



Minutes of the meeting of the MILTON KEYNES COUNCIL held on TUESDAY
13 JANUARY 2004 at 7.30 pm

Present: Councillor Monk (Mayor)
Councillor Miles (Deputy Mayor)
Councillors Bartlett, Benning, Box, Bristow, Burke, Carrington,
Carruthers, Carstens, Sandra Clark, Stephen Clark, Crooks,
Dransfield, Drewett, Eastman, Eaton, Edwards, Fraser, Geary,
Gerrella, Gillingham, Hardwick, E Henderson, I Henderson, Hopkins,
Hoyle, Irons, Jury, Legg, Lloyd, Long, A Mabbott, G Mabbutt,
McCall, McKenzie, Morsley, Pendry, Pugh, Seymour, Snell, Tallack,
Tamagnini-Barbosa, Wicker, Williams, I Wilson and K Wilson

The following Honorary Alderman was also present: Alderman
Howell

Apologies: Councillors Campbell, Coventry, Exon, Saunders and Alderman Ellis

Also Present: 34 Members of the Public

CL88 MINUTES

RESOLVED -

That the Minutes of the Meeting of the Council held on 9 December
2003, be approved and signed by the Mayor as a correct record.

CL89 DECLARATIONS OF INTEREST

Councillor Bartlett declared a prejudicial interest in Item 5(a)(i) -
'Denbigh Stadium', by way of his employment.

Councillor Carruthers declared a prejudicial interest in Item 5(a)(i) -
'Denbigh Stadium', by way of his employment.

Councillor A Mabbott declared a prejudicial interest in item 3(a)
'Parish Councils - Match Funding of Community Safety Initiatives',
by way of his employment.

Councillor Miles declared a personal interest in Item 2(a) -
'Deputation', as a trustee of the Parks Trust and a prejudicial interest
in Item 4(b)(i) - 'Minerals Local Plan', by way of the location of his
residence.

Councillor Tamagnini-Barbosa declared a prejudicial interest in Item
5(a)(i) - 'Denbigh Stadium', by way of his employment.

Councillor I Wilson declared a personal interests in Items 2(a) - 'Deputation' and Item 4(b)(i) - 'Minerals Local Plan', as a trustee of the Parks Trust.

CL90 ANNOUNCEMENTS

The Mayor congratulated the following who had been awarded New Year Honours:

- (a) Jim Marshall, of Marshall Amplification, who received the OBE for services to the music industry and charity.
- (b) Michael Reilly, Group Managing Director of Sonatest, who received the MBE for services to business.
- (c) Peter Neyroud, Chief Constable of Thames Valley Police, who received the Queen's Police Medal.

CL91 DEPUTATION - COVENANTS ON PARK LAND

The Council received a deputation of residents of Milton Keynes, the object of which was:

"That Milton Keynes Council honour and uphold the covenants on the park land it owns."

The Mayor advised the deputation that in accordance with the Council's Procedure Rules the object of the deputation would be referred to the Cabinet for attention.

(Councillors Miles and I Wilson declared personal interests and as a Member of the Development Control Committee, Councillor Morsley left the meeting during consideration of this item.)

CL92 QUESTIONS FROM MEMBERS OF THE PUBLIC

- (a) Question from Mr R Gifford to Councillor Seymour (Cabinet Member with responsibility for libraries)

Question from Mr Gifford:

"On what basis Stony Stratford library was chosen for the proposed course of action (closure of the upper floor)?"

Answer from Councillor Seymour:

"Consolidating Stony Stratford Library to one floor was on a list of options put forward by officers, and the Cabinet has agreed to consult on this. It is only a consultation at this stage, and it runs until 25 January 2004. The people of Stony Stratford have made their views very clear to the Learning, Community and Economic Development Overview Committee. We are listening and it is a consultation, and I would encourage everyone to write in if they feel strongly about it."

