

DELEGATED DECISIONS
22 APRIL 2014
AT 5.30 PM
ROOM 2, CIVIC OFFICES
SCHEDULE

ITEM NO	SUBJECT	DECISION MAKER	PAGE NO
1.	Rickley Park: Transfer of the Freehold Ownership to West Bletchley Council	Councillor McLean (Cabinet member for Transport and Corporate Services)	2 to 17
2	Olney Neighbourhood Plan Area Application	Councillor Hopkins (Cabinet member for Economic Development and Enterprise)	18 to 22

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 (Potential Office Holder with the Authority) 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 (Potential Office Holder with the Authority) 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.

3.	Appointment of Local Authority Representative Governors	Councillor Dransfield (Cabinet member for Children's Services and Lifelong Learning)	23 to 25
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Wards Affected:

Denbigh

RICKLEY PARK: TRANSFER OF THE FREEHOLD OWNERSHIP TO WEST BLETCHLEY COUNCIL

Decision Taker: Councillor McLean (Cabinet Member for Transport and Corporate Services)

Report Authors: Neil Hanley (Community Solutions Programme Manager) Tel (01908) 253632
Paul Sanders (Assistant Director, Community Facilities) Tel (01908) 253639

Executive Summary:

A delegated decision was made by a Cabinet member on 26 February 2013 to transfer the Rickley Park site to West Bletchley Council under the Community Asset Transfer (CAT) process. Since then the Council has worked with West Bletchley to agree the terms of Transfer. In January 2014 the disposal was advertised as required by section 123 Local Government Act 1972, as it appears to be "open space" as defined for the purposes of that section ("any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.") Objections have been received.

Section 123 requires the Council to consider objections received. Objection to the proposed transfer have been received and are attached at **Annex B**.

1. Recommendation(s)

- 1.1 That, having considered the objections received, the freehold ownership of Rickley Park be transferred to West Bletchley Council, on the basis of the agreed Heads of Terms.

2. IssuesBackground

- 2.1 A delegated decision to transfer this asset was made by the responsible Cabinet member on 26 February 2013 to West Bletchley Council. The primary purpose of Rickley Park is to provide sports and leisure activities for the community (including football and has several football pitches).
- 2.2 The report on the 26 February makes reference to 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, West Bletchley Council demonstrated that it met the criteria in terms of being a locally run, locally controlled, non-profit distributing, inclusive, and democratic organisation. The subsequent business plan submission clearly demonstrated that as an organisation the Parish Council met the requirements of the CAT programme for freehold

transfer, and in the opinion of the relevant officers they have the required levels of experience of delivering services to the local community.

- 2.3 Existing tenant St Martins Bowls Club were advised accordingly about the proposed transfer with a view to transferring the land and buildings to West Bletchley Council, at which point the Parish Council will become the new landlord subject to the terms of the bowls club existing lease.
- 2.4 **Annex A** shows the proposed transfer area at Rickley Park. Edged green and numbered 1 is the land excluded from the transfer and the area hatched brown (numbered 2) are both pedestrian and vehicular rights for the benefit of the retained land. Rights of way would be granted over the Council's retained land from Rickley Lane.
- 2.5 The asset transfer will impose covenants or restrictions on use and if these are breached the Council could seek an injunction to prevent the unauthorised use, and can call for a payment of money based on any increase in value arising from the change of use. If claw-back is not paid, the Council will have a right to acquire the property for £1.
- 2.6 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-oriented 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 wellbeing up to a maximum of £2 million. Rickley Park has been valued at less than £2 million.
- 2.7 Controls would be centred upon general property-related restrictions and claw back based upon facility use. There would be a restrictive covenant not to use Rickley Park for commercial purposes except ancillary to the overall current use of the facility, and that if the facility is left vacant for more than one year or sold or leased for more than 99 years to another organisation without the Council's permission, the Council may take it back. There will also be claw back provisions requiring the payment of money to the Council in the event of a change of use. If the clawback payment is not made to the Council the facilities could (at the Council's option) revert to Council ownership.
- 2.8 West Bletchley Council provided this statement from their business plan:

"WBC has been in contact with the bowls club management committee and representatives of each football club currently using the park, to obtain their agreement to the proposed transfer of ownership. It is the Council's intention that sport will continue to be played on the park and we would hope to introduce other sports facilities within the area, should a need be determined."

