process for making these officer decisions must be transparent, robust and visible.

As decisions up to £500k in value would no longer be Key Decisions, they would not be on the Forward Plan, but what is proposed to ensure ongoing transparency is:

- (a) A report of all tenders between £100K –£500K will be documented at least 5 working days before the tender is issued. It is proposed that the information will be made available via the Democratic Services and Procurement pages on the intranet and will be maintained to be up to date. A copy of the information to be provided is attached at Annex A. A link to the information contained in Annex B will also be included to enable visibility of detailed information relating to tenders.
- (b) A copy of the template that will be used to demonstrate the procurement approach is attached at Annex B. The attached template is intended to ensure that all future tender decisions are based on a robust and thorough process and provide a full audit trail of all decision making. The contents of the template may be amended to make improvements as necessary.

3. To effect the changes stated at 1 and 2 above, the following parts of the Council's Constitution will need to be amended:

- 3.1 Part 2, Articles of the Constitution - Article 14 – Decision – Making;
- 3.2 Part 3, Responsibility for Functions – Leader's executive scheme of delegation;
- 3.3 Part 4, Procedure Rules – Contract Procedure Rules

3.1 Part 2, Articles of the Constitution – Article 14 – Decision Making

Article 14.3 (b) of the Constitution defines 'Key Decisions.' It includes the related financial threshold which is currently set as any expenditure or savings of £100k which is not identifiable either in the approved Capital Programme or Revenue Budget. The financial threshold stated in this part needs to be amended to read over £500k.

3.2 Part 3, Responsibility for Functions – Leader's Executive Scheme of Delegation:

The Leader's Executive Scheme of Delegation sets out how the Leader has decided to arrange for the discharge of executive functions. Under the current scheme of delegation, certain procurement and financial decisions are reserved to Cabinet, P&C and to officers as set out in the Annex to the scheme of delegation.

The Leader's Scheme of Delegation therefore will need to be amended to remove the terms of reference of P&C and to transfer its functions, either to officers or to Cabinet to reflect the changes above. The detailed changes to the Leader's Scheme of Delegation are included in Annex C. In summary they will include the following:

- The terms of reference of P&C are to be removed.
- The value of transactions upon which officers may make a decision with regard to agreeing the specification, inviting tenders and approving the award of contract is to be increased from £100k to £500K.
- The value of transactions upon which the Cabinet or Cabinet member may make decisions with regard to agreeing the specification, invitation of tenders and award of contracts is to be reduced from £20m to over £0.5m.

To complement these changes, the Leader has consulted his Cabinet and will be amending his scheme of delegation to remove P&C. He will inform this change to the Cabinet and Council at an appropriate time.

The removal of the P&C enables:

- Realignment of focus on strategic high value areas; and
- Increased efficiency in tender processes such as where approval to utilise a framework has already been given, no requirement to subsequently go back to P&C for approval to tender within it.

3.3 Part 4, Procedure Rules – Contract Procedure Rules

The Council's Contract Procedure Rules must be followed for every contract entered into or proposed to be entered into by the Council.

The Contract Procedure Rules are to be reflective of the governance process set by the Council for entering into contracts (such as any limits set by the Leader's Executive Scheme of Delegation) and the relevant law.

The changes to financial limits of authority as set out above affect the Council's Contract Procedure Rules which will require consequential amendments to ensure they are reflective of these changes. The detailed changes that will be required to the Contract Procedure Rules are summarised in Annex D.

Additionally, the Contract Procedure Rules have not been amended since the coming into force of the Public Contracts Regulations 2015. Following approval, the amendment exercise will be led by the Corporate Procurement Team working with Legal Services to ensure that the Contract Procedure Rules reflect the current legislation, the changes resulting from increase of officer financial delegation limit as contained in this report and best practice. Relevant service areas such as the Procurement Team in People Services and Finance will be consulted as necessary.

Sponsor and Author: Don McLure – Interim Corporate Director - Resources

Background Papers: Procurement Peer Review

ANNEX B

Procurement Approach (template)

Project Title

Procurement Lead	
Service Area Lead	
Project Sponsor	
Service Area	

Executive Summary

Summary of the procurement to be undertaken

- Purpose
- Scope and intended Outcomes
- Key Recommendation

1. Background

- What is the purpose of this contract?
- Why is it needed?
- Anticipated contract length and value? Any option to extend? If so, why?
- Any direct public use of the contract?

2. Objectives

- What are the intended outcomes of the project?
- What is it looking to deliver? (Savings, efficiency, better working etc)
- Any social value benefits? (directly or indirectly)

3. Milton Keynes Council Impacts/Influences

- Will this procurement benefit other areas of the Council?
- Does the procurement impact on any areas of the Council in a negative way (ie staff changes, dept changes etc)
- Who are the Key stakeholders to be consulted/engaged with to deliver? (IT, Finance etc)
- Strategic Aims

4. Spend Profile

- If a recurring contract, what does the previous spend profile look like?
- How many suppliers are there under the category? Breakdown of historic supplier spend.
- Any other areas of spend under the same category affected?
- Funding, any potential for funding to be cut in the future?

5. Procurement Approach

5.1 Scope

Clearly indicate items in scope. Anything out of scope within the contract should be noted.