Mr Gifford asked a supplementary question which was answered by Councillor Seymour.

- (b) Question from Mr C Meredith to Councillor I Wilson (Leader of the Council)

Question from Mr Meredith:

“In the light of today’s press reports of the Health Secretary’s statement, that within his lifetime as much as 15% of routine operations currently performed by the National Health Service might be transferred to the private sector, as is already the case with the contract operations carried out in treatment centres run by the South African firm ‘Netcare’, could you please clarify whether a similar arrangement may apply to the Milton Keynes Diagnostic and Treatment Centre now being built on the Hospital Campus?”

Answer from Councillor I Wilson:

“I think, with respect, that you have addressed your question to the wrong person. As you know, the Hospital is not run by the Council. We have power of scrutiny over any decisions that the Health Service might make in the future, but that is our limit. I think you should address your question direct to the Hospital Trust.”

Mr Meredith asked a supplementary question which was answered by Councillor I Wilson.

- (c) Question from J Baker to Councillor I Wilson (Leader of the Council)

Question from Mr Baker:

“In recent years we have seen turnout at elections, both locally and nationally, drop to historically low levels. There are many reasons for this problem, and ‘trust’ in politicians is often cited as a primary reason. For example, in the 2001 election, the Labour Party promised not to introduce tuition fees, yet it has now completely ignored this promise and is legislating to do so. Clearly, this is bound to make many voters feel disillusioned and disappointed.

Would you agree with me that it is vitally important to restore confidence in the political process within the electorate?

Would you agree that by being open and honest with the electorate, you can go a long way to curing these problems?

Can you assure us all that this is a high priority of our Liberal Democrat run Council?”

Answer from Councillor I Wilson:

“Yes, yes and yes.”

BUSINESS REMAINING FROM LAST MEETING - NOTICES OF MOTION

- (a) Parish Councils - Match Funding of Community Safety Initiatives

Councillor Long moved the following motion, which was seconded by Councillor Irons:

- "1. That this Council believes that tackling anti-social behaviour and criminal activity is a top priority for the Milton Keynes Council's Cabinet and that this should be reflected in the 2004/2005 budget.
2. That the Council agrees to make provision in the budget to:
 - (a) match fund all community safety posts appointed by Parish and Town Councils; and
 - (b) match fund CCTV cameras, with Parish and Town Councils in areas where the Police recommend such schemes."

Councillor I Henderson moved the following amendment which was seconded by Councillor McCall:

"That all words after 'a' in Line 2 be deleted and be replaced by the words 'high priority'.

'That the Council:

1. Notes that the vehicle for this work is the Community Safety Partnership, which comprises mainly this Council, the Police and the parish/town councils.
2. Notes that this is an active and successful partnership to which each partner makes a significant contribution both in kind and in resources.
3. Commends the parish/town councils for their contribution, particularly in providing community safety wardens for their own localities.
4. Notes that Council has already contributed funds this year to establish the Safer Communities Unit.
5. Notes that, in the budget for next year, the Cabinet will propose to maintain this investment in tackling anti-social behaviour, despite the deplorable Government settlement which does not allow for growth other than in the schools budget'."

On being put to the vote the amendment was declared carried with 26 Members voting in favour and 19 Members voting against.

On being put to the vote the substantive motion was declared carried with 26 Members voting in favour, 9 Members voting against and 10 Members abstaining from voting.

RESOLVED -

That this Council believes that tackling anti-social behaviour and criminal activity is a high priority.

That the Council:

1. Notes that the vehicle for this work is the Community Safety Partnership, which comprises mainly this Council, the Police and the parish/town councils.
2. Notes that this is an active and successful partnership to which each partner makes a significant contribution both in kind and in resources.
3. Commends the parish/town councils for their contribution, particularly in providing community safety wardens for their own localities.
4. Notes that Council has already contributed funds this year to establish the Safer Communities Unit.
5. Notes that, in the budget for next year, the Cabinet will propose to maintain this investment in tackling anti-social behaviour, despite the deplorable Government settlement which does not allow for growth other than in the schools budget.

