

DELEGATED DECISIONS

When: Tuesday 14 November 2023 at 5.30 pm

**Where: Room 1.02, Civic, 1 Saxon Gate East, Milton Keynes,
MK9 3EJ**

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Agenda

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Agenda

- 1. Publication of Local Development Scheme** **(Pages 5 - 32)**

Decision to be taken by Councillor Marland (Leader of the Council).
- 2. Local Enforcement Plan 2023** **(Pages 33 - 54)**

Decision to be taken by Councillor Marland (Leader of the Council).
- 3. Review of Regulation of Investigatory Powers Policy** **(Pages 55 - 78)**

Decision to be taken by Councillor Middleton (Cabinet member for Resources).
- 4. Highways Term Service Contract - Short Term Extension** **(Pages 79 - 98)**

Decision to be taken by Councillor Trendall (Cabinet member for Customer Services).
- 5. School Crossing Patroller Grant** **(Pages 99 - 112)**

Decision to be taken by Councillor Townsend (Cabinet member for Public Realm).
- 6. Changes to Central Milton Keynes Parking** **(Pages 113 - 118)**

Decision to be taken by Councillor Townsend (Cabinet member for Public Realm).
- 7. 20mph Limit and 20mph Zone Programme 2023/24** **(Pages 119 - 128)**

Decision to be taken by Councillor Townsend (Cabinet member for Public Realm).

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Executive Report



Delegated Decisions – 14 November 2023

PUBLICATION OF LOCAL DEVELOPMENT SCHEME

Name of Cabinet Member	Councillor Pete Marland Leader of the Council
Report sponsor	Paul Thomas Director of Planning and Placemaking
Report author	Charlotte Stevens Principal Planning Officer charlotte.stevens@milton-keynes.gov.uk 01908 253365

Exempt / confidential / not for publication	No
Council Plan reference	27
Wards affected	All wards

Executive summary

We are required to prepare a Local Development Scheme (LDS) under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The LDS sets out the local plan documents that we intend to take forward over the next three years and the timetable for producing them. Our new LDS covers the period 2023-2025 and sets out a revised timescale for the preparation of the New City Plan.

1. Proposed Decision/s

- 1.1 That the three-year programme of work as set out in the Milton Keynes Local Development Scheme (LDS) (attached as an **Annex** to the report), be agreed.
- 1.2 That authority be delegated to the Director of Planning and Placemaking to make minor typographical corrections to the LDS prior to publication.

2. Why is the decision needed?

- 2.1 We are required to prepare a Local Development Scheme (LDS) under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The LDS sets out the local plan documents we intend to progress over the next three years and the timetable for producing them. The current LDS was agreed and published in 2022. However, it now needs to be updated to reflect progress with preparing the New City Plan.

2.2 We have made significant progress since the 2022 LDS was prepared, which includes:

- Commissioned or completed over 20 evidence studies that will underpin the New City Plan.
- Carried out a public consultation about the Ambition and Objectives for the New City Plan, the results of which will inform the Plan as it is progressed.
- Held a technical conference with key stakeholders about the New City Plan and inclusive growth.
- Started a comprehensive engagement programme to ensure meaningful and inclusive engagement about the New City Plan and key evidence studies.

2.3 Overall, the timetable to submission ('S' on Figure 1 below) has been extended by six months. The Regulation 18 consultation document will be a comprehensive draft plan, informed by a significant amount of evidence and the results from early engagement. Some of the evidence studies are taking longer than anticipated to complete, which has had implications for the timetable.

2.4 Extending the programme is considered necessary to ensure that the Regulation 18 draft plan is as comprehensive as possible, informed by evidence and the results of the early engagement. The impacts of the extended programme have been mitigated by shortening the time between the Regulation 18 and Regulation 19 consultation stages. This is made possible by completing a comprehensive evidence base to inform the Regulation 18 stage and by front-loading the engagement. We are aiming to submit the New City Plan for submission by June 2025. Any Local Plans submitted after this date would need to satisfy new regulations and provisions governing plan-making that are currently being drawn up by Government via the Levelling Up and Regeneration Bill that is going through both houses of Parliament at this time. Any new regulations and provisions would introduce a radically different system for plan-making that would introduce risks to the creation of the New City Plan. There is also significant uncertainty surrounding these draft regulations and provisions currently. As such, we are seeking to prepare and submit the New City Plan by June 2025 under the current plan-making system to avoid such risks and uncertainty.

Figure 1. New City Plan programme 2023-2025

		J	F	M	A	M	J	J	A	S	O	N	D
2023	Local Plan Stages	Ambition & Objectives consultation								Pre-Regulation 18 engagement			
		Evidence preparation											
2024	Local Plan Stages							Regulation 18 consultation					
		Evidence preparation						Update and finalise evidence					
2025	Local Plan Stages		Regulation 19 consultation			S							
		Update and finalise evidence											

3. Implications of the decision

Financial	Yes	Human rights, equalities, diversity	Yes
Legal	Yes	Policies or Council Plan	Yes
Communication	No	Procurement	No
Energy Efficiency	No	Workforce	No

a) Financial implications

The creation of the New City Plan to replace Plan:MK and the preparation of other associated local plan documents will be undertaken primarily by the Development Plans team and, where possible, utilising in-house staff resources. However, many technical studies require expertise to be commissioned and other Council teams to lead, or contribute to, them. Updating the evidence base for the creation of the New City Plan will require significant additional resources to be committed to enable the revised plan to be prepared. The cost of this evidence work, which also supports the preparation and delivery of related strategies and projects, was estimated to be around £3.5m and was allocated in the 2020 Council budget (Annex W). Despite extending the programme there is no requirement to increase the budget as the New City Plan is still expected to be delivered within budget.

b) Legal implications

We are required to prepare an LDS in accordance with the requirements of section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). It requires the LDS to be revised at such times as the Local Planning Authority considers appropriate.

Section 19 of the Planning and Compulsory Purchase Act 2004 (as amended) requires Local Plans to be prepared in accordance with the LDS. Therefore, it is vital that the LDS is updated to ensure the review of Plan:MK is found to be legally compliant.

Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 confirms that progress on the production of planning policy documents against the LDS must be reported in the Authority Monitoring Report which is published annually.

It should be noted that the timetable shown in the LDS would depart from the requirement set in Policy DS0 of Plan:MK to submit a new plan by the end of 2022. A consideration of the risks associated with this were set out in the Delegated Decision report accompanying the current LDS in March 2022. These are summarised below. It should be noted that no subsequent challenges to the 2022 LDS or decisions to refuse planning permission on the grounds that Plan:MK is out of date have arisen.

- There are no legal avenues under planning legislation to challenge the publication of an LDS which deviates from Policy DS0 of Plan:MK.

- There is a risk that a decision to refuse planning permission based upon policies within Plan:MK might be appealed on the grounds that those policies are out of date. However, case law demonstrates that considering whether policies within a Development Plan are up to date, or not, is a matter of planning judgement and conformity with the National Planning Policy Framework (NPPF). It is considered that Plan:MK would still be in conformity with the NPPF despite publishing a Local Development Scheme that deviates from Policy DS0.
- There is a risk, as with all decisions made by public bodies, that the decision could be challenged via a judicial review. On such a challenge a judge would be concerned with whether the decision-making process itself was unlawful and not the outcome of the decision. The risk of this is considered to be small, due to the fact that the challenge would need to be brought by someone who has a 'sufficient interest' in the decision; a person who has been affected by the particular decision, action or failure to act of a public body.

c) Other implications

Human rights, equalities, diversity: The planning policy documents referred to in the LDS will have significant implications for equalities and diversity and will need to comply with human rights legislation and will be subject to an equalities impact assessment where appropriate.

Policies or Council Plan: The preparation of the LDS will assist in continuing to deliver the vision, aims and key priorities of the Council Plan 2022-2026. It will also contribute to delivering key Council plans and strategies including, amongst others, the Local Plan and Strategy for 2050.

4. Alternatives

- 4.1 An alternative option would be for the Cabinet Member to decline to publish the LDS attached as an Annex. This is not recommended as the current LDS is out of date.

5. Timetable for implementation

- 5.1 The LDS sets out the planning policy documents that we intend to progress over the next three years, and the timetable for producing them. If agreed, it will be published on our website as soon as reasonably practicable after the call-in period has expired.

List of Annexes

Annex Milton Keynes Local Development Scheme 2023-2025

List of Background Papers

None

Local Development Scheme

2023-2025

Development Plans



Annex



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Executive summary

The Local Development Scheme (LDS) sets out a timetable for policy documents Milton Keynes City Council will be producing over the next three years. These documents will underpin planning and growth decisions the council will make in the years to come.

The document sets out at which point residents and other stakeholders can become involved in helping the council shape these policies. This LDS covers the period from 2023-2025, and replaces the previous LDS published in 2022.

The LDS does not cover detailed timescales for Neighbourhood Plans as these are led by individual town and parish councils. However, Neighbourhood Plans will later become part of the Development Plan and be used in the determination of relevant planning proposals.

Glossary

Development Plan	The framework of policies that, by law, planning decisions on planning applications must be taken in line with unless material considerations indicate otherwise.
Development Plan Document (DPD)	A statutory document or documents that contain the policy framework for planning decisions. This typically includes the Local Plan, Neighbourhood Plans, Waste Local Plan and Minerals Local Plan.
Duty to Cooperate	A legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies relating to cross-boundary strategic matters in Local Plans. It is separate from, but related to, the Local Plan tests of soundness.
Local Plan	The main planning policy document for the City. It contains strategic and detailed policies to guide the location and nature of housing, employment and retail development and other forms of development. It also includes policies and proposals for specific sites.
Neighbourhood Plans or Neighbourhood Development Plans	Community-led plans for guiding future development, regeneration and conservation of an area. Once made (adopted) they become part of the Development Plan and used in the determination of relevant planning applications. Neighbourhood Plans are subject to examination and referendum before they can be brought into effect and must be published for public consultation as they are prepared.
National Planning Policy Framework (NPPF)	Published by Government in March 2012 and last updated in 2023. It contains national policy guiding the preparation of Local Plans and is a material consideration in planning decisions.
National Planning Policy Guidance (NPPG)	Published by Government in March 2012 and regularly updated since. It contains national guidance to aid interpretation and application of national policy contained in the NPPF. It sets out the process for preparing Local Plans and is a material consideration in planning decisions.
Plan:MK	The Local Plan for Milton Keynes, and a key part of the statutory Development Plan for Milton Keynes.
Standard Method for Housing Needs	A formula to identify the minimum number of homes expected to be planned for in each Local Planning Authority, in a way which addresses projected household growth and historic under-supply. It identifies a minimum annual housing need figure which is assessed through preparing a Local Plan.
Supplementary Planning Documents (SPDs)	Documents that provide additional detail to supplement policies in Development Plan Documents such as the Local Plan.

1. Introduction

A Local Planning Authority (LPA) is required under The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) to prepare and maintain a Local Development Scheme or LDS. This LDS is Milton Keynes City Council's (MKCC) work programme for preparing planning policy documents for the City and covers the period 2023-2025. It sets out:

- The current documents that make up the Development Plan for Milton Keynes and other relevant planning guidance (sections 2 – 5); and
- The documents that will be produced during 2023-2025 to maintain an up-to-date development plan (sections 6 – 8).

MKCC's previous LDS was published in 2022 and outlined the programme for preparing a new Local Plan to be submitted in 2024. This LDS provides an updated position and programme on the preparation and submission of a new Local Plan, known as the New City Plan, to replace Plan:MK. It also sets out the timeframes of other planning policy documents to be prepared.

There are some risks that could impact upon the delivery of the work programme. These risks, together with appropriate mitigation measures, are set out in section 9. The risk assessment has been informed by previous work on preparing Plan:MK, and issues that have arisen since adoption of Plan:MK, as well as taking account of both good practice and potential areas for improvement.

2. The Development Plan and Policies Map

The statutory Development Plan for the City of Milton Keynes comprises the documents set out below. These were all subject to community involvement, as well as independent testing (by the Planning Inspectorate or other independent examiners in the case of Neighbourhood Development Plans) and are the starting point for making decisions on planning applications.

- Plan:MK (adopted March 2019)¹
- Site Allocations Plan (adopted July 2018)²
- Minerals Local Plan (adopted July 2017)³
- Waste Local Plan (adopted February 2008)⁴
- Made (adopted) Neighbourhood Development Plans (see section 3 below).

The Plan:MK Policies Map illustrates geographically how and where the policies and proposals in the Development Plan apply across the City and forms part of the Development Plan. They can be downloaded from the Council's website⁵ and the interactive map is available to view on MyMK⁶. The Plan:MK Policies Maps will be revised following the adoption or review of each of the documents listed above. Neighbourhood Plan Policies Maps show where policies and proposals in the Neighbourhood Plan area will apply.

¹ [Plan:MK | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/planmk)

² [Site Allocations Plan \(2018\) | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/siteallocationsplan)

³ [Minerals Policy | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/mineralspolicy)

⁴ [Waste Development Plan Document | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/wasteplan)

⁵ [Plan:MK | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/planmk)

⁶ [My Milton Keynes Interactive Mapping | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/mymk)

3. Neighbourhood Development Plans

Neighbourhood Development Plans (NDPs) were introduced by the Localism Act in 2011. They are community-led documents, prepared by Town and Parish Councils which set out the vision and planning policies for the use and development of land in particular neighbourhoods. They must be consistent with the National Planning Policy Framework⁷ (NPPF) and in general conformity with the strategic policies in the Local Plan. Once 'made' (adopted), an NDP forms part of the Development Plan. Current made (adopted) Neighbourhood Development Plans in Milton Keynes are shown below.

Table 1: Made Neighbourhood Development Plans

Neighbourhood Development Plan	Made (adopted)
Woburn Sands	July 2014
Central Milton Keynes (Business Neighbourhood Plan)	June 2015
Wolverton Town Centre	September 2015
Lakes Estate	October 2015
Great Linford North	March 2016
Great Linford South	March 2016
Walton	January 2017
Olney	July 2017
Sherington	October 2017
Stony Stratford	June 2018
Woughton	November 2017
Campbell Park	November 2018
West Bletchley	March 2019
Ravenstone	June 2019
Hanslope	October 2019
Lavendon	March 2020
Newport Pagnell	June 2021
Stantonbury	June 2021
Castlethorpe	September 2021
Astwood and Hardmead	January 2022
Walton	October 2022
North Crawley	February 2023
Haversham-cum-Little Linford	September 2023

The LDS does not include timescales for the preparation of new NDPs as these are led by Town and Parish Councils on behalf of their local communities. Timescales for their production or review are set by the relevant Town or Parish Council. However, the Localism Act 2011 places a duty on Local Planning Authorities to support communities undertaking

⁷ [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

4. Supplementary Planning Documents

Supplementary Planning Documents (SPDs) provide more detailed advice and guidance on the implementation and interpretation of planning policies set out in the Local Plan. Unlike local plans, SPDs are not required to be submitted for independent examination but are subject to public consultation and are a material consideration in the determination of planning applications. At the present time, the Council has several adopted SPDs, or older Supplementary Planning Guidance (SPGs)⁹, which are shown in the table below.

Table 2: Adopted Supplementary Planning Guidance or Supplementary Planning Documents

Supplementary Planning Guidance or Supplementary Planning Document	Adopted
Drainage Strategy SPG	May 2004
Wolverton Regeneration Strategy SPG	September 2004
Telecommunications Systems Policy SPG	May 2005
Milton Keynes Urban Development Area Tariff SPD	November 2007
Transport and Sustainable Transport SPD	June 2009
Houses in Multiple Occupation SPD	April 2012
New Residential Development Design Guide SPD	April 2012
Wind Turbines SPD	October 2013
Agora Development Brief SPD	September 2013
Strategic Land Allocation Development Framework SPD	November 2013
Affordable Housing SPD	January 2020
Milton Keynes East Development Framework SPD	March 2020
Planning Obligations SPD	February 2021
Health Impact Assessment SPD	March 2021
Biodiversity SPD	June 2021
Sustainable Construction SPD	November 2021
South East MK Development Framework SPD	January 2022
Central Bletchley Urban Design Framework SPD	April 2022
Designing Dementia-friendly Neighbourhoods SPD	April 2022
Parking Standards SPD	January 2023

All existing SPDs and SPGs will remain in force as material considerations in the determination of planning applications until individually revoked, withdrawn or replaced.

The previous LDS from 2022 listed four SPDs that the Council intended to produce during 2022-2024. Three of these have been adopted: the Central Bletchley Urban Design Framework SPD, the Designing Dementia-friendly Neighbourhoods SPD, and the Parking

⁹ Supplementary Planning Guidance (SPG) was the term previously used for SPDs

Standards SPD. The fourth SPD that was planned, the Residential Development Design Guide SPD, is no longer being prepared. Instead, the Council will produce an authority-wide Design Code within the next three years setting out the design requirements for Milton Keynes that will include guidance about residential development design.

At the time of writing, the Government is consulting on the implementation of plan-making reforms. This sets out that, in the reformed planning system, authorities will no longer be able to produce SPDs. Instead, an authority could produce a Supplementary Plan, which will have the same weight as a Local Plan or Minerals and Waste Plan but would also be subject to an independent examination. The consultation sets out that design codes must either form part of the local plan, or else be contained in a Supplementary Plan. Our intention is that the Design Code will be adopted as a Supplementary Plan.

The current Regulations¹⁰ set out the procedure to be followed by local planning authorities in relation to the preparation of SPDs.

- **Draft stage (Regulation 13)** – Preparation work and draft version of the SPD, including community and stakeholder engagement/public consultation for a period of at least four weeks. Responses received will then be used to inform the content of the final version of the SPD.
- **Adoption stage (Regulation 14)** – The SPD is formally adopted and then considered by the Council as a material consideration in the determination of relevant planning applications.

¹⁰ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2012/2700/contents/make)

5. Other documents

Alongside this LDS, the Council also prepares:

Authority Monitoring Report (AMR) – Published annually¹¹ it reports on the effectiveness of the Development Plan, details activity relating to the duty to co-operate and reviews progress against the milestones set out in the LDS. Monitoring reports are a requirement of Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012¹².

Statement of Community Involvement (SCI) – sets out how the Council will engage, involve and consult stakeholders and the community in the preparation of planning policy documents and in the determination of planning applications. The SCI is a requirement of the Planning and Compulsory Purchase Act 2004¹³. As required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)¹⁴, the SCI will be reviewed every five years. The Council's current SCI was adopted in July 2020¹⁵.

Brownfield Register – The Town and Country Planning (Brownfield Land Register) Regulations 2017¹⁶ require the LPA to prepare and maintain a statutory register of brownfield land (also known as previously developed land) which the Council has assessed as being suitable for residential development. The Register comprises a standard set of data, prescribed by the Government, to help provide certainty for developers and communities and encourage the development of suitable brownfield sites. It must be kept in two parts and is subject to annual review. The latest brownfield register is available on the Council's website¹⁷.

Self-Build Register – The Self-build and Custom Housebuilding Act 2015 (as amended)¹⁸ requires the LPA to keep a register of people and groups of people who are seeking to purchase serviced plots of land in the authority's area and to have regard to that register when carrying out their functions. The Housing and Planning Act 2016 requires the LPA to grant sufficient 'development permissions' to meet the demand for self-build in their area, as established by their register, on a rolling basis. The Council currently maintains its self-build register and entry to it can be achieved through completion of an online form¹⁹.

¹¹ [Authority monitoring report | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/authority-monitoring-report)

¹² [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2012/2746/regs-34)

¹³ [newbook.book \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/21/section-10a)

¹⁴ [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2017/1246/regs-10a)

¹⁵ [Statement of Community Involvement \(SCI\) | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/statement-of-community-involvement)

¹⁶ [The Town and Country Planning \(Brownfield Land Register\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2017/1246/regs-10a)

¹⁷ [Brownfield Register of Land | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/brownfield-register)

¹⁸ [Self-build and Custom Housebuilding Act 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2015/22/section-1)

¹⁹ [Self-build Register | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/self-build-register)

6. Local Plan Review

Strategic Context

Plan:MK Policy DS0 requires MKCC to prepare and submit a new Local Plan, containing strategic policies for the long-term growth of Milton Keynes, no later than December 2022. This reflected the Inspector's conclusion that it was necessary for MKCC to undertake a review of Plan:MK in light of the emerging plans for transformational growth along the Cambridge-Milton Keynes-Oxford and strategic growth ambitions for the City.

The long-term ambitions for growth in Milton Keynes have been set out in the Strategy for 2050 which was adopted by the Council in January 2021. The Strategy for 2050 sets out a long-term approach to spatial development. It aims for a steady population increase to around 410,000 people in the borough by 2050, as the best means of achieving Seven Big Ambitions. It includes:

- A commitment to provide essential infrastructure and services, including a Mass Rapid Transit System;
- A commitment to keeping and strengthening those things that make Milton Keynes special – green spaces and trees, being able to move around easily using grid roads and redways, a vibrant economy and diverse communities and a strong community spirit; and
- Proposals to help achieve the council's ambition to be carbon neutral by 2030 and to support the mental and physical health of the community.

The Strategy for 2050 is not a statutory planning document. Nonetheless, it clearly sets out MKCC's objectives and aspirations for growth in Milton Keynes, building upon the growth strategy already set out within Plan:MK, which has been informed by a suite of evidence studies and extensive stakeholder engagement. As such, it provides a strong foundation for developing a new Local Plan for Milton Keynes.

The requirement to submit a new Local Plan in 2022 was also intended to allow time for the review to take account of progress and decisions on:

- Routing of the proposed Oxford to Cambridge Expressway²⁰;
- Delivery and infrastructure associated with East West Rail Stage 1 Phase 2²¹ and Stages 2 and 3²²;
- Delivery of HS2 and relationship with East West Rail and the West Coast Mainline services;
- New national policy (the 2019 NPPF at the time Plan:MK was examined); and
- The new housing figures derived from the Government's Standard Method.

²⁰ [Oxford to Cambridge expressway - National Highways](#)

²¹ [East West Rail - Network Rail](#)

²² [East West Rail | Home](#)

Whilst the strategic context relating to the above has changed significantly since the Plan:MK Inspector's report was published (for example, the expressway has been cancelled and the Government is no longer pursuing a Spatial Framework for the Oxford-Cambridge arc) the need to review Plan:MK remains. Previous Local Development Schemes agreed to push back submission of a new Local Plan to 2024, reflecting the uncertainty surrounding the above matters.

Joint working

MKCC does not propose to undertake any statutory joint plan making. This reflects the differing plan preparation timetables of adjoining authorities, the creation of the new unitary authority Buckinghamshire Council, and the formation of two unitary authorities covering the north and west of Northamptonshire. This change to the administrative geography of neighbouring authorities will have significant implications for future plans and joint working in these locations.