5.2 Proposed approach (Pre-Procurement Strategy)

What is the strategy to the procurement; what is being sought to be achieved, Key benefits to the approach?,

5.3 Proposed Approach (Market Engagement)

Pre market engagement options and considerations?, supplier research required? Local community interest? Any soft market testing?

5.4 Proposed Approach (Collaboration if applicable)

Collaboration options considered, either internally with other departments, external with LGSS, other Authorities or

5.5 Method of Procurement

(3 quotes, tender, OJEU, Framework)

5.6 Evaluation Criteria/Methodology

Quality/Price weighting, justification for weightings, sub criteria information, questions designed to drive what? Price criteria considered to drive cost.

5.7 Timetable

Outline timetable for pre procurement activity to contract award, contract start date

5.8 Identified Procurement Risk

Any risk to the procurement either approach, market forces, supplier market etc and mitigation to be carried out.

6. Savings & Efficiency

Are there any proposed savings from the procurement, if yes, what is the rationale behind the numbers?

Are there any other savings (non-financial) that could be identified? Efficiency in time, customer experience, staff resource, time, capacity etc etc.

7. Risks and Risk Management

Project risks identified and mitigation

8. Contract Management

What contract management is expected to be undertaken? KPI's, supplier assessment?

9. Sign off

Approval By	Name and Sign off	Date
Service Director		
Budget Holder		
Finance Lead		
Procurement Lead		
Legal Lead		

ANNEX C

Proposed Amendments to the Leader's Executive Scheme of Delegation

Page Number	Constitution Reference	Required Amendment
V12 and V13	Procurement and Commissioning Terms of Reference	Delete the Terms of Reference relating to Procurement and Commissioning Committee.
V14-V17	Procurement and Financial Scheme of Delegation	Delete Procurement and Commissioning column
V16	Procurement and Financial Scheme of Delegation Item 12. (To agree specification, invite tenders and approve delegated authority to award contract for supplies and services)	Replace financial thresholds as follows: Cabinet/Cabinet Member – reduce to read 'Over £500,000' Chief Executive – increase to read 'Up to £500,000' Corporate Director – increase to read 'Up to £500,000' Service Director/Assistant Director – increase to read 'Up to £500,000'
V16	Procurement and Financial Scheme of Delegation Item 13. (Award of Contract)	Replace financial thresholds as follows: Cabinet/Cabinet Member – reduce to read 'Over £500,000'
V16	Procurement and Financial Scheme of Delegation Item 14. (Termination of Contract)	Replace financial thresholds as follows: Cabinet/Cabinet Member – reduce to read 'Over £500,000' Chief Executive – increase to read 'Up to £500,000' Corporate Director – increase to read 'Up to £500,000' Service Director/Assistant Director – increase to read 'Up to £500,000'

Proposed Amendments to the Contract Procedure Rules

Page Number	Constitution Reference	Amendment
DD4	Item 1.10 'Value of Works/Supplies' column (Over £100k up to £20m)	Delete 'up to £20m' and replace with 'up to £500,000'
DD4	Item 1.10 'Approval to Tender/Award' column (Cabinet Procurement Committee)	Delete reference to Cabinet Procurement Committee and replace with 'Chief Executive, Corporate Director, Service Director/Assistant Director, in accordance with the Procurement and Financial Scheme of Delegation, contained in the Executive Scheme of Delegation'
DD4	Item 1.10 'Value of Works/Supplies' column (Over £20m)	Delete 'over £20m' and replace with 'Over £500,000'
DD7	Item 3.4 (Approval to commence a procurement process must be obtained in accordance with the Leader's Scheme of Delegation (and the terms of reference of the Cabinet Procurement Committee and reported in the Forward Plan)	Delete '(and the terms of reference of the Cabinet Procurement Committee' Amend 'and reported in the Forward Plan' to read 'and reported in the Forward Plan where it involves a key decision, as defined in Article 14 of the Constitution'
DD7	Item 3.5 (Approval to commence in capital procurements with an estimated total cost in excess of £10,000 shall be submitted to the Capital and Procurement Review Panel prior to submission to the Cabinet Procurement Committee)	Delete 'prior to submission to the Cabinet Procurement Committee' and replace with 'and approved by the Capital and Procurement Review Panel prior to approval by Officers or Cabinet to commence tender.'
DD9	Item 6.4(c) (notify Democratic Services and place entry on the Forward Plan for the Cabinet Procurement Committee decision to tender and a separate line for award, this includes extensions or variations to contract)	Delete and replace with 'for all tenders and contracts over £100,000 up to £500,000 a report must be completed and published at least 5 Working days before tender publication.' For all tenders and contracts with a value above £500,000, notify Democratic Services and place entry on the Forward Plan for Cabinet decision to tender and a separate line for award, this includes extensions or variations to contract