In their business plan, West Bletchley Council sets out the firm commitment going forwards as follows:

"West Bletchley Council realise Rickley Park is an important open space within West Bletchley and this Council is very keen to ensure that it remains both viable and available for use by local residents ."

2.9 Currently as things stand in January 2014 the disposal was advertised as required by section 123 Local Government Act 1972, as it appears to be “open space” as defined for the purposes of that section (“any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.”) Section 123 requires the Council to consider objections received.

2.10 Public Engagement

Thorough public consultation on the Community Asset Transfer (CAT) Toolkit took place over a three-month period (31 January 2012 – 24 April 2012). Stakeholders had the opportunity to attend numerous events that were held across Milton Keynes and a public engagement event was held at Warwick Road Activity Centre for Rickley Park on 11 September 2012 clarifying the specific aspects related to this proposed asset transfer.

The Council try to publicise as widely as possible via a number of different means. These consist of: Press release and/or public notice printed in local newspapers, (1 August 2012) Posters distributed to key sites across Milton Keynes, updates on CAT E-bulletin sent to a distribution list which contains more than 400 recipients, including all Parish Councils and all Ward members.

Since the disposal was advertised as ‘open space’ a number of comments were received from the general public and these have been captured in **Annex B**.

3. Options

3.1 The main option is to continue to proceed with the freehold transfer of Rickley Park to West Bletchley Council.

3.2 The alternative option would be for the Council to continue taking full responsibility for Rickley Park 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 31 July 2012 following a delegated decision.

4.2 Resources and Risk

With the Freehold transfer taking place the Council’s Landlord responsibilities would fall away resulting in a saving of £23,535 in revenue costs in 2013/14 as highlighted in the Council’s Medium Term Financial Plan.

West Bletchley Council would take full responsibility for both of the assets, their liabilities and relevant capital investment needs 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 Rickley Park 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.

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 where the transfer will further the wellbeing of the residents of Milton Keynes

4.4 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 (31 January 2012 – 24 April 2012). Stakeholders had the opportunity to attend numerous events that were held across Milton Keynes and a public engagement event was held at Warwick Road Activity Centre 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

Background Papers:

Delegated Decision 26 February 2013 Rickley Park: Transfer of Freehold ownership To West Bletchley Council.
Milton Keynes Community Asset Transfer (CAT) Toolkit

