

BOROUGH OF POOLE

CABINET

9 JULY 2013

The Meeting commenced at 7:00pm and concluded at 7:45pm

Present:

Councillor Ms Elaine Atkinson (Chairman)
Councillor Mike White (Vice-Chairman)
Councillors Peter Adams, Mrs Judy Butt, Mrs Xena Dion and Mrs Janet Walton

Also in Attendance:

Councillor Clements

Members of the public present: 1

CA17.13 APOLOGIES FOR ABSENCE – AGENDA ITEM 1

Apologies for absence were received from Councillor Sorton.

CA18.13 DECISIONS OF THE LAST MEETING – AGENDA ITEM 2

DECISION TAKEN

That the Decisions of the last Meeting of the Cabinet, held on 4 June 2013, be approved as a correct record and signed by the Chairman.

For – Unanimous

CA19.13 DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST – AGENDA
ITEM 3

There were no declarations of any disclosable pecuniary interest.

CA20.13 DORSET LOCAL TRANSPORT BODY MAJOR SCHEME IDENTIFICATION
AND PRIORITISATION PROCESS – AGENDA ITEM 4

DECISIONS TAKEN

That Cabinet:

- (i) approves the following Schemes for placement on the long list on behalf of the Borough of Poole, subject to prioritisation being confirmed by the Dorset Local Enterprise Partnership (DLEP) Theme Group and final approval by the Dorset Local Transport Body:

- Poole Bridge Approach spans and refurbishment
 - Completion of Town Side access to the Port of Poole
 - Gravel Hill maintenance works, including reinforcement of embankment and position of cycleway and incorporating improvements to the Gravel Hill/Queen Anne Drive junction.
- (i) Notes the role of the newly formed Dorset Local Transport Board in approving the priorities for the Poole, Dorset and Bournemouth DLEP area and in submitting the proposals to the Government by the end of July 2013.

For – Unanimous

REASON FOR THE DECISION

To provide an outline of the proposed Scheme Identification and Prioritisation Methodology for developing a DLTB Priority Programme for 2015-19 and to seek approval of the major scheme long list for the Borough of Poole, subject to prioritisation and final approval by the Dorset LTB.

KEY DECISION Yes

PORTFOLIO AREA Transportation, Prosperous and Sustainable Poole

DISCUSSIONS/OPTIONS

Councillor Mrs Dion, the Portfolio Holder, introduced the Report, explaining the background to the introduction of Local Transport Boards, a new system for prioritising and funding transport major schemes from 2015, which devolved capital funding to these democratically accountable bodies. The Membership of the Local Transport Body was based on Local Enterprise Partnership (LEPs) geography and in Dorset's case, this was to be based on the boundaries of the DLEP, encompassing the Local Highway Authorities of Dorset, Bournemouth and Poole.

The identification of major schemes and prioritisation process was currently being progressed by the three Local Highway Authorities with the three major schemes detailed in the Decisions Taken identified for the long list and assessed using the Department for Transport's (DfT) early assessment and sifting tool.

Cabinet was advised that funding for transport infrastructure proposals was increasingly complex and, following recent speeches by the Chancellor, it was now clear that Government would be investing further monies into transport, to assist growth and also generate new jobs. It was noted that the full Guidance on future bidding had, however, yet to be released.

At present the Guidance from the Department for Transport relating to short listed schemes through the Local Transport Board showed that a local

contribution of 10% was expected. This level of local contribution need not necessarily be in the form of Public Sector funding and, as with other bids, it could be in kind or through the Private Sector partnership.

Cabinet noted the three stages in the process, noting that three Local Highway Authorities were jointly nearing completion of stage 2 of the process to prioritise the Schemes into a short list. Stage 2 of the prioritisation process was to commence early July and would involve further assessment with the DLEP Connected Dorset Scheme Group on 17 July and approval from the DLEP Board on 23 July.

Final approval of the short list would be sought at the inaugural meeting of the Dorset LTB on 29 July and submitted to the Department for Transport by 31 July 2013. Cabinet noted that some of the Schemes may not progress to stage 3 of the short listing process.

Cabinet was supportive of the Schemes detailed in the Decisions Taken.