DD9	Item 6.4(h) (enter into signed contract based on the Council's standard terms and conditions for supply or services, supplies or works, where such contract has been awarded by Cabinet or other such nominated Committee)	After 'Committee' add 'or Officers, in accordance with the Scheme of Delegation'
DD13	Item 12.1 (Approval shall be sought from the Cabinet Procurement Committee or any other relevant body of identified process, in compliance with the Leader's financial Scheme of Delegation before)	Delete 'Cabinet Procurement Committee' and replace with 'the relevant Officer or Cabinet'
DD13	Item 12.1 (For all tenders and contracts above £100,000)	Delete 'for all tenders and contracts above £100,000' and replace with 'For all tenders and contracts above £100,000 to £500,000, approval will be by the relevant Officer, in accordance with the Scheme of Delegation, and for all tenders and contracts above £500,000 approval will be by Cabinet.'
DD14	Item 12.10 (The Cabinet Procurement Committee shall agree any award where the price proportion of MEAT is less than 40%)	Delete Item 12.10 in its entirety
DD15	Item 12.14 (a)(ii) (shall be submitted to the Cabinet Procurement Committee with comment from the S151 if compensating savings have not been identified)	Delete 'shall be submitted to the Cabinet Procurement Committee with comment from the S151 if compensating savings have not been identified' and replace with 'shall get the approval of Section 151 Officer if compensating savings have not been identified'
DD15	Item 12.14(b)(i) (shall require approval of the Cabinet Procurement Committee)	Delete 'shall require approval of the Cabinet Procurement Committee' and replace with 'approval of Section 151 Officer shall be obtained where the value of the Contract is up to £500,000 and approval of Cabinet will be obtained where the value of the contract is over £500,000.'

DD15	Item 13.4 (All those suppliers who failed to submit a bid, following invitation to tender at the PQQ stage must be asked as to what their reasons were for not submitting. A summary of this information must be provided to members as part of the award of contract report. Corporate Procurement will retain information in order to enhance the procurement process)	After 'members' add 'or the relevant Officer, as appropriate'
DD16	Item 15.5 (All contracts shall have a scheduled benefits realisation date where the performance of that contract against the expected outcomes shall be measured. The outcome of this will be reported to Cabinet Procurement Committee at the annual anniversary of its commencement or at such other period agreed by Members and the Head of Strategic Procurement)	Delete 'The outcome of this will be reported to Cabinet Procurement Committee' and replace with ' for all contracts with a value of over £100,000 up to £500,000 the outcome of this will be reported to the relevant Corporate Director and Lead member and for all contracts with a value of over £500,000, the outcome will be reported to Cabinet
DD18	Item 17.6 (All extensions of contract over £100,000 in value must be approved by the Cabinet Procurement Committee or as delegated by the same)	Delete 'Cabinet Procurement Committee' and replace with 'the relevant Officer or Cabinet, as appropriate'
DD21	Item 21.1.2 (Copies of all waivers and supporting information will be retained by the relevant officer and the Corporate Procurement Team for the period of 6 years. A quarterly report of all waivers granted will be presented to Cabinet Procurement for their information and consideration)	Delete 'Cabinet Procurement Committee' and replace with 'Cabinet'

DD21	Item 21.1.3 (A formal report will be prepared quarterly to the Cabinet Procurement Committee. That report will set out the specific rationale for waiving the Rules and will also append a summary of the previous instances where the rules were waived.	Delete 'Cabinet Procurement Committee' and replace with 'Cabinet'
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ITEM 4(a)(iii)

MILTON KEYNES COUNCIL

22 NOVEMBER 2017

COUNCIL PROCEDURE RULE 19.5 AND CABINET PROCEDURE RULE 3

19.5 Conflicts of Interest

- (a) Members of the Council are under a duty to base their decision making on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public.
- (b) A Member has a potential conflict of interest where any business of the meeting relates to or is likely to affect the subject matter of:
 - (i) a disclosable pecuniary interest as described at Part 2 Paragraph A of the Members Code of Conduct and section 30(3) of the Localism Act 2011; or
 - (ii) personal interest as described at Part 2 Paragraph B of the Members Code of Conduct
- (c) A Member must:
 - (i) when prompted by the agenda item, at the commencement of that consideration or when the interest becomes apparent, disclose to the meeting the existence and nature of that interest;
 - (ii) not participate in any discussion of that matter at the meeting;
 - (iii) not vote on that matter at the meeting; and
 - (iv) leave the room whilst that matter is being debated.
- (d) Where a Member is present at the meeting where that member is to be called upon to make a decision in the public interest, and that Member considers they have fettered their discretion in some other way before leaving the room he or she may first exercise the ability to address the meeting as a Ward Member or member of the public in accordance with these Procedure Rules.

Cabinet Procedure Rules

3 Conflicts of Interest

- 3.1 Members of the Cabinet are under a duty to base their decision making on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public.
- 3.2 A Member has a potential conflict of interest where any business of the meeting relates to or is likely to affect the subject matter of:
- (a) a disclosable pecuniary interest as described at Part 2 Paragraph A of the Members Code of Conduct and section 30(3) of the Localism Act 2011; or
 - (b) personal interest as described at Part 2 Paragraph B of the Members Code of Conduct
- 3.3 A Member must:
- (a) when prompted by the agenda item, at the commencement of that consideration or when the interest becomes apparent, the Member must disclose to the meeting the existence and nature of that interest;
 - (b) not participate in any discussion of that matter at the meeting;
 - (c) not vote on that matter at the meeting; and
 - (d) must leave the room whilst that matter is being debate
- 3.4 Where a Member is present at the meeting where that member is to be called upon to make a decision in the public interest, and that Member considers they have fettered their discretion in some other way before leaving the room he or she may first exercise the ability to address the meeting as a Ward Member or member of the public in accordance with these Procedure Rules.