(Councillor A Mabbott declared a prejudicial interest in this item and left the meeting, taking no part in the debate or voting thereon.)

(b) Houses in Multiple Occupation

Councillor Long moved the following motion, which was seconded by Councillor Irons:

- "1. That this Council welcomes the setting up of the new Houses in Multiple Occupation (HMO) registration scheme.
2. That given the apparent problems with and concentration of HMOs on estates surrounding the city centre, the Council agrees to request the Cabinet to fund a detailed survey of all properties on Conniburrow, Bradwell Common, Fishermead, Springfield, and Oldbrook and that the survey should be extended to other estates that members or the public identify as having concentrations of HMOs."

Councillor I Henderson moved the following amendment which was seconded by Councillor Tamagnini-Barbosa:

“That Paragraph 2 be deleted and the following be substituted:

- ‘2. That this Council:
 - (a) Notes that, despite the deplorable Government settlement which does not allow for growth other than in the schools budget, the Cabinet will be including, in next year's budget, a proposal to fund a stock condition survey for private housing.
 - (b) Further notes that, given the level of concern with regard to the HMO issue, this survey will pay particular regard to identifying HMOs and improving registration rates.
3. That this Council resolves to continue to encourage parishes, residents' associations and individual residents to notify the Council of properties they believe are HMOs’.”

On being put to the vote the amendment was declared carried with 33 Members voting in favour and 13 Members voting against.

On being put to the vote the substantive motion was declared carried with 33 Members voting in favour, 11 Members voting against and 2 Members abstaining from voting.

The Committee heard from a member of the public on this item.

RESOLVED -

1. That this Council welcomes the setting up of the new Houses in Multiple Occupation (HMO) registration scheme.
2. That this Council:
 - (a) Notes that, despite the deplorable Government settlement which does not allow for growth other than in the schools budget, the Cabinet will be including, in next year's budget, a proposal to fund a stock condition survey for private housing.
 - (b) Further notes that, given the level of concern with regard to the HMO issue, this survey will pay particular regard to identifying HMOs and improving registration rates.
3. That this Council resolves to continue to encourage parishes, residents' associations and individual residents to notify the Council of properties they believe are HMOs.

REPORTS FROM CABINET AND COMMITTEES

(a) Cabinet - 2 December 2003

Local Government Act 2003 - Part 6 (Council Tax)

Councillor Tallack moved the following recommendation, which was seconded by Councillor Long:

“That Council Tax discounts be reduced for:

- (i) second homes to 10%; and
- (ii) long term empty properties to 0%”.

On being put to the vote the recommendation was declared carried with 38 Members voting in favour and 7 Members voting against.

RESOLVED -

That Council Tax discounts be reduced for:

- (i) second homes to 10%; and
- (ii) long term empty properties to 0%.

(b) Cabinet - 16 December 2003

(i) Minerals Local Plan

Councillor McCall moved the following recommendation which was seconded by Councillor Burke:

“That the changes to the Minerals Local Plan be agreed.”

On being put to the vote the recommendation was declared carried with 31 Members voting in favour, 8 Members voting against and 2 Members abstaining from voting.

RESOLVED -

That the changes to the Minerals Local Plan be agreed.

(Councillor Miles declared a prejudicial interest in this item and left the meeting, taking no part in the debate or voting thereon. Councillor I Wilson declared a personal interest.)

(ii) Revenue Budget Monitoring: Period 7

Councillor Tallack moved the following recommendation which was seconded by Councillor I Henderson and on which a recorded vote was requested:

“That a supplementary estimate of £350,000 for the Neighbourhood Services Budget for 2003/04 be agreed.”