The Plan:MK Inspector's report²³ recognises that "it is not necessary that a review of Plan:MK must be a joint plan but it is sensible that this forms a reasonable option to be explored". The Council will continue to work proactively with neighbouring authorities in accordance with the duty to co-operate. This will include the potential to commission joint evidence or set up steering arrangements for evidence work that takes account of the wider functional geography of Milton Keynes.

Procedural matters

MKCC has made significant progress with the New City Plan since the 2022 LDS was published. In particular, MKCC has:

- Commissioned or completed over 20 evidence studies that will underpin the New City Plan.
- Carried out a public consultation about the Ambitions and Objectives for the New City Plan, the results of which will inform the Plan as it is progressed.
- Held a technical conference with key stakeholders about the New City Plan and Inclusive Growth.
- Started a comprehensive engagement programme to ensure meaningful and inclusive engagement about the New City Plan and key evidence studies.

The process for the preparation of local plans is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012²⁴. The key stages are summarised below:

²³ [PlanMK Final Inspectors Report Feb 2019.pdf \(milton-keynes.gov.uk\)](#)

²⁴ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#)

Preparation stage (Regulation 18) - Scoping/preparation work and draft version of the plan including stakeholder engagement/public consultation.

Publication stage (Regulation 19) - Opportunity for stakeholders to say whether they think the draft plan and its preparation is ‘sound’ and fit for purpose.

Submission stage (Regulation 20) - Plan is formally submitted to the Secretary of State for examination by an independent planning inspector.

Examination stage (Regulation 24) - Inspector chairs an examination in public to check that all legal requirements have been met and that the plan is consistent with the NPPF.

Adoption stage (Regulation 26) - Following receipt of the Inspector’s Final Report, if the plan is found ‘sound’, it will then be formally adopted and implemented by the Council.

A timetable for production of the new Local Plan to submission stage is set out in the table below. Dates for the examination stage, receipt of Inspector’s report and adoption of the plan are not included as they fall outside the control of the Council and will be published, once known, in future iterations of the LDS.

MKCC has begun a comprehensive programme of engagement on the New City Plan, starting from the earliest stages. This includes formal (statutory consultations) and more informal pre-Regulation 18 engagement to inform policy development. Overall, the timetable to submission (‘S’ on the timetable below) has been extended by six months compared to the 2022 LDS. The Regulation 18 consultation document will be a comprehensive draft plan, informed by a significant amount of evidence and the results from early engagement. Some of the evidence studies are taking longer than anticipated to complete, which has had implications for the timetable.

Figure 1. New City Plan programme 2023-2025

		J	F	M	A	M	J	J	A	S	O	N	D	
2023	Local Plan Stages	Ambition and Objectives consultation									Pre-Regulation 18 engagement			
		Evidence preparation												
2024	Local Plan Stages								Regulation 18 consultation					
		Evidence preparation						Update and finalise evidence						
2025	Local Plan Stages		Regulation 19 consultation			S								
		Update and finalise evidence												

Accompanying the New City Plan will be additional documents describing:

- The sustainability implications of the plan's proposals (**Sustainability Appraisal**²⁵ (SA) which incorporates **Strategic Environmental Assessment**²⁶ (SEA)). The SA embraces economic, environmental and social objectives, including equalities and health impacts, and is undertaken at key stages in the documents' preparation.
- A **Habitat Regulations Assessment** (HRA), assessing the implications of development for the Natura 2000 network of European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites) in and adjoining the Plan area. This will identify appropriate avoidance and mitigation strategies and will, where necessary, include Appropriate Assessment.

Consequential updates to the Policies Map will be made in light of the adoption of the New City Plan.

Minerals and Waste Planning

Waste Plan

MKCC is the waste planning authority for the area. The Waste Plan (2008) sets out how the waste management requirements for the administrative boundary of Milton Keynes will be achieved. It covers the management of household (municipal), commercial and industrial, and construction and demolition waste and provides the basis for waste planning decisions made by the Council.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 10A) 28 in April 2018 set out a requirement to review this document every five years.

The scope of the new Local Plan will now incorporate waste planning policies to act as the authority's statutory Waste Development Plan Document. Once adopted, the new Local Plan would replace the current Waste Local Plan.

Minerals Local Plan

The Council adopted a new Minerals Local Plan on 1 July 2017. The Minerals Local Plan sets out the strategic vision and objectives for minerals related development; identifies the mineral resources of local and national importance as well as the amount of these to be provided from within Milton Keynes; identifies the development strategy and site-specific allocations to facilitate delivery of a steady and adequate supply of aggregates and maintenance of landbanks; and sets out the policies and proposals against which planning applications for minerals related development will be determined. Despite there being no changes in circumstances since its adoption (in terms of national planning policy or local and other material circumstances) as the Minerals Local Plan was adopted more than five

²⁵ [Strategic environmental assessment and sustainability appraisal - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

²⁶ [Strategic Environmental Assessment Directive: guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

years ago, a review of the Plan has been undertaken to determine if it needs to be updated. MKCC will publish information to formally confirm the conclusions of this review, and the LDS will be updated accordingly, in due course.

Plan-making reforms

The Government is currently consulting on proposals to implement the parts of the Levelling Up and Regeneration Bill that relate to plan-making. These proposals focus on increasing engagement in the plan-making process and speeding up the process of preparing plans and updating them more quickly. As the proposals are currently being consulted on, it is not possible to give a definitive position on how these proposals will be implemented in practice.

The Levelling Up and Regeneration Bill: reforms to national planning policy proposes that ‘plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework...’. These plans will be examined under the current legislation. It is our intention to submit the Plan by the June 2025 deadline so that it is examined under the current legislation.

7. Evidence base

A key feature of the Local Plan is that its policies are soundly based on up-to-date and robust evidence. Relevant elements of the Local Plan evidence base will need to be updated to inform the review. The table below identifies some examples of the reports and studies that will be required to provide a robust and credible evidence base for the Plan so that it can support the delivery of the Strategy for 2050 ambitions.

Table 3: New City Plan evidence documents

Document	Purpose/Scope
Gypsies and Travellers Accommodation Assessment (GTAA) and Boat Dwellers Accommodation Assessment	To consider the housing needs of Gypsies and Travellers. Scope of this widening to include transit and boat dwellers.
Study of the role and function of Bletchley (including link with MRT and station redesign, town centre)	Central Bletchley Urban Design Framework Supplementary Planning Document , capitalise on opportunities from enhanced connectivity and accessibility, enabled by EWR, through the provision of guidance which promotes holistic and inclusive renewal within Central Bletchley.
Open Space Assessment	To understand the quantity, quality and accessibility of open space provision within the Borough and ensure that public open space is provided for as part of new development and is protected appropriately.
Landscape Character Assessment Valued Landscape: Policy Review Review of Areas of Attractive Landscapes	To review the landscape character of the Borough and provide evidence for countryside strategies and housing allocations, including whether particular landscapes have higher local value and warrant a different policy approach.
MK Infrastructure Study and Strategy (MKISS)	Identifies the various forms of infrastructure that are required to meet growth that may come forward through the Local Plan and through to 2050.
Mass Rapid Transit (MRT) Study	To identify a network of MRT routes and associated infrastructure requirements, and understand the feasibility, costs, phasing and delivery of an MRT system.
Transport Modelling	To enable area-wide traffic and public transport modelling to take place, including the future traffic scenarios to be predicted and transport solution to be tested.
Land Availability Assessment (LAA)	Identifies a future supply of land which is suitable, available and achievable for housing

	and economic development uses over the plan period. The assessment is an important source of evidence to inform plan-making and decision-taking, and the identification of a 5-year supply of housing land.
Housing and Economic Development Needs Assessment (HEDNA) (Logistics study commissioned separately by SEMLEP)	The HEDNA will assess the housing and economic development needs for the Borough of Milton Keynes for the period 2022-2050. It will include data on population change, market signals, the economy and labour market, employment forecasts, a commercial market assessment and future employment land requirements for different types of employment floorspace.
Retail Capacity and Leisure Study	The study analyses retail and leisure catchment areas and capacity. It will assess shopping patterns and forecasts the amount of retail and commercial leisure floorspace required within the Borough over the plan period.
Carbon and Climate Study	To assess how the Local Plan can deliver low- or zero-carbon and climate-adaptable growth. This will incorporate the air quality & air pollution study.
Nature, Green and Blue Infrastructure (GBI) Study	Review current and future needs for GBI up to 2050. It will provide feasible options for a GBI Strategy with the consideration of strategic growth options highlighted in the MK 2050 Strategy and by planning for GBI that will be resilient to climate change, multifunctional and adaptable to the future needs of the residents of Milton Keynes.
Integrated Water Management Study	To assess flood risk from various sources, understand the demand for and supply of water resources, understand the demand for water treatment, and propose interventions for managing this alongside growth set out within the Local Plan.
Balancing lakes study	It will provide an update to the earlier drainage studies (carried out in 2000 and 2003), which will assist in planning the future flood and water infrastructure needed for the growth of Milton Keynes up to 2050
Accessibility Study	Seeks to understand how existing places support or hinder healthy, social, and convenient living by providing and enabling access to most people's everyday needs within a short walk, wheel, cycle, or scoot of their homes.

Density Study	To determine appropriate density ranges for development typologies to be used in site assessment work for the New City Plan
Whole Plan Viability Study	Addresses overall deliverability of the plan to determine whether the policy requirements can be viably delivered.
Design Code and Guidance	To set our core principles and requirements to guide development set out within the New City Plan
Health Impact Assessment	Health Impact Assessment (HIA) is a tool to identify and optimise the health and wellbeing impacts of planning.
Equality Impact Assessment	A systematic and evidence-based tool, which enables us to consider the likely impact of work on different groups of people. Completion of equality impact assessments is a legal requirement under race, disability and gender equality legislation.
Sustainability Appraisal	An assessment of the social, economic and environmental effects of the plan's policies, alongside consideration of any significant adverse effects on protected biodiversity sites.
Habitats Regulation Assessment	An assessment under the Habitats Regulations, to test if a plan or project proposal could significantly harm the designated features of a European site.
Master planning work	For any strategic sites to outline the key elements that should be incorporated into any development proposal.
CMK Growth Opportunities Study CMK Placemaking Principles Review	A study to inform a strategy for growth in CMK. This will include the potential capacity for new residential development, alongside a skyline strategy for CMK.
Waste Needs Assessment	An Assessment of waste arisings and how these should best be managed, whether additional waste sites and infrastructure are required and how waste can be used as a resource as part of energy planning and provision in MK.
Comms and Engagement Strategy and Statement of Community Involvement	Outline how the Local Plan will be prepared with effective engagement from the public and groups of people who do not usually engage with local plan development (including digital platform and data visualisation).

8. Duty to Cooperate protocol

The Localism Act 2011 introduced a requirement for local authorities and certain specified public bodies to cooperate with one another (the ‘duty to cooperate’) in the preparation of local development plans. The duty requires local authorities and other public bodies to engage constructively, actively and on an ongoing basis in order to maximise the effectiveness of their development plans in so far as they relate to strategic matters. Strategic matters are defined in the Act as: 1. sustainable development that has or would have a significant impact on at least two local authority areas, and 2. sustainable development in a two-tier area where the development is a county matter or has or would have a significant impact on a county matter (i.e. typically waste and minerals proposals).

The protocol set out below will guide how MKCC will consider and agree Duty to Cooperate matters internally.

Table 4: Duty to Cooperate protocol

Matter	Decision Making
Agreeing Statements of Common Ground with Duty to Cooperate bodies	To be agreed by Cabinet member via Delegated Decision or Cabinet Decision.
Agreeing formal MKCC response to statutory consultations on Development Plan Documents that could give rise to significant cross-boundary impacts	To be agreed by Cabinet member via Delegated Decision or Cabinet Decision. Where the matter is a re-consultation, and the consultation or MKCC’s response does not introduce any significant new matters that could impact on Milton Keynes, the response would be agreed by the Cabinet member in consultation with the Director for Planning and Placemaking.
Agreeing formal MKCC response to statutory consultation on Local Development Plan documents (e.g. Supplementary Planning Documents) that could give rise to significant cross-boundary impacts	To be agreed by the Cabinet member in consultation with the Director for Planning and Placemaking.
Agreeing response to consultations by duty to cooperate bodies on technical matters (e.g. technical studies)	To be agreed by the Cabinet member in consultation with the Director for Planning and Placemaking.

9. Risk and Resources

The production of the new Local Plan and other planning policy documents will be undertaken primarily by the Development Plans Team and, where possible, utilising in-house staff resources. However, it will be necessary for specialist consultants to be appointed for some evidence gathering and specialised tasks, such as economic viability testing. The use of consultants can increase staffing capacity, but also has associated costs. In addition, other Council services, such as Development Management, Leisure, Transport Policy and the Urban Design and Landscape Architecture teams, may lead on the production of individual SPDs.

The process of preparing planning policy documents requires resources to undertake consultation (e.g. printing documents, the hire of premises for public consultation events and analysing responses) and for the formal examination process (e.g. employing a programme officer and paying a planning inspector's fees). The need for these resources will have to be taken into account in future budgets and work programmes.

Preparation of the Local Plan is currently overseen by the Leader of the Council. Detailed engagement with Councillors will also be undertaken as part of preparing the Local Plan through the Planning Cabinet Advisory Group (CAG).

The table below lists the main risks and mitigation measures that have been identified in relation to the programme. These risks are not prioritised or ranked in any order.

Table 5: New City Plan risks

Risk	Impact	Actions and contingencies
Changes to national planning policy or guidance and the plan-making system more broadly.	Work completed no longer relevant or requires significant adaptation to fit new policy or format.	Monitor emerging guidance, consultations and legislation and respond to changes early. Reassess priorities through review of LDS.
Volume of work greater than anticipated, both within the Planning service but also across other services inputting into the Local Plan.	Delays to evidential studies which will impact the production of the final plan; impacts upon officer wellbeing.	Ensure effective programme management to spot and address pinch points or developing capacity issues. Commissioning external consultants to deliver evidence base studies.
Evidence base work takes longer than expected to complete or there are unforeseen delays.	Delays to evidential studies which will impact the production of the final plan.	Effective programme management to constantly monitor project progress and arrange additional support where necessary.

Joint working arrangements with external authorities is not effective or causes delay.	Delays to evidential studies which will impact the production of the final plan.	Ensure close working with other authorities to detect issues early in the process. Ensure that timescales realistically reflect partner authorities' ability to contribute to joint working. Share plan development timetables with neighbouring authorities. Ensure commitment to key milestone dates from relevant parties in advance.
Requisite expertise is not available in-house.	Delays to evidential studies which will impact the production of the final plan.	Identify areas where there are gaps in the team's knowledge and experience and make suitable arrangements for external cover.
Change in political control of the Council or competing priorities.	Work already completed requires significant revision in light of new political landscape or priorities.	Outside of the control of the programme team but monitoring and planning for the situation will lessen any impact.
The Planning Inspectorate are unable to meet the timescale for examination.	Council's target of adopting the plan by 2025/26 is not achievable.	Determine when liaison with the Inspectorate should take place to ensure that a timetable can be agreed.
The proposed plan fails the test of soundness or duty to co-operate.	Plan requires significant revision and therefore Council's target of adopting the plan by 2025/26 is not achievable.	Maintain a good dialogue with stakeholders in line with the requirements of the SCI. Seek to establish robust joint working arrangements with neighbouring authorities. Keep an accurate log of all cross-boundary duty to cooperate meetings and notes. Commission an external / peer review to assess the soundness of the plan prior to submission.
There is a legal challenge at any point during the consultation, examination or adoption process.	Council's target of adopting the plan by 2025/26 is not achievable.	Minimise risk by ensuring preparation of 'sound' documents. Work closely with Legal Services and external legal support as required.
Inconsistent logging of Annex W spending or correct procedure not followed.	Over-spending in an area means less funding available elsewhere; under-spending means funds are not released to spend elsewhere.	Specific focus by programme team on budget and spending through monitoring process and reminders to project leads of the process.
Additional projects or work identified and	Unable to meet timescales committed in the LDS or keep within the allocated budget.	Updating the START doc and reporting to the Local Plan Board with spend to date and have

initiated as part of the new local plan.		business cases for projects go through the board and finance.
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10. Monitoring and Review

The LDS will be monitored via internal board structures and reported on through the AMR. This will set out whether the Council is meeting, or is on target to meet, the timetables for preparing the planning policy documents set out in the LDS and, if not, what the reasons are. In particular, the following matters will be looked at:

- Progress against specific milestones
- Reasons for any mismatch and proposed actions
- Any new technical information that warrants changes or reviews
- Any new legislation, and
- Any other unforeseen circumstances that may have arisen.

As a result of monitoring performance against these criteria, the Council will consider what changes, if any, need to be made. If changes are appropriate these will be brought forward through the review of the LDS.

Executive Report



Delegated Decisions – 14 November 2023

LOCAL PLANNING ENFORCEMENT PLAN 2023

Name of Cabinet Member	Councillor Pete Marland Leader of the Council
Report sponsor	Paul Thomas Director of Planning and Placemaking
Report author	Victoria Barrett Team Leader – Planning Enforcement victoria.barrett@milton-keynes.gov.uk / 07795475597

Exempt / confidential / not for publication	No
Council Plan reference	Well planned growth / Doing the essentials well
Wards affected	All wards

Executive summary

To agree the revised Local Planning Enforcement Plan (LPEP), attached at **Annex A**. This sets out the steps and expectations for handling complaints about alleged breaches of planning control, confirming how the Council will prioritise, handle and respond to complaints, and ensuring that stakeholders and interested parties are appraised of progress with investigations.

1. Proposed Decision(s)

- 1.1 That the revised Local Planning Enforcement Plan (LPEP) be adopted, replacing the previous version adopted in January 2021¹.
- 1.2 That authority be delegated to the Director of Planning and Placemaking, in consultation with the Portfolio Holder for Planning to, where necessary, update the LPEP solely to take account of any relevant changes to national policy, legislation and case law.

2. Reasons for the decision?

- 2.1 National planning policy encourages the publication of a LPEP to manage enforcement proactively, in a way that is appropriate to area, setting out how the Council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

¹ Delegated Decision on 5 January 2021

2.2 The national approach is reflected in the Council Plan in delivery of well planned growth and doing the essentials well.

3. Background to the decision

3.1 Since the adoption of the previous LPEP, the Planning Service has delivered a more responsive and effective enforcement function to respond to alleged breaches of planning control. However, use of the current LPEP has revealed several observations:

- It does not effectively communicate what is a planning matter, leading to many complaints which are then redirected to other Council services and organisations;
- Prioritisation of complaints does not match the reasonable resources available to respond to those breaches causing irreversible harm;
- Residents are not clear as to the way complaints are investigated and when they can expect to receive updates; and
- The existing LPEP duplicates national guidance², watering down the key, local messages of the LPEP.

3.2 The revised LPEP has considered the comments of other services within the Council, including Regulatory Services.

3.3 The revised LPEP has also been subject to consultation with local ward councillors and our town and parish councils. This consultation took place over 6 weeks and closed on 13 October, with the responses summarised and addressed at **Annex B** to the report. The revised LPEP reflects the changes arising as a result.

4. Implications of the decision

Financial	Y	Human rights, equalities, diversity	
Legal	Y	Policies or Council Plan	Y
Communication	Y	Procurement	
Energy Efficiency		Workforce	

a) Financial implications

The revised LPEP cements existing practices to work with other Council services to resolve complaints in an effective and timely manner. It is anticipated that improved communications and pro-active planning enforcement resources will both reduce the likelihood of breaches occurring and the need to investigate some complaints.

b) Legal implications

Setting out clearly the procedures that the Council will follow can assist in defending decisions made on planning enforcement complaints.

² Freely available through the Planning Practice Guidance

c) Communications

The revised LPEP provides a comprehensive policy for use by officers, councillors and our communities, ensuring a consistent and proportionate approach and enhancing wider understanding of the discretionary planning enforcement function of the Council, provided in the public interest.

d) Human rights, equalities, diversity

The LPEP informs planning decisions in an enforcement capacity, where professional judgement is required to consider the development plan and material planning considerations. On occasions, these decisions can have an implication for human rights, equalities and/or diversity, and the revised LPEP will ensure that the rationale for these decisions are fully evidenced.

e) Policies or Council Plan

An effective planning enforcement service, informed by the revised LPEP, will continue to underpin the aims and objectives of Plan:MK. Furthermore, the revised LPEP would contribute to ensuring our procedures, decisions and actions are open and transparent, and deliver on the following objectives from the Council Plan:

Well planned growth:

- Timely and appropriate enforcement activity.
- Improved communication on ... the role and limitations of the local planning authority.

Do the essentials well:

- Provide the best quality open and accessible services we can for the level of resources available.
- Ensure appropriate services and facilities for new communities.

5. Alternatives Considered

- 5.1 To retain the existing LPEP would not allow the most efficient and effective use of resources within the planning enforcement function, limiting the speed at which complaints can be investigated and increasing the potential for irreversible harm to be caused.
- 5.2 Furthermore, retention of the current LPEP limits the ability to provide a clear message to stakeholders and communities as to the role and purpose of the planning enforcement function.

6. Timetable for implementation

- 6.1 The revised LPEP will be adopted immediately following this Delegated Decision and communicated to stakeholders, with it also placed on the Council's website. It will be reflected in internal procedures and performance measures by 1 December 2023.

List of Annexes

Annex A Revised Local Planning Enforcement Plan (LPEP)

Annex B Summary of Consultation Responses

List of background papers

National Planning Policy Framework

www.gov.uk/guidance/national-planning-policy-framework/4-decision-making

Planning Practice Guidance

www.gov.uk/guidance/ensuring-effective-enforcement

RTPI Planning Enforcement Handbook

www.rtpi.org.uk/practice/2020/may/planning-enforcement-handbook-for-england/

Local Planning Enforcement Plan

Planning Services

November 2023



Summary

The Local Enforcement Plan exists to determine and structure the role of the planning enforcement service at Milton Keynes City Council. It should be read alongside adopted planning policies, such as [Plan:MK](#) and [neighbourhood plans](#), and national legislation¹ and policies². Throughout this Local Enforcement Plan are references and links to relevant legislation and policies that we use when determining if a breach of planning control has taken place and the options that we are able to consider if we believe formal action ought to be taken or not. The Enforcement tool kit and relevant information can be found at [Enforcement and post-permission matters \(www.gov.uk\)](#).

Contents

1. Introduction
 2. The planning enforcement approach
 3. How to report a planning enforcement complaint
 4. Dealing with a complaint about my building work or activities
 5. How we deal with an alleged breach of planning control
 6. The possible outcomes of an investigation
 7. Service expectations
- Appendix 1: Summary of the enforcement investigation process
- Appendix 2: What happens after an Enforcement Notice is served?

¹ Primarily the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), along with subordinate legislation such as The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

² Primarily the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG).