ITEM 4(a)(iv)

MILTON KEYNES COUNCIL

22 NOVEMBER 2017

Report considered by the Constitution Commission

DISCLOSABLE PECUNIARY INTERESTS

1. Purpose

- 1.1 To make a recommendation to the Commission regarding amendments to the Council and Cabinet Procedure Rules in respect of Disclosable Pecuniary Interests (DPIs) and other personal interests.

2. Recommendation

- 2.1 That the Commission recommends to Council that the Council and Cabinet Procedure Rules are amended in respect of the Disclosable Pecuniary Interests, namely:
- (a) by removing the Cabinet Procedure Rule 3.4 or amending the rule so it only applies to other personal interests and not DPIs; and
 - (b) by removing paragraphs (d) and (e) of Council Procedure Rule 19.5, or amending the Procedure rule so it only applies to other personal interests and not DPIs;

The relevant rules are set out in Annex A.

- 2.2 To provide views on whether councillors should be required to leave the room where they have a DPI or other personal interest on a matter in a meeting and provide a recommendation to Council to amend the constitutional provisions if necessary.

3. Context

- 3.1 Cabinet Procedure Rule 3.4 and Cabinet Procedure Rules 19.5(d) and 19.5(e)

On 15 June 2015 the Council was given legal advice in relation to Disclosable Pecuniary Interests, as set out in Annex B. This advice recommended amending the Council's Constitution to bring it in line with the statutory provisions in relation to the Disclosable Pecuniary Interests as set out in the Localism Act 2011 by amending the Rule 3.4 of the Cabinet Procedure Rules. However, due to an oversight this rule had not been amended. In addition, similar provisions in Council Procedure Rules 19.5(d) and (e) have remained in the Council's Constitution. This is contrary to the statutory provisions and a councillor would be committing a criminal offence if he / she continued to participate in the matter in which he / she had a DPI, even though this is currently allowed under the Council's Constitution.

4. Constitution

- 4.1 Cabinet Procedure Rule 3 and the Council Procedure Rule 19.5 deal with conflicts of interest and govern the way in which the Council deals with Disclosable Pecuniary Interests at Council and Cabinet meetings.

5. Issues

- 5.1 Speaking when you have a DPI

These Procedure Rules allow councillors with DPIs to exercise the ability to address the meeting as a member of the public. However, this conflicts with section 31(4) of the Localism Act 2011 which prohibits councillors from participating in the item in which they have a DPI. The Council's procedure rules cannot override the statutory provisions and councillors will be committing a criminal offence if they participate at the meeting on an item in which they have a DPI.

As such, it is recommended that the Cabinet Procedure Rule 3.4 and Council Procedure Rules 19.5 (d) and (e) are removed in their entirety. Alternatively, the Council may choose to amend these rules so they only apply in relation to personal interests.

- 5.2 Leaving the room?

It has been queried by councillors whether they need to leave the room if they have a DPI on a matter in the meeting. Whilst there is no legal requirement for councillors to leave the room when they have a DPI, it is matter of choice for the Council whether this is required by the Council's Procedure Rules. Currently, both Council and Cabinet Procedure Rules state that in relation to both the DPIs and other personal interests, members "*must retire the public gallery or other area aside from the meeting*". This wording suggests that the members are not required to leave the room, but is not entirely clear and may be open to interpretation. Therefore, it would be helpful to seek clarification of what was intended by the Council by this wording and to amend this provision if it is considered necessary.

A number of other authorities' constitutions require councillors with DPIs to leave the room, including Luton and Northampton Borough Councils and Sunderland City Council. However, this position is slightly different in relation to personal interests. For example, in Luton councillors are required to leave the room only once they have made their representations, however in Northampton councillors are allowed to participate and vote in a matter in which they have a personal interest. Relevant constitutional provisions of these authorities are set out in Annex C.

6. Advice

- 6.1 That the Council's constitution is amended in accordance with the legal advice received on 15 June 2015 and as set out in this report.
- 6.2 That the councillors with DPIs be required to leave the room on the item in which they have a DPI in a meeting.

7. Options

- 7.1 Make a recommendation to Council to amend the Council and Cabinet Procedure Rules 19.5(d) and (e) in accordance with the legal advice received; and
- 7.2 Clarify whether the members are required to leave the room if they have a DPI/other personal interest in relation to an item that is being considered at the meeting and amend the relevant constitutional provisions if necessary.

Authors

Egle Gineikiene, Solicitor – Legal Services

Sharon Bridglalsingh - Service Director (Law and Democratic Services)

Council Procedure Rule 19.5 – Conflict of Interests

“(c) Where an interest is disclosed arising from:

- (i) a disclosable pecuniary interest; or*
- (ii) other interest where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that is likely to prejudice the member’s judgement of the public interest*

the Member

- (i) may not participate in any discussion of the matter at the meeting;*
- (ii) may not vote on the matter at the meeting;*
- (iii) must retire the public gallery or other area set aside from the meeting.*

(d) Where a Member holds a conflict of interest described at (c) above, before retiring he or she may first exercise the ability to address the meeting as a member of the public in accordance with these Procedure Rules.

(e) Where a Member is present at a meeting where that member is to be called upon to make a decision in the public interest, and that Member considers they have fettered their discretion in some other way, that Member may exercise any separate speaking rights as a Ward Member or member of the public but should not take part in the discussion or vote as a member of the meeting.”