CA21.13 COUNCIL BUDGET MONITORING (1ST APRIL 2013 TO 31ST MAY 2013) – AGENDA ITEM 5

DECISIONS TAKEN

That Cabinet

- (i) Note the contents of the Report;
- (ii) Note the budget rebase proposals included in paragraph 4.2 and detailed in the Report of the Strategic Director – People in Appendix D1 to the Report;
- (iii) Approve the Reserves movement in paragraph 4.2 and the Director's Report noted above, subject to the outcome of the Children and Young People Overview and Scrutiny Committee.
- (iv) Approve the action regarding the Efficiency Review Programme (ERP) proposed in paragraph 12 of the Report.

RECOMMENDATION TO COUNCIL

That Council:

- (i) approve the growth requested of £371,000 as detailed in paragraph 4.2 at Appendix D to the Report of the Strategic Director (People Theme) subject to the outcome of the Children and Young People Overview and Scrutiny Committee;
- (ii) approve the capital budget transfers (virements) as set out in paragraph 9.5; and

- (iii) approve the Capital budget transfer of £593,000 relating to the Fleet Replacement Strategy.

For – Unanimous

REASON FOR THE DECISION

To consider the Council's performance against budget for the period 1st April 2013 to 31st May 2013 and the forecast financial outturn for the year.

KEY DECISION Yes

PORTFOLIO AREAS All

DISCUSSIONS/OPTIONS

Councillor Ms Atkinson introduced the Report and was pleased to note that the Cabinet's monthly budget monitoring was ensuring the management of performance against budget and ensuring prompt action was taken when variances occurred.

She invited the Portfolio Holders to address their areas:

Health and Wellbeing

Councillor Adams drew Cabinet's attention to paragraph 3.2, Exhibit 1 of the Report and detailed the significant savings within budget resulting in a saving of £1,632 as a result of a higher level of achievement than expected in demand management initiatives and negotiated funding changes from the NHS. He congratulated the Offices on their efforts in achieving this position.

Families and Young People – The Future of Poole

Councillor Mrs Walton referred Cabinet to Appendix D2 of the Report which detailed proposals for growth and savings within Children's Services budgets.

She outlined the key driver for growth as detailed at paragraph 3.3 of the Report, including increases in birth rate, increases in referrals, response to changes in the Family Law Court process etc.

Councillor Mrs Walton explained that if Poole was to maintain its high standards of Child Care the key areas of concern and proposals developed to address the issues (at paragraph 4 of the Report) needed to be approved and implemented. She explained that the Council would be unable to fulfil its statutory role if these proposals were not approved.

The Chairman congratulated the Strategic Director (People Theme) on an excellent piece of work and supported the proposals for recommendation to Council.

Regeneration and Inward Investment

Councillor White drew attention to the budget transfers requiring Cabinet and Council approval, detailed at paragraph 9 of the Report.

The Chairman expressed her disappointment over the slippage in the Efficiency Review Programme (ERP) of £370,000, explaining that it was vital to the Council's Financial Programming that this remained on track.

CA22.13 MEDIUM TERM FINANCIAL PLAN (MTFP) UPDATE – AGENDA ITEM 6

DECISION TAKEN

That Cabinet:

- (i) Note the need for the refresh of the MTFP to respond to both the short term needs of the Organisation to achieve a balanced budget for 2014/15, whilst also considering the requirement to be able to reconcile the Council's resources in the medium (up to 4 years) to long term;
- (ii) Approve the approach to be adopted in the annual refresh of the MTFP incorporating the revised arrangements, timetable and key milestones as set out in Section 4 to the Report; and
- (iii) Approve the latest assumptions being used in the development of the MTFP as set out in Section 7.2 of the Report.

For – Unanimous

KEY DECISION

PORTFOLIO AREAS

DISCUSSION/OPTIONS

Councillor Ms Atkinson introduced this Report, explaining that the Cross Party Informal Budget Working Party had met on 3 occasions and was proving extremely useful in achieving an early overview of the Budget and in identifying where there were budgetary pressures.

The Chairman explained that the Council had a 10% cut in its funding following the Government's Spending Review, the Council had already budgeted for an 8% cut and had managed to reduce a £34.8M pressure to a £27.8M pressure. There remained a funding gap of £30M over the next 4 years.

