

DELEGATED DECISIONS
28 MAY 2013 at 5.30 PM
ROOM 3, CIVIC OFFICES
SCHEDULE

ITEM NUMBER	SUBJECT	DECISION MAKER	PAGE NUMBER
1.	Castlethorpe, Campbell Park and Bow Brickhill Neighbourhood Plan Area Applications	Councillor Hopkins (Cabinet Member for Economic Development and Enterprise)	Pages 3 to 9
2.	Landscape Maintenance and Associated Services Contract	Councillor A Geary (Leader)	Pages 10 to 15
3.	Community Asset Transfer : Woolstone Sports Ground	Councillor P Geary (Cabinet Member for Communities)	Pages 16 to 20
4.	Freehold Disposal of Land at Wellington Place Bletchley	Councillor Bald (Cabinet Member for Finance)	Pages 21 to 24
5.	Bungalow at Drayton Park School	Councillor Dransfield (Cabinet Member for Children's Services and Lifelong Learning)	Pages 26 to 29

Notice of Intention to Hold the Meeting in Private

That the public and press may be excluded from the meeting by virtue of Paragraph 1 (Information Relating to an Individual) of Part 1 of Schedule 12A of the Local Government Act 1972 during consideration of the Annex to the report listed below.

The Proper Officer of the Council has determined that the Annex should be considered in the absence of the public and press by virtue of Paragraph 1 (Information Relating to an Individual) of Part 1 of Schedule 12A of the Local Government Act 1972, as disclosure would not be in the public interest.

No representations have been received about why those matters referred to should be considered with the public and press present.

ITEM NUMBER	SUBJECT	DECISION MAKER	PAGE NUMBER
6.	Appointment of School Governors	Councillor Dransfield (Cabinet Member for Children's Services and Lifelong Learning)	Pages 30 to 32

Wards Affected: Hanslope Park, Wolverton, Campbell Park, Linford South, Middleton, Linford North, Woughton, Loughton Park, Sherington, Danesborough and Walton Park

CASTLETHORPE, CAMPBELL PARK AND BOW BRICKHILL NEIGHBOURHOOD PLAN AREA APPLICATIONS

Decision Taker: Councillor Hopkins – Cabinet Member for Economic Development and Enterprise

Report Author: Diane Webber, Senior Planning Officer (Tel: 01908 252668)

Executive Summary:

In accordance with the Neighbourhood Planning Regulations 2012, Castlethorpe, Campbell Park and Bow Brickhill Parish Councils submitted applications to designate their parish areas as Neighbourhood Areas. These were advertised for six weeks of public consultation: for Castlethorpe this took place between 4 March and 15 April 2013, and for Campbell Park and Bow Brickhill, this took place between 18 March and 29 April 2013.

This report recommends that the three proposed Neighbourhood Areas are approved as originally submitted.

1. Recommendation(s)

- 1.1 That the Neighbourhood Area applications for Castlethorpe, Campbell Park and Bow Brickhill, as shown in Annex A, B and C, be approved in accordance with Section 61G of the Town and Country Planning Act, 1990 (as amended).

2. Issues

- 2.1 Castlethorpe, Bow Brickhill and Campbell Park Parish Councils submitted applications to Milton Keynes in February and March 2013, to designate their parish areas as Neighbourhood Areas. These areas are shown respectively in Annex A, B and C. These applications were made in accordance with Regulation 5 of the Neighbourhood Planning Regulations 2012, which requires a Parish Council submitting an area application to include:

- a map which shows the area to be designated;
- a statement explaining why the Parish Council considers the area to be appropriate for designation; and
- confirmation that the Parish Council concerned is the relevant body for the purpose of neighbourhood planning for that area.

- 2.2 In accordance with Regulation 6 of those regulations, Milton Keynes Council published the area applications, and held six week public consultation periods.

For Castlethorpe this took place between 4 March and 15 April 2013, and for Campbell Park and Bow Brickhill this took place between 18 March and 29 April 2013. The Neighbourhood Area applications were advertised in MK News, on the Council's website, and through information circulated to all Members and Town and Parish Councils. Neighbouring authorities were also notified in relation to the Castlethorpe application.

- 2.3 No objections to any of the three proposed neighbourhood areas were received. Three responses confirming no objection were received from Emberton Parish Council (one for each application) and a further response was received from Olney Town Council, in support of the development of a neighbourhood plan for Castlethorpe.
- 2.4 In reaching its decision on a neighbourhood area application a local planning authority should:
- consider the statement accompanying the application for an area to be designated, and
 - consider any representations received during the consultation period.
 - the local planning authority must also consider whether it is appropriate to define the area as a business area under Section 61H of the Town and Country Planning Act, 1990 (as amended).

In parished areas, the legislation recognises that the parish council's administrative boundaries will form logical boundaries for neighbourhood planning unless circumstances dictate otherwise. The three neighbourhood areas are considered in turn below.

- 2.5 **Castlethorpe Neighbourhood Area:** the proposed neighbourhood area for Castlethorpe covers the area for which Castlethorpe Parish Council is the elected body and the relevant body for the purposes of neighbourhood planning under the Act and the 2012 Regs. As the Neighbourhood Area application states, the parish is long established and its area is clearly defined. There are no other neighbourhood plans or areas already in existence that would overlap with this proposed area.
- 2.6 The proposed area covers the whole parish and given the predominantly rural nature of the area it is not appropriate to define the area as a business area under Section 61H of the Act.
- 2.7 **Campbell Park Neighbourhood Area:** as with Castlethorpe, the proposed neighbourhood area for Campbell Park follows the parish boundary. Campbell Park Parish Council is the relevant body for the purposes of neighbourhood planning for this area as required by the Act. There are no other neighbourhood plans or designated areas already in existence that would overlap with this proposed area, although there are plans being prepared for neighbouring parishes (Great Linford and Central Milton Keynes) and the council encourages all of the parish councils to work closely with each other to ensure that their plans are complementary to each other, wherever possible.
- 2.8 As set out in the accompanying statement in support of the Neighbourhood Area designation, Campbell Park Parish is comprised of several and diverse communities, however, the area is predominantly residential in nature and it is not therefore considered appropriate for the area to be designated a business area under Section 61H of the Act.

- 2.9 **Bow Brickhill Neighbourhood Area:** As with the two applications above, the proposed neighbourhood area for Bow Brickhill follows the parish boundary. Bow Brickhill Parish Council is the relevant body for the purposes of neighbourhood planning for this area as required by the Act. There are no other neighbourhood plans or areas covering the area of Bow Brickhill Parish and the area is predominantly rural and as such it is not considered appropriate for the area to be designated a business area under Section 61H of the Act.
- 2.10 On the basis of the above, it is considered appropriate to designate all three neighbourhood areas as originally proposed by their respective Parish Council, and as shown in Annexes A, B and C.

3. Options

- 3.1 Once a Neighbourhood Area application is submitted, the 2012 Regulations require the Council to designate or reject the proposed area and publicise that decision. This report recommends that the areas originally proposed by the Parish Councils are all approved as Neighbourhood Areas. However, if it is considered that this recommendation is not appropriate, the Neighbourhood Area applications could be refused. Castlethorpe, Campbell Park and Bow Brickhill Parish Councils could then choose to submit revised applications to Milton Keynes Council, which will then be subject to further advertisement and consultation.