Cabinet Procedure Rule 3.4 – Conflicts of Interest

“Where a Member is present at a meeting where that Member is to be called upon to make a decision in the public interest, and that Member considers they have fettered their discretion in some other way, that Member may exercise any separate speaking rights as a Ward Member or member of the public but should not take part in the discussion or vote as a member of the meeting.”

DISCLOSABLE PECUNIARY INTERESTS – LEGAL ADVICE

The provisions relating to disclosable pecuniary interests (“DPIs”) are contained in the Localism Act 2011 (“the Act”), section 31 of which states:

- (1) Subsections (2) to (4) apply if a member or co-opted member of a relevant authority—
 - (a) is present at a meeting of the authority or of any committee, subcommittee, joint committee or joint sub-committee of the authority,
 - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
 - (c) is aware that the condition in paragraph (b) is met.
- (4) The member or co-opted member may not—
 - (a) participate, or participate further, in any discussion of the matter at the meeting, or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting,

but this is subject to section 33.

Section 33 provides for dispensations to be granted “relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.” Therefore, it is possible to grant a dispensation enabling a member to participate but not to vote on a matter.

Section 31 (10) states, “Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of subsection (4), the member or co-opted member may not participate”.

The categories of DPIs are set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464.

The categories of DPIs are relatively limited and extend only to those interests of the member/co-opted member and their spouse or partner. There are many other categories of interest where, if a member were to participate in the decision making, an issue of bias could arise. An obvious example of this would be where a committee was considering a planning application made by a member’s brother or son. This would not give rise to a DPI but nevertheless would clearly be inappropriate. Therefore, many local authorities have included within their code of conduct other categories of interest which go beyond just DPIs. This is permitted under section 28 of the Act.

The provision in the Procedure Rules (Standing Orders) in the Council's constitution purports to enable members with DPIs to exercise the ability to address the meeting as a member of the public in accordance with these Procedure Rules.

However, this clearly conflicts with section 31(4) of the Act which states that members with a DPI may not participate in the item in which they have a DPI. Clearly the Council's procedure rules cannot override the statutory wording so the legislative provisions prevail and members will still be committing a criminal offence if they participate at a meeting on an item in which they have a DPI. The Council should change its constitution to ensure that it complies with the law.

You will be aware that under the previous national member conduct regime (which was abolished by the Act) there was a provision in the Code which was of the same effect as the wording in the Council's Rules of Procedure, enabling members to make representations on a matter even where they had a prejudicial interest if a member of the public had the right to do so. However, there is no equivalent provision in relation to DPIs. The Council is able to adopt these rules of procedure in relation to interests which are not DPIs, so it could decide to retain the provision in relation to "other interests". The only way in which a member could be allowed to participate in a matter in which they have a DPI is for a dispensation to be granted. I agree with the interpretation of the legislation on this point set out in the Guidance.

In conclusion the Council's Rules of Procedure on this point do not comply with the legislation. In such circumstances the legislation prevails and cannot be overridden by the Rules in the Constitution. The Council should urgently seek to amend its Rules of Procedure to secure compliance with the law. If members are permitted to speak and participate on an item where they have a DPI then they are at risk of committing a criminal offence."

OTHER AUTHORITIES' CONSTITUTIONAL PROVISIONS – FOR REFERENCE ONLY

Luton Borough Council:

Members Code of Conduct

“4. if a Member has disclosed a Disclosable Pecuniary Interest whether or not the same has been registered the Member may not, unless he/she has obtained a Dispensation:-

- (a) participate, or participate further, in any discussion of the matter or vote at the Meeting; or*
- (b) remain in the Meeting room whilst the matter is being debated or participate in any vote taken on the matter at the Meeting.*

F Effect of Prejudicial Interests on participation

1 Subject to paragraph 2 to this this Part F to Part 2 to this Code, where a Member has a Prejudicial Interest in any business of the Authority:-

- (a) the Member must withdraw from the room or chamber where a Meeting considering the business is being held:-
 - (i) in a case where (ii) below applies, immediately after making representations, answering questions or giving evidence; and*
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at the Meeting, unless the Member has obtained a dispensation;**
- (b) the Member must not exercise functions in relation to that business; and*
- (c) the Member must not seek improperly to influence a decision about that business.*

2 Where a Member has a Prejudicial Interest in any business of the Authority, the Member may attend a Meeting (including a Meeting of the Overview and Scrutiny Board or of a Committee or Sub-Committee thereof) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the Public are also allowed to attend the Meeting for the same purpose, whether or not under a statutory right or otherwise.”

Standing Orders:

“22.2 A Member of the Council with a Disclosable Pecuniary Interest in a matter within the meaning of the Council's Code of Conduct for Members and who attends a meeting at which the matter is considered must, subject to Standing Order 22.4 :-

- (1) withdraw from the room or chamber where the meeting is being held unless (s)he has obtained a dispensation from the Standards Committee;*
- (2) not exercise Executive Functions in relation to that matter; and*
- (3) not improperly influence a decision about that matter.*

For the avoidance of doubt any Member with a Disclosable Pecuniary Interest may not participate in any debate or vote on the matter in question unless a dispensation has been granted allowing them to do so.”