Commonly used terms

When you report an alleged breach of planning control to us, we may use phrases such as ‘initial investigation’, ‘expedient’, ‘harm’, ‘discretionary’ and ‘material considerations’. These are explained below:

- **Initial investigation:** This is when we undertake various checks to establish if there is a breach of planning control. It is the first action undertaken by the planning enforcement officer before moving to consider the next steps, should a breach of planning control be established.
- **Expedient/expediency:** The term expedient or expediency relates to the ‘planning balance’ for instigating formal enforcement action. When assessing if formal action should be taken, we will ensure that the action is reasonable, proportionate and is in the public interest, so to achieve a meaningful outcome.
- **Harm:** We consider the planning harm associated with a breach of planning control. Planning harm is the term used to describe any negative impacts of a development.
- **Discretionary:** There is no legal requirement for us to take enforcement action against alleged breaches of planning control. Enforcement action requires planning judgement as to whether formal action is appropriate. In some cases, we may decide that formal action is not expedient, and an alternative approach is more appropriate, for example, by inviting a retrospective planning application, securing reversion of the works or cessation of the use, or no further action.
- **Material consideration:** A material planning consideration is one which is relevant to the matter in question (i.e., relevant to the development concerned, its scale and nature, and not a matter addressed by other regulatory or private controls). Whether a particular consideration is material or not will depend on the circumstances of the case. In general terms, planning is concerned with land use in the public interest, so the protection of purely private interests such as the impact on property value or loss of a private view cannot be considered material considerations.

1. Introduction

- 1.1 The primary role of planning enforcement is to investigate alleged breaches of planning control and bring about reasonable and proportionate remedial action where appropriate. Whilst most development is carried out with planning permission, there are instances where it is not. Quite often this can occur through not knowing when permission is required. Examples include a homeowner building an extension or a deviation from approved plans on a building site.
- 1.2 Pursuant to [national planning policy](#), the Local Enforcement Plan (LEP) sets out our procedures for proactively dealing with alleged breaches of planning control. It explains how our resources are put to best use dealing with breaches of planning control that cause harm to the built or natural environment and the people that use these places and spaces. It also sets out what stakeholders and interested parties can expect from the planning enforcement function.
- 1.3 Formal enforcement action is discretionary. National policy and guidance sets out that a local planning authority must only take formal action when [expedient and in the public interest](#) to do so. Any action must be proportionate to the breach of planning control to which it relates.
- 1.4 This LEP sets out how we can and will respond to breaches of planning control. Whilst each case will be considered on its merits, when determining the expediency of taking action the ability to take formal action as well as the policies of the development plan³ will be the key considerations. We will try to negotiate in the first instance as this is very often the quickest and most effective way to resolve problems. Where negotiation fails and there is development that results in unacceptable planning harm, we will consider taking formal action.
- 1.5 Our focus is to always find the most appropriate solution. In doing so we will consider, in consultation with relevant colleagues, whether planning enforcement is the most effective route or whether other legislation or agencies would be best suited to deal with the identified matter. This may lead to investigations being led by the Council's Licensing Team, Environmental Services or Highway Authority⁴, or those services contributing to the investigation led by planning enforcement officers.

2. The planning enforcement approach

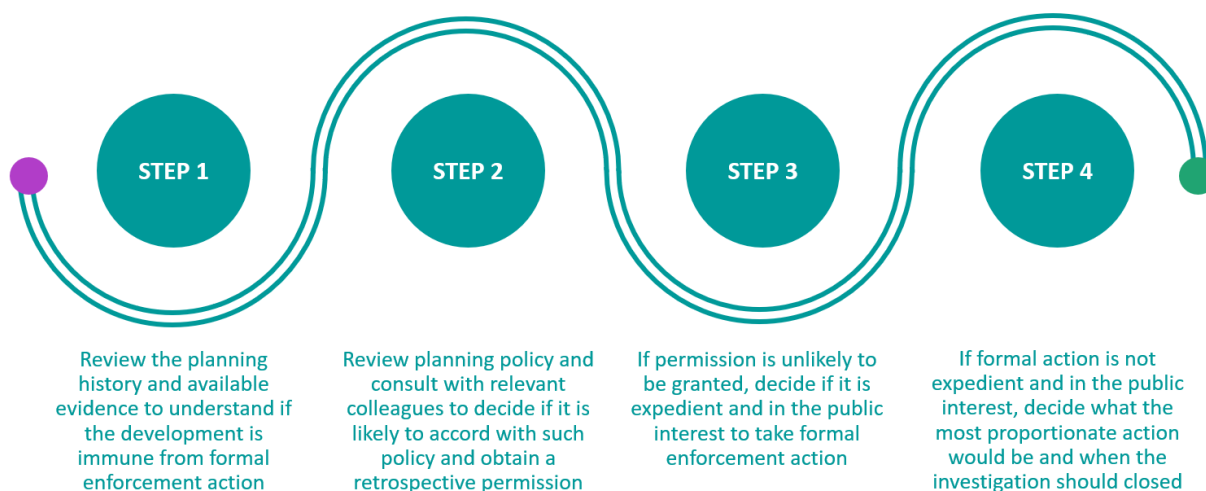
- 2.1 Planning Enforcement is a discretionary service within Milton Keynes City Council to investigate and address unauthorised development that causes unacceptable planning harm.
- 2.2 Development is defined as *“the carrying out of building, mining, engineering or other operations in, on, under or over land, or the making of any material change of use of any buildings or other land”*. Certain other activities, such as undertaking works to listed buildings without consent, demolition of buildings and enclosures, display of advertisements and works to protected trees also constitute development. The failure to comply with planning conditions set out in a planning permission is also a breach of planning control. More information is provided in the national [Planning Practice Guidance](#).
- 2.3 If the matter reported is not ‘development’, it cannot be a breach of planning control and we have no planning powers to take any action. We will, however, engage with relevant colleagues

³ The development plan comprises planning policy documents adopted by the Council, such as Plan:MK, and made neighbourhood plans. Further [guidance is available in Planning Practice Guidance](#).

⁴ The [Corporate Enforcement Policy for other regulatory services](#) is available on our website.

to consider whether the matter can be more appropriately investigated by other departments or by another organisation, and further guidance on these matters is available on [our website](#).

- 2.4 If the matter reported is 'development', it may be that it falls within '[permitted development](#)' or '[deemed consent](#)' allowances⁵ and permission is not required. It may be that express permission or consent has already been granted⁶. If we identify the matter reported is already permitted, we will advise accordingly.
- 2.5 If the matter reported is development that does not benefit from permitted development rights, deemed consent or express permission, we will:



- 2.6 Our planning enforcement service also strives to raise awareness of planning controls across the city, which vary from one premises to another. The aim is to achieve a proactive service through working collaboratively with its stakeholders, such as ward councillors and town and parish councils.

3. How to report a planning enforcement complaint

- 3.1 Before reporting an alleged breach, it is best to first confirm whether it is a planning matter, as outlined in section 2, and, if so, whether the matter already benefits from permission. Where development is permitted, we cannot take any further action.
- 3.2 In most cases, a breach of planning control does not constitute a criminal offence. Therefore, it is rare that we can justify the taking of immediate action to require the breach to cease. The manner and speed at which we will seek to establish an intended course of action is set out in the service expectations outlined in Table 1 below, reflecting the significance of the breach.
- 3.3 To report an alleged breach of planning control, the [online reporting form](#) must be used. We will not accept planning enforcement enquiries by email, telephone or other methods. This enables complaints to be correctly triaged and prioritised, so to respond in an efficient and timely manner. Anonymous reports will not be investigated. Town or parish councils and ward

⁵ See also works to trees and hedgerows which are exempt from planning control: [Tree Preservation Orders \(www.gov.uk\)](#), [Trees in conservation areas \(www.gov.uk\)](#), and [Countryside hedgerows: protection and management \(www.gov.uk\)](#).

⁶ This can be checked by searching our Planning Register at [www.milton-keynes.gov.uk/publicaccess](#).

councillors can report an alleged breach on behalf of a person who wishes to remain anonymous by completing the online form.

- 3.4 Multiple alleged breaches should be reported separately. For instance, an alleged breach of working hours at a site should be reported separately to an allegation that buildings are not sited or constructed in accordance with approved plans. This allows each breach to be investigated appropriately and assigned a suitable priority.

4. Dealing with a complaint about my building works or activities

- 4.1 We recognise that it can be stressful finding out that someone has made an allegation of a breach of planning control at your property. It is important that individuals or companies who are the subject of a planning enforcement investigation are treated fairly and given the opportunity to explain the circumstances from their perspective. The engagement of the owner and/or occupier of the property concerned can also be crucial in establishing the facts and often avoid wasted effort in pursuing formal action.
- 4.2 Positive and proactive engagement with the planning enforcement team can often assist in quickly resolving enforcement complaints. If you receive a visit or a letter from an enforcement officer explaining that a matter has been brought to our attention, then please do not ignore the issue. You should contact the enforcement officer as promptly as possible on the email address or telephone number provided.

5. How we deal with an alleged breach of planning control

- 5.1 We will deal with each alleged breach of planning control on a case-by-case basis. We have up to four years to act on certain types of breaches and ten years on others⁷, and our priorities take this into account. Only a very small percentage of breaches result in the need for immediate, formal action.

Receipt of enforcement complaint

- 5.2 Upon receipt, we will initially establish:
- If other legislation or agencies would be better suited to deal with the alleged breach of planning control;
 - If the alleged breach of planning control has already been reported and is under investigation;
 - If the alleged breach has already been investigated and the case has been closed. Unless substantive new evidence has been provided, a new case will not be opened for investigation; and
 - If an alleged breach of planning control is likely to already benefit from permission. This includes checking the planning register, assessment of permitted development rights and any other relevant legislation.

⁷ 4 years for building or engineering works, or a material change of use to a dwelling; and 10 years for use of land/property or a breach of planning condition. See more at www.legislation.gov.uk/ukpga/1990/8/section/171B.

- 5.3 If the evidence at this point confirms there is no breach of planning control, the case will be closed.
- 5.4 If we identify that the matter cannot be investigated by planning enforcement and/or should be investigated by another service area or organisation, we will refer the matter to them and close the case.

Initial investigation timeframes

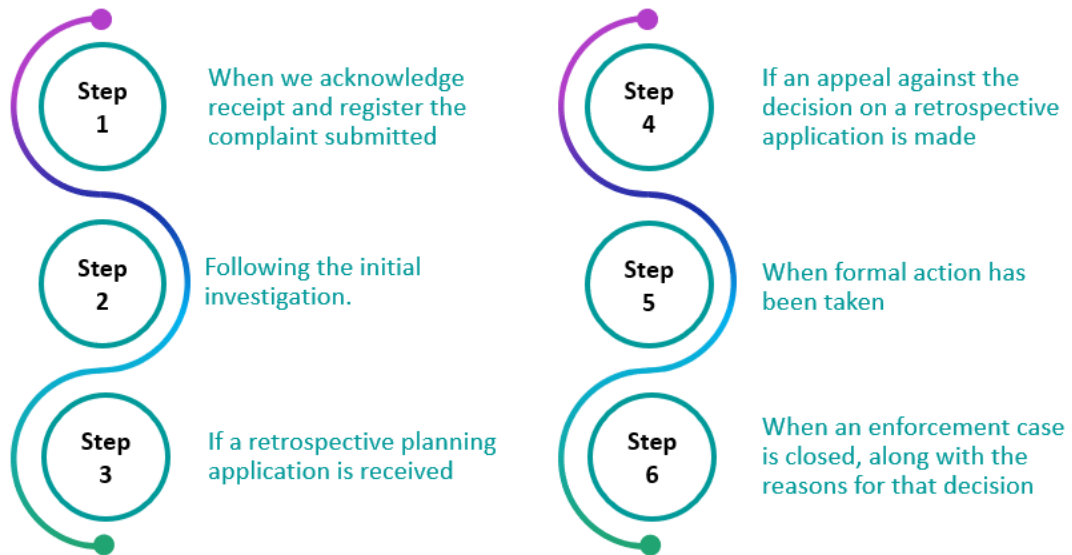
- 5.5 Prioritisation of enforcement complaints indicates the range of time we would normally take to undertake the initial investigation. We will aim to complete this initial investigation within the timescales associated with the priorities set out in Table 1 below.

Priority 1	Priority 2	Priority 3
Within 2 working days	Within 5 -10 working days	Within 11 - 20 working days
<p>Irreversible harm caused or loss of irreplaceable assets, being:</p> <ul style="list-style-type: none"> ▪ Works to a listed building; ▪ Felling or pruning of trees covered by a Tree Preservation Order (TPO) or in a conservation area; ▪ Works taking place in breach of listed building, archaeological, tree protection or construction phase mitigation conditions; or ▪ Works or uses which have potential to cause significant and unacceptable impacts to highway safety or the amenities of the area. 	<p>Notable harm caused to the proper planning, public safety or the wider amenities of the area, being:</p> <ul style="list-style-type: none"> ▪ Certain works or uses taking place outside of hours limited by planning conditions; ▪ Works or uses which are likely to conflict with the strategy of the development plan; ▪ Works causing likely harm to the character and appearance of a conservation area; or ▪ Works taking place in breach of pre-commencement conditions not included in 'Priority 1'. 	<p>Breaches which do not result in significant and/or irreversible planning harm, being:</p> <ul style="list-style-type: none"> ▪ Breaches of planning conditions not included in 'Priority 1 or 2'; ▪ Works or uses not included in 'Priority 1 or 2', such as unauthorised householder works, erection of walls or fences, or use of agricultural land; ▪ Untidy land which adversely affects the amenity of the area; or ▪ The display of advertisements.

Table 1: prioritisation of enforcement complaints



- 5.6 The initial investigation will look to establish the facts of the matter, involving the capturing of further information through correspondence with the parties involved and a site visit where necessary. We will then update the complainant(s).
- 5.7 Following the initial investigation, the enforcement officer will then either recommend the case for closure or proceed to the next stage of the investigation. We may seek to capture more in-depth information by serving a [Planning Contravention Notice](#) (PCN) or by other formal and informal methods (see Step 3 at Appendix 1).

5.8 The person submitting an enforcement complaint will be kept informed of progress at various stages. The timescales for updates will vary as each case will vary from another, but we will aim to update at the following stages of the investigation:



6. The possible outcomes of an investigation

6.1 The following provides a summary of what can be expected. More information on the [various types of formal action](#) is available in the Planning Practice Guidance. The complainant, ward and parish councillors will be notified upon the taking of any formal action.

<p>No breach of planning control</p> 	<p>Following a site visit or desktop study no breach of planning control is identified. This may be because:</p> <ul style="list-style-type: none"> ▪ the matters alleged have not yet occurred; ▪ the breach is not ‘development’ and therefore not a matter which falls under our control; ▪ the development in question benefits from permitted development rights or ‘deemed consent’, as the case may be); ▪ the development already has an express grant of planning permission; or ▪ following investigation, there is insufficient evidence to confirm the allegation.
<p>Immune from enforcement action due to passage of time</p> 	<p>The investigation reveals that whilst development has taken place, it has been substantially complete or taking place without material interruption for so long that we are unable to take formal action⁸.</p> <p>In cases relating to building operations or the material change of use to a dwellinghouse this period is 4 years, otherwise it is 10 years.</p> <p>Adverts and works to trees carry different restrictions on when formal action may be taken.</p>

⁸ Given the provisions of [section 171B of the 1990 Act](#).

Negotiations take place to remedy the breach or regularise the situation



Planning guidance advises, where possible, to negotiate resolutions so to avoid formal action. This can often be the quickest way of resolving an issue.

Following the initial investigation, and on the basis that a breach is substantiated, the enforcement officer will decide upon the most appropriate steps towards resolving the breach. This response will consider the specific circumstances of the breach and consider the degree of planning harm caused, having regard to the development plan and material considerations.

In vast majority of cases, we will first attempt to negotiate and mediate for the removal, reduction or cessation of unauthorised development. A reasonable period will be offered to achieve this compliance, which will vary on a case-by-case basis. This will be communicated as soon as practicable to the complainant.

Where the investigation reveals that the development has a reasonable prospect of securing a retrospective planning permission, or that conditions are required to control the long-term use of the development, then a retrospective application will be invited. Officers will liaise with relevant stakeholders to inform this position. A reasonable period will normally be allowed for the preparation of supporting plans and documentation to accompany an application.

Where the investigation reveals that the development is unlikely to obtain retrospective planning permission, we may move directly to formal action. However, the landowner/operator still has the right to make a retrospective application if they wish to do so.




Where a retrospective application is received, the complainant will be notified so to allow for their participation in that process, should they so wish. They will not be directly notified through normal publicity requirements for an application unless they are an adjoining owner or occupier to the site concerned. Most enforcement investigations will be held in abeyance until a decision is made on that application.

There is a breach of planning control but it is not expedient to pursue



Expediency is a test of whether the development is causing harm which has an unacceptable impact, either now or likely to in the future, having regard to the development plan and other material considerations – including the basis for controls originally imposed on development. A judgement of expediency can include consideration of the appropriate use of public funds in pursuing the breach. If a breach is identified, it does not automatically mean that formal action will be taken.

Should negotiation fail to secure a voluntary resolution or regularisation of the breach, we will consider whether it is in the public interest to pursue the matter to formal enforcement action. We will not usually take formal action against a breach of control that causes no harm. This accords with the national guidance and [includes instances where there is a trivial or technical breach that causes no material harm.](#)

<p>Formal action is taken</p> 	<p>Where expedient, we will consider taking formal action. This will commonly involve the use of an enforcement notice, to which those with a legal interest in the land have a right of appeal. In some cases, a breach of condition notice may be appropriate.</p> <p>Formal action is considered when a retrospective planning application has been refused. This would indicate that the development results in an unacceptable harm.</p> <p>More significant action, such as the use of stop notices or injunctions will be rarely used, reserved for the most serious breaches of planning control. However, we will be prepared to use the most appropriate and effective power(s) that is/are appropriate to deal with an identified breach.</p>
<p>An appeal is lodged against an enforcement notice</p> 	<p>An appeal may be made to the Planning Inspectorate (PINS) against the serving of an enforcement notice. This must be done before it comes into effect and on up to 7 specified grounds.</p> <p>If an appeal is made the requirements of the notice are suspended until the appeal is decided. Enforcement appeals can sometimes take up to a year or longer to be determined.</p> <p>Where an appeal is allowed the enforcement notice is quashed and its requirements no longer apply. If an appeal is dismissed, the notice will take effect from the date of the appeal decision. The Inspector may decide to alter or amend a notice provided that no party is prejudiced by the changes. We will then monitor for compliance with the notice, which remains in force even after compliance has been secured.</p>
<p>Prosecution for failure to comply with an enforcement notice</p> 	<p>Legal action, such as a prosecution, can only be taken if an individual fails to comply with the requirements of an enforcement notice. The expediency and appropriateness of prosecution is assessed by our legal services team, based upon the evidence held and will only be taken where the evidential and public interest tests have been met.</p>

7. Service Expectations

- 7.1 The Council will provide an open, proportionate, consistent and helpful service, in line with the principles of good enforcement practice as set out in our [Planning Customer Charter](#) and [national guidance](#).

Openness

- 7.2 Due to the sensitive nature of allegations made and the need for the Council to ensure its ability to effectively resolve a breach of planning control, including the taking of formal action, we will not normally disclose correspondence on an enforcement case where the matter is still under investigation or is being monitored for compliance with an enforcement notice. Requests for disclosure of such information will normally be rejected under sections 30, 31, 32, 36, 39, 40(2),

41 and/or 42 the [Freedom of Information Act](#) (FOIA) and/or regulations 12(5)(b) to 12(5)(g) of the [Environmental Information Regulations](#) (EIR).

- 7.3 Requests for disclosure of information relating to a completed investigation, and where any breach of planning control has been resolved, will be considered with the above provisions in mind, noting that we will still redact/remove personal and sensitive data, and any information which may undermine the effective operation of enforcement powers within Milton Keynes.
- 7.4 Where technology allows, we will publish delegated officer reports summarising and explaining the reasons for taking formal action or the closure of a case.

Confidentiality

- 7.5 The identity of those raising a complaint of an alleged breach of planning control (excluding ward councillors and parish and town councils) is kept confidential. This is so to ensure public trust and confidence in being able to raise concerns regarding planning control without fear of retribution.
- 7.6 Where we need to pass the contact details of the complainant to other services within the Council or to other organisations, we will ensure that information relating to individuals and businesses is treated carefully, in accordance with the [Data Protection Act](#).
- 7.7 We will not actively disclose correspondence or detailed information on an investigation to a third party but will summarise what action (if any) we have taken and our response. Where a matter proceeds to formal action, the relevant enforcement or other notice will be published on the planning register.

Proportionality

- 7.8 We will deal with each case on a priority basis, as set out in Table 1. These priorities recognise that it is those breaches causing irreversible harm and irrevocable loss which command an immediate response, as well as swift formal action to curtail the breach.
- 7.9 The priorities also recognise that the majority of breaches are minor in nature and occur because of a lack of knowledge of the planning rules, and that most are commonly resolved through mediation or regularisation. Planning enforcement action will be considerate to the intent and context of the owner/occupier and the development concerned. All relevant circumstances for each case will be considered against the development plan and other material planning considerations.
- 7.10 Our performance against these priorities is monitored quarterly with this and further analysis reported to Planning Committee twice annually.

Resources

- 7.11 To recognise the extent of resources appropriate to the operation of a discretionary planning enforcement function, the Council will apply the prioritisation of complaints as set out in Table 1. Furthermore, it will seek to record the financial cost of carrying out this function, including also capturing the value of the service through retrospective applications and successful prosecutions, etc.
- 7.12 We will also provide training to ward and town and parish councillors to broaden their knowledge of the planning enforcement function, including the limitations of the service and its powers to take formal action. Informal enforcement sessions for ward councillors and

town/parish council clerks are also regularly held. We will also look, where resources allow, to enhance the content available at [on our website](#) to inform the general public on the need for planning permission.

Consistency

- 7.13 We will seek to effectively manage enforcement cases and apply standard procedures and approaches, making the best use of technology and electronic communications. Discretion and professional judgement are required in all enforcement matters, so we will adhere to national guidance, this LEP and adopted procedures to achieve, as far as practicable, a fair and equitable outcome.
- 7.14 We will keep reliable and up-to-date records of all planning enforcement investigations and retain these in accordance with data retention schedules.