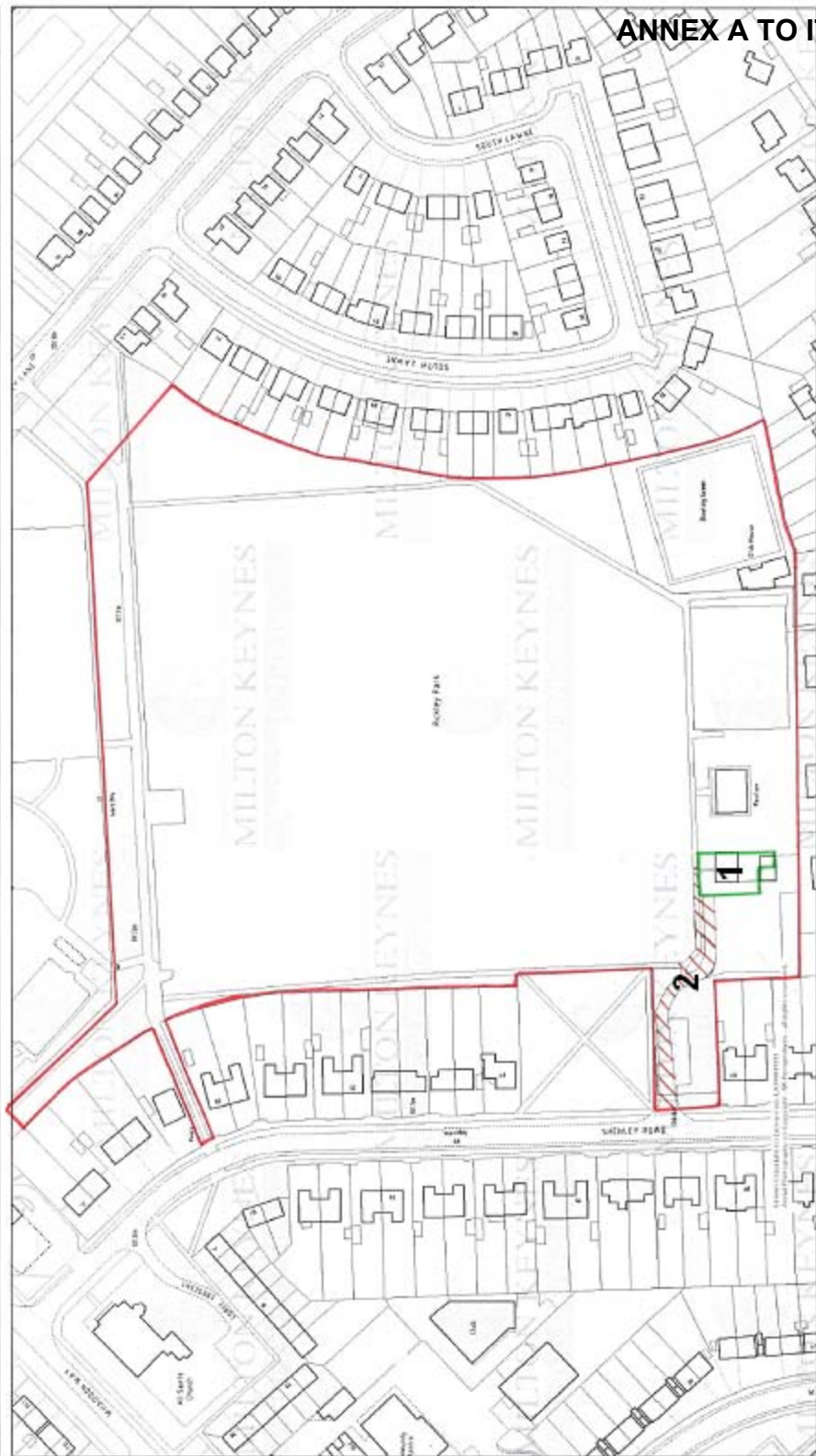
Annex A

Plan of Land to transfer

Annex B:

Public Feedback

Rickley Park ANNEX A



Date: 2/10/2012

Author:

Scale: 1/1250

Centre = 485816 E 233801 N

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(7)

[REDACTED]
Bletchley
Milton Keynes
[REDACTED]

18th February 2014

Mr. N. Andrews
Estate Manager
Milton Keynes Borough Council
Saxon Court
Avebury Boulevard
Milton Keynes, MK9 3HS

Dear Sir

Ref; Local Government Act 1972, Section 123(2A)
Disposal of Land forming part of Rickley Park, MK3.

As a resident of Craigmere Avenue (MK3) bordering Rickley Park I wish to place on record my strongest objection to any such disposal of the open space that forms Rickley Park to any other party who would not uphold the covenants for this space to be used only for the participation of sporting activities.

I and other residents of Craigmere Avenue have already lost trust in West Bletchley Council and their proposed changes to Rickley Park without prior consultation with the residents directly bordering this park as recorded in this councils own meeting minutes (Nov.2013) acting as the new presumed owners of this park. It has also been brought to my attention that what the councillor's said at the last council meeting (Jan.2014) regarding certain plans for Rickley Park that had been submitted for planning to MKBC planning department, this department upon request has no knowledge of this application from West Bletchley Council.

I am also appalled at the lack of time to make a reply to the public notice posted by MKBC in a local free newspaper whose delivery in this area of Milton Keynes can be very erratic.

I therefore reiterate that I have very strong objections to any changes to the present custodians of Rickley Park.

Yours, A Very Disgruntled Resident of Craigmere Avenue.