Northampton Borough Council:

Members’ Code of Conduct:

“10.2 Whether the Disclosable Pecuniary Interest is registered or not, you must not, unless you have obtained a dispensation from the Authority’s

Monitoring Officer or the Standards Committee:

- (i) participate, or participate further, in any discussion of the matter at the meeting (except to make representations, give evidence or answer questions prior to any debate on the matter); or*
- (ii) remain in the meeting room whilst the matter is being debated; or*
- (iii) participate in any vote taken on the matter*

10.3 If you have declared a Personal Interest (as defined in paragraph 12.1 below) to the meeting you may take part in any debate on the matter under consideration and vote upon it.”

Council Procedure Rules:

“27. INTERESTS

Any Member who has a personal interest defined by any relevant code of conduct whether national or local in any matter shall forthwith disclose that interest but may remain, speak and vote unless the interest is a disclosable pecuniary interest as prescribed by any such code, in which case they may address the committee in accordance with any public speaking rights that apply and then shall withdraw from the room.”

Sunderland City Council:

Members Code of Conduct:

“14. When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered at that meeting, you may not (unless you have a relevant dispensation granted under section 33 of the Localism Act 2011) :

- a) participate (or further participate) in any discussion of the matter at the meeting; or*
- b) participate in any vote (or further vote) taken on the matter at the meeting.”*

Council Procedure Rules:

“21. Declarations of Interest and Withdrawal from Meetings

A member must withdraw from the meeting room (including from the public gallery) during the whole of the consideration of any item of business in which he or she has a Disclosable Pecuniary Interest, except where permitted to remain as a result of a dispensation.”

Wards Affected:

Woughton

ITEM 4(b)

MILTON KEYNES COUNCIL

22 NOVEMBER 2017

Item considered by Cabinet – 7 November 2017

MAKING THE WOUGHTON NEIGHBOURHOOD PLAN

Responsible Cabinet Member: Councillor Gifford (Cabinet Member for Place)

Report Sponsor: Brett Leahy, Head of Development Management,
Planning & Transport, Tel: 01908 252605

Author and contact: Jon Wellstead, Senior Planning Officer, Tel: 01908
254761

Executive Summary:

The report seeks Cabinet's agreement to recommend to Council that it makes (brings into legal force) the Woughton Neighbourhood Plan following the referendum held on 19 October 2017. The referendum 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. Given the 'Yes' vote, the report seeks Cabinet's agreement to make minor modifications to the neighbourhood plan and to recommend to Council that it makes (brings into legal force) the Woughton Neighbourhood Plan.

1. Recommendation(s)

- 1.1 That the modifications to the Woughton Neighbourhood Plan set out at **Annex A** be approved
- 1.2 That the Council be recommended to make the modified Woughton Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.
- 1.3 That, subject to the Council's agreement to the making of the Neighbourhood Plan:
 - (a) the decision document (**Annex B**) setting out the results of the referendum and the Council's decision to make the plan, and a copy of the made Woughton Neighbourhood Plan (**Annex C**) be published on the Council's website and in other means, 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 (Woughton Parish Council) and any person who asked to be notified of the decision.
- 1.4 That Woughton Community Council be congratulated on the successful outcome of the referendum.

2. Issues

- 2.1 The Woughton Neighbourhood Plan was submitted to the Council for examination and was subsequently publicised for a six-week period, ending on 10 April 2017. All comments received were then passed to the Examiner, Mr Andrew Ashcroft, who submitted his report on the Plan in June 2017, stating that the plan met relevant basic conditions and requirements, subject to modifications, and should proceed to referendum.
- 2.2 On 21 July 2017, the Service Director for Growth, Economy and Culture made the decision to accept the Examiner's report and the modifications that the examiner had recommended be made to the Neighbourhood Plan in order to ensure its compliance with the basic conditions. It was also agreed that the Plan, as modified, should proceed to a referendum of those residents eligible to vote within the neighbourhood plan area (being the Parish Council area) of Woughton.
- 2.3 Under the requirements of the Neighbourhood Planning (Referendums) Regulations 2012 (as amended), the Council is obliged to hold a referendum on a neighbourhood plan within 56 days of issuing its decision on the Examiner's report and modifications. With this in mind, and having sought the views of the Community Council as to a suitable date, the referendum on the Woughton Neighbourhood Plan was therefore scheduled for 19 October 2017 to keep within the 56-day time limit.
- 2.4 In the event of a 'Yes' vote, the Council is obliged under the relevant legislation¹ to pass a resolution within eight weeks of the day after the referendum to 'make' the neighbourhood plan (i.e. by 14 December).
- 2.5 As the referendum period for the Neighbourhood Plan was starting, the Council was made aware that due to an administrative error, a representation from the Canal and River Trust to the submitted Woughton Neighbourhood Plan had not been forwarded to the Neighbourhood Plan Examiner. The representation was valid having been received within the 6-week publicity period for the submitted Neighbourhood Plan and Section 17 of the Neighbourhood Planning (General) Regulations 2012 refers to documents being forwarded to the examiner *as soon as possible*. Consequently the representation was forwarded to the examiner at the earliest opportunity following the discovery of this error.
- 2.6 The examiner, Mr Andrew Ashcroft, considered the representation and has recommended a number of changes to the supporting text of the Neighbourhood Plan. These are set out in the table at **Annex A**. The additional changes affect the supporting text rather than the policies, and are not considered to be material to the Neighbourhood Plan, but, rather, are being made to improve its clarity.
- 2.7 Woughton Community Council is aware of the issue and with the Examiner's revised recommendations and is in agreement with the proposal to include the

¹ The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 and section 38(A)(4) of the Planning and Compulsory Purchase Act 2004

additional modifications on the basis that they do not strike at the heart of the plan. An updated and final version of the Woughton Neighbourhood Plan is available at **Annex C** and it is this version that Full Council are being asked to make a part of the Development Plan for the Woughton area.