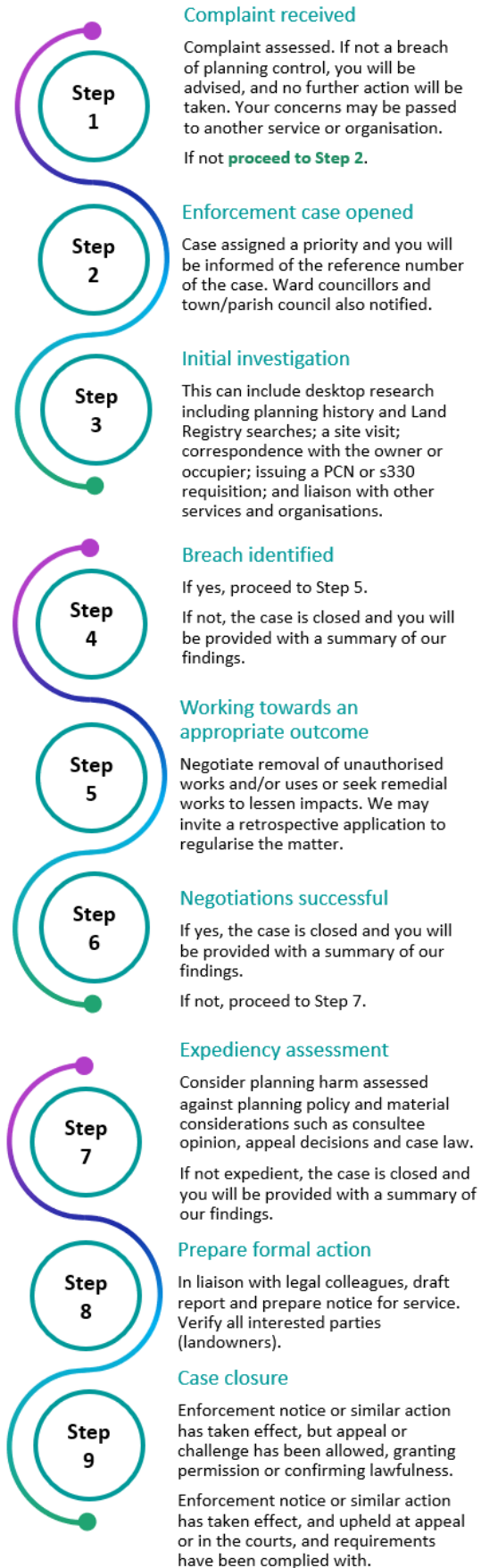
Helpfulness

- 7.15 We will notify town and parish councils and ward councillors when an enforcement investigation is commenced in their parish/ward. The outcome of the case will also be communicated along with the reasons for the decision.
- 7.16 Complainants will be kept informed of progress as shown in section 5.

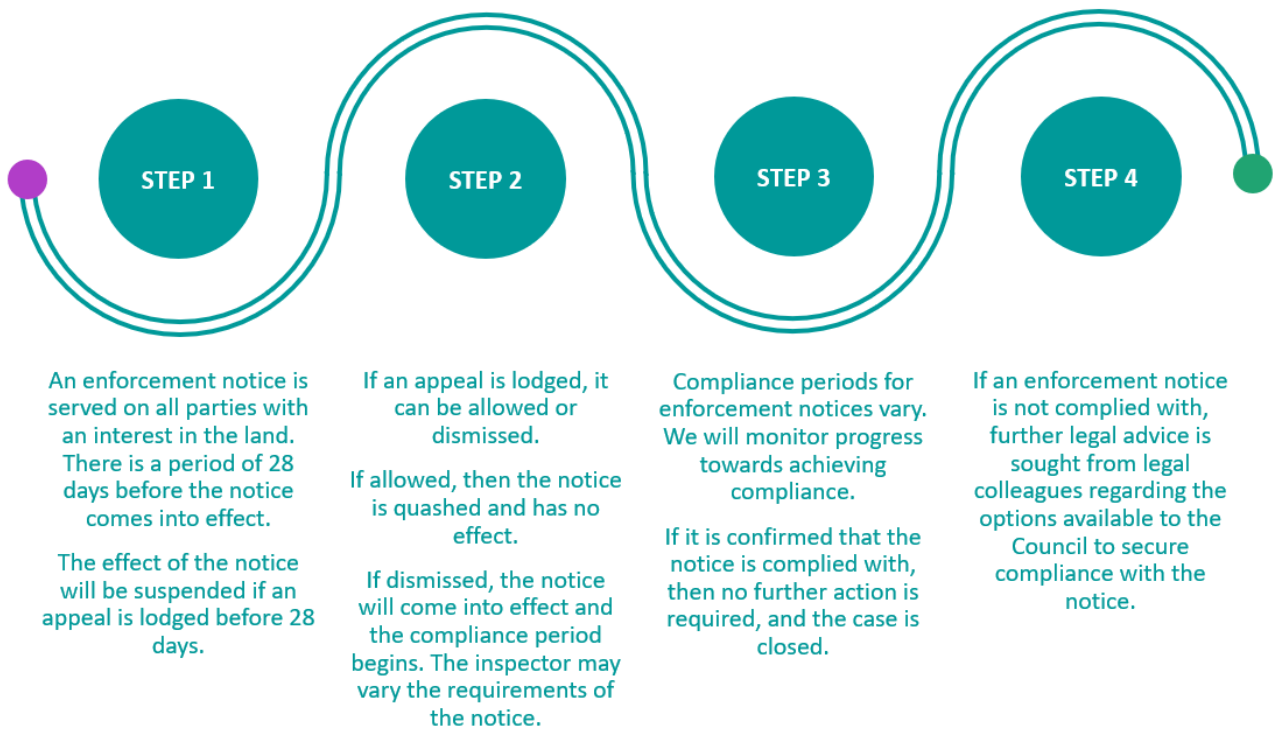
Disputes

- 7.17 If you are unhappy with how an enforcement case has been investigated, you are able to make a formal complaint by completing the online form at www.milton-keynes.gov.uk/complaints where details of the complaints procedure can also be found. Please note that the complaints procedure does not allow for the review of professional judgement exercised in deciding the outcome of an investigation.

Appendix 1: Summary of the Enforcement investigation process



Appendix 2: What happens after an Enforcement Notice is served?



Local Enforcement Plan 2023

Planning Services
Milton Keynes Council
Civic Offices
1 Saxon Gate East
Central Milton Keynes
MK9 3EJ

planning.enforcement@milton-keynes.gov.uk

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Organisation	Do you find the terms helpful and/or what other alternative or additional terms should we include?	Do you consider this to be a proportionate and effective approach to delivery of planning enforcement in Milton Keynes? If not, why, and what other approach(es) should be taken?	Do you consider the proposed, minimum contact points throughout an investigation are proportionate, noting that additional contact will be made as necessary during more complex and lengthier investigations, and having regard to prudent use of MKCC's resources? If not, when should we update complainants?	Do you agree this approach accords with national guidance which advocates a proportionate response to individual breaches of planning control? If not, what approach should be taken to the different types of breach listed?	When considering that planning enforcement is a discretionary function of the Planning Service at MKCC, do you have any views on whether these customer service expectations are fair and appropriate to meet the needs of the communities MKCC services?	When considering the revised LEP as a whole, are there any other ways the LEP could be further improved, or is there further advice and guidance which could be added? Are there any other observations that you have?
Wolverton and Greenleys Town Council	The terms are very helpful and give a better insight for those who don't fully understand the process	My concern is more within CA's I am concerned that expediency sometimes gives the impression that people can get on with development with the knowledge that it is likely not to be enforced because is it not deemed to be expedient. Response 1: adjustment made to the table at 6.1.	Enforcement feedback has improved greatly and I find that I am much better informed than in previous years	I agree with this	no	I think the LEP is well written, clear and concise
New Bradwell Parish Council	The terms are self explanatory and do not need to be changed	I consider this to be proportionate	This seems reasonable but you should also ensure that the same information is copied to the party who is alleged to have breached planning. Response 2: there is already communication with the landowner/developer when a complaint is investigated. However, it is not possible to provide the detail of the complaint or of evidence provided without risk of undermining the Council's position should it need to take formal action, or without risk of identifying the complainant.	I agree	I have no view	You should ensure that all parties are kept informed. At the moment it seems that the complaint is given more information than the party who is alleged to have breached. Response 3: see response 2. It must also be recognised that the complainant has an expectation to have their complaint addressed, being the primary customer, and communication when working towards a resolution is therefore important. Change made to para 4.2 in any event.
Bletchley and Fenny Stratford Town Council	Bletchley and Fenny Stratford Town Council has reviewed the revised LEP and has no comments to make other than to question the requirement for reporting potential breaches via an online form only. Whilst understanding the need to shift to digital communication for efficiency reasons it is the town council's view than there are still many residents who may need or prefer to use other types of communication and would ask that this is reconsidered. Response 4: lengthy consideration has been given to this matter. The requirement for reporting alleged breaches using the online form has been in place January 2021, with the 2017 Enforcement Plan promoting this method only. This is therefore not a change of approach, and the form enables effective information gathering to ensure action is appropriate and proportionate, as well as increasing the immediate ability to filter non-planning complaints to the correct service or organisation. Modern technology enables those with disabilities to still access and complete the form, whilst it is possible to seek assistance from Customer Services or a local elected representative to raise the complaint on their behalf. This method will also hugely assist with the speed at which complaints can be acknowledged and initially investigated under new planning software.					

Organisation	Do you find the terms helpful and/or what other alternative or additional terms should we include?	Do you consider this to be a proportionate and effective approach to delivery of planning enforcement in Milton Keynes? If not, why, and what other approach(es) should be taken?	Do you consider the proposed, minimum contact points throughout an investigation are proportionate, noting that additional contact will be made as necessary during more complex and lengthier investigations, and having regard to prudent use of MKCC's resources? If not, when should we update complainants?	Do you agree this approach accords with national guidance which advocates a proportionate response to individual breaches of planning control? If not, what approach should be taken to the different types of breach listed?	When considering that planning enforcement is a discretionary function of the Planning Service at MKCC, do you have any views on whether these customer service expectations are fair and appropriate to meet the needs of the communities MKCC services?	When considering the revised LEP as a whole, are there any other ways the LEP could be further improved, or is there further advice and guidance which could be added? Are there any other observations that you have?
Principal Licensing Officer - MKCC Regulatory Services	The explanation on the interpretation of discretionary is helpful.	I see no mention of including other MKCC departments as being stakeholders and working with them to achieve compliance. Response 5: <i>this is referenced in para 1.5 of the draft LPEP, but it is acknowledged that the cross-service approach embedded in the delivery of Council services is not prominently set out. Amendments included to enhance this messaging, including changes to paras 2.3 and 5.2 (as renumbered).</i>	no comment	Agree	Service expectations of customers is reduced when they can only use online reporting to report a breach, as not all customers will have access to such platforms to contact the PE service. Response 6: <i>see response 4. An online form approach appears to be consistent with reporting noise nuisance complaints.</i> Some of the above are covered within the Corporate Enforcement Policy , has a comparison check been undertaken to ensure that there is no conflict between the two? Which could possibly lead to problems if enforcement action was taken. Response 7: <i>The Corporate Enforcement policy addresses matters under other legislative provisions, with different actions possible. It also must be recognised that licenced premises are generally known so there can be more proactive dialogue to prevent breaches from occurring, and this mould does not fit the planning enforcement function. Nonetheless, amendments have been included to emphasise cross-service interests.</i>	The ridged use of one point of contact via a reporting tool is restrictive. Response 8: <i>see response 4.</i> I can find no mention of the MKCC Corporate Enforcement Policy which would obviously need to be carefully considered to help direct which enforcement action should or not be taken by any MKCC service. It is strange that no mention is made of such within this plan. Response 9: <i>see response 7</i>
Emberton Parish Council	Yes these are helpful	Yes	Yes, but the parish council would like to advise when enforcement is being reported on behalf of a resident. Response 10: <i>the online form can be amended to include this option.</i>	Yes	No	

Note: paragraph 5.2 from the consultation draft has been moved to paragraph 5.8 in the final version, so to aid the flow of sections and understanding of the Plan. All intervening paragraph numbers have moved back by one.

Executive Report

Delegated Decisions – 14 November 2023

REVIEW OF REGULATION OF INVESTIGATORY POWERS POLICY

Name of Cabinet Member	Councillor Rob Middleton Cabinet member for Resources
Report sponsor	Sharon Bridglalsingh Director of Law and Governance
Report author	Catherine Stephens Head of Legal Services catherine.stephens@milton-keynes.gov.uk / 07443204584 Katrina Reynolds Principal Lawyer katrina.reynolds@milton-keynes.gov.uk / 07979828053

Exempt / confidential / not for publication	No
Council Plan reference	Ref number / Not in Council Plan
Wards affected	All wards / list individual wards

Executive summary

The Regulation of Investigatory Powers Act 2000 (RIPA) sets out the regulation of covert surveillance by public bodies in furtherance of relevant prosecutions. Where a local authority seeks to rely on evidence obtained by means of regulated surveillance an application to the magistrates' court is required to authorise such activity. No authorisations have been sought in this period – which is not unique across the sector.

The authorisation process is set out in the RIPA policy, which should be approved and reviewed by the Executive every 12 months.

There is a process of external inspection via IPCO Investigatory Powers Commissioner's Officer, who regularly inspect Local Authorities to ensure compliance with regulation of surveillance. MKCC had an arm's length inspection in 2023 and is not due another until 2026.

In addition to the policy, regular training is devised and delivered, by external and internal trainers, the most recent having taken place on 13 October 2023.

1. Proposed Decision(s)

- 1.1 That the Council's policy on the use of surveillance powers under the Regulation of Investigatory Powers Act 2000 (RIPA) be reviewed and approved (attached at Annexe A).
- 1.2 That authority be delegated to the Director of Law and Governance to make:
 - a) amendments required by legislation prior to annual review; and
 - b) other minor amendments.

2. Reasons for the decision?

- 2.1 The Regulation of Investigatory Powers Act 2000 (RIPA) is designed to ensure that public bodies respect the privacy of the public when carrying out investigations, and that any interference with that privacy is strictly in accordance with Regulation and where there is a clear public interest for so doing.
- 2.2 RIPA regulates the use of surveillance and control of human information sources, and to ensure MKCC operate within the law, a policy setting out the requirements of officers and the process of authorising actions is required. Such policy has been in place in MKCC for some time, but there is no recent record of this being reviewed.

3. Background to the decision

- 3.1 There are two types of Surveillance under the Act the Council may be involved in:
 - Directed Covert Surveillance a – the observation of a person with the intention of gathering information which would otherwise be private, and
 - the use of Covert Human Intelligence Sources (CHIS) to gather such information.
- 3.2 In practice the use of regulated surveillance will include use of concealed cameras to gather evidence of eg Environmental Crime, Antisocial behaviour planning enforcement actions etc.
- 3.3 A CHIS may be someone who volunteers information to the council as a complainant, who is then used as a an intelligence source to gather information about a possible crime which MKCC would prosecute. In reality the use of Human Intelligence Sources by the council will be extremely rare.
- 3.4 The policy sets out the procedure for proper authorisation of regulated Surveillance and this will be subject to audit both internally and externally by the Investigatory Powers Commissioner's Office.
- 3.5 All directed surveillance must be properly authorised. Failure to so do could lead to evidence being excluded by courts, and could be a potential source of legal action against MKCC.

3.6 The Authorisation process requires officers to set out the surveillance they wish to conduct, their reasons for that in written form which must be approved by an Authorising Officer

3.7 Authorising Officers are:

- The Senior Responsible Officer for Milton Keynes City Council: Sharon Bridglalsingh, Director of Law and Governance.
- Chief Executive: Michael Bracey
- Head of Legal Services and Deputy Monitoring Officer: Catherine Stephens
- Head of Regulatory Services: Neil Allen
- Chief Internal Auditor: Jacinta Fru

4. Implications of the decision

Financial		Human rights, equalities, diversity	Y
Legal	Y	Policies or Council Plan	Y
Communication		Procurement	
Energy Efficiency		Subsidy	
Workforce		Other	

a) Financial implications

There are no financial implications arising from this decision.

b) Legal implications

A Recent inspection of MKCC practices in this area resulted in a positive review, which included noting a review of RIPA Policy, RIPA training (September 2023) as well as submission of the RIPA Policy to elected members. Best practice recommends that the necessary internal governance and oversight is conducted consisting of:

- policy refreshes;
- annual updates to Councillors;
- ongoing training and awareness raising;
- internal compliance monitoring by lead managers within their business areas; and
- the retention, review and destruction (RRD) of any product obtained through the use of covert powers (Records and Product Management in accordance with the Safeguards Chapters of the relevant Codes of Practice).

A programme is in place to ensure that internal governance of the RIPA process is robust, and as a result the policy will be brought to members annually as part of this programme.

5. Alternatives Considered

5.1 Do nothing – this is not viable because we are required to comply with regulations and therefore it is necessary to set this out in Policy.

6. Timetable for implementation

6.1 The Policy will be implemented immediately on adoption, and reviewed annually, with any significant changes subject to a further delegated decision.

6.2 Compliance and use of RIPA powers during the year will be reported to Audit Committee.

List of annexes

Annex A – Regulation of Investigatory Powers Act 2000 Policy

List of background papers

None

THE REGULATION OF INVESTIGATORY POWERS ACT 2000

Operational policy and guidance for the use of covert surveillance and “covert human intelligence sources”

Version No.	Author	Date
		August 2023

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1. Introduction

1.1 The Regulation of Investigatory Powers Act 2000 (“RIPA”) provides a statutory framework under which covert surveillance and use of covert human intelligence sources can be authorised and activity conducted compatibly with the Human Rights Act 1998.

1.2 It provides a framework for the council to obtain authorisation from designated authorising officers on statutory grounds of necessity and proportionality. The process exhibits and records the respect for privacy and the framework ensures compliance.

1.3 Failure to obtain authorisation in accordance with RIPA does not in itself amount to unlawful activity; however, if the authority is challenged by way of defence to either a case brought, or a challenge to the way surveillance was carried out, it will be difficult to justify that the activity is in accordance with the law without a RIPA authorisation.

RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

- 1. Everyone has the right to respect for his private and family life, his home and his correspondence.*
- 2. There shall be no interference by a public authority with the exercise of this right, except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

1.4 In addition to the legislation itself, the Home Office has issued Codes of Practice dealing with covert surveillance and covert human intelligence sources – see <https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>.

This guide is designed to cover the aspects of RIPA that regulate the use of investigatory powers by the Council.

2. What does RIPA do?

2.1 RIPA regulates the use of covert surveillance and “covert human intelligence sources”. A covert human intelligence source is someone who uses a relationship with a third party in a secretive manner to obtain or give information – for instance someone working “under cover”. This operational guidance covers these aspects of the Act.

3. Some definitions

“*Covert*”: Concealed, done secretly

“Covert surveillance”: Surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place.

“Directed surveillance”: Surveillance which is covert, but not intrusive, and is undertaken for the purposes of a specific investigation or specific operation, in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation) and otherwise than by way of an immediate response to events or circumstances, the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of the Act to be sought for the carrying out of the surveillance. An example might be where a police officer on patrol sees a person acting suspiciously and decides to watch them surreptitiously to see whether they are intending to commit a crime.

“Intrusive surveillance”: Is covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device. **The council is not permitted to authorise and undertake intrusive surveillance under RIPA.**

“Private information”: Includes any information relating to a person’s private or family life. Private information should be taken generally to include any aspect of a person’s private or personal relationship with others, including family and professional or business relationships.

“Confidential Information”: Confidential information consists of communications subject to legal privilege, communications between a Member of Parliament and another person on constituency matters, confidential personal information, or confidential journalistic material.

4. RIPA and Surveillance – what is not covered

4.1 General observation forms part of the duties of some council officers. They may, for instance, be on duty at events in the City and will monitor the crowd to maintain public safety and prevent disorder. This activity is unlikely to be regulated by RIPA.

4.2 Neither do the provisions of the Act cover the use of covert CCTV surveillance systems. Members of the public are aware that such systems are in use, for their own protection, and to prevent crime. There may, however, be occasions where public authorities use material obtained from overt CCTV systems for the purpose of specific investigation or operation, in such cases authorisation for direct surveillance may be necessary.

5. RIPA and Surveillance – What is covered?

5.1 The Act is designed to regulate the use of “covert” surveillance. A surveillance operation might obtain private information about a person, the authorisation

procedures set out in this operational guidance should be followed and the surveillance treated as being “directed”.

5.2 What is “directed surveillance”?

5.2.1 The monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications where this is done in a manner calculated to ensure that the subject of surveillance is unaware that they are being monitored or observed etc.

5.2.2 The recording of anything monitored observed or listened to during surveillance.

5.2.3 Use of a surveillance device, e.g. a hidden video camera, a listening device.

5.2.4 Directed surveillance is covert surveillance that is carried out in relation to a specific investigation or operation in such a manner as is likely to result in the obtaining of private information about any persons. However, it does not include covert surveillance carried out by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought for the carrying out of the surveillance. e.g. a plain clothes police officer would not require an authorisation to conceal himself and observe a suspicious person who he comes across in the course of a patrol.

5.2.5 Directed surveillance does not include any type of covert surveillance in residential premises or in private vehicles. This activity is defined as “intrusive surveillance” and the council cannot do it (see paragraph 6).

5.2.6 In practice, the sort of directed surveillance which the council might conduct includes the use of concealed cameras as part of an investigation into antisocial behaviour or breach of tenancy conditions. It might include covert surveillance connected with the enforcement of environmental health or planning regulations or in connection with investigating benefit fraud. You should treat anything involving the use of concealed cameras or anything involving keeping covert observation on premises or people as potentially amounting to directed surveillance which may require authorisation in accordance with RIPA.

5.2.7 If you are unsure, please take advice either from your manager or supervisor, or from the Director, Law and Governance. If the proposed activity is covert surveillance likely to interfere with privacy, but does not fulfil all of the criteria to require RIPA authorisation, then seek advice before undertaking such activity, since the interference with privacy will need to be justified.

5.2.8 Directed surveillance **must** be properly authorised in accordance with the procedure set out in section 9. Failure to do so could leave the council vulnerable to legal action.

6. What is intrusive surveillance?

An important warning: the Council cannot authorise intrusive surveillance.

6.1 Intrusive surveillance is defined as covert surveillance that:

- a. is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
- b. involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

6.2 In essence, intrusive surveillance amounts to intrusion into people's homes or vehicles either physically or by means of a surveillance device.

6.3 **Intrusive surveillance cannot be undertaken without authorisation and the Council cannot authorise intrusive surveillance.** Law enforcement and other similar organisations can authorise intrusive surveillance. If you are asked by another agency to co-operate with intrusive surveillance, you should seek advice from the Director Law and Governance immediately. Where other authorities say that they are authorised to undertake intrusive surveillance but need our co-operation, we need to check that their authorisation is in order.

7. What is a covert human intelligence source?

7.1 A covert human intelligence source (CHIS) is someone who establishes or maintains a relationship with a person for the purpose of covertly obtaining or disclosing information. In practice, this is likely to cover the use of an informer or council officer to strike up a relationship with someone as part of an investigation to obtain information "under cover".