[REDACTED]

Received 2/2/14

[REDACTED]
[REDACTED]
BLETCHLEY
MILTON KEYNES
[REDACTED]

18th FEBRUARY 2014

TITLE ESTATES MANAGER
MILTON KEYNES BOROUGH COUNCIL
SAXON COURT, 502 AVERSURY BOULEVARD
MK9 3HS

DEAR SIR,

I REFER TO PUBLIC NOTICE IN THE MILTON KEYNES NEWS DATED 12-02-14 REGARDING DISPOSAL OF OPEN SPACE RICKLEY PARK, BLETCHLEY.

FIRST OF ALL I DO NOT CONSIDER ENOUGH NOTICE WAS GIVEN FOR OBJECTIONS ESPECIALLY AS IT IS SCHOOL HALL TERM AND MANY PEOPLE ARE AWAY ON HOLIDAY.

I OBJECT TO THE DISPOSAL AS IT WOULD SEEM THAT RICKLEY PARK WILL BE OWNED BY WEST BLETCHLEY COUNCIL.

ON 20-01-14 I ATTENDED A MEETING OF WEST BLETCHLEY COMMUNITY COMMITTEE WHEN THEY STATED THEY WERE CONTEMPLATING A SPLASH PARK BEING SITED ON THE OLD TENNIS COURTS THAT ARE USED FOR PARKING BY THE BOWLS CLUB AND WOULD BE ADJACENT TO HOMES IN CRAIGNORE AVENUE. A TOTALLY UNSUITABLE SITE.

I HAVE NO FAITH IN WEST BLETCHLEY COUNCIL AND WHAT THEIR INTENTIONS ARE FOR THE USE OF RICKLEY PARK.

RICKLEY PARK SHOULD CONTINUE TO BE OWNED AND CONTROLLED BY THE BOROUGH COUNCIL.

YOURS FAITHFULLY,
[REDACTED]
[REDACTED]

The Estates Manager.

[REDACTED]
Bletchley,
Milton Keynes [REDACTED]

18th Feb. 2014

Dear Sir,

I wish to object to your intentions to dispose of open space land which forms part of Rickley Park, Shenley Road, Bletchley. MK3 as published in the Public Notices. MK News 12th Feb. 2014. This is too short notice.

Yours faithfully

[REDACTED]
[REDACTED]

civic offices.



Bletchley
Milton Keynes
MK3 6HT

19/2/14.

RE: Objection - Lushley Park

I write regarding the disposal of space
at Lushley Park, Bletchley.

As we and the local residents have not
been notified in writing of this proposal
I would therefore ask if I can be informed
of any future developments.

yours faithfully



[REDACTED]
Bletchley
[REDACTED]

18th February 2014

Mr Nathan Andrews
The Estates Manager
The Council of the Borough of Milton Keynes
Saxon Court
502 Avebury Boulevard
Milton Keynes
MK3 3HS

Dear Mr. Andrews

Proposed Disposal of Open Space Land at Rickley Park

We are writing to lodge an objection to the intended disposal of the above land as described in the Public Notice in the MK News of 12th February 2014.

We feel that insufficient time has been given for the public to respond to this proposal and its consequences on the local area before the deadline of 19th February. Knowledge of the Council's intentions would depend on the receipt of the relevant copy of the newspaper (not always delivered to homes) and close scrutiny of the Public Notices – tucked away near the back of the paper.

In order to obtain further information, it is necessary to visit the Estates Office in Central Milton Keynes – not always possible for some residents. Information which needs to be more widely – and easily - available would be the extent of the area affected, the timescale of the transactions & possible recipients of the land as well as future plans for its use.

We would be grateful if consideration could be given to these points.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

P.G.

Note

Acknowledged by phone call
to [redacted] on 19th Feb.
14.07 time. Copy sent to the
CAT team

NA

[redacted]
Bletchley
Milton Keynes
[redacted]

[redacted]
17th February 2014

RECEIVED
19 FEB 2014

Mr Nathan Andrews
Estates Manager
The Council of the Borough of Milton Keynes
Saxon Court
502 Avebury Boulevard
Milton Keynes
MK9 3HS

Dear Mr Andrews

With reference to the Public Notice in MK News we wish to register our objection to the intended disposal of Rickley Park to West Bletchley Council.