The voting was as follows:

FOR: Councillors Benning, Burke, Carrington, Carruthers, Sandra Clark, Stephen Clark, Crooks, Drewett, Eastman, Eaton, Edwards, Fraser, Gerrella, Gillingham, Hardwick, E Henderson, I Henderson, Irons, Legg, Lloyd, Long, A Mabbott, G Mabbutt, McCall, McKenzie, Miles, Monk, Morsley, Pendry, Pugh, Seymour, Snell, Tallack, Tamagnini-Barbosa, Wicker, Williams, I Wilson and K Wilson (38)

AGAINST: Councillors Bartlett, Box, Carstens, Dransfield, Geary, Hopkins, Hoyle and Jury (8)

ABSTENTIONS: None (0)

The recommendation was declared carried.

RESOLVED -

That a supplementary estimate of £350,000 for the Neighbourhood Services Budget for 2003/04 be agreed.

(c) Licensing and Regulation Committee - 17 December 2003
Scheme of Delegation for Licensing and Regulation Functions

Councillor Hardwick moved the following recommendation, which was seconded by Councillor Carruthers:

- “(i) That the Scheme of Delegation for Licensing and Regulation functions, attached as an **Annex to these Minutes**, be approved.
- (ii) That the Scheme of Delegation for various functions contained in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, attached at **Appendix B of the Annex to these Minutes**, be approved”.

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

RESOLVED -

1. That the Scheme of Delegation for Licensing and Regulation functions, attached as an **Annex to these Minutes**, be approved.

2. That the Scheme of Delegation for various functions contained in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, attached at **Appendix B of the Annex to these Minutes**, be approved.

(d) Cabinet - 6 January 2004

Council Tax Base 2004/05

Councillor Tallack moved the following recommendation, which was seconded by Councillor I Wilson:

- “(i) That the Council Tax Base for 2004/05 be set at 74,307.4.
- (ii) That the provision for uncollectable amounts of Council Tax for 2004/05 be set at 1.3%, producing an expected Collection Rate of 98.7%.
- (iii) That duties under Section 84 of the Local Government Act 2003, which direct the adoption of the tax base, be delegated to the Cabinet for the 2005/06 financial year onwards.”

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

RESOLVED -

- 1. That the Council Tax Base for 2004/05 be set at 74,307.4.
- 2. That the provision for uncollectable amounts of Council Tax for 2004/05 be set at 1.3%, producing an expected Collection Rate of 98.7%.
- 3. That duties under Section 84 of the Local Government Act 2003, which direct the adoption of the tax base, be delegated to the Cabinet for the 2005/06 financial year onwards.

CL95

DENBIGH STADIUM

Councillor Legg moved the following motion, which was seconded by Councillor E Henderson, on which a recorded vote was requested:

- “1. That this Council welcomes the decision of the Development Control Committee on the 10 December 2003 (Minute DC67) to support the planning application for the development of a stadium in Milton Keynes.
- 2. That this Council agrees to support the need for the stadium and to make representations to the Secretary of State through the local MPs and the Council Leader to reinforce the strength of the Council’s support for the stadium and associated development.”

The voting was as follows:

FOR: Councillors Benning, Box, Burke, Carstens, Sandra Clark, Stephen Clark, Crooks, Dransfield, Drewett, Eastman, Eaton, Edwards, Geary, Gerrella, Gillingham, E Henderson, I Henderson, Hopkins, Hoyle, Irons, Legg, Lloyd, Long, A Mabbott, G Mabbutt, McCall, McKenzie, Miles, Monk, Pendry, Pugh, Seymour, Snell, Tallack, Wicker, Williams, I Wilson and K Wilson (38)

AGAINST: None (0)

ABSTENTIONS: None (0)

The motion was declared carried.

RESOLVED -

1. That this Council welcomes the decision of the Development Control Committee on the 10 December 2003 (Minute DC67) to support the planning application for the development of a stadium in Milton Keynes.
2. That this Council agrees to support the need for the stadium and to make representations to the Secretary of State through the local MPs and the Council Leader to reinforce the strength of the Council's support for the stadium and associated development.