Councillor Ms Atkinson also advised that there was likely to be a growth in Social Care demand due to the demographics of the population of the Borough and this was to be kept under review. The Council was working in partnership with Health to achieve Government targets and objectives but,

nevertheless, the Council was facing an accumulative funding gap next year of £5.4M.

CA23.13 ASHDOWN TECHNOLOGY COLLEGE – MAGNA ACADEMY: REPORT OF THE CHAIRMAN OF THE CAPITAL PROGRAMME BOARD – AGENDA ITEM 7

DECISIONS TAKEN

- (i) That Cabinet approve the transfer of assets and obligations to support Aspirations Academies Trust (AAT) to sponsor, Magna Academy, whilst protecting the Council's interests
- (ii) That the land indicated within the area marked by a red line on the Plan at Appendix A is assigned by the Council to the Academy's Sponsor under a 125 year lease arrangement;
- (iii) That the current leases and obligations on the buildings and land within the red line on the Plan are assigned by the Council, with the agreement of the Academy Trust;
- (iv) That the Council proceeds, as planned, to complete the building programme at the school acting as the client with the Contractor and transferring its responsibilities after the defects liability.

For – Unanimous

REASON FOR THE DECISION

To consider the assets and obligations that it is proposed to pass to Aspirations Academies Trust (AAT), the sponsor of Magna Academy which will replace Ashdown Technology College.

KEY DECISION Yes

PORTFOLIO AREA Children and Young People

DISCUSSIONS/OPTIONS

Councillor White, the Chairman of the Capital Programme Board, introduced the Report, explaining that the Capital Programme Board had unanimously approved the recommendations detailed in the Decisions Taken Section for recommendation to Council.

Cabinet noted that the transfer to Academy status had to take place on 1st September 2013. Cabinet supported the proposals for recommendation to Council.

CA24.13 THE EDUCATION ALLIANCE OF CANFORD HEATH (TEACH) – AGENDA ITEM 8

DECISION TAKEN

- (i) That Cabinet recommend to Council the transfer of land and buildings to TEACH in respect of the following four Schools whilst protecting the Council's interest:

Adastra First School
Canford Heath First School
Canford Heath Middle School
Haymoor Middle School

- (ii) That the freehold of the land indicated within the area marked by a red line on each of the plans at Appendix A, B and C is assigned by the Council to the Trust.

For – Unanimous

REASON FOR THE DECISION

To seek Council approval of the assets and obligations that it is proposed to pass to the Education Alliance of Canford Heath (TEACH) in respect of Adastra First School, Canford Heath First School, Canford Heath Middle School and Haymoor Middle School that changed school category from Community to Foundation on 1st March 2013.

PORTFOLIO AREA Children and Young People

DISCUSSION/OPTIONS

Councillor White, the Chairman of the Programme Board, introduced this Report to Cabinet, explaining that he had the unanimous support of the Capital Programme Board and was seeking Council approval for the transfer of land and buildings to TEACH.

Cabinet supported the recommendations.

CA25.13 LONGSPEE SCHOOL – TREGONWELL ACADEMY – AGENDA ITEM 9

DECISIONS TAKEN

- (i) That Council approve the transfer of assets and obligations to Tregonwell Academy in respect of Longspee School whilst protecting the Council's interest.
- (ii) That the land indicated within the area marked by a red line on the amended Plan, circulated at the Meeting and included in the papers for

Council at Appendix A to this Report is assigned by the Council to the Academy Trust under a 125 year lease agreement.

- (iii) That the current leases and obligations on the buildings and land within the red line, detailed on the Plan, are assigned by the Council with the agreement of the Academy Trust.
- (iv) That the Academy Trust be requested to consider retaining the name of the Academy as Longspee in order to retain the historical, maritime connection with Poole.

REASON FOR THE DECISION

To seek Council approval on the assets and obligations that it is proposed to pass to Tregonwell Academy in respect of Longspee School's conversion to Academy status.

KEY DECISION Yes

PORTFOLIO AREA Children and Young People

DISCUSSIONS/OPTIONS

Councillor White, Chairman of the Capital Programme Board, presented this Report which had the unanimous support of the Capital Programme Board. An amended Plan at Appendix B to the Report was tabled at the Meeting.