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 the emerging 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 terms of the planning policy hierarchy, a Neighbourhood Plan, once adopted, carries more weight than a Supplementary Planning Document.

4.2 Resources and Risk

The Localism Act and the 2012 Regulations place new duties on local planning authorities in relation to Neighbourhood Planning. These new duties have considerable implications for staff resources and include taking decisions at key stages in the process; being proactive in providing advice to communities about neighbourhood planning; providing advice or assistance to a parish council, neighbourhood forum or community organisation that is undertaking neighbourhood planning.

In recognition of the additional burdens that these new duties place on local planning authorities, DCLG has made available grants to local planning

authorities up to £30,000 for each neighbourhood plan. This payment is phased so that £5,000 is available when the neighbourhood area is designated; a further £5,000 when the plan is submitted to the local authority for publicity and examination; and the final £20,000 following successful examination.

Up to March 2013, claims have been submitted to DCLG for the designation of the first 7 Neighbourhood Areas in Milton Keynes.

Staff resources to support Neighbourhood Planning will come from the existing staff within the Development Plans team. Decisions on any significant resource issues for the Council, as a result of officer involvement in Neighbourhood Planning, will be taken separately, as necessary.

N	Capital	N	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 2012 Regulations confer specific functions on local planning authorities in relation to neighbourhood planning.

At its meeting of 25 July 2012, Cabinet agreed the decisions in the Neighbourhood Planning process that would be delegated to the Cabinet Member responsible for Strategic Planning. This scheme of delegation included the decision of whether to accept and designate a Neighbourhood Area, as is recommended in this report.

4.5 Other Implications

Stakeholders:

The proposed Neighbourhood Area applications have been the subject of consultation for six weeks, and the views of stakeholders are reported in this report.

Consultation and involvement of stakeholders is an important part of the neighbourhood planning process, and will ultimately be tested by a single issue referendum at the end of the process.

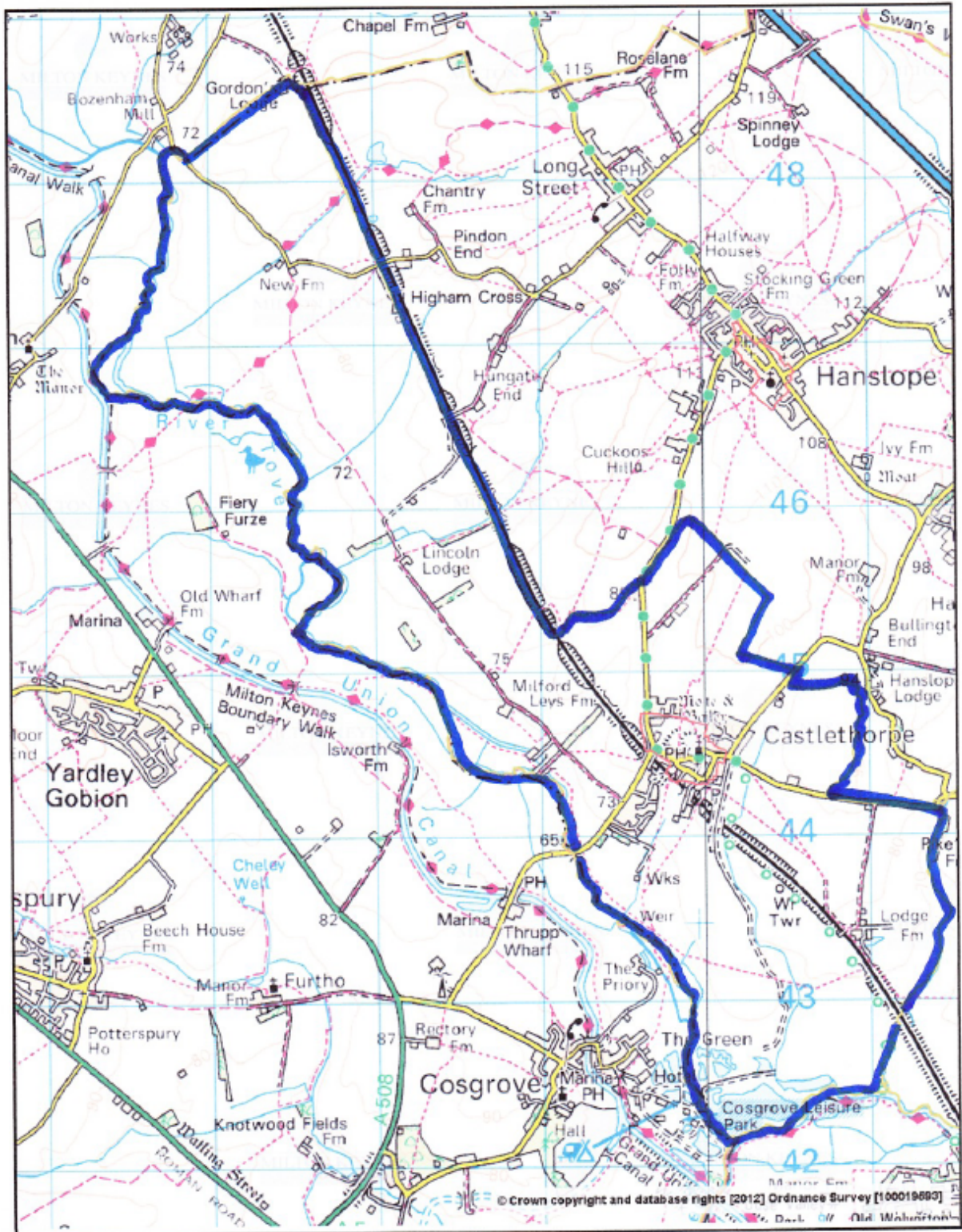
N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	Y	Stakeholders	N	Crime and Disorder