(Councillors Bartlett, Carruthers and Tamagnini-Barbosa declared prejudicial interests in this item and left the meeting, taking no part in the debate or voting thereon.)

CL96 PROCEDURAL ITEM

The Mayor brought forward items 7 (Appointment to Cabinet) and 8 (Changes in Membership of Committees) to this point in the meeting and indicated that he would combine the two items related to the Comprehensive Performance Assessment.

CL97 APPOINTMENT TO CABINET

The Council noted the resignation of Councillor Seymour from the Cabinet and considered appointing a replacement.

Councillor I Wilson moved that Councillor Sandra Clark be appointed to the Cabinet.

The motion was seconded by Councillor Seymour.

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

RESOLVED -

That Councillor Sandra Clark be appointed to the Cabinet.

CL98**CHANGES IN COMMITTEE MEMBERSHIP**

The Council noted the following changes in membership of Committees:

- (a) Councillor Gerrella replacing Councillor Sandra Clark on the Social Care, Housing and Health Overview Committee;
- (b) Councillor Snell replacing Councillor Gerrella on the Learning, Community and Economic Development Overview Committee; and
- (c) Councillor Seymour replacing Councillor Sandra Clark on the Learning, Community and Economic Development Overview Committee.

CL99**COMPREHENSIVE PERFORMANCE ASSESSMENT**

The Council received the report of the Chief Executive, identifying progress in the implementation of the Council's Improvement Programme.

It was reported that as part of a recent review of the Council's overall assessment the Council's categorisation had been revised from 'weak' to 'fair', which could be attributed to significant improvements in Council services.

Councillor Gerrella moved the following motion, which was seconded by Councillor Tamagnini-Barbosa:

- "1. That the Council's Comprehensive Performance Assessment rating being updated from 'weak' to 'fair', because of improvements in service performance over the last year, be noted.
2. That the Council welcomes its improved score in the recent revaluation of the Comprehensive Performance Assessment."

Councillor Long moved the following amendment which was seconded by Councillor Pendry, which was accepted by the mover and seconder of the motion:

"That the following words be added to the end of the second clause of the motion:

'and notes the importance of addressing the decline in performance in education and the weak transport plans'."

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

RESOLVED -

1. That the Council's Comprehensive Performance Assessment rating being updated from 'weak' to 'fair', because of improvements in service performance over the last year, be noted.

2. That the Council welcomes its improved score in the recent revaluation of the Comprehensive Performance Assessment and notes the importance of addressing the decline in performance in education and the weak transport plans.

CL100

MEMBERS' QUESTIONS

- (a) Question from Councillor Bartlett to Councillor I Henderson:

“Can the Gyosei school site be considered for ‘key worker’ accommodation?”

Answer from Councillor I Henderson:

“I do not think that it would be proper for me to comment on a particular site, but what I will say is that the Council has a policy, as I’m sure you know, that 30% of new housing on new developments will actually be affordable and fall within the affordable category. Clearly, key worker housing falls within that definition. So, 30% of all new developments, both currently and in the Local Plan that is going forward, will be affordable housing.”

Councillor Bartlett asked a supplementary question which was answered by Councillor I Henderson.

- (b) Question from Councillor Bartlett to Councillor I Wilson:

“Can you consider the placement of the proposed Local Delivery Vehicle for the expansion of Milton Keynes in accommodation outside of Central Milton Keynes such as Newport Pagnell, Bletchley, Woburn Sands, Netherfield etc so that the Council’s desire to improve social inclusion, employment opportunities and a reduction in travelling into Central Milton Keynes may be met?”