We attended a meeting of the Communities Committee of West Bletchley Council on 20th January 2014 where it was obvious the Council had plans for Rickley Park. There appears to be a complete lack of consultation with residents whose property borders this sports park and we are attaching copies of letters to the MK Council Planning Officer and Highways Engineer. As you will see we have requested copies of the Land Covenant and Community Asset Transfer Agreement between MK Council and West Bletchley Council and to date we have received neither.

The Public Notice inserted in MK News dated 12th February 2014 stating objections had to be received by you no later than 19th February 2014 is an extremely unfair time scale - seven days notice in a newspaper is totally insufficient notice and indicates a lack of publicity particularly as this period falls within the school half-term and many people may well have gone away with their children.

Presumably there is a price involved in the disposal of Rickley Park to West Bletchley Council - are we allowed to know what this price is going to be and are MK Council likely to put this disposal out to tender? Also do MK Council have a "best price consideration" in this transfer of the covenant of Rickley Park and does anyone have the right to bid for this disposal of Rickley Park? If so, we think we have the formal right to bid.

We consider that if West Bletchley Council get control of Rickley Park it will become a massive free-earning centre to the detriment of all those residents whose property borders Rickley Park and therefore does not serve the immediate community at all. In unguarded moment at the 20th January meeting one member of the committee let slip that West Bletchley Council had plans for this site but these were currently being thwarted by a residential property within Rickley Park. If the Park was transferred to West Bletchley Council would its present use as three football pitches i.e. a sports ground be a condition of the sale?

Yours sincerely,

[redacted]

Encl:

Bletchley
Milton Keynes

11th February 2014

Milton Keynes Council's Senior
Planning Officer
Milton Keynes Council
Civic Offices
1 Saxon Gate Street
Central Milton Keynes
MK9 3EJ

&

Milton Keynes Council's Senior
Highways Engineer
Milton Keynes Council
Civic Offices
1 Saxon Gate Street
Central Milton Keynes
MK9 3EJ

Dear Sirs,

Proposed 'Splash Park' - location Rickley Park, Bletchley

On Monday 20th January 2014 we attended a meeting of West Bletchley Council's Communities Committee. That meeting discussed a proposal to locate a Splash Park at Rickley Park. This Committee's previous Minutes favoured the proposal despite no consultation with residents living next to the Park.

At this meeting the members of the public were told there was a delay in the matter going forward because the Milton Keynes Council's Planning Officer had not yet reported back to the Communities Committee on planning permission (change of use) and loss of car parking space. This proposed Splash Pool is to be located on the present car park (originally tennis courts which were subsequently vandalised) adjacent to the Bowls Club. When we phoned MKC Planning Department no-one could find a record of any query or application for Rickley Park.

Given the comments of the West Bletchley Communities Committee Councillors (one suggested the eviction of the residents living in the bungalow to free the park for even more development) we feel unable to rely upon information from WBC and we wish to formally record our strongest objections to any application (current or future) to locate a Splash Park at Rickley Park.

We would point out that no other site has been suggested at all for this Splash Pool and Rickley Park is bordered on three sides by properties occupied mainly by pensioners. The proposal is for a Splash Pool to be located within 1-2 metres of properties with music, sound, bubbles, underground lighting for Spring/Summer and 'dry/play' in Autumn/Winter.

We would highlight that any such application:

- is contrary to the Milton Keynes Council covenant in place;
- is contrary to the written promises WBC gave that non sports use would be limited to less than 10 annual events;
- would create significant parking issues (parking already cannot cope when football is played and disabled users of the Bowls Club will face very difficult access to the club);
- would cause significant anti-social nuisance to neighbouring residents;
- is entirely inconsistent with a sport facility and unsuitable for Rickley Park.

/continued.....

We request your confirmation that such a facility would:

- require planning permission as a change of use;
- would require neighbouring residents to be consulted on such an application.

