



Department for
Communities and
Local Government

Transfer of Homes and Communities Agency functions and assets to Milton Keynes Council

Response to discussion letter of 2 October 2012

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December 2012

ISBN: 978-1-4098-3721-3

Background

The Department for Communities and Local Government conducted a consultation exercise between 2 October 2012 and 29 October 2012 to seek views on the proposal to revoke the Milton Keynes (Urban Area and Planning Functions) Order 2004 ("the 2004 Order") and transfer planning functions currently undertaken in Milton Keynes by the Homes and Communities Agency to Milton Keynes Council.

Currently the Homes and Communities Agency undertake certain planning functions in areas of Milton Keynes designated by the 2004 Order and for certain types of development only. For all other areas in Milton Keynes and types of development Milton Keynes Council are the relevant planning authority.

The consultation asked for views on the proposal to transfer these functions from Homes and Communities Agency to Milton Keynes Council.

Conducting the consultation exercise

Given that the issue in question was related to a small number of designated areas it was decided to undertake a specific consultation exercise involving affected parties in the area only. However, the consultation paper was also published on the Department's website and made available on Homes and Communities Agency and Milton Keynes Council's web sites.

The consultation paper was sent to 73 identified individuals representing 66 bodies, organisations, businesses or individual interests.

10 responses were received from 9 respondents, these were made up of:

- 4 individuals
- 1 town planning & urban design company
- 1 union
- 1 Milton Keynes Councillor
- 1 law firm
- Milton Keynes Council
- 1 drainage board group.

Of the 10 responses received:

- 5 were in active support of the proposal to revoke the existing Order on the basis that this action would be returning powers to most appropriate body. The remaining five responses neither supported nor opposed the proposal
- 1 (from the same source in two capacities) sought confirmation that Milton Keynes Council would be caught by the same obligations as the Homes and Communities Agency under the Milton Keynes tariff framework agreement

- 1 sought assurances that Milton Keynes Council had the necessary resource and expertise to undertake the extra functions
- 1 sought reassurance as to the manner in which any staff would be transferring from the Homes and Communities Agency to Milton Keynes Council
- 1 sought assurance that Milton Keynes Council would continue to adopt the flood risk management provisions that the Homes and Communities Agency had adopted within the tariff framework agreement

DCLG response to consultation responses

5 responses were strongly in favour of the transfer and none suggested that the order should not be made. Although, as set out above, wider comments on associated issues were received.

Comment

5 responses supported the proposal to revoke the existing order and to transfer planning powers back to Milton Keynes Council. This was, broadly, on the basis that the Council is best placed to make decisions about local planning matters.

Response

The DCLG agrees with the general point that it is important for locally elected bodies to be responsible for planning matters in their areas. By removing the Homes and Communities Agency's planning functions in Milton Keynes and returning them to Milton Keynes Council, Government is ensuring that the Council is responsible for and has control over development matters in its area.

Comment

Two responses sought confirmation that Milton Keynes Council will continue to be caught by Homes and Community Agency's obligations under the Milton Keynes Tariff Framework;

Response

As set out in the consultation document, the proposal to transfer planning functions is one element of a wider transfer of Homes and Communities Agency's land assets currently in negotiation with Milton Keynes Council. The draft Order (as attached to the consultation document) revokes the existing planning powers of the Homes and Communities Agency. This will have the effect of returning these functions to Milton Keynes Council. The order also makes transitional provision in respect of the exercise of these functions, including the enforcement of existing section 106 agreements. We consider that any obligations of the Homes and Communities Agency under the tariff scheme are properly handled separately from the planning functions order.

Comment

One commented on the approach taken to staff transferring from the Homes and Communities Agency to Milton Keynes Council.

Response

Firstly, the Order revoking the planning functions of the Homes and Communities Agency will not transfer any staff or other assets from the Homes and Communities Agency to Milton Keynes Council. As explained in the consultation document and set out above, the transfer of planning functions is one element in a wider shift of responsibility for land management from the Agency to the Council.

The broader settlement has taken several months to complete and within that time, we understand that some Homes and Community Agency staff have already transferred to Milton Keynes Council (in accordance with TUPE arrangements) in order to maintain a “business as normal” approach to delivery in the area and ensure as much continuity as possible.

It will be the responsibility of both the Homes and Communities Agency and Milton Keynes Council to ensure they are acting in accordance with any relevant employment legislation, practice and protocol.

Comment

One sought assurances that Milton Keynes Council had the necessary resource and expertise to undertake the extra functions.

Response

Milton Keynes Council responded to this consultation exercise and is in favour of the proposed transfer of planning functions.

Once the order is made, responsibility for the exercise of planning functions previously exercised by the Homes and Communities Agency in Milton Keynes will pass to the Council, and it will be its responsibility to provide for the exercise of these.

Comment

One sought assurance that Milton Keynes Council would continue to adopt the flood risk management provisions that the Homes and Communities Agency had adopted within the tariff framework agreement.

Response

The planning functions revocation order will have the effect that planning functions exercised by the Homes and Communities Agency will, henceforth, be the responsibility of Milton Keynes Council.

The flood risk management provisions and other matters set out in the tariff framework agreement are for the Council to consider and take forward as appropriate.

Conclusion

For the reasons set out above, and given that no objections were received to the proposals, the Secretary of State intends to revoke the existing order.