7.2 The following matters are specified for the purposes of paragraph (d) of section 29(5) of the 2000 Act (as being matters particulars of which must be included in the records relating to each source):

- a. the identity of the source.
- b. the identity, where known, used by the source.
- c. any relevant investigating authority other than the authority maintaining the records.
- d. the means by which the source is referred to within each relevant investigating authority.
- e. any other significant information connected with the security and welfare of the source.
- f. any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source.
- g. the date when, and the circumstances in which, the source was recruited.
- h. the identities of the persons who, in relation to the source, are discharging or have discharged the functions mentioned in section 29(5)(a) to (c) of the 2000 Act or in any order made by the Secretary of State under section 29(2)(c).

- i. the periods during which those persons have discharged those responsibilities.
- j. the tasks given to the source and the demands made of him in relation to his activities as a source.
- k. all contacts or communications between the source and a person acting on behalf of any relevant investigating authority.
- l. the information obtained by each relevant investigating authority by the conduct or use of the source.
- m. any dissemination by that authority of information obtained in that way; and
- n. in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

7.3 Someone who volunteers information to the council, either as a complainant (for instance, about anti-social behaviour or a breach of planning regulations) or out of civic duty, is unlikely to be a covert human intelligence source. If someone is keeping a record, say, of neighbour nuisance, this will not amount, by itself, to use of a covert human intelligence source. However, if we are relying on, for example, a neighbour to ask questions with a view to gathering evidence, then this may amount to use of a covert human intelligence source.

7.4 The use by the council of covert human intelligence sources is expected to be extremely rare and, for that reason, this operational guidance does not deal with the issues to which they give rise. If you are contemplating use of a covert human intelligence source, please take advice from the Director Law and Governance before implementing any plan.

8. Authorising Directed Surveillance/CHIS: The Rules

8.1 It is crucial that all directed surveillance is properly authorised. The advantages of getting it right is that as the authorisation confers entitlement to engage in a certain conduct and the conduct is in accordance with the authorisation then it shall be "lawful for all purposes" and therefore not subject to any civil or criminal liability. As long as all procedures are correctly followed then the likelihood of any evidence obtained being excluded as being unlawful is reduced. The council is subject to audit and inspection by the Office of the Surveillance Commissioner and it is important that we can demonstrate compliance with RIPA and with this operational guidance. Since 2012 it has been necessary to obtain judicial approval from a magistrate. The below details this process.

Who can authorise directed surveillance/CHIS?

8.2 Authorisations may only be given by the officers identified in Appendix A to this operational guidance referred to as "authorising officers" and must be in writing. Where practical, the authorising officer should not be directly involved in the case giving rise to the request for authorisation. An authorising officer may authorise a request made by staff who report to them if they are not directly involved in the case. Where it is not practical for authorisation to be given by an officer who is not directly involved, this should be noted with reasons on the authorisation form.

On what grounds can directed surveillance/CHIS be authorised?

8.3 Directed Surveillance can only be authorised if it is necessary on certain statutory grounds. The only ground the council can use is where surveillance is necessary to:

- **prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least six months imprisonment or;**
- **are related to the underage sale of alcohol and tobacco. The offences relating to the latter are in Article 7A of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010.**

Local authorities cannot authorise directed surveillance for the purpose of preventing disorder unless this involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least six months' imprisonment'

8.4 Local Authorities are only permitted to authorise a CHIS where the authorising officer believes that the authorisation of a CHIS is necessary under s29(3)(b) namely that it is necessary for the purpose of preventing or detecting crime or of preventing disorder.

8.5 Please note that surveillance/CHIS has to be **necessary** for this purpose. If you can reasonably obtain the information by other means then the directed surveillance was not necessary and therefore not justifiable in the circumstances. "Necessity" is something that needs to be looked at on a case by case basis.

Once necessity is established then is the proposed surveillance proportionate?

8.6 Authorisation should not be sought, and authority should not be given unless the authorising officer is satisfied that the directed surveillance is proportionate to what is being sought to be achieved. This means you should make sure that the end being sought justifies any interference with privacy. If the benefit to be obtained from surveillance is marginal, or if the problem you are seeking to tackle is not very serious, you should think very carefully about whether the use of surveillance is appropriate and therefore proportionate.

8.7 The test should be "in the light of the seriousness of the breach of law is what is proposed excessive and is there a less invasive way to find the information".

8.8 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone make intrusive actions proportionate. Similarly, an offence may be so minor that any deployment of surveillance techniques would be disproportionate.

8.9 The following elements of proportionality should therefore be considered:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- Evidencing, as far as reasonable practical, what other methods had been considered and why they were not implemented.

Is the proposed surveillance discriminatory?

8.10 The council is under a legal obligation to avoid either direct or indirect discrimination in carrying out its functions. As surveillance can interfere with rights contained in the European Convention on Human Rights, discrimination can also amount to a breach of the Human Rights Act. You should be sensitive to this issue and ensure that you apply similar standards to seeking or authorising surveillance regardless of ethnic origin, sex or sexual orientation, disability, age etc. You should be alert to any stereotypical assumptions about people from different backgrounds.

Might the surveillance involve “collateral intrusion”?

8.11 In other words, might the surveillance intrude upon the privacy of people other than those who are the subject of the investigation? You should be sensitive to the privacy rights of third parties and consider very carefully whether the intrusion into their privacy is justified when balanced with the benefits of undertaking the surveillance.

Might the surveillance involve acquiring access to any confidential or religious material?

8.12 If so, then the surveillance will require a particularly strong justification and arrangements need to be put in place to ensure that the information obtained is kept secure and only used for proper purposes. Confidential material might include legal or financial records, or medical records. Where there is a possibility that access to confidential or religious material might be obtained, the authorisation of the Chief Executive (who will consult with the Director Law and Governance) must be sought.

9. Authorising Directed Surveillance: The Procedure

9.1 Applying for authorisation- at the outset a Unique Reference Number (URN) must be obtained from the EA to the Director, Law and Governance. It is very important that this is done even if the application does not proceed or is not authorised as both these incidents need to be recorded for audit purposes.

9.2 Applications for authorisation must be made on the correct form (with a URN), except in case of extreme urgency, in which case written authorisation should be

sought at the earliest opportunity. The form to seek authorisation can be accessed at Appendix B to this operational guidance.

9.3 A written application for authorisation for directed surveillance should describe in detail any conduct to be authorised and the purpose of the investigation or operation. The application should also include:

- the reasons why the authorisation is necessary in the particular case for the purpose of preventing or detecting crime;
- the grounds upon which it is sought;
- the reasons why the surveillance is considered proportionate to what it seeks to achieve eg could the information be achieved by other means?
- the nature of the surveillance eg where will officers be located, will they use a vehicle, what equipment will be used?
- the identities, where known, of those to be the subject of the surveillance; or if for a specific operation that is for the purpose of identifying the persons causing the problem then that should be stated;
- an explanation of the information which you want to obtain as a result of the surveillance;
- the details of any potential collateral intrusion and why the intrusion is justified;
- the details of any confidential information that is likely to be obtained as a consequence of the surveillance.
- the level of authority required (or recommended where that is different) for the surveillance; and
- a subsequent record of whether authority was given or refused, by whom and the time and date.

9.4 Once the application has been authorised by an authorising officer, an application should be made to the Magistrates Court to hear the matter for judicial approval in consultation with legal services.

10. Duration of authorisations

10.1 Judicial approval granted by a magistrate will cease to have effect (unless renewed) at the end of a period of **three months** beginning with the day on which it took effect in respect of Directed Surveillance and **12 months for a CHIS** (1 month if the CHIS is 18).

10.2 Even though authorisations cease to have effect after three months/12 months, you should not simply leave them to expire. When the surveillance ceases to be necessary, you should always follow the cancellation procedure. See section 13. Where surveillance has ceased, we must be able to match each authorisation with a timed and dated cancellation.

11. Reviews

11.1 Regular reviews of authorisations should be undertaken to assess the need for the surveillance to continue.

11.2 The maximum period between authorisation and review, and between reviews, should be four weeks. The more significant the infringement of privacy, the more frequent should be the reviews.

11.3 The results of a review should be recorded on the central record of authorisations. Particular attention is drawn to the need to review authorisations frequently where the surveillance provides access to confidential information or involves collateral intrusion. Reviews are also essential for future reference so that we can see as an organisation how we are doing and learn from the successes and failures of authorisations.

11.4 In each case authorising officers within the council should determine how often a review should take place. This should be as frequently as is considered necessary and practicable by the authorising officer.

11.5 The form to record a review of an authorisation is accessible at Appendix B to this operational guidance.

11.6 A review may result in a new and different authorisation being necessary (e.g. where the subject of the surveillance or the location of the surveillance changes).

12. Renewals

12.1 A renewal must be authorised prior to the expiry of the original authorisation, but it runs from the expiry date and time of that original authorisation. Authorisations may be renewed more than once if still considered necessary and proportionate and approved by the Magistrate.

12.2 All applications for the renewal of an authorisation for directed surveillance should be made on the form accessible at Appendix B to this operational guidance and should record:

- whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
- any significant changes to the information given in the original application for authorisation;

- the reasons why it is necessary and proportionate to continue with the directed surveillance;
- the content and value to the investigation or operation of the information so far obtained by the surveillance;
- the date and time of each renewal;
- the results of regular reviews of the investigation or operation.

12.3 The renewal should be kept and recorded as part of the central record of authorisations.

12.4 It is unlikely that authorisations will be renewed very often and officers will need to be quite clear what extra information they expect to collect after an initial 3 months of covert surveillance (12 months using a CHIS).

13. Cancellations

13.1 The authorising officer who granted or last renewed the authorisation must cancel it if he is satisfied that the directed surveillance no longer meets the criteria upon which it was issued.

13.2 Where the authorising officer is no longer available, this duty will fall on the person who has taken over the role of authorising officer.

13.3 If in doubt about who may cancel an authorisation, please consult Director Law and Governance.

13.4 Cancellations are to be effected by completion of the form accessible in Appendix B to this operational guidance.

N.B. Please note the warning that there must be a completed, timed and dated cancellation for each authorisation once surveillance has been completed. An authorisation should not be allowed to expire.

14. Ceasing of surveillance activity

14.1 As soon as the decision is taken that directed surveillance should be discontinued, the instruction must be given to those involved to stop all surveillance of the subject(s).

14.2 The date and time when such an instruction was given should be included in the central record of authorisations.

14.3 There is no need for any application to the Magistrates Court in respect of cancelling any authorisation or ceasing surveillance activity.

15. Record Keeping and Central Record of Authorisations

15.1 A centrally retrievable record of all authorisations should be held by each public authority and regularly updated whenever an authorisation is granted, renewed or cancelled. The record should be made available to the relevant Commissioner or an Inspector from the Office of Surveillance Commissioners, upon request.

15.2 The Principal Children’s Services Lawyer is responsible for the management of the Central Register.

15.3 These records should be retained for a period of at least three years within a centrally retrievable file managed by the Principal Children’s Services Lawyer from the ending of the authorisation and should contain the following information:

- the type of authorisation;
- the date the authorisation was given;
- name and rank/grade of the authorising officer;
- the unique reference number (URN) of the investigation or operation;
- the title of the investigation or operation, including a brief description and names of subjects, if known;
- for local authorities, details of attendances at the magistrates’ court to include the date of attendances at court, the determining magistrate, the decision of the court and the time and date of that decision;
- the dates of any reviews;
- if the authorisation has been renewed, when it was renewed and who authorised the renewal (Magistrates details), including the name and rank/grade of the authorising officer;
- whether the investigation or operation is likely to result in obtaining confidential information as defined in this code of practice;
- whether the authorisation was granted by an individual directly involved in the investigation;
- the date the authorisation was cancelled.

15.4 In all cases, the relevant authority should maintain the following documentation for at least three years and will be managed by the Principal Children’s Services Lawyer:

15.5 The following documentation should also be centrally retrievable for at least three years from the ending of each authorisation:

- a copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
- a record of the period over which the surveillance has taken place;
- the frequency of reviews prescribed by the authorising officer;
- a record of the result of each review of the authorisation;
- a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;

- the date and time when any instruction to cease surveillance was given;
- the date and time when any other instruction was given by the authorising officer;
- for local authorities a copy of the order approving or otherwise the
- grant or renewal of an authorisation from a Justice of the Peace (Magistrate).

15.6 In addition, copies of the following must be sent to the Director Law and Governance immediately upon completion:

- all completed forms authorising directed surveillance/CHIS;
- all completed review forms
- all completed forms authorising renewal of directed surveillance;
- all completed forms cancelling directed surveillance.
- Any other directions given by the authorising officer.

These will be kept and reviewed by the Principal Children's Services Lawyer at least every twelve months.

15.7 Authorising officers should not be responsible for authorising investigations or operations in which they are directly involved, although it is recognised that this may sometimes be unavoidable, especially where it is necessary to act urgently.

15.8 Where an authorising officer authorises such an investigation or operation the central record of authorisations should highlight this and the attention of a Commissioner or Inspector should be invited to it during his next inspection.

16. Authorising Use of Covert Human Intelligence Sources

16.1 Similar principles and procedures apply to authorising the use of covert human intelligence sources which will only be used in exceptional circumstances.

16.2 If it becomes apparent that their use is more than very exceptional, detailed guidance will be published and circulated.

16.3 For the present, officers' attention is drawn to the explanation of the nature of a covert human intelligence source in Paragraph 6.

16.4 If you think you might be using, or might use, a covert human intelligence source, please contact the Director Law and Governance, who will advise on the principles to be applied, the authorisation procedure, record keeping etc.

16.5 For the avoidance of doubt, the Council will comply, so far as applicable, with the Code of Practice issued by the Home Office.

17. Internet and social networking sites

17.1 Although social networking and internet sites are easily accessible, if they are going to be used during the course of an investigation, consideration must be given about whether a RIPA authorisation should be obtained.

17.2 Where there is an intention to use the internet as part of an investigation and private information is likely to be obtained, a RIPA authorisation should be considered. When conducting an investigation which involves the use of the internet factors to consider are:

- If an investigating officer views a Facebook profile with whom they are not 'friends' and the profile is not protected by any privacy settings the information can be treated as being in the public domain. Any initial viewing/visiting of this profile will be overt and authorisation under RIPA will not be required.
- If the officer frequently or regularly views the same individual's profile this is considered targeted surveillance and a RIPA authorisation is required.
- If an investigating officer enters into a 'conversation' with a profile, and the officer informs them that he is contacting them in his role as an employee of MKC, then this contact will be overt and no authorisation will be required.
- Officers must not create a false identity in order to "befriend" individuals on social networks without an authorisation under RIPA;
- Officers viewing an individual's public profile on a social network should do so only to the minimum degree necessary and proportionate in order to obtain evidence to support or refute the suspicions or allegations under investigation;
- Repeated viewing of open profiles on social networks to gather evidence or to monitor an individual's status, must only take place once a RIPA authorisation has been granted and approved by a Magistrate; and

- Officers should be aware that it may not be possible to verify the accuracy of information on social networks and, if such information is to be used as evidence, take reasonable steps to ensure its validity.

17.3 Further, where an investigator may need to communicate covertly online, for example, contacting individuals using social media websites without disclosing his or her identity, a Covert Human Intelligence Source authorisation should be considered and in place.

17.4 Passing an access control so as to look deeper into the site, for example by making a 'friend request', requires at least directed surveillance authorisation. If the investigator is to go further and pursue enquiries within the site, thereby establishing a relationship with the site host in the guise of a member of the public, this requires CHIS authorisation.

17.5 Further guidance, with illustrative examples, is provided in the Home Office's Revised Code of Practice on Covert Surveillance and Property Interference in the section on Online Covert Activity, pages 18-21 at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf

17.6 Officers should not use their own accounts for work purposes and certainly not for any surveillance.

18. Training

18.1 All relevant Heads of Service/ Directors should ensure that those of their staff who are likely to use these procedures have been properly trained to do so. It is particularly important that new recruits to a service have their training needs assessed and that any identified needs are met promptly.

18.2 Officers engaged in investigatory or enforcement areas where RIPA considerations may apply they must ensure they have maintained their levels of knowledge and if unsure seek advice from legal services.

19. Monitoring

19.1 The Director of Law and Governance is responsible for monitoring the implementation of all changes and recommendations arising from any change in legislation and following the inspection by the Investigatory Powers Commissioner's Office.

19.2 The Principal Lawyer for Children's Social Care is responsible for ensuring an annual review of all policies and ensure deletion of any documents is in line with the agreed retention period and the Data Protection Act.

20. Errors

20.1 An error must be reported if it is a "relevant error". Under section 231(9) of the 2016 Act, a relevant error for the purpose of activity covered by this code is any error

by a public authority in complying with any requirements that are imposed on it by any enactment which are subject to review by a Judicial Commissioner. This would include compliance by public authorities with Part II of the 2000 Act or the property interference provisions of the 1994 and 1997 Acts.

20.2 Examples of relevant errors occurring would include circumstances where:

- Surveillance or property interference activity has taken place without lawful authorisation.
- There has been a failure to adhere to the safeguards set out in the relevant statutory provisions and Chapter 9 of the Code of Practice.

20.3 All relevant errors made by public authorities must be reported to the Investigatory Powers Commissioner by the public authority that is aware of the error. The error must be reported to the Director of Law and Governance immediately. The Director of Law Governance shall then take the following steps:

- Provide a detailed report to the Investigatory Powers Commissioner as soon as is reasonably practicable and within ten working days. If this is not possible reasons must be provided.
- The report should include information on the cause of the error; the amount of surveillance or property interference conducted and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed; and a summary of the steps taken to prevent recurrence

20.4 In relation to serious errors, Section 231 of the 2016 Act states that the Investigatory Powers Commissioner must inform a person of any relevant error relating to that person if the Commissioner considers that the error is a serious error and that it is in the public interest for the person concerned to be informed of the error.

20.5 The Commissioner may not decide that an error is a serious error unless he or she considers that the error has caused significant prejudice or harm to the person concerned. The fact that there has been a breach of a person's Convention rights (within the meaning of the Human Rights Act 1998) is not sufficient by itself for an error to be a serious error.

20.6 Before making his or her decision, the Commissioner must ask the public authority which has made the error to make submissions on the matters concerned. Public authorities must take all such steps as notified to them by the Investigatory Powers Commissioner to help identify the subject of a serious error.

Appendix A: Approved Authorising Officers for the Purposes of the Regulation of Investigatory Powers Act 2000

- Chief Executive – Michael Bracey
- Director Law and Governance and Monitoring Officer – Sharon Bridglalsingh
- Head of Legal Services and Deputy Monitoring Officer – Catherine Stephens
- Head of Regulatory Services – Neil Allen
- Chief Internal Auditor – Jacinta Fru

APPENDIX B: RIPA FORMS

All forms can be downloaded from:

[RIPA forms - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

It is your responsibility to ensure that you are using the current version of the RIPA forms.

The form to be used for applications for Magistrate approval, in both the Directed Surveillance and CHIS sections is at: <http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/local-authority-ripa-guidance/>

Directed surveillance

1. Application for Directed Surveillance Authorisation
2. Review of Directed Surveillance Authorisation
3. Cancellation of Directed Surveillance Authorisation
4. Renewal of Directed Surveillance Authorisation
5. Magistrate approval of authorisation/renewal

Covert Human Intelligence Sources

1. Application for use of CHIS
2. Review of CHIS Authorisation
3. Cancellation of CHIS Authorisation
4. Renewal of CHIS Authorisation
5. Magistrate approval of authorisation/renewal

Please also see:

Home Office Guidance to Local Authorities, at: [Protection of Freedoms Act 2012 – changes to provisions under the Regulation of Investigatory Powers Act 2000 \(RIPA\):Home Office guidance to local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

In particular, the application process to the Magistrates is explained from page 10 onwards.

Executive Report



Delegated Decisions – 14 November 2023

HIGHWAYS TERM SERVICE CONTRACT - SHORT TERM EXTENSION

Name of Cabinet Member	Councillor Paul Trendall Cabinet member for Customer Services
Report sponsor	Stuart Proffitt Director of Environment and Property
Report author	Andy Dickinson Strategic Asset Manager andrew.dickinson@milton-keynes.gov.uk 01908 252379

Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive summary

The current Highways, Street Lighting and Network Infrastructure Contract (CU2276A) was awarded to Ringway Infrastructure Services Ltd and commenced in 2014.

The contract was awarded for an initial period of 7 years with the option to extend for up to 3 further years. The contract has been extended until April 2024 based on a number of performance criteria metrics.

As this contract is due to expire, MKCC is currently in the process of undertaking an extensive re-procurement process to engage the market and appoint a new provider to commence from the completion of the existing contract to ensure continuation of service delivery and compliance with all statutory requirements.

However, following the first round of tender submissions and feedback from all of the potential bidders it has become clear that the current procurement timeline may not allow MKCC to deal appropriately with contingencies that may arise during the procurement process and may not enable suitable time for mobilisation, particularly for 'green fleet' and associated plant, therefore a revised timeline needs to be applied, requiring the original end date of the existing contract to be extended to ensure continuity of statutory service requirements and continuation of agreed existing works programmes.

To enable the contract to be extended for a short period of up to 5 months, a number of checks have been undertaken, such as, is an extension in line with the permitted grounds for modification under Regulation 72 of the Public Contracts Regulations 2015 , and has the contractor continued to meet all of the performance criteria set out in the contract that demonstrate the value for money and quality that MKCC require.

This report sets out the reasoning and data gathered to support an extension period and requests formal approval to undertake all processes to enable that extension to be put in place to ensure that MKCC continue to meet all its statutory requirements whilst completing the procurement of a new long-term provider.

1. Decision/s to be made.

- 1.1 That the current Highways, Street Lighting and Network Infrastructure Contract (CU2276A) with Ringway Infrastructure Services Ltd be extended by a further period of up to 5 months from 1 April 2024.
- 1.2 That authority be delegated to the Director of Environment & Property, to determine the exact operational end date of the existing contract within the permitted extension period including the ability to authorise further extensions subject to the maximum extension period stated at 1.1. above.

2. Why is the decision needed?

- 2.1 The current Highways, Street lighting and Network Infrastructure Contract (CU2276A) delivers all highway related operations for Milton Keynes City Council, this service is currently provided by Ringway Infrastructure Services Ltd (RIS) up to 31 March 2024.
- 2.2 The services are currently subject to a new procurement exercise that will culminate in a new contract. The new contract commencement date was due to be 1 April 2024, due to the protracted governance and process associated with this complex procurement it has been necessary to extend the timeline past this date in order to complete the procurement and appoint a contractor that will provide the best value solution for the authority, as well as enable more time for mobilisation where possible.
- 2.3 Milton Keynes City Council is the 'Highways Authority' and as such has a number of statutory duties to discharge and needs a contractor to undertake the operational element of these.