We would also request a copy of the Land Covenant to be provided regarding the use of this site and the Community Asset Transfer agreement between Milton Keynes Council and West Bletchley Council.

On past experience we feel West Bletchley Council is not interested in the views of local residents and we seek reassurance that any such application will be refused (as above) and also all residents who border the Park (and who will be affected by such an unsuitable facility) will be notified at the earliest submission of any such application.

We are enclosing the paperwork we submitted to the Communities Committee when they discussed this on 20th January 2014.

Yours sincerely,

██████████ ██████████

Encl: 2 sets of papers.

[REDACTED]
[REDACTED]
Bletchley
Milton Keynes
[REDACTED]

Gail Tolley
Corporate Director

Paul Sanders
Asst Director Community Facilities Unit

Reply To: Neil Hanley

Direct Line: 01908 253632

E-mail: neil.hanley@milton-keynes.gov.uk

Website: <http://www.milton-keynes.gov.uk>

Date: 17th March 2014

Dear Sir,

Ref: Rickley Park – Community Asset Transfer (CAT)

Thank you for the concerns you have raised.

To recap, a delegated decision was made by a Cabinet member on 26th February 2013 to transfer the Rickley Park site to West Bletchley Council under our Community Assets Transfer programme, which is giving local communities the chance to take over the day-to-day running of facilities as diverse as meeting places, car parks and sports grounds. As part of the consultation over this proposed transfer a public engagement event was held at Warwick Road Activity Centre for Rickley Park on 11th September 2012 to help answer any questions that local people had.

In January 2014 the disposal was advertised as required by section 123 Local Government Act 1972, as it appears to be “open space” as defined for the purposes of that section (“any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.”) Section 123 requires the Council to consider objections received.

It is recommended that such consideration should be dealt with and demonstrated by a further delegated decision by a Cabinet Member, which should refer to last year’s decision and to the objections. This decision is set to be made on **22nd April 2014** and you are welcome to attend. Representatives from West Bletchley Council have also been invited.

It should be noted that there is a firm commitment from both Milton Keynes Council and West Bletchley Council that it will be safeguarded for sports and leisure use by local residents. Any future plans that West Bletchley Council may have in relation to this type of use (such as a Splash Park) is subject to a planning process, separate from CAT. It will also require consultation with the local community.

Papers for the session are expected to go live from the 8th April 2014, and should be available at

<http://cmis.milton-keynes.gov.uk/CmisWebPublic/Meeting.aspx?meetingID=10465>

Yours sincerely

.....
Neil Hanley
Community Asset Transfer Programme Manager

Cc: Paul Sanders, Assistant Director Community Facilities Unit
Parish Clerk, West Bletchley Council
Ward Cllr Mick Legg
Ward Cllr Nigel Long

Wards Affected:

Olney

OLNEY NEIGHBOURHOOD PLAN AREA APPLICATION

Decision taker: Councillor Hopkins (Cabinet member for Economic Development and Enterprise)

Author: Becky Hahn, Planning Officer, Tel: (01908) 254090

Executive Summary:

In accordance with the Neighbourhood Planning (General) Regulations 2012, Olney Town Council submitted an application to designate the whole parish as a Neighbourhood Area, which was advertised for six weeks of public consultation between 22 January 2014 and 5 March 2014. The only two responses to the consultation were received, from South Northamptonshire Council and the Borough Council of Wellingborough. Neither had any objections to the proposed Neighbourhood Area. This report recommends that the proposed Neighbourhood Area is approved, as originally submitted.

1. Recommendation(s)

- 1.1 That the Neighbourhood Area application for Olney be approved in accordance with Section 61G of the Town and Country Planning Act, 1990 (as amended).