Annex A – Castlethorpe Proposed Neighbourhood Area

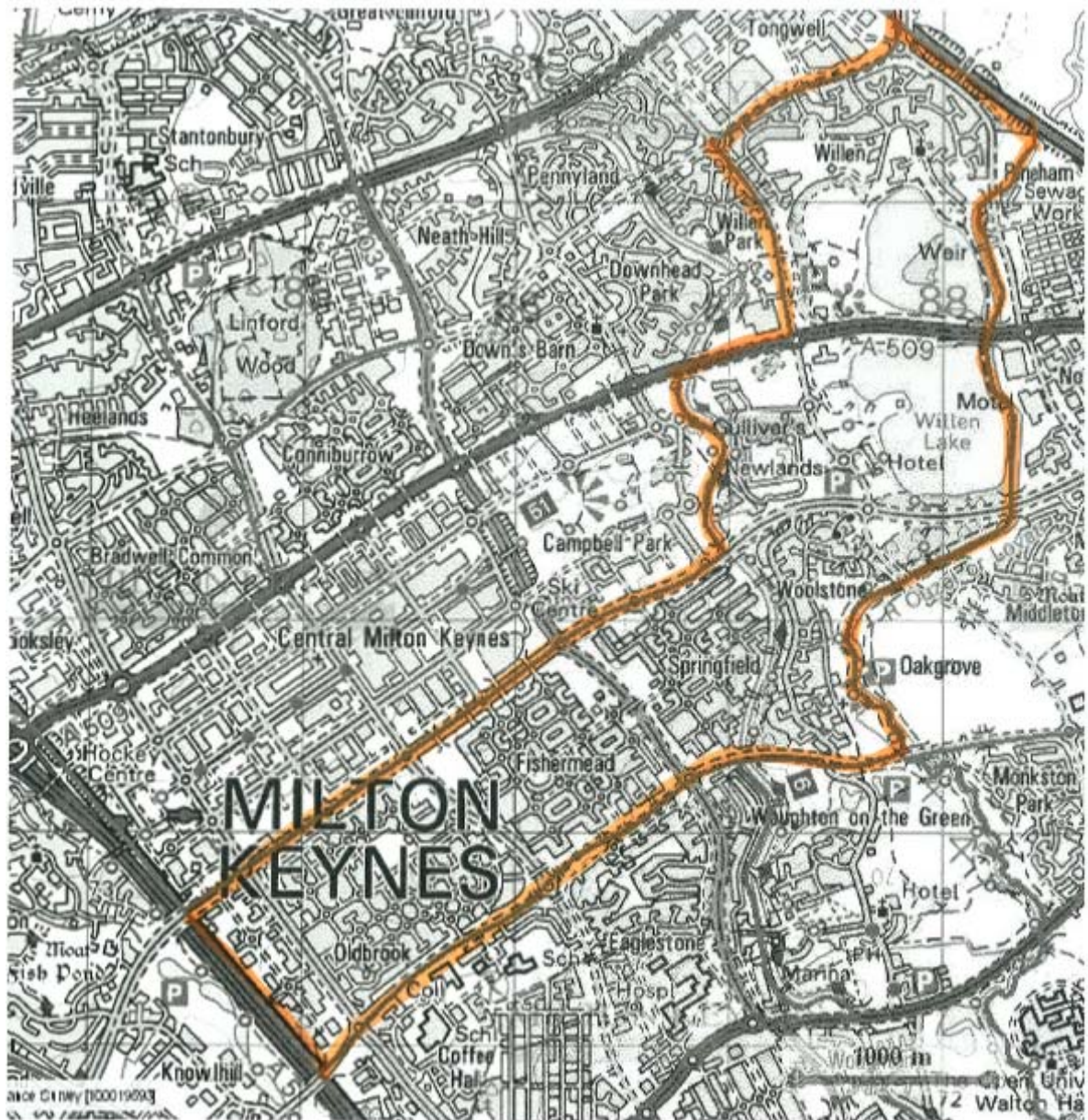
Annex B – Campbell Park Proposed Neighbourhood Area

Annex C – Bow Brickhill Proposed Neighbourhood Area

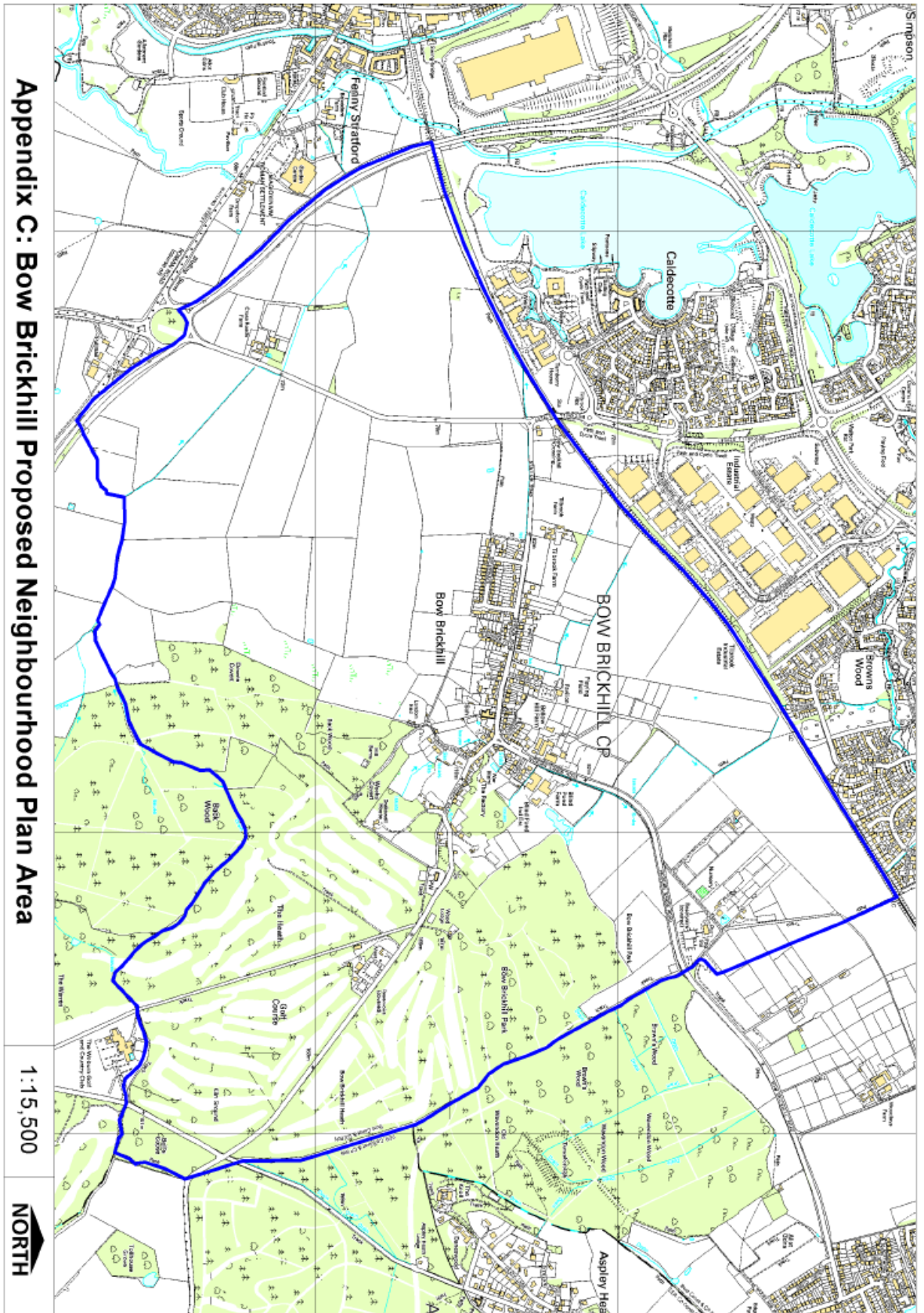
ANNEX A - Castlethorpe Proposed Neighbourhood Area



ANNEX B - Campbell Park Proposed Neighbourhood Area



ANNEX C - Bow Brickhill Proposed Neighbourhood Area



Wards Affected:

All Wards

LANDSCAPE MAINTENANCE AND ASSOCIATED SERVICES CONTRACT

Decision Taker: Councillor A Geary, Leader of the Council

Author: Andy Hudson, Head of Environment and Waste,

Tel: (01908) 252577

Executive Summary:

Cabinet approved the landscape and maintenance and associated services contract to go out to tender on 30 January 2013 (C125). Part of the recommendation included that in the event that feedback from consultation with the Industry requires any changes to the intended approach, the Leader of the Council be authorised to approve the final tender approach as a Delegated Decision. This report addresses the response to the Industry Day held on 14 February 2013 and proposes a procurement strategy and approach for the tender.