Answer from Councillor I Wilson:

“I did actually argue quite strongly that the Local Delivery Vehicle, or the Milton Keynes Partnerships Committee as it is now known in the Government’s consultation paper, should be located separately from English Partnerships. I argued that it should not be in the same building because I think it should be seen as separate. However, we lost that argument, partly on cost grounds because, the fact of the matter is, most of the people who will be working for the Local Delivery Vehicle will actually be people who are currently working for English Partnerships. A lot of people who are currently on Milton Keynes’ projects for English Partnerships will transfer to the Local Delivery Vehicle, so, obviously, there is going to be spare space in the English Partnerships building. That is why the Government feel that is the appropriate place for it to be.

I think it is probably sensible to have it in Central Milton Keynes. Whether or not it should be the English Partnerships

building is another matter. A lot of the work is going to involve a lot of contacts and meetings with staff from the Council, some of whom may end up being seconded to the Local Delivery Vehicle. A lot of the contacts, as with English Partnerships, are located in Central Milton Keynes. So in terms of saving driving backwards and forwards and saving the environment, it is probably sensible, given those who are going to be working for the Committee, should be in Central Milton Keynes.

I do think regeneration and finding jobs in other parts of the city is important, and there are plans afoot for both Bletchley and Wolverton's regeneration."

Councillor Bartlett asked a supplementary question which was answered by Councillor I Wilson.

(c) Question from Councillor Bartlett to Councillor McCall:

"Central Milton Keynes is looking more and more like Luton each day - graffiti, rubbish, broken kerbs etc. Will you assure us that the maintenance of the Central Milton Keynes environment will be given high priority; that graffiti in Central Milton Keynes and elsewhere will not be tolerated; that litter on public and private land will be removed and that legislation to impose fines and the full use of the Environment Protection Act will be brought in to effect? Particular instances include Jessops adjacent to the Hockey Stadium; the rear of Central Milton Keynes Library, land east of Central Milton Keynes Railway Station multi storey car park, underpasses from Xscape to the Leisure Plaza."

Answer from Councillor McCall:

"I don't go to Luton very often, so I am not sure whether that is a compliment or an insult. We do not tolerate graffiti in Central Milton Keynes or anywhere else. That is why we introduced the Graffiti Busters, which, as everybody knows, has cleaned off 60,000 graffiti tags, and we will continue to do so. The important points though are, with regard to graffiti in Central Milton Keynes, that we do not work just with our own Graffiti Busters team, but in partnership with other organisations, such as Parish Councils, and the Shopping Management Company. They have now adopted some underpasses in Central Milton Keynes and they are now taking responsibility to clean those, which gives us the opportunity to move our teams to other parts of the Borough.

With regard to litter, I work in Central Milton Keynes and I am thinking Central Milton Keynes is quite a relatively clean place and, in fact, we are getting feedback from partner organisations, particularly the Chief Executive of Centre: MK, who is also happy with the cleaning regime in the City Centre. So, we haven't got a particular problem in the City Centre as such. I can confirm that we have no proposals to reduce the

level of cleaning in those areas and we do pick up litter in public areas. There are some areas around the Borough which, of course, are private, and private owners have the responsibility to clean those up, and, in particularly bad areas, we have taken Litter Abatement Orders out so we can make them do so. If there are particularly areas that Members are concerned about, then we can consider them.

Going on to your point about using legislation to impose fines. We have trained up the Waste Services Officers to issue on-the-spot £50 fines, and have issued over 600 fines. So, we are constantly issuing those fines.

With regard to graffiti on private property, if it is a residential property, we will remove that, free. If it is a commercial property, we will remove it for people, and we have done some private work in Central Milton Keynes, for example, CBX, Theatre District, etc. Jessops is an example about an organisation which has declined our offer to clean up their property, and we can't force people to remove graffiti from their property."

Councillor Bartlett asked a supplementary question which was answered by Councillor McCall.