2.4 The original Highways, Street Lighting and Network Infrastructure contract included Key Performance Indicators to assess whether the authority is receiving a good service. The performance of the contractor was built into contract payments to encourage efficiencies to drive value for money this would mean that without performance across all KPI's the contractor would be penalised financially, therefore providing an incentive to perform. The contractor has achieved the contractual performance standards over the prior years to agreed targets, leading to three successful extensions. This gives confidence to the service that up to a further 5 months extension would continue to provide benefit to the authority with no added risk.

3. Implications of the decision

Financial	Yes	Human rights, equalities, diversity	
Legal	Yes	Policies or Council Plan	Yes
Communication	Yes	Procurement	Yes
Energy Efficiency	Yes	Workforce	Yes

a) Financial implications

The Highways, Street Lighting and Network Infrastructure contract supports the objectives within the Council Plan. It also supports the existing Transport Policy and Strategies and will be fundamental in delivery of the physical aims of the new mobility strategy.

This contract is linked to the Highways Asset Management policy, strategy and plan through the delivery of the highways investment programme, including the current final phase of the street lighting LED conversion programme. By extending the contract up to a further 5 months we will continue to deliver on financial investments and allow longer term planning to take place which will allow for future financial benefits to be realised.

It is expected that the current spending profile, of approximately £1.5M per month will be maintained throughout the extension period which is funded via the ongoing use of both existing revenue and capital allocations, representing an estimated 4% additional expenditure on this contract against the original estimation of c.£200M when the contract was awarded in 2014.

b) Legal implications

The Council, under its function as Highways Authority, has a statutory duty under Section 41 of the Highways Act 1980, to maintain adopted highways in a safe and serviceable condition for all users. It also has a duty under the railways and Transport Act 2003 to keep the highway clear of snow and ice.

The contract was procured in a manner that complied with the procurement law existing at the time and included extension options that have been utilised. The contract can be extended for a further period of up to five months as requested if it complies with one or more grounds provided for in Regulation 72 of the Public Contracts Regulation 2015 (as amended). The Council is currently in the process of conducting a procurement exercise for the replacement of the services under the contract and the request is for a short- term extension to ensure that there are no gaps in the provision of statutory services.

Legal service has considered the proposed extension of contract and is of the view that the extension is permissible under Regulation 72(1)(b) for the additional services to be provided by the current contractor during the extension period. Regulation 72(1)(b) allows a modification of contract to be made where a change of contractor cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, or services or installations, under the initial procurement; and where such a change would cause significant inconvenience or substantial duplication of costs for the contracting authority.

As the Council is already undertaking a procurement exercise for a replacement contract, another procurement exercise for a short- term contract to bridge a gap between the current contract and the start of the new contract would not be viable both from an economic and technical perspective. Given the significance of these services which are mainly statutory services, and which inevitably include the use of IT systems, a period of mobilisation is also required which would not be achievable under a short-term contract of 5 months. A change of contractor for the proposed extension period is therefore not practical from an economical and technical perspective and would cause significant inconvenience to the Council with regard to its service provision, as well as lead to duplicity of costs considering that there is an ongoing procurement exercise that would lead to the start of a new contract shortly afterwards.

Any increase in price resulting from a modification of contract under Regulation 72 (1)(b) must not exceed 50% of the original value of the contract. The value of the original contract was £200 million. A monthly contract spend of £1.5m during the extension period does not therefore exceed the permitted threshold. The Council will be required to publish a notice of the modification in accordance with Regulation 72(3).

A contract extension, if approved will allow the Council to discharge its statutory duties.

c) Procurement implications

The current procurement process was commenced in May 2023 and is being delivered under the competitive procedure with negotiation. The procurement is currently in the negotiation stage. This has enabled MKCC to fully understand the overall procurement timetable based on current progress, as well as, understanding the bidder's initial feedback about likely procurement timeframe development and deliverability of mobilisation within the initial allotted timeframe, hence the request for extension of the current contract.

d) Other implications

This extension would enable the authority to mobilise the new contract in tandem with the current established highway service to continue to provide a full service until the new contract is ready to start and reduce a number of risks associated with our statutory duties during this period.

The contract continues to support carbon reduction and energy management primarily through the final phase of the LED lighting conversion programme that is being finalised by April 2024.

4. Alternatives

- 4.1 Do not approve the extension – this would require the Council to re-procure an alternative highway service (within 5 months) which is unrealistic and would cost the authority financially, due to duplicated set up costs, mobilisation costs and mostly due to short term hire plant/materials at excessive high costs. Additionally, there would be an inability in the short term to merge and function systems to monitor and instruct works or respond to customer interactions properly.
- 4.2 In terms of the time for the existing directly MKCC staff who are currently working on the procurement of a new highways service contract, which could be affected by this and lead to a risk of even further delays to that contract procurement. In the meantime, the Council will not have a service provider and therefore be unable to discharge its statutory duties as outlined in section 3. b) legal implications. This is a very high-risk option and **not recommended**.

5. Timetable for implementation

- 5.1 Decision required by the 14 November 2023. Implemented on 1 April 2024.

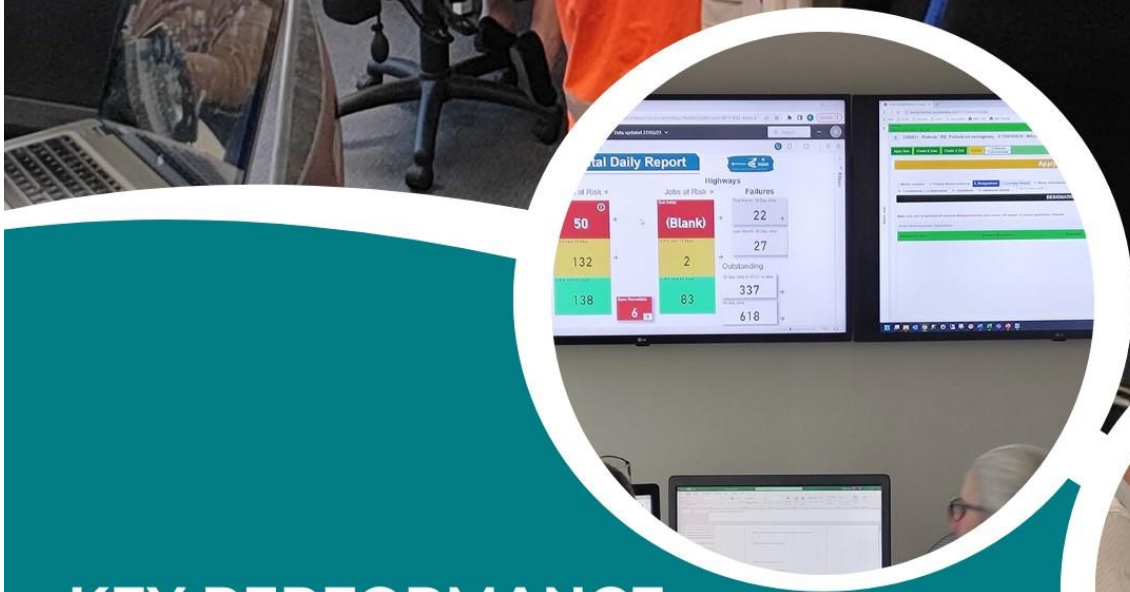
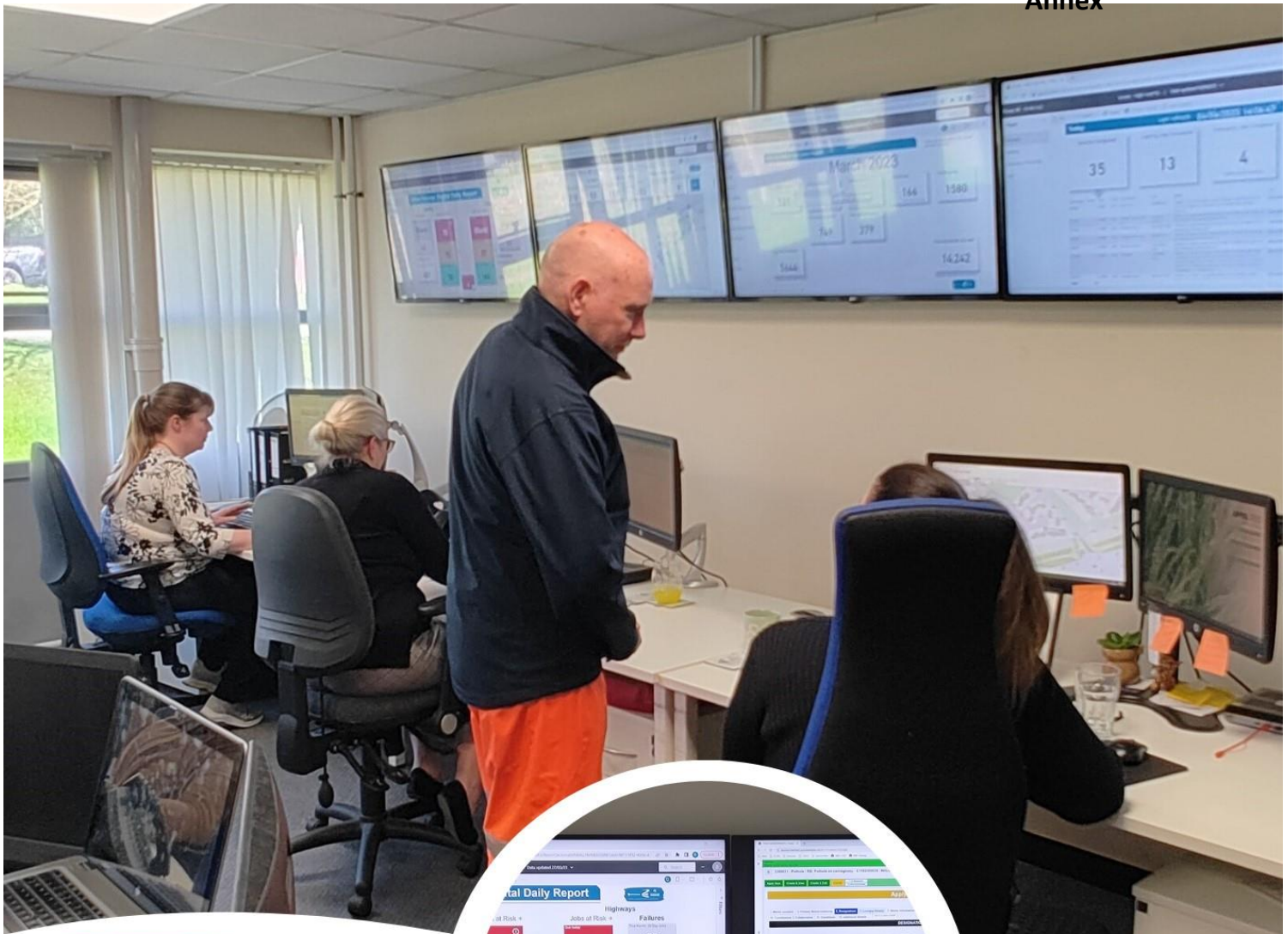
List of Annexes

Annex Ringway Performance Pack 2022/23

List of Background Papers

None

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KEY PERFORMANCE INDICATORS

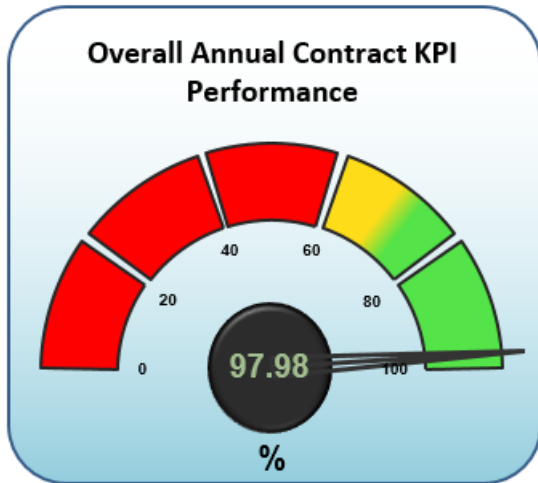
1st April 2022 to 31st March 2023
Term Service Contract for Highways, Street Lighting and Network Infrastructure

Content Page

Introduction	Executive Summary
KPI 1a	Emergencies
KPI 1b	28 Day Repair
KPI 1c	Safety Inspections
KPI 1e	Street Lighting Structural Inspections
KPI 2	Remedial Works
KPI 7a & 7b	Health and Safety
KPI 55	% of Street Lights working Estates
KPI 55a	% of Street Lights working Grid Roads
KPI 56	Street Lighting repaired in 7 days
KPI 57	DNO Repairs completed on time

Executive Summary

The content of this report covers the KEY Performance Indicators for the Term Service Contract. The overall performance of the contract

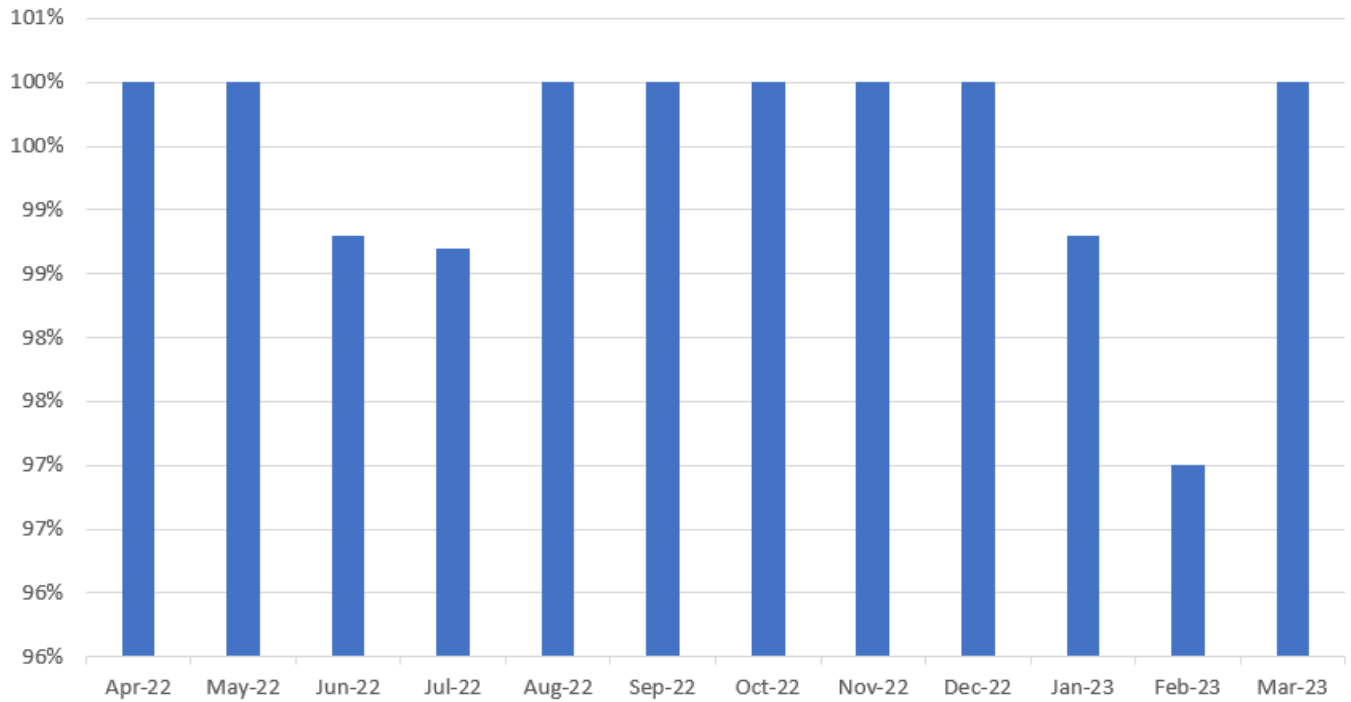


Overall Annual KPI Performance for Service

KPI 1a Emergencies

Time from when the instruction was given to confirmation that the instruction has been completed, includes highways and street lighting

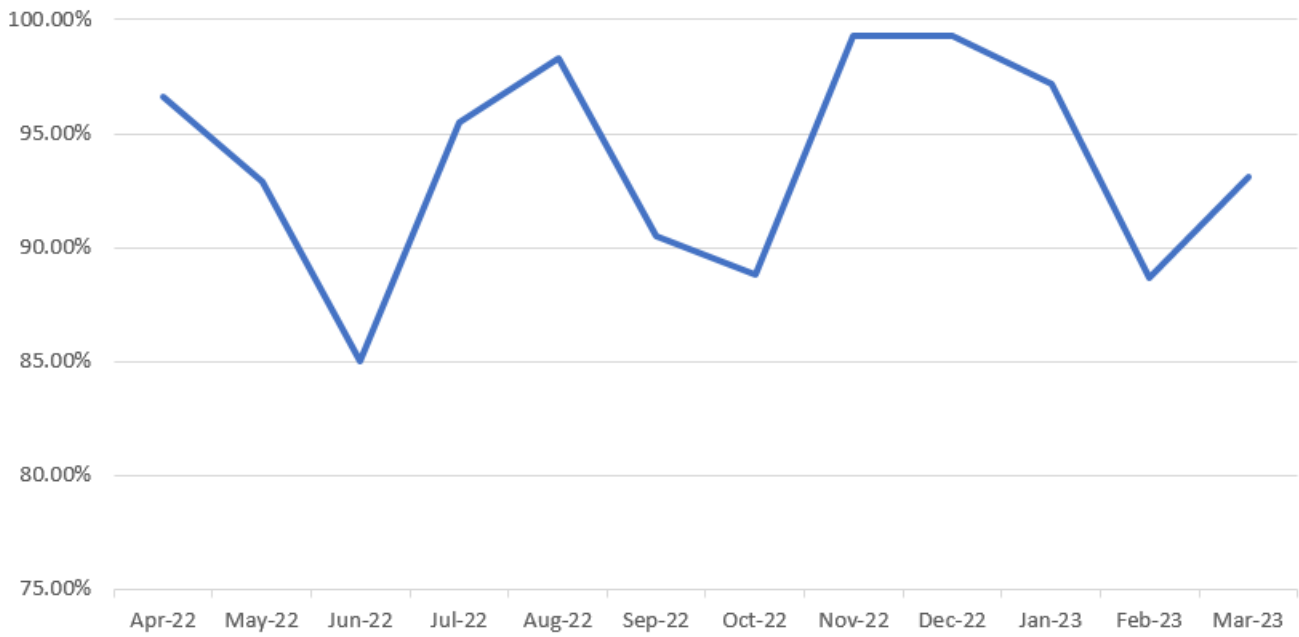
Average of 99.4%



KPI 1b 28 Day Repairs

Time from when the instruction was given to confirmation that the instruction has been completed

Average of 93.77%

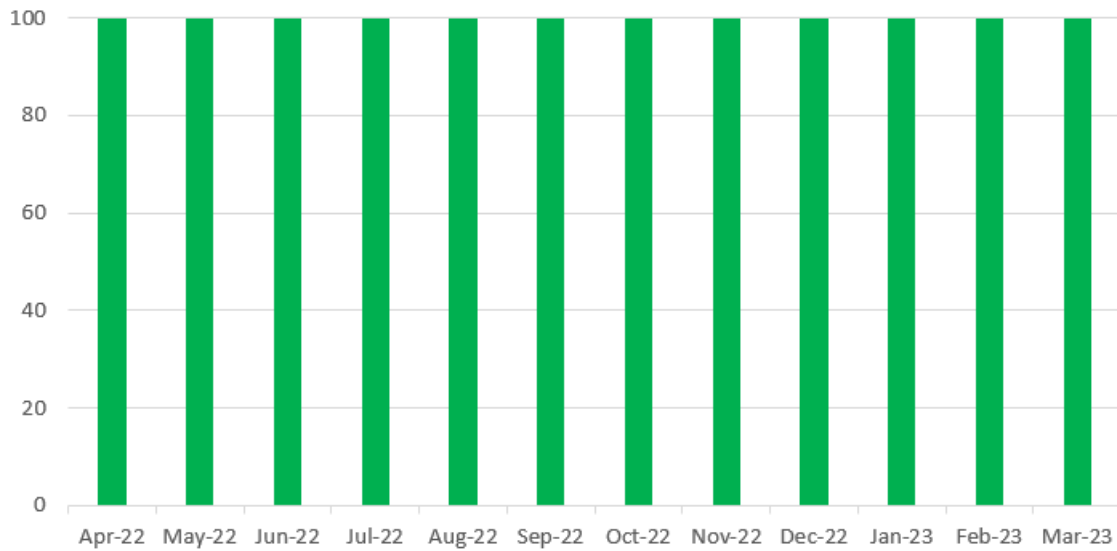


KPI 1c Safety Inspections

Inspections completed within the required response time



100% against target achieved month on month

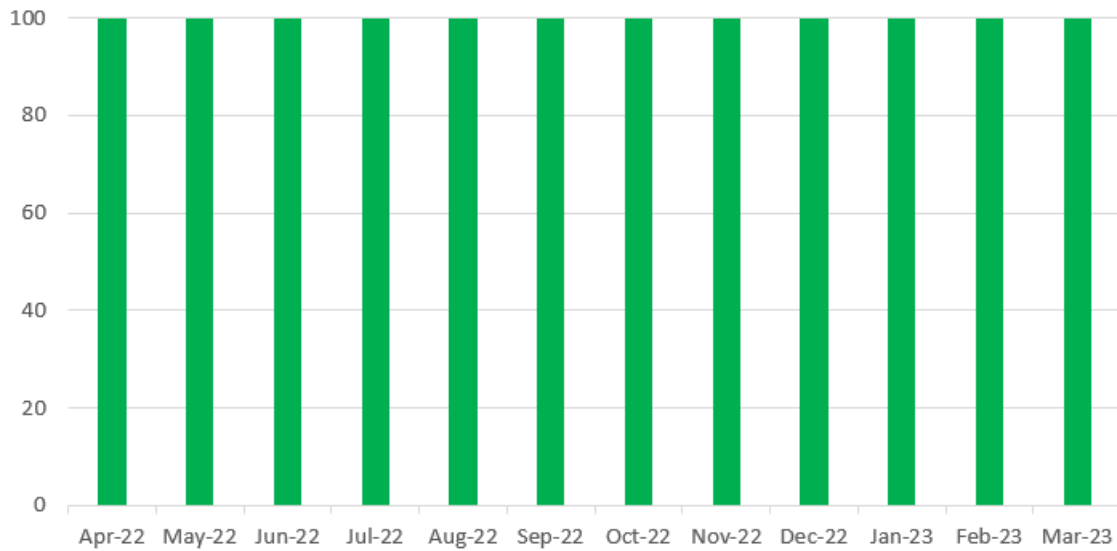


KPI 1e Street Lighting Structural Inspections

Street Lighting Inspections completed within the required response time



100% against target achieved month on month

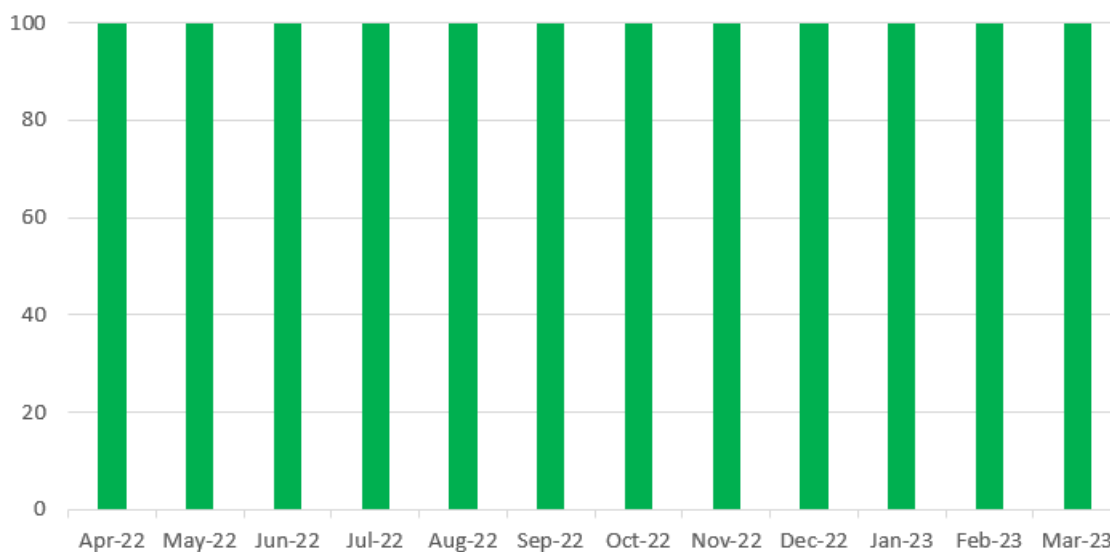


KPI 2 Remedial Works

A defect is work that does not achieve the quality standards as set out in the service information and is to be corrected within the time stated. The time from the instruction to carry out the remedial work and by what date was given to confirm that the work has been corrected. Correction of work that does not meet the required standards within the timescale stated.