1. Recommendation(s)

- 1.1 That the procurement strategy for the landscape maintenance and associated services contract detailed in this report be approved.

2. Issues

- 2.1 The procurement strategy is set out below:

Contract Lots

- 2.2 The Cabinet approved the following recommendation in respect of contract lots on 30 January 2013 (C125):

That a landscape maintenance and associated services contract be approved to go out to tender for a contract period of 5 years with potential to extend up to a further 5 years. This tender will include:

- Grass cutting, shrub maintenance (including planting), weed control within parks, open spaces (including lake areas) and highways;
- Play area inspections and maintenance;
- A separate lot for grave digging and landscape maintenance of graveyards, cemeteries and the Crematorium; and
- A separate lot or contract for arboriculture services.

- 2.3 Further to the industry day held on 14 February 2013, it is recommended that the contract should be split in the following lots:
- Landscape maintenance into area based lots and specialist lots;
 - Arboriculture;
 - Grave digging and landscape maintenance of graveyards, cemeteries and crematorium;
 - Play Areas
- 2.4 Whilst it is considered that one contract for landscape maintenance may attract a reduced cost, due to economies of scale, this would not enable local Small and Medium Enterprises (SMEs) to be able to bid for the contract. The current service also works in areas. Play areas inspections and maintenance is considered in paragraph 2.15 of this report. Therefore the approach noted in 2.2 and 2.3 above is suggested, in order to support the Council's local economic development objectives. Additionally, so as not to lose any potential economies of scale, bidders for these services will be able to win more than one lot (or all lots), as there will be no restrictions to ensure an open and fair procurement process.
- 2.5 Due to the seasonal grass cutting and planting schedule, the most appropriate time to commence a landscape contract would be before or after this period, during the period of late October to mid March. On this basis, the proposed lots based approach rather than one contract would increase the evaluation time for both the pre-qualification questionnaire and tender evaluation stages and would likely cause the contract commencement to be delayed to late October 2014 rather than March 2014.

TUPE

- 2.6 The current operation is managed in teams of which 5 are area based and 2 providing specialist roles. Thus, subject to further legal advice, it will be necessary to "TUPE transfer" the existing staff to the incoming contractor(s) for each contract or area and specialist lots. However, it is considered that TUPE will not apply to any staff whose work is not predominately within one of the lots.

Length of the contract

- 2.7 The length of the contract will be 5 years and provision to extend for a further period of up to 5 years, as previously included in the 30 January Cabinet report. A period of 5 years is needed to return the capital investment for the purchase or leasing of vehicles and equipment to operate the contract.

Use of the depot

- 2.8 It is recommended that the use of part of the Bleak Hall Depot should be offered as part of the tender process if suitable for the bidder's need, but that this use should not be mandatory. This has been considered with the wider requirements for the Highways - Street Lighting and Network Infrastructure Term Maintenance contract. The benefits include the continued use of the Council's asset, ease of co-ordination between related contracts, and to ensure open and fair competition.

Most Economically Advantageous Tender (MEAT)

2.9 It is recommended that the MEAT criteria should be as follows:

- (a) Price @ 50%
- (b) Quality @ 50%, which includes functional and technical compliance with the specification, quality management and control, the bidders approach to continuous improvement (including the Annual Service Improvement Plan), approach to maintaining the service during or after extreme adverse weather conditions, liaison with customers (residents) and local community representatives such as parish/town councils, Neighbourhood Action Groups and residents association, recruitment and retention of staff including local employees, training and apprenticeships and employment of local suppliers and sub-contractors. The evaluation will also consider the potential providers' carbon footprint and their proposed use of any chemicals such as herbicides.

2.10 This was included in the Cabinet report on 30 January 2013. It is considered that these services are all highly visible and front line services, where the quality of service delivery is important.

Assets

2.11 The existing vehicles and plant should be offered for use subject to existing leases. Should the tenderers not utilise the assets, then ongoing costs will be taken into account when evaluating their price.

Specification

2.12 The specification defines the type, nature, service standards and frequency of the services to be provided. Following the Transport and Environment Select Committee recommendations in July 2012, it is proposed to adopt an output basis for grass cutting, where a maximum and minimum length has to be maintained irrespective of the frequency. However, to ensure that we do not transfer excessive risk to the contractor, a minimum and maximum annual frequency should be specified. The other specifications should be input based, such as where the frequency of shrub maintenance (other than for safety requirement such as for visibility splays) will be specified by the Council.

Novation

2.13 The contract should have provision to novate (transfer) all or part of the contracts to other properly constituted organisations as appropriate. This could include parish/town councils, or community groups, such as under the Community Asset Transfer Programme.

Value for Money

2.14 To ensure value for money the Council will test the new specification against its current costs for comparator purposes. The Council reserves the right not to accept any of the tenders.

Play areas

2.15 Following the receipt of an Expression of Interest to 'Take Over', under the Community Right to Challenge, it is recommended that play areas become a

separate tender. The Expression of Interest is currently being assessed and may mean the tender process for this service may need to be delayed.

Shortlist and approval of Specification

- 2.16 The approval of the shortlist for invitation to tender following the Pre-Qualification Questionnaire stage and the approval of the specifications and conditions of contract should be delegated to the Assistant Director - Public Realm Services Group, in accordance with the Council's procurement regulations.

3. Options

- 3.1 The options for landscaping maintenance and associated services contract were considered within the Cabinet report on 30 January 2013. These considered the 'do nothing' option of continuing to manage the in-house services or to go to tender.

- 3.2 The Project Team evaluated four options for packaging the landscape maintenance (grass cutting, shrub maintenance (including planting), weed control within parks, open spaces (including lake areas) and highways):

- Option 1 - one contract;
- Option 2 - Split Landscape maintenance and arboriculture services contract by 3 - 5 (4) geographical areas
- Option 3 - Split Landscape maintenance and arboriculture services contract by 10 - 20 (16) geographical areas
- Option 4 – Split Landscape maintenance and arboriculture services contract by area and by service (Could be as many as 50 lots).

- 3.3 Option 2 is the approach to be taken for the reasons in paragraph 2.4 of this report.

4. Implications

4.1 Policy

The tender will be in accordance with the Public Open Space Management Framework adopted by Cabinet on 13 March 2013 (C146).

The services contribute to the delivery of the outcomes of the Corporate Plan themes:

- Visiting MK
- Working in MK
- Living in MK
- World class MK
- Cleaner, greener, safer and healthier MK

4.2 Resources and Risk

Resources: A one off sum of £300,000 has been allocated for the procurement costs as a “spend to save” initiative. Savings through the procurement are expected and likely savings and other benefits are anticipated to be greater. The Medium Term Financial Plan includes the cost of the current services.

Staffing: In order to deal with the challenges in landscaping and the contract mobilisation, staff that currently deliver the service that is transferring will TUPE across to the new provider. However, staff can only transfer if the work that they predominantly undertake is transferring and the more lots there are, the less likely it is that an employee will be working predominantly within that lot. It is difficult to quantify the potential impact of this at this stage, but there is a minor risk that it could mean that if the contract is let through a large number of smaller contracts, TUPE may not apply and could lead to some staff redundancies. The cost of the redundancies would be borne by the council.