(d) Question from Councillor K Wilson to Councillor G Mabbutt:

"I have been informed that the necessary de-restriction orders were never introduced on the Milton Keynes extensive grid road system and that consequently the legal speed limit on all such roads (roads having street lights) is 30mph and has been ever since they were built and adopted largely by Buckinghamshire County Council. It is reported to me that officers first became aware of this major omission in the early summer of 2003, as a consequence of work to implement experimental speed restrictions on a number of roads primarily in the Woughton area.

(a) On what date were you informed of this problem? The briefing note that I received from officers on 12 January 2004, suggests you were informed in 'early September'.

(b) Why did you write to me on 19 September 2003 (22.47pm), regarding the proposed reductions in the speed limits on grid roads stating:

'I again apologise for the delay in responding, but I am sure that you will be pleased to hear that the wait has been worthwhile. The proposals on which you and colleagues were consulted on received a favourable response and are being progressed. Unfortunately due to staff shortages, and the difficulties of recruitment, this process is taking rather longer than we would have

liked. The proposals are with the legal dept. and the required traffic regulation orders are being processed'?

- (c) When you wrote this letter were you aware of the problems relating to the de-restriction orders? If so, why did you make no reference to this?
- (d) Why did you not place this matter in the public domain, inform other Members, or anyone else?
- (e) At what point and by what means did you inform the Members of the Liberal Democrat Group? The briefing I have received refers to a decision of the Liberal Democrats Group in October not to proceed with the experimental speed orders. Did you inform that meeting of the issues relating to the de-restriction orders? How, when and by whom was the decision of your political group reported to the Council and its officers?
- (f) Who made the decision not to proceed with the speed reductions consulted upon? Where is that decision recorded? How was it made public? Why were consultees not informed?
- (g) When I asked you about progress concerning the speed reduction proposals on 9 December 2003, why did you say nothing about the problems relating to the de-restriction orders, and referred instead only to a decision not to proceed with the proposal?
- (h) Do you accept that it is unwise to pronounce on the causation of any road accidents prior to the conclusion of any enquiries and quasi-judicial procedures, such as inquests, that may be occurring?
- (i) How long will it take in your estimation to correct the discrepancy between the legal speed limits that currently apply and the signage throughout the grid roads that indicate national de-restricted speed limits applying, and what is your estimation of the costs, including officers' time, legal costs and other costs that will be involved in rectifying this problem?
- (j) The formula for highway maintenance provides for a lower level of government funding for roads that have de-restricted speed limits. How much approximately has been lost in government grant over the years, compared to the funding that would have been available had the legally correct speed limits been applied?
- (k) What legal advice have you taken, and what legal advice has been received on the extent to which Milton Keynes Council or successor bodies may be liable for

negligence, culpability or other matters in relation to this debacle?

- (l) Why have you failed at any time since you were informed have you failed to place this matter in the public domain, or informed other Members of this Council, other local authorities (e.g. Parish Councils), and other interested parties?
- (m) There have been a number of road traffic accidents, some involving death and others serious injury that have occurred on roads first proposed by the Council three or four ago for speed reductions, some of which at least may have had speed as a contributory factor. The Council has now consulted twice on these proposals, the last time being sometime in 2002. What is your answer to the charge that the Council's inactivity and incompetence may have at least contributed towards some of these?
- (n) The Agenda for the Councils Sustainable Transport and Road Safety Forum (STARS) on 14 January 2004 in response to an issue raised by Woughton Parish Council in advance of the recent road deaths, suggests that the Council's staff were too busy with implementing the parking charges at Central Milton Keynes to make progress with the speed reduction proposals. Since when was the implementation of parking charges more important than road safety?"