100% against target achieved month on month



KPI 7a and 7b Health and Safety

Lost time frequency and Accident Frequency Rate



0 Lost Time Incidents

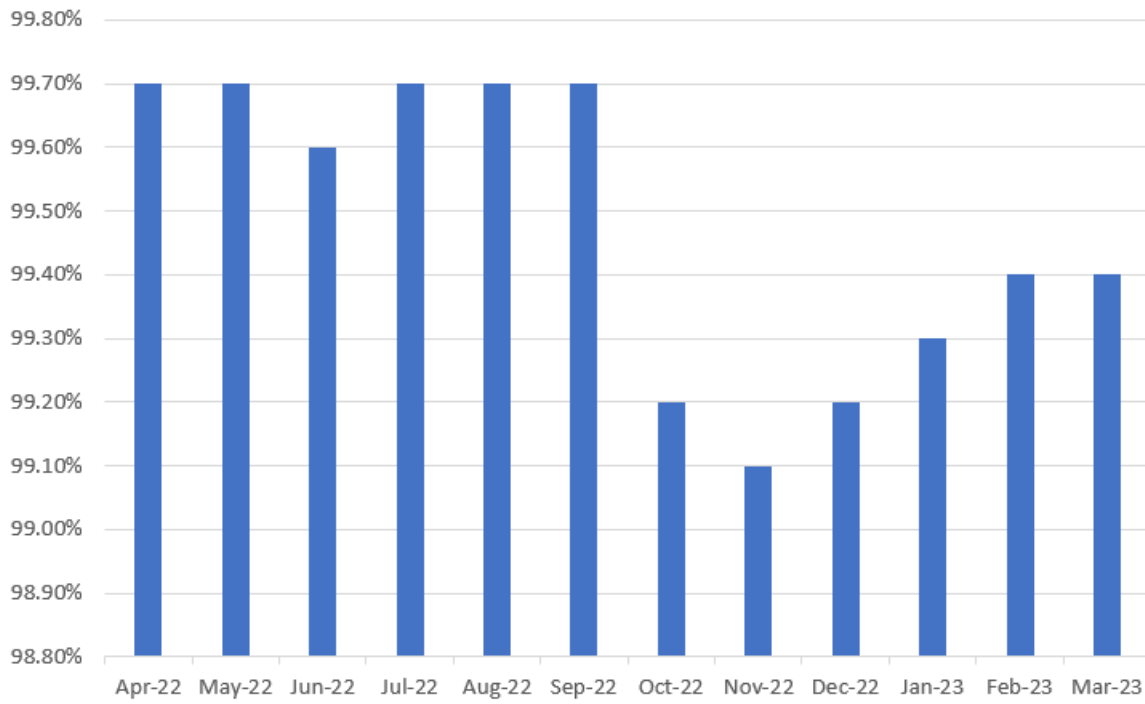


0 Reportable Incidents

KPI 55 % of Street Lights Working Estates

Number of Street Lights working at any time correctly

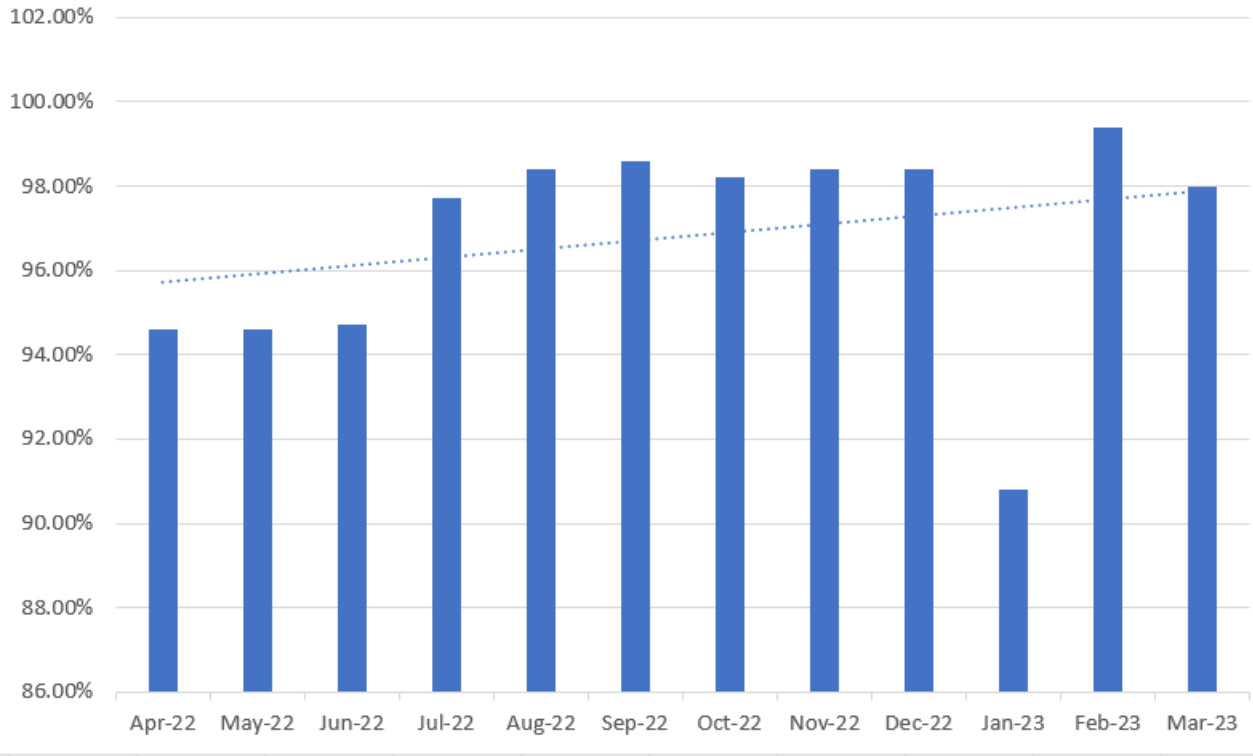
Average of 99.48%



KPI 55a % Street Lights Working Grid Roads

Number of Street Lightings on Grid Roads working at any time correctly

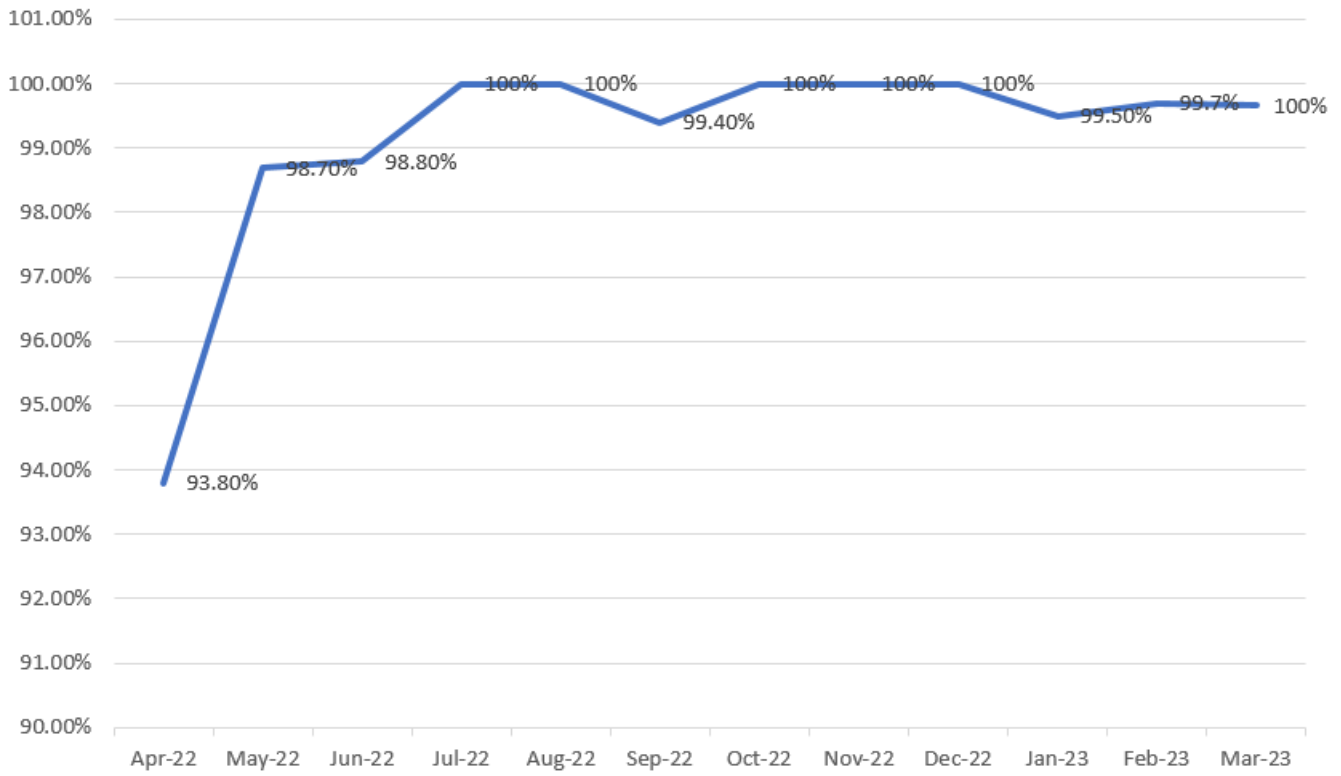
Average of 96.82%



KPI 56 Street Lighting Repaired in 5 Days

Percentage of Street Lightings Repaired in 5 Days

Average of 99.13%

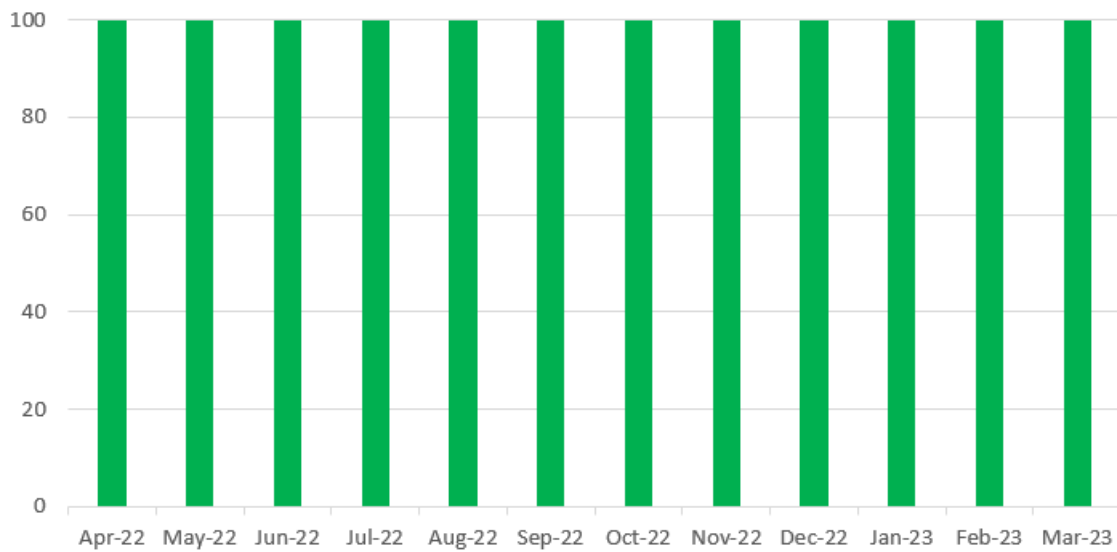


KPI 57 DNO Repairs completed on time

Time taken to repair dead electrical supplies from notification



100% against target achieved month on month



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Executive Report



Delegated Decisions - 14 November 2023

SCHOOL CROSSING PATROLLER GRANT

Name of Cabinet Member	Councillor Lauren Townsend Cabinet Member for Public Realm
Report sponsor	Graham Cox Assistant Director of Highways and Transportation
Report author	Rachel Munday Community and Engagement Manager Rachel.munday@milton-keynes.gov.uk 07425 302231

Exempt / confidential / not for publication	No
Council Plan reference	Creating cleaner, safer, and healthier communities
Wards affected	All wards

Executive summary

The aim of the grant is to provide up to 8 SCPs (School Crossing Patroller) linked to specific schools where a need has been identified. The previous system offered a permanent SCP post (originally 7 in total) linked to one school, term time only and fixed times.

This process has made it difficult to recruit to the vacant posts and some of the schools no longer require a SCP as the original assessment is now out of date or other MK (Milton Keynes) schools now have greater requirements.

A new grant-based process provides flexibility to provide SCPs where they are needed most using a needs-based scoring assessment. It will also provide individual schools with the option to provide a SCP through direct recruitment.

There is no legal obligation for MKCC (Milton Keynes City Council) to provide school crossing patrollers, but the council recognises the benefits to improving road safety on the highway by facilitating SCPs.

1. Proposed Decision/s

- 1.1 That £40,000 be allocated for School Crossing Patroller grants each financial year, providing up to 8 grants (of up to £5,000) to schools as per the criteria set out in **Annex A** to the report.

- 1.2 That authority be delegated to the Director of Environment and Property to finalise the arrangements for:
- a) administration of the applications, scoring, monitoring, and awarding of the grants by the Highways and Transport Team;
 - b) provision of training and uniform by the Highways Team for any individual recruited by the school in receipt of a grant; and
 - c) administering the relevant authorisations (as the Highways Authority), to the School Crossing Patrollers to stop traffic, as per the 1984 Road Traffic Act.

2. Why is the decision needed?

- 2.1 Recruitment to the vacant SCP posts over the last few years has been unsuccessful. Due to the nature of the post, the role attracts very few applicants.
- 2.2 Schools can promote the role through their own channels or even recruit from their own staff. An SCP directly employed by the school can help to create better awareness of road safety issues.
- 2.3 The current process does not allow for any changes to be considered that may mean the need for an SCP is no longer required e.g., provision of a pedestrian crossing. It also does not consider factors that may make another school more in need e.g., school extension or new estate.
- 2.4 An informal public consultation in November 2022 showed support for a system that allowed schools previously left out of the SCP provision (see **Annex C** to the report).
- 2.5 Staffing costs are reduced whilst increasing the potential provision of up to 8 SCPs in MK.

3. Implications of the decision

Financial	Y	Human rights, equalities, diversity	N
Legal	N	Policies or Council Plan	Y
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	Y

a) Financial implications

An SCP post (term time 8 hours per week) costs on average £5k per year plus uniform costs.

The total grant is £40k and this will be used to fund up to 8 SCP posts with each successful school being awarded a grant of £5k to employ an SCP directly.

Uniform and training would still be provided through the Council's Road Safety budget (revenue).

The two existing SCPs will continue in parallel to the new grant-based system until they retire or resign. At that point, these two posts will be removed from the structure and any costs savings will be put towards the SCP grant.

The £40k grant will be funded by £5k saving from a vacant SCP post and £35k from Sponsorship revenue.

b) Legal implications

There is no statutory duty to provide School Crossing Patrollers.

MKCC as the Highway Authority for Milton Keynes may allow an individual to stop traffic under the Road Traffic Act 1984 following successful completion of training.

c) Other implications

The feedback from the informal consultation in November 2022 and media interest showed the level of public interest in having SCP at various schools across MK where there is a perceived safety issue (see **Annex C**).

4. Alternatives

- 4.1 There are two SCPs in post at schools in MK and these roles will continue until the postholder resigns or retires. Providing SCPs is not a statutory requirement so MKCC does not need to provide the SCP grant however this would impact on road safety at key school sites.

5. Timetable for implementation

- 5.1 The application process may begin from the start of the school year in January 2024. Each application will be assessed and scored by the Council's Road Safety Officer. Grants may be paid to successful schools from 1 April 2024.
- 5.2 Grants are for 3 years so a further application window will begin from September 2026 to start from 1 April 2027.

List of Annexes

Annex A	Grant Application Criteria
Annex B	Site Assessment List
Annex C	Timetable for applications and grant payments
Annex D	Informal consultation results

List of Background Papers

None

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SCHOOL CROSSING PATROLLER (SCP) FUNDING

APPLICATION FORM

The authorised staff member* from the school should complete this form and return to: Road.safety@milton-keynes.gov.uk

SCHOOL DETAILS	
SCHOOL NAME	
ADDRESS	
DETAILS OF MAIN SCHOOL CONTACT	
AGE RANGE OF PUPILS	
TOTAL NUMBER OF PUPILS (approx.)	

*Applications should be made with the full understanding and support of the school head and governors.

PROPOSED LOCATION FOR SCP	
WHERE WOULD YOU LIKE TO SEE THE NEW SCP LOCATED?	
WHY DO YOU FEEL AN SCP IS NEEDED?	
HAVE YOU CONSULTED PARENTS/CARERS?	Yes/No
IF YES, WHAT WAS THE FEEDBACK?	
DO YOU THINK THE NEW CROSSING WILL ENCOURAGE MORE PEOPLE TO CROSS THERE?	Yes/No
WHAT TIMES WILL THE SCP BE REQUIRED?	

(Start and finish, morning and afternoon)	
---	--

SCHOOL COMMITMENT	
DOES THE SCHOOL HAVE A TRAVEL PLAN?	Yes/No
IS THE SCHOOL ENGAGED WITH MODESHIFT OR OTHER ACTIVE TRAVEL PROGRAMMES?	Yes/No
IF NOT, IS THE SCHOOL WILLING TO DISCUSS THESE OPTIONS WITH A SCHOOL TRAVEL PLANNER FROM MKC?	Yes/No
SCHOOL TRAVEL PLANNER COMMENTS MKCC Only	

WHAT HAPPENS NEXT?

The Milton Keynes City Council Road Safety Officer (RSO) will visit the proposed crossing site and carry out a suitability survey and safety risk assessment. They will contact the school's nominated representative beforehand, and that representative is very welcome to join the RSO when they visit.

We will set a closing date for applications and after that date we will consider all applications and select the successful ones. All schools will be notified of the outcome of their application.

If you are successful, we will let you know about training, uniform, and other details for your SCP (School Crossing Patrol) candidate.

COUNCIL USE ONLY

SITE VISIT BY MKC REPRESENTATIVE	
Does the proposed location have acceptable sight lines in both directions, for both the SCP and oncoming road users?	

What is the speed limit at the location?	
Does the proposed location have acceptable lighting levels?	
Does proposed location match current desire lines?	
Is the proposed location free of parked cars in both directions?	
Are there parking restrictions at the proposed location?	
Are there existing, suitable locations (poles, etc) for SCP warning signs, or will they need to be provided?	
Are there any junctions within 20 metres?	
Are there any driveways, access roads, etc, within 20 metres?	
Would the introduction of this crossing point open up potential 'Park & Walk' locations?	

MKCC PARKING TEAM COMMENTS HERE - MKCC use only

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School Crossing Patroller Grant (SCP)

Site Assessment Criteria

Primary, Pre-School, Secondary and Nursery Schools in the Milton Keynes Borough may apply to the SCP Fund during the application window which is open every three years. This includes Academies.

Private fee-paying schools may request training from the RSO for their SCPs for a fixed training fee.

Grants will be up to £5k. This will be enough to cover an SCP for 7.5 hours per week for 39 weeks per year (term time).

The grant will be payable per annum for 3 years.

Training and uniform will be provided by MK City Council and there will be ongoing support and guidance from the Road Safety Officer during this time.

All other tasks, including HR services, payroll, pension, and DBS checks must be covered by the school and the SCP is an employee of the school not MKCC.

All applications to the SCP grant are based on a set criterion to ensure those with the greatest need are offered the opportunity to fund an SCP.

Every application received will be scored on a needs-based matrix under three categories:

SAFETY ASSESSMENT (Done in term time)	LEVEL OF SCHOOL ENGAGEMENT	HISTORICAL FACTORS
Built environment	Modeshift STARS?	Previously had an SCP
Can an SCP operate safely?	Pupil Pledge	Number of reported issues to MKC Priority of school on Parking RAG enforcement list?
Parked vehicles/behaviour	Road safety education	RTC data
Layout of access to school	Travel plans	
Traffic data	Other attempts to improve parking/road safety awareness	
Proximity of safe crossing point	JRSO Scheme	

Triggers

During a 3-year grant period, if certain factors occur, it will trigger a reassessment. This is also the case for a non-grant school who may ask for a reassessment based on the above matrix, if:

- New development in the area
- Safe place to cross is either installed or removed such as a zebra crossing.
- Changes to road layout, speed limit
- Extension to the school increasing pupil numbers.
- Change to the entrance or exit point of a school onto a different road.

This list is not exhaustive, and reviews and reassessments may be done at the discretion of the Road Safety Officer.