- 2.8 The referendum took place on 19th October, 2017. The official result is that, 1140 ballot papers were issued, 988 residents voted Yes and 147 voted No with 6 ballot papers rejected. The turnout for the referendum was 13.44%.
- 2.9 Once a neighbourhood plan has successfully passed all the stages of preparation, including an Examination and Referendum, it is made by the local planning authority and forms part of that authority's Development Plan, meaning that it will be a material consideration when deciding development proposals within the area covered by the Plan.
- 2.10 As with any planning decision, there is a risk of legal challenge and in this case there is a specific risk that the Canal and River Trust could legally challenge the plan as a result of the late referral of their representations to the Examiner. It is however considered that the risk of a successful challenge has been mitigated by the actions that the Council took as soon as it was made aware that the Trust's representations had not been passed to the Examiner. As a result of the action taken by the Council, the Canal and River Trust's representations have still been considered by the Examiner and Recommendation 1.1 of this Cabinet report is that the plan is modified in line with his recommendations before it is made by Full Council.

3. **Options**

- 3.1 As the Plan received a 'Yes' vote in the referendum, the Council is obliged to proceed to make the Plan as outlined above. Therefore, there are no options available other than for Cabinet to recommend to the Council to make the Woughton Neighbourhood Plan, and for Council to implement that recommendation, so that the Woughton Neighbourhood Plan becomes part of the Milton Keynes Development Plan. The only exception to this is where the Council considers the plan would breach, or otherwise be incompatible with, any EU obligation or any of the convention Rights. That is not the case here.

4. **Implications**

4.1 Policy

The National Planning Policy Framework sets out that Neighbourhood Plans must be in general conformity with the strategic policies of the development plan. Neighbourhood Plans should reflect these policies, and neighbourhoods should plan positively to support them. Neighbourhood Plans and Development Orders should not promote less development than is set out in the Local Plan, or undermine its strategic policies. In Milton Keynes, the strategic policies are set out in the adopted Milton Keynes Local Plan and Core Strategy.

Once a Neighbourhood Plan has successfully passed all of the stages of preparation, including an examination and referendum, it is made by the local planning authority and forms part of the authority's Development Plan,

meaning it will be a material consideration when considering development proposals in the Neighbourhood Plan area. In terms of the planning policy hierarchy, a Neighbourhood Plan, once adopted, carries more weight than a Supplementary Planning Document.

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, which came into force on 1 October 2016, require local planning authorities to make a plan that has been supported at referendum within eight weeks of the day after the referendum. A decision to make the Plan by Council on 22 November 2017 will meet that timescale.

4.2 Resources and Risk

Further duties and deadlines for decisions have been imposed through the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, as a result of the 2016 Housing and Planning Act. The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (“the 2012 Regulations”) placed new duties on local planning authorities in relation to Neighbourhood Planning. These new duties have considerable implications for Council resources. In recognition of the additional burdens that these new duties place on local planning authorities, DCLG now makes extra burden funding of £20,000 available to local authorities, which can be claimed once a date for a referendum has been set following a successful examination. This is a reduction of £10,000 per plan from that which has been available in previous years.

Publicity and officer support costs associated with making Neighbourhood Plans is met within the Development Plans budget and staff resources to implement the Plan come from the existing staff within the Development Plans and Development Management teams.

An internal audit of the Neighbourhood Plans service carried out in 2015 has shown that that the additional costs incurred delivering the service were only just covered by the extra burdens funding.

N	Capital	Y	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

4.3 Carbon and Energy Management

The proposal does not impact on carbon and energy management.

4.4 Legal

Neighbourhood planning is part of the Government’s initiative to empower local communities to take forward planning proposals at a local level, as outlined in Section 116 of the Localism Act, 2011. The Act and the subsequent regulations confer specific functions on local planning authorities in relation to neighbourhood planning and lay down the steps that must be followed in relation to Neighbourhood Planning.

The Woughton Neighbourhood Plan has been consulted on and subjected to a referendum in accordance with the 2012 Regulations (as amended).

As with any planning decision, there is a risk of legal challenge to the plan and/or judicial review of the Council's decision to proceed with the referendum and the making of the Plan.

Risk has been managed by ensuring that the relevant regulations are followed and that the Council's decision making process is clear and transparent. As explained in paragraph 2.9 above, there is a specific risk of a potential legal challenge from the Canal and River Trust as a result of an administrative error. The Council considers that, once it became aware of error, it took all possible steps to mitigate the error.

Once a Neighbourhood Plan is made it becomes part of the statutory Development Plan against which the Local Planning Authority is obliged to consider proposals for development.

In accordance with Section 61E(4) of the Town and Country Planning Act, as modified by the Localism Act 2011, the Council must, as soon as possible after deciding to make a neighbourhood development plan:

- (a) publish on the website and in such other manner as is likely to bring the Plan to the attention of people who live, work or carry on business in the neighbourhood area:
 - (i) the decision document,
 - (ii) details of where and when the decision document may be inspected;
- (b) send a copy of the decision document to:
 - (i) the qualifying body and
 - (ii) any person who asked to be notified of the decision.