Staff and their representatives have been briefed on the options and proposals set out in this paper. Briefing sessions will continue to ensure that staff remain engaged and motivated throughout the process. A full formal consultation process in line with the council’s policies and procedures will be undertaken should the proposal move to implementation.

Asset Management: The Council owns the existing depot at Bleak Hall, where the landscaping service is currently operated from. The depot is included in the Service Asset Management Plan.

Risks: The main risks are:

- The tender process does not provide significant savings and/or does not obtain service improvements.
- If the contract starts in late October rather than March 2014, due to additional and more complex evaluation procedure, then:
 - The Highways contract will commence in April 2014 and be based at the depot in Synergy Park. This will mean that the landscape service will need to relocate elsewhere within the site and space has been provided on the left hand side of the depot. However, this needs to be fitted out to accommodate the new contractor such as providing office accommodation and room for equipment.
 - If there is more than one contractor requesting the use of the depot it may not be practical for the depot to be shared between several contractors, but it may be possible to share the facility between a small number of contractors by the use of separate licences for occupation.
 - As the landscape service will require the services of the fleet contract, the fleet contract cannot be let, until after the Landscape contract is let

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

4.3 Carbon and Energy Management

The tender would consider the Council's Low Carbon Strategy and Action Plan in preparing the specification, and within the evaluation criteria.

4.4 Legal

The Council has a duty to maintain land it owns and keep safe the public on public open space.

The procurement of the Landscaping Contract will be completed in accordance with the requirement of the Public Contracts Regulations 2006 and subject to European wide advertising process due to the contract values. The contract will be procured in accordance with the Council's procedures. In particular the tender process will comply with Social Value Act 2012.

4.5 Other Implications

Equalities: Equality considerations will be taken into account in the preparing the specification and the tender evaluation.

Sustainability: Environmental initiatives and impacts will be considered in the tender evaluation.

E-Government: E-procurement will be used with the council's Intend system.

Stakeholders: Consultation was carried out with service related Industry. An Industry Day was held on 14 February 2013.

Crime and Disorder: Good landscape maintenance contributes positively in the reduction of crime and disorder.

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

Background Papers: Cabinet Report 30 January 2013 - Review of Landscape Maintenance and Associated Services

Wards Affected:

Campbell Park

WOOLSTONE SPORTS GROUND TRANSFER OF OWNERSHIP TO CAMPBELL PARK PARISH COUNCIL**Decision Taker:**

Councillor P Geary, Cabinet Member for Communities

Authors:

Neil Hanley, Community Solutions Programme Manager Tel (01908) 253632

Paul Sanders, Assistant Director, Community Facilities Tel (01908) 253639

Executive Summary:

Following a pilot scheme under the Community Asset Transfer programme, it is proposed that Woolstone Sports Ground (as outlined in Annex A) is transferred to Campbell Park Parish Council (CPPC). This future arrangement will, under the leadership of this Parish Council provide improved high quality provision of various community activities for the people of Milton Keynes into the future.

1. Recommendation(s)

That the Freehold ownership of Woolstone Sports Ground be transferred to Campbell Park Parish Council, on the basis of the agreed Heads of Terms.

2. Issues

- 2.1 The primary purpose Woolstone Sports Ground is to provide for a variety of sporting and leisure activities including but not limited to the provision of activity for cricket. The asset transfer will impose covenants or restrictions on use and that if these are breached the Council have the right to take the facility back; protecting the community interests. In the event that the covenant restricting use is breached and claw-back is not paid the Council will have a right to acquire the Property for £1.
- 2.2 The Toolkit: 'Milton Keynes Council's Approach to Community Asset Transfer', adopted by Cabinet in July 2012 was applied to this asset. Through the two stage application process and subsequent assessment panels, CPPC demonstrated that they met the criteria in terms of being a locally run, locally controlled, non-profit distributing, inclusive, and democratic organisation. Their subsequent business plan submission clearly demonstrated that as an organisation they meet the required requirements under the CAT programme for the freehold transfer, and in the opinion of officers they have the relevant experience of delivering services to the local community.

- 2.3 Campbell Park Parish Council has provided the following statement from their business plan:

“Campbell Park Parish Council believes that the future of the Woolstone Sports Ground, its potential development and its long term viability are best achieved under the ownership and management of the Parish Council. Campbell Park Parish Council believe that the opportunity for it to acquire the asset under the Milton Keynes Council Community Asset Transfer Scheme provides the perfect solution for both parties, with the ultimate aim of bringing the management of the Woolstone Sports Ground to a local community level, this would have a beneficial impact across the Parish and the wider Milton Keynes area.”

In their business plan, Campbell Park Parish Council sets out the firm future commitment, as follows:

“The current use of the site, its development potential and the associated benefits, are central to the Parish Council’s motivation for acquiring the asset. The Parish Council believe that the future of the asset is best served by developing the site as a space open to the public on a year round basis, with a variety of sporting features. The Parish Council genuinely feel that the development of appropriate facilities on the site, which are in line with resident’s needs, will bring numerous opportunities and benefits to both Woolstone and the wider community, guaranteeing a bright future for the asset.”

- 2.4 It is proposed to transfer the site, for the sum of £1, subject to restrictive covenants; claw back and a right of pre-emption to protect the Council’s interests in ensuring that the asset continues to be used for community related purposes. The Council is able to transfer the properties at less than best value through the use of the well-being powers contained in the General Disposal Consent, which allows for such a disposal where it benefits the economic, social or environmental well-being up to a maximum of £2 Million. Woolstone Sports Ground has been valued at less than £2 Million.
- 2.5 Controls would be centred upon general property related restrictions and claw-backs based upon facility use. These will be in the form of community protections related to restrictive covenants to ensure that the use of the park is of a similar or related nature to the primary purpose, that commercial activities can only be complementary and supportive to the overall use of the facility and that the facility cannot be left vacant for more than one year or sold or leased to another organisation without the Council’s permission. There will also be claw-back provisions requiring the payment of money to the Council in the event of a change of use. If these covenants are breached the facility could (at the Council’s option) revert to Council ownership

3 Options

The alternative option would be for the Council to continue taking full responsibility for Woolstone Sports Ground its liabilities and relevant investment in the future. However, this does not recognise the value of ‘Localism’, enabling local community partners to take more responsibility for local assets and to empower these new arrangements with those organisations that may be best-placed to achieve this.

4 Implications

4.1 Policy

The Council's approach to Community Asset Transfer was formally adopted on 31st July 2012 following a delegated decision.

The objectives of the programme are firmly embodied within the current version of the Corporate Plan and the guiding principles of the Council's Organisational Transformation Programme.

4.2 Resources and Risk

With the Freehold transfer taking place the Council's Landlord responsibilities would fall away resulting in a saving of £13,814 in revenue costs in 2013/14 as highlighted in the Council's Budget and Medium Term Financial Plan.

CPPC would take full responsibility for the asset its liabilities and relevant capital investment into the future.

