

NOTICES OF MOTIONS

Motion 3

Loss of Development Land at Calverton Lane

Councillor Geary (1 March 2023 – 17:49)

- “1. That this Council notes:
 - (a) with disappointment that MKCC, after taking legal action to remove an occupier from grazing horses on land adjoining the Calverton Lane travellers site, lost the case in a judgement delivered from the High Court on 23rd March 2022 by the Hon Mr Justice Eyre and hence lost the land through a counter claim for adverse possession¹;
 - (b) the value of this loss will run to many millions of pounds as the land already has outline planning permission for development; and
 - (c) The judgement from the case states that some of the evidence submitted by MKC was of poor quality and not convincing, stating:
 - i) “the claimant (Milton Keynes Council) did not put in evidence any statement from him” (a key witness).
 - ii) “The first difficulty with the evidence from the claimant is that no evidence from (the former the councils tenant) was adduced nor was there any explanation as to why there was no such evidence”.
2. That this Council also notes that:
 - (a) despite numerous behind closed doors briefings this issue has not been discussed publicly with the reasonings for this loss not being clearly understood by all members of the council despite the court judgement being in the public domain; and
 - (b) while the Audit Committee of this Council have been aware of this issue for many months and certain members have had behind closed doors briefings that the committee has, as of the time of submission not found time to scrutinise the Audit report into this issue and understand the failings both historic and of the enforcement action and legal case.
3. That this Council acknowledges that getting the Council out of this mess is a decision for senior officers and / or the administration and not Full Council, Audit Committee or any Scrutiny or Committee.
- 4 That this Council reaffirms that the audit process and the Audit Committee should be beyond the influence either of officers outside of the audit team or the administration - executive of the council.

¹ Milton Keynes Council v Wilsher & Anon [2022] EWHC 578 (QB) (23 March 2022) available at: <https://www.bailii.org/ew/cases/EWHC/QB/2022/578.pdf>

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5. That this Council requests, as the Audit Committee have not yet had time to investigate this matter, that Scrutiny Management Committee be asked to examine the most appropriate way that this issue can best be scrutinised and any findings be referred to the Cabinet, as appropriate.”