The Chairman proposed and Councillor White seconded the following:

“That the Trustees be requested to consider retaining the name “Longspee School” in view of recognition of Poole’s historic maritime connection.

Cabinet unanimously concurred with the proposal. It was explained that the name Tregonwell had connections with Bournemouth and it had no special significance within the Borough of Poole, whilst the use of the name ‘Longspee’ would retain Poole’s historic maritime connection.

POST MEETING NOTE

The Academy has clarified the position and the name is “Longspee School - Tregonwell Academy”. There is no proposal to change.

CA26.13

NEIGHBOURHOOD PLANNING – APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD FORUM – POOLE QUAYS: REPORT OF THE CHAIRMAN OF THE ECONOMY OVERVIEW AND SCRUTINY COMMITTEE – AGENDA ITEM 10

DECISIONS TAKEN

- (i) That Cabinet approve the Poole Quays Neighbourhood Forum designation as a relevant body for the purposes of neighbourhood planning within the boundaries of the Neighbourhood Area as set out in the Application.
- (ii) That in the light of (i) above, Cabinet confirm that the area set out in the Application be designated as a Neighbourhood Area for the purposes of Neighbourhood Planning.

For – Unanimous

REASON FOR THE DECISION

To consider the recommendations of the Overview and Scrutiny Committee recommending approval of the designation of this area as a Neighbourhood Forum.

KEY DECISION Yes

PORTFOLIO AREA Regeneration and Inward Investment

DISCUSSIONS/OPTIONS

The Chairman invited Councillor Clements, Chairman of the Economy Overview and Scrutiny Committee, to present his Report. Councillor Clements drew Cabinet's attention to the recommendations outlined in his Report which had been supported by the Committee and drew Cabinet's attention to the draft Minute of the Economy Overview and Scrutiny Committee of 6 June 2013. Much discussion had taken place on the secondary issue concerning the Community Infrastructure Levy (CIL) and its potential impact in terms of the Council meeting its obligations from CIL and the allocation of funds to Schemes outside of the proposed designated neighbourhood area.

Councillor Clements highlighted that this Neighbourhood Forum crossed Ward boundaries. He was supportive of the proposal.

Councillor White, Ward Councillor for one of the Wards affected, explained that he had found those members of the Community seeking such a forum to be helpful and constructive and that this was something "generated by the Community for the Community".

Councillor Mrs Dion queried how the Community would engage and seek the views of other residents and non members of the Forum?

It was explained that this could be an issue but that the Forum was non elected and open to all residents.

Cabinet was supportive of the Proposal and thanked all concerned for the work undertaken so far.

CA27.13 PROPOSED POLICY FOR THE USE OF SOCIAL MEDIA, FILMING AND PHOTOGRAPHY AT COUNCIL/CABINET MEETINGS AND CHANGES IN LEGISLATION AFFECTING CABINET MEETINGS: REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – AGENDA ITEM 11

DECISIONS TAKEN

- (i) That Cabinet request Council Efficiency and Effectiveness Overview and Scrutiny Committee to formulate a policy on the use of social media, filming and photography at Council Meetings for consideration by Cabinet.
- (ii) That, to accord with legislation, Council Efficiency and Effectiveness Overview and Scrutiny Committee be requested to recommend to Council approval of the amendment of its Constitution with regard to the making of confidential executive, (Cabinet or Portfolio Holder) key decisions.

For – Unanimous

REASON FOR THE DECISION

- (i) To seek guidance on policy formulation arising from the Department for Communities and Local Government's recent guidance on the use of social media, filming and photography at Council/Cabinet Meetings
- (ii) to advise Cabinet of changes in legislation which required Council approval for inclusion in the Constitution.

KEY DECISION Yes

PORTFOLIO AREA Public Engagement and Participation; Business Improvement

DISCUSSION/OPTIONS

In the absence of the Portfolio Holder, the Chairman introduced this Report, explaining that, whilst she recognised there was a need for greater openness and transparency at meetings of the Cabinet/Council, she was concerned about the suggestion to allow the use of social media in meetings as she felt it was important that Members concentrated on one task.