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

4.3 Carbon and Energy Management

Maintaining the resources at Woolstone Sports Ground would provide a service for a wide variety of community groups (particularly young people) locally which they would otherwise have to travel further afield to achieve.

4.4 Legal

Throughout, the Council's Legal team have been closely monitoring the impact of any legislation that might affect the progress of CAT and will continue to do so in the future.

The proposal is in line with the Government's Localism Act 2011.

Transfers at undervalue would potentially contravene State Aid regulations, which means they would be unlawful. Recent Counsel advice suggests this transfer does not contravene State aid.

Under S123 of the Local Government Act 1972, property disposals are to occur on the basis of best value being obtained. The Local Government Act General Disposal Consent 2003 provides a relaxation to this requirement up to a maximum value of £2M.

4.5 Other Implications

As an integral part of this transfer arrangement an Equalities Impact Assessment has been completed. (Available on request)

The programme was promoted on the Council's web link applications and the two stage application process was made available on-line.

Thorough public consultation on the Community Asset Transfer (CAT) Toolkit took place over a three-month period (31st January 2012 – 24th April 2012). Stakeholders had the opportunity to attend numerous events that were held across Milton Keynes and a public engagement event was held at Woolstone Community Centre for Woolstone Sports Ground clarifying the specific aspects related to this proposed asset transfer.

The local Ward Members as key stakeholders are aware of this development and have been involved in the consultation.

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

Annex A: Plan of Land of transfer

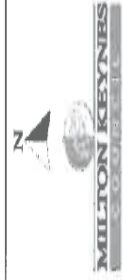
ANNEX A - WOOLSTONE SPORTS GROUND



Woolstone Sports Ground

Scale 1/1250
 Date 24/4/2013
 Centre = 487409 E 239154 N
 Author

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Wards Affected:

Bletchley & Fenny Stratford

FREEHOLD DISPOSAL OF LAND AT WELLINGTON PLACE, BLETCHLEY

Decision Taker: Councillor Bald (Cabinet member responsible for Property)

Author: Rod Aitken, Property Services 01908 252444

Executive Summary:

Wellington Place is a 1.22 acre site in Bletchley which is surplus to service requirements.

After offering the freehold on the open market, the highest offer received was £190,000 therefore the purpose of this report is to seek approval for the disposal of this asset.

Retention of the site would require ongoing expenditure to manage and secure the land; therefore it is recommended that the freehold is sold to remove Milton Keynes Council's ongoing liability.

1. Recommendation

- 1.1 That an unconditional offer of £190,000 to purchase the freehold of Wellington Place Lorry Park be accepted.

2. Issues**2.1 Background**

- 2.1.1 The land is held by the Transportation (Parking) department and is used as free off-street parking by the general public. Due to its secluded industrial location, the site is frequently targeted by fly-tippers and travellers, requiring action by the Council.
- 2.1.2 In the period 2009-2010 the Council developed its Bletchley Transport strategy. Within this strategy a number of interventions and strategies were developed. In terms of parking, the strategy identified that an objective was to make accessibility to town centre parking better by signing etc. The Wellington Place car park, being somewhat peripheral to the town centre was not within the scope of this intervention.
- 2.1.3 After being declared surplus to service requirements in 2010, marketing of the site yielded an offer of £170,000 but the property was withdrawn from the market whilst the Waste department considered the feasibility of creating a community recycling centre at the site. It was subsequently offered back to the market in May 2012 and the agent has recommended acceptance of an unconditional offer at £190,000 from the same party that made the highest bid in 2010. There were no other bidders.

- 2.1.4 The site to be sold is shown edged red on the attached plan (Annex) and amounts to approximately 1.22 acres. It is situated in a mixed use predominantly industrial area; it is an irregular shape with approximately 0.42 acres of concrete hard standing. This has resulted in limited interest from developers as the developable area is restricted to circa 0.77 acres which limits the market value.
- 2.1.5 There are no title restrictions nor is clawback applicable to this sale however the land being sold is subject to rights of access to the adjacent industrial units (coloured green) and a prescriptive right of access to the neighbouring railway line in favour of Network Rail. The purchaser is in full knowledge of the existing access rights over the land.
- 2.2 Consultations
- 2.2.1 The site was offered internally through the Strategic Property Group (SPG) prior to the original decision to sell.
- 2.2.2 Ward members for Bletchley and Fenny Stratford and West Bletchley Council were consulted when the site was originally marketed, as part of the Waste consultations, and again prior to the site being placed back on the market in 2012. No objections were raised.
- 2.2.3 All potential users of the car park (neighbouring businesses and MK College) were advised that the site will be sold and that they had no legal right to park there. No objections were raised and the purchaser is aware of any existing rights.
- 2.2.4 The site has been offered to Network Rail as an adjacent land owner but no interest in its acquisition has been expressed.
- 2.2.5 It is envisaged that any displaced users would relocate to one of the 12 car parks situated within 10 minutes walk of West Bletchley station of which 8 are free.
- 2.2.6 Strategic advice on the disposal has been sought from the MKDP and it is confirmed that the site can be sold on the basis proposed.

3. **Options**

- 3.1 Retention of the lorry park – this would require the Council to incur ongoing management and maintenance costs to address the frequent fly-tipping and travellers on site. There is currently not a specific revenue budget for the lorry park.
- 3.2 Other Council use – the site was offered for wider operational use via the SPG. The only interested party (Waste) ruled out their interest so there is no operational requirement for the site.
- 3.3 Freehold disposal – this would release the Council from ongoing liability for a surplus site and result in a capital receipt of £190,000, therefore this is the recommended option.

4. Implications

4.1 Policy

The recommendation is in line with the Council's adopted Property Strategy's requirement to dispose of assets which are surplus to service requirements and consult with Ward members.

4.2 Resources and Risk

There is no economic reason to retain ownership of the site and accordingly retention would involve continued maintenance and management expenditure on a surplus asset.

A Capital receipt of £190,000 less legal and marketing fees (circa £5000) is considered an acceptable offer. This reflects both a continuance of the existing use as a car park, subject to charge and the ongoing associated management costs that this will entail. The offer also reflects any hope value for potential residential redevelopment albeit such development is currently contrary to the local plan.

There is not a separate revenue budget for this asset and whilst no costs have been incurred in recent years, the potential revenue liability for ongoing maintenance/compliance from this asset will be removed by this disposal. Disposal of the site will reduce the Council's landholding and the asset will be removed from the Asset Management Plan. The Capital Receipt has been taken into account in the Council's budgeted capital resources in 2013/14.

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

4.3 Carbon and Energy Management

There are no Carbon & Energy Management implications.

4.4 Legal

Legal Services will be instructed to convey the freehold title to the purchaser and complete the land transfer subject to the existing rights. The disposal process from marketing to the acceptance of the offer has been carried out in accordance with the procedure rules for disposal.