4.5 Other Implications

The Woughton Neighbourhood Plan has been tested against and found to meet a number of basic conditions. Two of the basic conditions are the requirements for the plans to:

- Contribute to the achievement of sustainable development
- Not breach and otherwise be compatible with EU obligations (including Human Rights, the Strategic Environmental Assessment Directive and the Habitats Directive)

The Examiner's report has confirmed that the Plan meets those Basic Conditions and officers are satisfied that there are no conflicts with these aspects.

The consultations on the draft plan carried out by the Community Council and then the publicity on the submitted plan carried out by Milton Keynes Council

have helped to raise awareness of its preparation and have allowed community engagement and participation in the process. .

N	Equalities/Diversity	Y	Sustainability	Y	Human Rights
N	E-Government	N	Stakeholders	N	Crime and Disorder

Annex A Additional modifications to the Woughton Neighbourhood Plan

Annex B Decision document for making the Woughton Neighbourhood Plan

Annex C Final version of the Woughton Neighbourhood Plan (<https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/Woughton-neighbourhood-plan>)

Background Papers:

The Localism Act 2011

The Neighbourhood Planning (General) Regulations 2012

The Housing and Planning Act 2016

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

**MILTON KEYNES COUNCIL
WOUGHTON NEIGHBOURHOOD PLAN
Decision Statement – 20th October 2017**

1 Summary

- 1.1 Following a referendum of all residents eligible to vote within the Woughton Neighbourhood Plan area, Milton Keynes Council will make the Woughton Neighbourhood Plan part of the Milton Keynes Council Development Plan.

2 Background

- 2.1 Woughton Community Council, as the qualifying body, successfully applied for its area to be designated a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.
- 2.2 Following the submission of a draft of the Woughton Neighbourhood Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 10th April, 2017. All comments received were then passed to the Examiner, Mr Andrew Ashcroft, who submitted his report on the Plan in June, 2017 which stated that the plan met relevant basic conditions and requirements, subject to modifications, and should proceed to referendum.
- 2.3 The Woughton Neighbourhood Plan was modified in line with the Examiners' recommendations and a Neighbourhood Planning Referendum was held on 19th October 2017. The turnout in the referendum was 13.44% and 988 of the votes cast were in favour and 147 against the plan.

3 Decision

- 3.1 The Council makes the Woughton Neighbourhood Plan part of the Milton Keynes Council Development Plan. In doing so, the Council is of the opinion that the Plan is compatible with all relevant European Union obligations, as incorporated into UK law, and is legally compliant.
- 3.2 The Council agrees to this decision statement and the Woughton Neighbourhood Plan being published on the Milton Keynes Council website and in other ways to bring them to the attention of people who live, work or carry out business in the neighbourhood area. The decision statement and details of how to view the plan will be sent to the qualifying body and any person who asked to be notified of the decision.

Woughton Neighbourhood Plan Referendum

Purpose: This Annex to the Cabinet report sets out some minor changes to the supporting text of two policies in the published referendum version of the Woughton Neighbourhood Plan.

Background: It was recently been brought to the attention of Milton Keynes Council that, due to an administrative error, a representation from the Canal and River Trust to the submitted Woughton Neighbourhood Plan had not been forwarded to the Neighbourhood Plan Examiner.

Section 16 of the Neighbourhood Planning (General) Regulations 2012 sets out the duty on the local planning authority for publicising the plan and at S16 (v) the date by which representations must be received, 6 weeks from the date of publication of the plan proposal.

Given that the representation from the Canal and River Trust was received within the 6 week period, it was received in compliance with the Regulations. Section 17 refers to documents being forwarded to the examiner *as soon as possible*. Consequently the representation was forwarded to the examiner at the earliest opportunity following the discovery of this error.

The examiner, Mr Andrew Ashcroft, has considered the representation and has recommended a number of changes to the supporting text of the Neighbourhood Plan. These are set out in the following table.

These additional changes affect the supporting text rather than the policies, and are not considered to be material to the Neighbourhood Plan, but, rather, are being made to improve its clarity.

Policy	Paragraph	Changes (shown in blue)
WN6	3.22	<p>In 3.22 final sentence delete 'on'</p> <p>Insert the following additional supporting text at the end of paragraph 3.22:</p> <p>"The designation of sections of the Grand Union Canal as local green space reflect its very distinctive nature within the environment of the Plan area. It is a significant part of its built heritage. The canal and its footpaths offer extensive opportunity for recreation and accessibility both to local residents and to visitors in canal and house boats. The designation of the area as LGS is not intended to hinder the normal operational requirements of the Canal and River Trust in general, and the provision of mooring facilities, recreation facilities and general maintenance work in particular. "</p>

Policy	Paragraph	Changes (shown in blue)
WN18		In the first part of the policy replace at 'Netherfield... Policies Map' with 'as set out in Appendix A.18'
WN18	3.65	<p>Include the following additional supporting text at the end of 3.65:</p> <p>The canal marina in Peartree Bridge contains a range of different uses. Some are of an operational nature and are only available to boaters using the facility in a commercial fashion. Other uses (the public house, take away and the laundry) are available both to boaters and the wider community. For clarification, this policy relates only to the public facilities within the building.</p>
Appendix	A.18	In Appendix A.18 replace the existing entry on the canal/marina with 'Marina, Peartree Bridge'