School Crossing Patroller Grant

Timetable

Date	Activity	By
December 2023/January 2024	Grant Application Window	MK Schools
February 2024	Checks/assessment	Road Safety Officer, MKCC
March 2024	Notification letters sent to successful schools	MKCC Highways
April 2024	Grant payments to successful schools	MKCC Highways
To be determined	Training of new SCP employees	Road Safety Officer, MKCC
Every 6 months on a rotational basis	Review and checks on SCP	Road Safety Officer, MKCC
December 2026/January 2027	Grant Application	MK Schools
February 2027	Checks/assessment	Road Safety Officer, MKCC
March 2027	Notification letters sent to successful schools	MKCC Highways
April 2027	Grant payments to successful schools	MKCC Highways
To be determined	Training of new SCP employees	Road Safety Officer, MKCC
Every 6 months on a rotational basis	Review and checks on SCP	Road Safety Officer, MKCC
December 2029/January 2030	Grant Application	MK Schools
February 2030	Checks/assessment	Road Safety Officer, MKCC
March 2030	Notification letters sent to successful schools	MKCC Highways
April 2030	Grant payments to successful schools	MKCC Highways
To be determined	Training of new SCP employees	Road Safety Officer, MKCC
Every 6 months on a rotational basis	Review and checks on SCP	Road Safety Officer, MKCC

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School Crossing Patroller

Informal public consultation results

November 2022

An informal public consultation took place between 10 November and 22 December 2022 to ask for views and feedback on our proposals to move to a grant-based system for School Crossing Patrollers.

The consultation was publicised on the Council's channels and was featured in the local paper, the MK Citizen.

16 direct responses were received to the Highways service including representations from several MK schools across different areas of the borough, both rural and urban.

Areas included:

- Bletchley
- Emerson Valley
- Haversham
- Newport Pagnell
- Oakgrove
- Shenley Brook End
- Tattenhoe
- Wolverton

Links to consultation publicity:

[Should every school in Milton Keynes have a 'lollipop person' to ensure pupils cross the road safely?](#)

[School Crossing Patroller Grant Consultation | Milton Keynes City Council \(milton-keynes.gov.uk\)](#)

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Executive Report

Delegated Decision – 14 November 2023

ALTERATIONS TO PARKING ARRANGEMENTS IN CENTRAL MILTON KEYNES

Name of Cabinet Member	Councillor Lauren Townsend Portfolio for Public Realm
Report sponsor	Stuart Proffitt Director Environment and Property Graham Cox Assistant Director Highways and Transport
Report author	Paul Harrison Network and Enforcement Manager Paul.Harrison@milton-keynes.gov.uk

Exempt / confidential / not for publication	No
Council Plan reference	N/A
Wards affected	All wards, particularly Central Milton Keynes

Executive summary

Three changes to the car parking arrangements within Central Milton Keynes (CMK) are put forward in this delegated decision paper for consideration and approval.

The first change is to extend the minimum length of stay. For Standard Tariff parking this would mean the minimum stay increases from one hour to two hours (which would cost £1 minimum). For Premium Tariff parking the minimum stay would increase from 15 minutes to one hour (which would cost £2 minimum).

The Central Milton Keynes standard tariff remains cheap, as shown later in this report and is competitive against other city centre parking options. This change will encourage more people to spend longer in our city centre, benefiting our important retail and leisure businesses.

The second change is the low emission parking permits. The 100% discount (completely free) Ultra Low Emission Permit will move to a 50% discount. It is then proposed that in January 2025 that both the Ultra Low Emission Permit and Low Emission Permit will no longer be in place and instead motorists will be redirected to the standard employee discount parking scheme. A discount for Ultra Low Emissions has been in place since 2016, and the Low Emissions Permit since 2013.

The third change is to introduce a maximum stay period of four hours for the parking of electric or plug-in hybrid vehicles in charging bays, with a one hour no return. The current free all-day parking offer (whether charging or not) was introduced 10 years ago, to encourage the use of electric vehicles and promote the use of on street charging. Electric, and plug-in hybrid vehicle use has increased significantly and the rationale for providing free parking has fallen away as electric vehicle ownership has increased. It also encourages the turnover of these spaces, instead of all day free parking.

Any surplus generated by these changes is required to be applied in accordance with Section 55 of the Road Traffic Regulation Act 1984. This includes any funding pressures within the account such as rising management and maintenance costs, as well as supporting local public transport – this may include for example, continuing short term one-off funding to support the post-pandemic recovery of the bus network.

We plan to implement these changes as soon as the required statutory notifications have been implemented and completed following this Delegated Decision, likely February 2024 or soon after. These changes are proposed in advance of any wider parking strategy review.

1. Proposed Decision

1.1 That the Standard Tariff banding, be amended as follows:

- a) the minimum stay be increased to two hours; and
- b) each successive period thereafter be one hour.

1.2 That the Premium Tariff banding, be amended as follows:

- a) the minimum stay be increased to one hour; and
- b) each successive period thereafter be one hour.

1.3 That the discount for the Ultra Low Emissions Parking Permit be reduced from 100% to 50%.

1.4 That it is planned for both the Ultra Low Emissions Parking Permit and Low Emissions Parking Permits to be withdrawn from January 2025.

1.5 That for charging bays for use by electric or plug-in hybrid vehicles, a maximum stay of four hours with one hour no return be introduced.

2. Why is the decision needed?

2.1 By extending the length of stays/banding there is likely to be increased dwell time, which will support local retail and leisure businesses.

2.2 Building on above, as part of our Memorandum of Understanding (MoU) with Centre:MK, we agreed to work together to “continue the discussion on parking, recognising that consumer requirements are changing in response to Covid19. Both parties recognise the provision of free parking will not resolve the issues currently faced in improving footfall and the reasons to dwell in central Milton Keynes”. In May, Centre:MK increased their multi-storey car park minimum stays to £2.50 for a minimum two hour stay and £1 per hour thereafter.

- 2.4 It has been eight years (2015) since the last review of the parking tariffs. In that time inflation (based on CPI) has increased 30%.
- 2.5 The impact of the pandemic reduced parking income significantly. Post pandemic (2021/22), total parking revenue was 40% lower than pre-pandemic. It has now recovered to a forecast £10.25M in 2023/24, although is still 24% down on pre-pandemic levels.
- 2.6 At a time when local authority budgets are under immense pressure, it is increasingly important that parking services are self-sufficient, whilst ensuring that parking continues to support services for our businesses and communities. The proposed alterations to the tariff bands can help to meet these objectives.
- 2.7 Tariffs also need to be continually reviewed to ensure the Council's car parks support the local economy by optimising their efficient use, whilst also contributing to the Council's local transport objectives.
- 2.9 The minimum stay durations in neighbouring town and city centres range between 30-minutes and 2-hours as shown in the table below:

Local Authority	Minimum stay	Charge
Proposed Standard Tariff	Two hours	£1.00
West Northamptonshire City Council	30 minutes	£0.50
Bedford Borough Council	30 minutes	£0.80
Cambridge City Council	One hour	£2.30-£3.60
Oxfordshire County Council	One hour	£5.50-£6.60
Watford Borough Council	One and two hours	£0.60-£2.00
Leicester City Council	One and two hours	£1.00-£2.00

3. Implications of the decision

Financial	Y	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	Y
Communication	Y	Procurement	N
Energy Efficiency	N	Workforce	N

a) Financial implications:

For these combined changes we estimate a potential increase in surplus of £1M, however it is always very difficult to predict the impact on revenue of parking changes. For budget planning purposes we are taking a prudent approach, factoring in a decline because of changed driver behaviour and we will propose to increase the 2024/25 budget by £500K, with a corresponding pressure for any future agreed support funding as applicable prior to setting the final budget.

The proposed changes will require the Council to produce and serve a section 46 notice, update the current electric vehicle parking places traffic regulation orders, electric vehicle parking signs and the parking systems and payment terminals.

This is estimated to cost c.£30K and will be funded through the Council’s Parking Revenue budget.

Charge	Requirements
£2K	Produce and serve the section 46 notice
£2K	Update the current electric vehicle parking places traffic regulation Orders
£20K	Update the electric vehicle parking signs
£4K	Update parking systems
£2K	Update payment terminals

Future inflationary reviews and increases of the tariff charges will be included in the annual review of the Councils fees and charges as part of the budget setting process. Therefore, we will use the corporate income policy to set these fees based on inflation. Any increases would need to be agreed as part of our usual budgetary processes and decision frameworks.

b) Legal implications:

When the Authority intends to vary the parking tariff bands in the current existing traffic regulation orders, there is a requirement to serve statutory notification under Section 46A of the Road Traffic Regulation Act 1984 and Regulation 25 of the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996. The aforementioned procedure to vary the parking tariff bands is a notice-based procedure rather than a consultation-based procedure.

When the Council intends to introduce the limited stay duration in the electric vehicle parking places, there is a requirement to amend the current traffic regulation Orders. This will require a statutory consultation-based procedure under the Road Traffic Regulation Act 1984.

All consequential amendments would follow the correct procedures as necessary.

c) Other implications: None.

4. Alternatives

- 4.1 The Council does not review the parking tariffs and could instead wait for the next Local Transport Plan to inform wider review of parking charges in Milton Keynes. This is not recommended as it does not deliver the benefits set out within this decision.

5. Timetable for implementation

- 5.1 If agreed, these changes will be implemented as soon as possible after the required statutory notifications have been undertaken and completed, likely in February 2024 or soon after.

List of annexes

None

List of background papers

Memorandum of Understanding (MoU) with Centre:MK

[Milton Keynes City Council and Centre-MK - Memorandum of Understanding Annex.pdf \(modern.gov.co.uk\)](#)

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Executive Report

Delegated Decisions - 14 November 2023

20MPH LIMIT AND 20MPH ZONE PROGRAMME 2023/24

Name of Cabinet Member	Councillor Lauren Townsend Cabinet member for Public Realm
Report sponsor	Stuart Proffitt Director of Environment and Property
Report author	Murray Woodburn Traffic & Transportation Manager murray.woodburn@milton-keynes.gov.uk

Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive summary

The Cabinet Member for Public Realm, under delegated powers, previously authorised an application process and a method for the prioritisation of a programme of sites for the implementation of 20mph speed limit and zone restrictions in MKCC in 2018. Schemes in the programme would be determined on the basis of collision history, community support, speed data and environmental factors, and limited by the available annual budget.

This year, the Council has received fifteen applications from members of the public and local Ward Councillors to introduce 20mph speed limits or 20mph speed zones (as shown in Annex A to the report). Of these fifteen, thirteen were deemed deliverable and viable schemes that would be supported by Thames Valley Police and could be delivered with the available budget.

The scoring matrix for these schemes is attached at Annex A. The thirteen schemes that will progress into the programme are set out at Annex B.

Proposed Decision

- 1.1 That seven applications (as set out in Annex B) be progressed (subject to statutory consultation) as part of the 2023/24 programme, to be funded from:
- the 20mph Limit capital budget of £100k; and
 - top-up funding from the Traffic Management & Road Safety budget of £650k (for schemes involving traffic management measures).

- 1.2 That six applications (as set out in Annex B) be deferred due to delivery timescale issues in the 2024/25 financial year and that remaining funding from the 2023/24 budget be carried forward to implement these schemes (subject to statutory consultation) early next financial year.
- 1.3 That the Council undertake a statutory consultation for the proposal to make a Traffic Regulation Order (Speed Restriction Order) under section 84 of the Road Traffic Regulation Act 1984 for the thirteen recommended 20mph speed restrictions.
- 1.4 That the Council undertake a statutory notification for the proposal to install the additional traffic calming features in Fishermead and High Street, Haversham under section 90A of the Highways Act 1980.
- 1.5 That, subject to the outcome of statutory consultation:
 - a) the Head of Legal Services be authorised to seal the proposed Traffic Regulation Order; and
 - b) the thirteen 20mph speed restrictions be implemented.

2. Why is the decision needed?

- 2.1 Since 2018, the Council has had a process described on the website by which stakeholders can apply for a 20mph limit or zone in their area. Applications are invited during the first few months of each financial year with a deadline of 31st August. 15 proposals for 20mph limits or zones were received via this process this year.
- 2.2 Officers then assess these schemes using the previously agreed scoring matrix and identify a programme to be taken forward in the remainder of the financial year that is within the annual funding envelope.
- 2.3 As there will be a new Council Term Highways Contract in place for April 2024, officers have been requested to ensure that all small schemes must be completed on site by the end of February 2024, so that there is no carry over of small projects into the new contract. This will minimise administrative issues at the end of the existing contract and ensure there is a 'clean break' into the new one. As a result, only those schemes that can confidently be completed in this timeframe are included in this year's programme, with those that cannot be guaranteed to be completed by Feb 24 deferred to next year's programme, with their funding carried over from this year to next. We would expect to deliver these schemes in the early part of next Financial Year under the new contractual arrangements, while the application process for the 2024/25 20mph programme is ongoing.
- 2.4 The 2023/24 capital budget for the 20mph scheme programme is £100k with top-up funding from the Traffic Management & Road Safety budget of £650k, as some of the schemes involve traffic management measures. The overall cost of the 20mph programme is estimated at £250k.
- 2.5 It is important that the Council responds to the concerns of residents over speeding vehicles in their neighbourhoods, so the 20mph scheme programme is an important component of the Council's project programme.

2.6 Next year’s programme timetable is proposed as follows:

- Closing date for Applications - by 31 August 2024
- Complete Speed surveys and scheme verification - by mid October 2024
- Complete evaluation for priority listing of schemes - by 31 October 2024
- Delegated decision on schemes - by 30 November 2024
- Carry out statutory consultation - by 31 January 2024
- Implementation - by 31 March 2024 (for simpler schemes, with any more complex schemes carried over as appropriate)

2.7 It should also be noted that, for next year and subsequent years, officers are encouraging residents and Parish Councils to consider 20mph zone applications covering a number of roads with clear boundaries (such as main roads, parks, rivers, railways, etc.) instead of 20mph limits on single roads, as the former are more effective in delivering speed and casualty reductions. The guidance for applications on the Council website has been amended accordingly.

3. Implications of the decision

Financial	Y	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	N
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

a) Financial implications

The cost to implement the thirteen applications/schemes from this year’s programme (as shown in Annex B to the report) is estimated to be c.£250k (including contingencies) and will be met initially from this year’s allocated capital budget for 20mph schemes of £100k and the remainder from the Traffic Management and Road Safety schemes budget of £650k.

Seven schemes will be completed this year before the anticipated change of Council term contractor, so there will be a need to carry forward the remainder of this year’s funding for the remaining schemes into next year to complete the other six schemes.

Because all thirteen valid applications received can be progressed with the available budget, there are no schemes to be carried forward into next year’s priority assessment.

b) Legal implications

The introduction of a 20mph speed limit and speed zone restrictions will require the Council to make a traffic regulation Order under section 84 of the Road Traffic Regulation Act 1984.

A Traffic Regulation Order (TRO) or speed restriction Order is a legal order, which allows the Highways Authority to regulate the speed of vehicles which is enforceable by law.

The Council will need to carry out statutory consultation on the proposed Order and to carry out a statutory notification for the installation of road humps.

The public have a right to formally object to the proposal during the statutory consultation process.

The Council must then consider all objections before the proposed Order is made and the 20mph speed restrictions are introduced.

c) Other implications

The introduction of 20mph restrictions in residential areas can improve:

- road safety;
- levels of active travel;
- traffic speeds;
- air and noise pollution levels; and
- the quality of life for residents by making streets more people-friendly

In order to implement the 20mph speed limit, each application will require the following:

- Detailed surveys
- Statutory consultation
- A Traffic Regulation Order (TRO) to be made
- Boundary speed signs and posts
- Repeater speed signs and posts
- 20mph roundel road markings
- Traffic calming measures (if necessary)

4. Alternatives

4.1 The Council could re-allocate the budget for 20mph limits and zones to another project, but resident and Parish concerns over local speeding and safety issues would not be addressed and road safety risks would remain. This does not meet with resident aspirations and could present reputational issues for the Council. Failing to address an identified unsafe location would also be a breach of the Council's Network Management Duty under the Traffic Management Act 2004.

4.2 Consequently, there is no alternative but to allocate funding in this area and for a number of speed reduction schemes to progress.

5. Programme Delivery

5.1 Two applications for schemes unfortunately cannot be progressed.

5.2 The application in the Hardmead area has high traffic speeds and would require traffic calming before it would be supported by TVP. However, as there is no street lighting in the area at present, it would need to be introduced before traffic calming measures could be implemented, and this adds excessive costs to the scheme beyond the scope of the 20mph programme budget. This scheme can only be revisited if there is a street lighting upgrade undertaken in this area.

- 5.3 The application for Wood Lane, Weston Underwood could not be progressed as the road in question is a single track road leading to a farm premises, and is only partly adopted as public highway. There were also no accidents at all in a three year period at this location.
- 5.4 The remaining 13 applications will all move forward to implementation. The following 7 schemes which can be completed by end Feb 2024 will be implemented in 2023/24, subject to statutory consultation outcomes:
- Walnut Tree
 - Haversham, Wolverton Road
 - Fishermead
 - Emerson Valley
 - Medbourne
 - Water Eaton
 - West Bletchley
- 5.5 The following 6 schemes will be delivered in early 2024/25, subject to statutory consultation outcomes:
- Newport Pagnell, Willen Road
 - Woolstone
 - Little Brickhill
 - Olney, Yardley Road & Aspreys
 - Haversham, High Street
 - Oxley Park
- 5.6 It should be noted that the Haversham High Street scheme currently has speeds in excess of 30mph, so traffic calming measures will be required to support a 20mph limit in this location. Traffic calming has previously been proposed here in 2019 and was not well-supported, so the progression of this scheme in 2024/25 will be dependent on the statutory consultation outcome.

List of Annexes

Annex A – Scoring Matrix for 20mph applications

Annex B - List of 20mph limit and 20mph zone schemes for delivery

List of Background Papers

None

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Scheme Evaluation Matrix

	CRITERIA	DATA	SCORE	WEIGHT
1	Accident data (5 Years)	0 accidents 1 or 2 accidents 3 accidents 4+ accidents	0 1 3 5	x5
2	Community Support (Petition)	Below 50% Between 50-60% Between 61-70% Above 71%	0 1 3 5	x4
3	Speed Data (Mean Speed)	Above 40.1mph Between 30.1-40mph Between 24.1-30mph Below 24mph	0 1 3 5	x3
4	Life Style (Environment)	No evidence Little evidence Some evidence High levels	0 1 3 5	x2

Please note: This criteria has been waived due to the risk of the Covid-19 pandemic in 2021

20mph speed limit and speed zone applications

Priority	APPLICATION		ACCIDENT DATA				COMMUNITY SUPPORT				SPEED DATA				LIFE STYLE				TOTAL SCORE
	APPLICATION	20mph	No. ACCIDENTS IN PAST 5 YEARS	MATRIX POINTS	MATRIX WEIGHT	MATRIX SCORE (Point x Weight)	PETITION	MATRIX POINTS	MATRIX WEIGHT	MATRIX SCORE (Point x Weight)	MEAN SPEED	MATRIX POINTS	MATRIX WEIGHT	MATRIX SCORE (Point x Weight)	ENVIRONMENT	MATRIX POINTS	MATRIX WEIGHT	MATRIX SCORE (Point x Weight)	
1	Fishermead	Zone	4+	5	5	25	<50%	0	4	0	24.1-30mph	3	3	9	High Level	5	2	10	44
2	Walnut Tree	Zone	3	3	5	15	<50%	0	4	0	<24mph	5	3	15	High Level	5	2	10	40
3	Various Roads in Water Eaton	Zone	3	3	5	15	<50%	0	4	0	<24mph	5	3	15	High Level	5	2	10	40
4	Emerson Valley	Zone	1,2	1	5	5	<50%	0	4	0	<24mph	5	3	15	High Level	5	2	10	30
5	Various Roads in West Bletchley	Zone	0	0	5	0	<50%	0	4	0	<24mph	5	3	15	High Level	5	2	10	25
6	Oxley Park	Zone	1,2	0	5	0	<50%	0	4	0	<24mph	5	3	15	High Level	5	2	10	25
7	Woolstone	Zone	1,2	1	5	5	<50%	0	4	0	24.1-30mph	3	3	9	High Level	5	2	10	24
8	Little Brickhill	Zone	1,2	1	5	5	<50%	0	4	0	24.1-30mph	3	3	9	High Level	5	2	10	24
9	Wolverton Road, Haverhsam	Limit	1,2	1	5	5	<50%	0	4	0	<24mph	5	3	15	Little evidence	1	2	2	22
10	Medbourne	Zone	0	0	5	0	<50%	0	4	0	24.1-30mph	3	3	9	High Level	5	2	10	19
11	Yardley Road & Aspreys, Olney	Limit	0	0	5	0	<50%	0	4	0	24.1-30mph	3	3	9	High Level	5	2	10	19
12	Willen Road, Newport Pagnell	Limit	0	0	5	0	<50%	0	4	0	24.1-30mph	3	3	9	Some evidence	3	2	6	15
13	High Street, Haversham	Limit	1,2	1	5	5	<50%	0	4	0	30.1-40mph	1	3	3	Little evidence	1	2	2	10
Rejected applications																			
14	Wood Lane, Weston Underwood	Limit	0	0	5	0	<50%	0	4	0		0	3	0	No evidence	0	2	0	0
15	The Close & Hardmead Road, Hardmead	Limit	1,2	1	5	5	<50%	0	4	0	30.1-40mph	1	3	3	Some evidence	3	2	6	14

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Scheme Delivery Programme

Scheme	Delivery	Est. Cost	Brief Description
Walnut Tree	23/24	£6,000	20mph zone – with signing, road markings and Traffic Regulation Order required.
Wolverton Road, Haversham	23/24	£6,000	20mph zone – with signing, road markings and Traffic Regulation Order required.
Fishermead	23/24	£40,000	20mph zone – with signing, road markings, road humps and Traffic Regulation Order required.
Emerson Valley	23/24	£6,000	20mph zone – with signing, road markings and Traffic Regulation Order required.
Medbourne	23/24	£1,500	20mph zone –Traffic Regulation Order only required.
Bletchley	23/24	£15,000	20mph zone – with signing, road markings and Traffic Regulation Order required.
West Bletchley	23/24	£6,000	20mph zone – with signing, road markings and Traffic Regulation Order required.
Willen Road, Newport Pagnell	24/25	£20,000	20mph zone – with signing, road markings, road humps and Traffic Regulation Order required.
Woolstone	24/25	£15,000	20mph zone – with signing, road markings, road humps and Traffic Regulation Order required.
Little Brickhill	24/25	£35,000	20mph zone – with signing, road markings, road humps and Traffic Regulation Order required.
Yardley Road & Aspreys, Olney	24/25	£60,000	20mph zone – with signing, road markings, road humps and Traffic Regulation Order required.
High Street, Haversham	24/25	£30,000	20mph limit – with signing, road markings, traffic calming features and Traffic Regulation Order required.
Oxley Park	24/25	£1,500	20mph zone –Traffic Regulation Order only required.

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