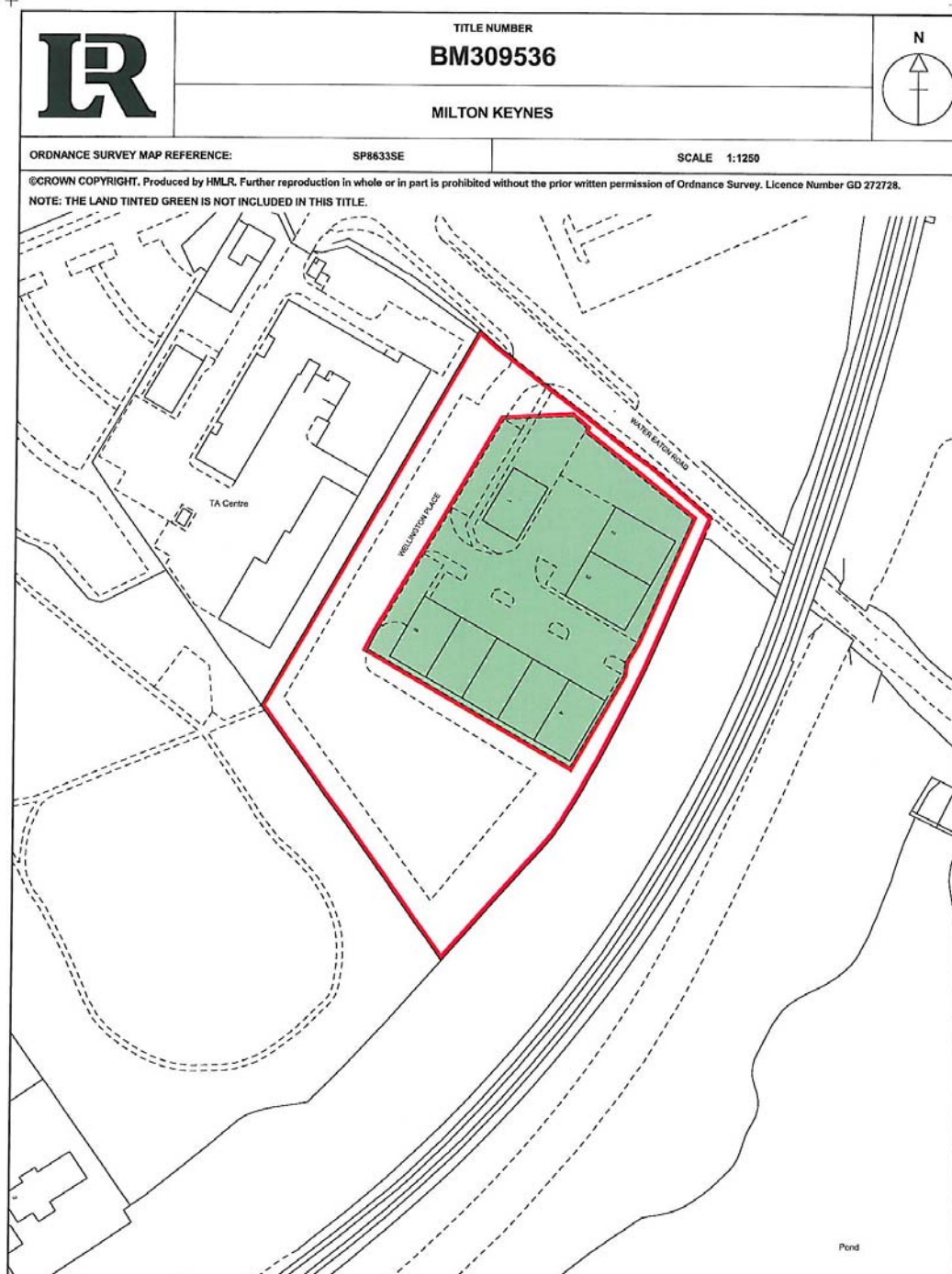
4.5 Other Implications

Due to the site being open to the public and having access rights over it, it has not been possible to secure the site without considerable cost, hence frequent fly-tipping and regular use by travellers. The purchaser as a private landowner will be able to take whatever measures necessary to prevent this, therefore they may be able to reduce these activities.

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

Background Paper:

PLAN OF AREA



This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 8 March 2006 at 8:48:42. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 8 March 2006.

This title is dealt with by the Leicester District Land Registry.



Ward Affected:

Eaton Manor

APPROVAL TO TRANSFER THE BUNGALOW AT DRAYTON PARK SCHOOL (BLETCHLEY) TO THE HOUSING AND COMMUNITY GROUP

Decision Taker: Councillor Dransfield, Cabinet Member for Children's Services and Life Long Learning

Author: Jo Bray, Project Leader (Minor Works), Tel: (01908) 258037

Executive Summary

On 19 March 2013 a Delegated Decision to demolish the bungalow at Drayton Park School was deferred, as Councillor Dransfield requested that the school, Highways and Housing be asked to respond formally to the proposal that the bungalow should be transferred to Housing.

Following receipt of those formal responses, this report requests permission to transfer the bungalow and its site at Drayton Park School to the Housing and Community Group's social housing stock.

The vacant three bedroomed bungalow was previously occupied as caretaker accommodation.

1. Recommendation

- 1.1 That the bungalow at Drayton Park School and the site it occupies be transferred at nil value of the to the Council's Housing and Community Group social housing stock.
- 1.2 That the costs to restore the property to a habitable standard and to separate it from the school be met from Housing budgets and from the Children and Families Managed and Vacant Properties Revenue Budget.

2. Issues

- 2.1 The three bedroomed bungalow at Drayton Park School is located on the edge of the school site adjacent to Bala Way (see attached plan at the Annex).
- 2.2 The bungalow initially became vacant in May 2007, when the previous caretaker ceased to be employed by the school.
- 2.3 The incoming caretaker did not want to live on the school site and it was subsequently confirmed by the School Planning and Build Programme Board in September 2008 that, as caretakers generally no longer wish to live on site, properties would be demolished if there was no economically viable alternative for them.

- 2.4 The bungalow has been surveyed by Housing and the cost to bring the bungalow at Drayton Park School back to a habitable standard and separate from the school has been estimated at £41,500 (in the previous Delegated

Decision report this cost was estimated to be £60,000, based on individual works carried out previously to Children and Families caretakers' accommodation), whereas its demolition and reinstatement of the land would cost in the region of £35,000.

- 2.5 Responses from the school, Highways and Housing are attached; there is no objection to the transfer the property to Housing in principle. A separate vehicular access would not be required, as the bungalow could have pedestrian access only from Bala Way, where there is a large public car park. The bungalow and its land would be completely separated from the school by installing metal and close boarded fencing to enhance security, provide privacy for the bungalow occupants and for the safeguarding of the pupils. The school requested that the bungalow be considered for use as nursery provision for two year olds (please refer to Alternative Option 3.4).

3. **Alternative Options**

3.1 Do nothing

The bungalow will continue to be vulnerable to vandalism and the weather and will deteriorate further, eventually having to be demolished. Council Tax would be payable annually; this financial year this was £1,052.36.

3.2 The bungalow is used as accommodation for key workers

This has been explored, as the school's previous Headteacher expressed an interest in staff of Drayton Park or other schools being able to rent the property, but it has been discounted for the following reasons:

3.2.1 Legally, to avoid a tenancy becoming secure and the Right to Buy provisions, the Council can only rent to a person who does not already live in the borough, but who is taking up employment in the area and needs temporary accommodation (for not more than 12 months) whilst looking for permanent accommodation.

3.2.2 The bungalow is within the school site and there would be access and security issues when the school was unoccupied.