Answer from Councillor G Mabbutt:

- (a) "I was advised on 9 September 2003, and I received a confirming e-mail on 10 September 2003, together with a copy of the briefing note outlining the issues. This matter was also discussed at my briefing on Friday 12 September 2003. It was agreed that the de-restriction orders would be made at the same time as promoting the experimental speed limit reductions.
- (b) "Because at the time that was the situation as I knew it."
- (c) "Because at that stage I did not consider that it would affect the situation as it was neither relevant nor necessary to the outcome of the implementation of the (then still processing) experimental grid road reductions."
- (d) "I regarded it as a technical matter. There would have been no material benefit in placing this information in the public domain at any point in time."
- (e) "The Group was informed on 15 September 2003 of both the experimental orders and the situation

regarding the grid roads. They requested further information and at a Group Meeting on 20 October 2003, a presentation was given by an officer of the Council. The feeling of the meeting was that the experimental speed limit orders should be revisited as part of a wider review in order to reduce confusion of speed limits on the grid roads.”

- (f) “There has not yet been a formal decision nor has any response been sent to consultees to this effect, as new proposals are being worked up from scratch for re-consultation.

This would have been in accordance with the original decision to investigate experimental speed limit reductions as the original decision was not site specific.”

- (g) “Because I did not think that was relevant.”

- (h) “I have also been advised that we should not talk publicly about the circumstances of the individual accidents which are undergoing police investigation. However, I am sure that the Council would wish to express its sympathy and sadness to all those who have been bereaved in the recent accidents.

You should also be aware that after each accident a site visit between our road safety officers and the Police takes place, and once the accident investigations are completed, if any accident reduction measures need to be implemented, then they will be.”

- (i) “The required information is with the Legal Department to prepare Orders. Once the scale of the issue was established, and this proved to be a significant and time consuming project, the information to progress the de-restriction orders was prepared as fast as practically possible.

The work has been afforded a high priority.

The necessary Orders could be drafted ready for consultation in a month.

There would be a six week statutory consultation period.

If no objections are received, the limits could be implemented within two weeks.

The approximate costs are:

(a)	Legal Notices:	£2,000
(b)	Staff Time:	£3,000

This cost should have been incurred by Buckinghamshire County Council when they adopted or lit the roads, I personally feel that we should charge them as they failed to carry out the work.”

- (j) “This question is irrelevant.

Had the de-restriction orders been put in place by Buckinghamshire County Council, there would not have been any financial changes to what we have been receiving.”

- (k) “I have Spoken to Thames Valley Police and the Council’s Legal Department. There is no liability for negligence upon Milton Keynes Council.

In addition, the fact that once we discovered the error we started putting plans in place to rectify it means that there can be no case for maladministration against Milton Keynes Council”.

- (l) “I regarded it as a technical matter. There would have been no material benefit in placing this information in the public domain at any point in time.”

- (m) “It is not possible to firmly state that the experimental speed limit reductions would have reduced speed - that is why experiments were proposed.

In many cases, reduced limits do not always result in reduced speeds, as in the vast majority of cases drivers do tend to drive at appropriate speeds for the conditions and environment.

The proposals were to be monitored both in terms of speed of vehicles and also casualties.

There are many other often relatively minor contributory factors which can mean the difference between survival and death.

Fatal collisions are certainly in the main random occurrences and overall trend for reducing casualties is going in the right direction.

Members may be interested to know that last year there were ten fatalities on Milton Keynes’ roads, compared with fourteen in 2002 and ten in 2001. The national fatal casualty rates are based on 100 million vehicle kilometres and the national average is nine per 100 million vehicle kilometres. In Milton Keynes, the average per 100 million vehicle kilometres is five fatalities, which is well below the national average. Therefore, Milton Keynes has a lower accident rate and safer roads. Having said that, every death is one

death too many, and we will always strive to make our roads safer.”

(n) “The STARS item indicates that:

‘Proposals were initially delayed whilst traffic and legal teams concentrated efforts on parking issues in Central Milton Keynes’.

Similar circumstances delayed this scheme whilst the previous Labour Administration was in power. I did not hear you complain.”

Councillor K Wilson asked a supplementary question which was answered by Councillor G Mabbutt.

THE MAYOR CLOSED THE MEETING AT 11.33 PM