2. Issues

- 2.1 Olney Town Council submitted an application to Milton Keynes Council on 21 November 2013, to designate the parish of Olney as a Neighbourhood Area. This area is shown in the **Annex**. This application was made in accordance with Regulation 5 of the Neighbourhood Planning (General) 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 application, and held a six week public consultation period between 22 January 2014 and 5 March 2014. This was advertised in the MK News, on the Council's website, in the Council's internal Tuesday Bulletin communication, in the Members' Weekly News, and through direct emails to the Councillors of the Wards affected, all Parish Councils and South Northamptonshire Council and the Borough Council of Wellingborough.
- 2.3 Only two responses to the consultation were received. These were from South Northamptonshire Council and the Borough Council of Wellingborough. Neither had any objections to the proposed Neighbourhood Area. Taking account of

this, it is considered that it is appropriate to designate the Olney Neighbourhood Area, as originally proposed by the Town Council and shown in the Annex. This conclusion has been supported by Olney Town Council.

3. Options

- 3.1 Once a Neighbourhood Area application is submitted, the 2012 Regulations require the Council to come to a view on the proposed area and publicise that decision. This report recommends that the area originally proposed by the Town Council is approved as a Neighbourhood Area. However, if it is considered that this recommendation is not appropriate, the Neighbourhood Area application could be refused. Olney Town Council could then choose to submit a revised application 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 set out in the Local Plan or undermine its strategic policies. In Milton Keynes, the strategic policies are set out in the Local Plan and the Core Strategy.

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

Neighbourhood planning is part of the Government's initiative to empower local communities to take forward planning proposals at a local level. The Localism Act and the 2012 Regulations place new duties on local planning authorities in relation to Neighbourhood Planning. These new duties have implications for staff resources, as the Council has a duty to support Parish Councils wishing to undertake Neighbourhood Planning. These duties include taking decisions at key stages in the process; being proactive in providing advice to communities about Neighbourhood Planning; and providing advice or assistance to a Town or Parish Council, Neighbourhood Forum or community organisation undertaking Neighbourhood Planning. Staff resources to support Neighbourhood Planning will come from the existing staff within the Development Plans team.

In recognition of the additional burdens that these new duties place on local planning authorities, DCLG has made available grants to local planning authorities of up to £30,000 for each Neighbourhood plan to cover examination and referendum costs, provided the plan is adopted. 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.

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

The relevant statutory provisions in relation to Neighbourhood Plans are contained in The Town and Country Planning Act 1990 (as amended), the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012. Government guidance on neighbourhood plans is also contained in the National Planning Policy Framework. This legislation and guidance confers specific functions on local planning authorities in relation to neighbourhood planning.

Milton Keynes Council has held a public consultation on the Neighbourhood Area application in accordance with Regulation 6 of the 2012 Regulations,

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.

The decision to designate the Neighbourhood Area could technically be challenged by judicial review and could also be subject to a request to call in to the Council's Executive Scrutiny Panel. However, since the proposed Neighbourhood Area is the same as the Parish area and also since no objections were received during the consultation period; it is thought that the risk of either of these two eventualities is low.

4.5 Other Implications

Stakeholders:

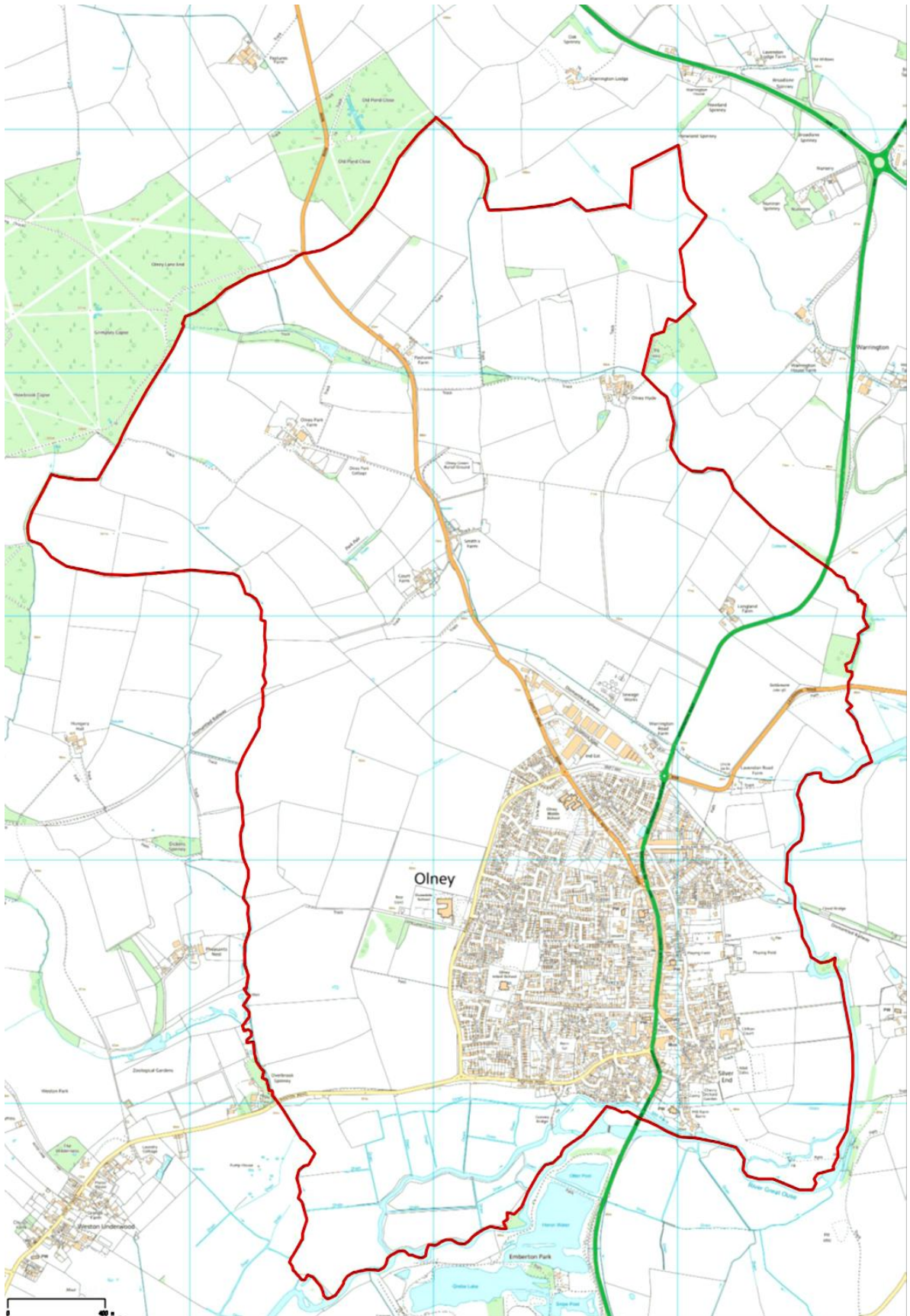
The proposed Neighbourhood Area application has been the subject of consultation for six weeks and the views of stakeholders are reported in this report.

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

Background Papers: Localism Act (2011)
 The Neighbourhood Planning (General) Regulations (2012)
 Town and Country Planning Act (1990) (as amended)
 National Planning Policy Framework (2012)

Annex – Olney Proposed Neighbourhood Area



Wards Affected: See Paragraph 2.5 of the report

DELEGATED DECISION

22 APRIL 2014

APPOINTMENT OF LOCAL AUTHORITY REPRESENTATIVE GOVERNORS

Decision taker: Councillor Dransfield, Cabinet Member for Children's Services and Lifelong Learning

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 **Annexes** to this report.
- 1.2 That the appointment or nomination of Local Authority Representative Governors be approved (**Annexes A and B**).

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) Pepper Hill and Stanton Federation (Stantonbury Ward) (**Annex A**)

(b) Greenleys First School (Wolverton Ward) (**Annex B**)

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, as amended by the Education Act 2002.

Every governing body, under section 19 of the Education Act 2002, regulation 13 of the School Governance (Constitution) (England) Regulations 2012 and regulation 6 of the School Governance (Constitution)(England) Regulations 2007, is required to have at least one representative of the Local Authority as part of its membership. Free Schools and Academies are exempt from this requirement.

4.5 Other Implications

None.

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

Background Papers: School Standards and Framework Act 1998, as amended by the Education Act 2002.
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