3.2.3 The estimated cost to renovate the bungalow to make it habitable is £33,000. There is no capital budget to carry out these works.

3.3 The bungalow is used for the children's centre currently occupying an area of the school

The Headteacher and Governing Body have requested that this option be considered, because they are concerned about the school's capacity to accommodate additional children and would like to use the area of the school currently occupied by a children's centre (The Art Room) and move the children's centre to the bungalow. This is not the recommended option, because:

3.3.1 The school is not full (the net capacity for years Reception to 6 is 315 and the number on roll at the time of writing the report is 254).

- 3.3.2 There is no funding available to carry out works required to upgrade the bungalow for children's centre use. In any case, the building at 54m² is too small to be suitable for the children's centre.
- 3.3.3 The bungalow would have to be leased to The Children's Society, which operates the children's centre. In the future, if the children's centre no longer wanted to manage the bungalow, Children and Families would be responsible for finding an alternative use for the bungalow and, at that time, depending on the condition of and alterations made to the building, may have to decide whether to commit funds to improving and/or altering it to make it of a suitable standard or demolish it.

3.4 The bungalow is used as a nursery for two year olds

The Headteacher and Governing Body have also requested that this option be considered, as there is a duty for local authorities to provide free places for 20 per cent of two-year-olds from 2013-14 and then 40 per cent of two-year-olds from 2014-15.

However, the bungalow is not suitable for this type of provision, as it is an inappropriate design and it would not be cost effective to convert for this use. Only a small number of spaces could be provided and since there is an extensive demand in the area, a more holistic solution will be required.

4. **Implications**

4.1 Policy

This decision contributes to the delivery of the following strategic aims:

Living in MK

Cleaner, greener, safer, healthier MK

4.2 Resources and Risk

This decision would:

- 4.2.1 Cost the Council an estimated £41,500 to bring the bungalow up to a habitable standard and separate it from the school.
- 4.2.2 Following discussion with Housing, it is proposed that £25,000 of this cost will be met by Housing and £16,500 by Children and Families from the Managed and Vacant Properties revenue budget: £8,500 would provide fencing suitable to maintain the security of the school and address safeguarding and £8,000 would be to contribute to the costs of making good the heating system and electrics that have been vandalised during the time the property has remained empty.
- 4.2.3 Remove the asset from the Children and Families portfolio and therefore the associated liability for repairs and maintenance. Minor maintenance and gas servicing costs are in the order of £500 per annum and are currently funded from the Children and Families Managed and Vacant Properties revenue budget, as are larger maintenance items, such as boiler and heating replacements, re-wires,

window and door replacements, etc, which can each cost in the region of £3,000 - £5,000 each.

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

4.3 Carbon and Energy Management

There is no change in terms of carbon and energy as a result of this proposal.

4.4 Legal

None.

4.5 Other Implications

There are no other known implications.

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

Annex:

Site Layout Indicating Location of Caretaker's Bungalow



Scale bar

NOTES

1. Do not scale from this drawing.
2. This drawing is the copyright of John Burke Associates and can only be reproduced with their written permission.
3. The Contractor must check all dimensions, levels, building positions, site boundaries and report any discrepancies to John Burke Associates.
4. References to Local Authority are also intended to read as for Approved Inspectors.
5. Works are to be carried out to the satisfaction of the Local Authority and in accordance with the Building Regulations, relevant British Standards, Codes of Practice, CDM Regulations, together with current Acts, Bylaws, manufacturers' recommendations and good building practice.
6. All queries to be referred to John Burke Associates.

Revision	Description	Date

Title	
Site Location Plan	

Drawn	BOM	Date	Original Size
Checked	---	Feb 2013	A4
Drawing Number		Scale	Revision
100		1:2500	---

Design House
 117 Belgrave Avenue
 Romford
 Essex RM2 6PS



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Client
 Milton Keynes Council
 Saxon Court
 502 Avebury Boulevard
 Milton Keynes

Project
 Drayton Park School Bungalow
 Bala Way
 Bletchley
 Milton Keynes

Wards Affected: See Paragraph 2.5 of the report

APPOINTMENT OF LOCAL AUTHORITY REPRESENTATIVE GOVERNORS

Decision Taker:

Councillor Dransfield, Cabinet Member for Children's Services and Lifelong Learning Transformation

Author: Sue Bruce, Governor Services Officer, Tel: (01908) 253614

Executive Summary:

To appoint Local Authority Representative Governors to school governing bodies constituted under the School Governance (Constitution) (England) Regulations 2007.

To nominate Local Authority Representative Governors to school governing bodies constituted under the School Governance (Constitution) (England) Regulations 2012.

To nominate Local Authority Representative Governors to academy governing bodies as appropriate.

1. Recommendation

- 1.1 That the public and press be excluded from the meeting by virtue of Paragraph 1 (Potential Office Holder with the Authority) of Part 1 of Schedule 12A of the Local Government Act 1972, during consideration of the Annex to this report.
- 1.2 That the appointment or nomination of Local Authority Representative Governors be approved (Annex).

2. Issues

- 2.1 The Local Authority's statutory duty to appoint representative governors is limited to the governing bodies of maintained schools constituted under School Governance (Constitution) (England) Regulations 2007.
- 2.2 There is no requirement to make appointments to school governing bodies constituted under School Governance (Constitution) (England) Regulations 2012.

For governing bodies constituted under these regulations, the Local Authority is asked to nominate a person who would then be appointed by the governing body having, in the opinion of the governing body, met any eligibility criteria set by the governors.
- 2.3 There is no requirement to make nominations to academy governing bodies unless requested by the governing body or academy trust.

2.4 To ensure that governing bodies can operate effectively, it is essential that, where possible, they have a full complement of governors representing a wide range of interests and are committed to serving the school and its pupils. This is emphasised within the Appointment and Dismissal Procedure for Local Authority Governors, which sets out the selection criteria. Local authorities are also required to ensure that vacancies do not remain open for an unreasonable period.

2.5 Governor Nominations will be considered for the following schools:

- (a) Holne Chase Primary School x 2 appointments (Bletchley and Fenny Stratford ward)
- (b) Merebrook School (Furzton ward)
- (c) Jubilee Wood Primary School (Campbell Park ward)
- (d) Appointment to a 'pool' of experienced governors

3. **Alternative Options**

3.1 The only alternative option is not to appoint Local Authority Representative Governors to the identified vacancies. However, as already stated, local authorities are required to ensure that vacancies do not remain open for an unreasonable period.

4. **Implications**

4.1 Policy

None.

4.2 Resources and Risk

None.

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

4.3 Carbon and Energy Management

None.

4.4 Legal

The legal requirement for the appointment of LA Representative Governors is stipulated in the School Standards and Framework Act 1998.

4.5 Other Implications

None.

N	Equalities / Diversity	N	Sustainability	N	Human Rights
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N	E-Government	N	Stakeholders	N	Crime and Disorder
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Background Papers:

- School Standards and Framework Act 1998
- The Education (School Government)(Terms of Reference) (England) Regulations 2000
- School Governance (Constitution) (England) Regulations 2007
- School Governance (Constitution) (England) Regulations 2012
- Procedure for the Appointment and Dismissal of Local Authority Governors
- Articles of Association for Academies