Cabinet was concerned that further work needed to be undertaken before a policy was formulated and wished Council Efficiency and Effectiveness Overview and Scrutiny Committee to address the issues the proposal to allow filming of meetings etc would raise and did not agree to recommend the

adoption of the Policy proposed at Appendix 1 to the Report. The Proposal, as detailed at (i) in the Decisions Taken Section, was unanimously approved.

Cabinet agreed that Council Efficiency and Effectiveness Overview and Scrutiny Committee should be requested to establish a Working Party to formulate a policy on the use of social media, filming and photography at Council/Cabinet Meetings.

The change in legislation requiring the Executive (Cabinet) to give at least 28 calendar days notice of its intention to consider a matter in private was a statutory requirement.

Cabinet concurred with the Amendment as detailed in the Decisions Taken.

CA28.13 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) ACTIVITY REPORT: REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – AGENDA ITEM 12

DECISION TAKEN

That the information contained in the Report be noted.

For – Unanimous

REASON FOR THE DECISION

To receive a periodic update on the situation with regard to the Council's use of surveillance powers.

KEY DECISION No

PORTFOLIO AREA Business Improvement

DISCUSSION/OPTIONS

Cabinet was pleased to note the very low level of use of these powers by the Council and when last used had been in the connection with potential criminal offences.

CA29.13 JOINT WORKING WITH POOLE HARBOUR CANOE CLUB AT LAKE PIER: REPORT OF THE CHAIRMAN OF THE ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

DECISIONS TAKEN

That Cabinet approve:

- (i) The adoption of a joint working project with Poole Harbour Canoe Club, as detailed in the Report to the Environment Overview and Scrutiny Committee and Cabinet;

- (ii) That any future decisions required on this issue be delegated to the Head of Environmental and Consumer Protection Services in consultation with the appropriate Portfolio Holder(s) and the Ward Councillors.

For – Unanimous

REASON FOR THE DECISION

To consider the recommendations of the Environment Overview and Scrutiny Committee.

KEY DECISION

PORTFOLIO AREA Leisure/Community Engagement and Environment

DISCUSSION/OPTIONS

In the absence of the Chairman of the Environment Overview and Scrutiny Committee, the Portfolio Holder, Councillor Mrs Butt, introduced the Report. She explained that there had been a great deal of co-operation from the Poole Harbour Canoe Club over this proposal and she was delighted that the Council was to proceed with a joint working venture to rebuild the Club's facilities at Lake Pier and to include the provision of public toilets. She felt this was an excellent example of localism in action and thanked all concerned for the work undertaken to get to this stage.

Cabinet was pleased to note that work was to proceed under a joint working venture for the provision of a new building at Lake Pier with public toilets, a club house and a visitor shelter. The inclusion of consultation with Portfolio Holders and Ward Councillors was welcomed, as was the delegation to the Head of Service in order that matters could be progressed.

CA30.13

NAMED SUBSTITUTES FOR TRANSPORTATION ADVISORY GROUP

DECISION TAKEN

That the following Liberal Democrat Members be appointed as Named Substitutes to the Transportation Advisory Group:

Councillors Brian Clements, Michael Brooke, Mrs Sandra Moore, David Brown and Graham Wilson.

For – Unanimous

REASON FOR THE DECISION

To approve named substitutes.

KEY DECISION No

PORTFOLIO AREA Resources

DISCUSSION/OPTIONS

CA31.13

URGENT BUSINESS – SUPPLEMENTARY AGENDA ITEM – EUROPEAN MARITIME DAY: REPORT OF THE HEAD OF PLANNING AND REGENERATION SERVICES – AGENDA ITEM 15

DECISION TAKEN

That Cabinet welcome the proposals for Poole to host the European Maritime Day in 2017 and ask Officers to proceed with the continued development of a business case and governance arrangements for the Event.

For – Unanimous

REASON FOR THE DECISION

To formally acknowledge the success and endorse the bid made by the Borough of Poole.

KEY DECISION Yes

PORTFOLIO AREA Economy/Tourism

DISCUSSION/OPTIONS

In accordance with Section 100B(4) of the Local Government Act 1972, the Chairman allowed consideration of the above item as a decision was required before the next scheduled meeting of the Cabinet.

Cabinet was appraised of the background to the European Maritime Day, the current status of the Bid and its implications.

CHAIRMAN