

**BOROUGH OF POOLE**

**COUNCIL**

**16 DECEMBER 2008**

The Meeting commenced at 7.00pm and concluded at 9.48pm

Present:

Councillor Mrs Lavender (Mayor)  
Councillor Allen (Deputy Mayor)  
Councillor Meachin (Sheriff)  
Councillors Adams, Ms Atkinson, Brooke, Brown, Burden, Mrs Butt, Chandler, Clements, Collier, Curtis, Mrs Dion, Mrs Evans, Gillard, Gregory, Mrs Haines, Leverett, Mrs Long, Maiden, Mason, Matthews, Mrs Moore, Rampton, Plummer, Parker, Mrs Stribley, Trent, White, Miss Wilson and Woodcock.

Members of the public present at the Meeting: approximately 6

Members of the Standards Committee present at the Meeting: 2

C105.08 PRAYERS

The Late Mr Denys Lavender

Prayers were said, incorporating a tribute to the late Mr Denys Lavender, Mayor's Escort, who had died recently after a short illness. Members had supported the Mayor and had attended Mr Lavender's Funeral on the 11<sup>th</sup> December 2008. Denys had been a great support to the Mayor during their fifty years of marriage and her work as a Councillor in particular, during her term of Office as Mayor and he would be sadly missed.

All present stood in silent tribute.

C106.08 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Deas, Eades Martin, Montrose, Mrs Rampton, Mrs Walton, Wilkins and Wilson.

C107.08 MINUTES

RESOLVED that the Minutes of the last Extraordinary Meeting of the Council, held on the 4<sup>th</sup> December 2008 and the State of the Area Debate Council held on the 4<sup>th</sup> December 2008, having been previously circulated, be taken as read and confirmed and signed by the Mayor; subject to the addition of the Appendix detailing the Financial Breakdown for the Bridge to the Extraordinary Minutes of the Council 4<sup>th</sup> December 2008 and Councillor Trent's name being listed in the Apologies for both the Extraordinary Council Meeting and the State of the Area Debate Council.

**C108.08     DECLARATIONS OF INTEREST**

Councillor Mason declared a personal interest in Agenda Item 17 Old Town First School and Nursery: Extension Project and Children's Centre Project as his Grandchild attended Old Town First School Nursery.

Councillors Mrs Evans and Bulteel declared prejudicial interests as Governors of Old Town First School in the same Agenda Item 17.

Councillor Brown declared a personal interest in Agenda item 8, Medium Term Financial Plan 2009/10 to 2011/12: Update Report: Report of the Leader of the Council and Chairman of the Cabinet, as a Foster Carer for the Borough of Poole and in Agenda item 10, Corporate Asset Management Plan 2008/9: Report of the Portfolio Holder for Council Efficiency and Effectiveness, page 34, Appendix to Capital Disposals Programme.

Councillors Allen, Bulteel and Gregory all declared personal interests as Members of the Fire Authority in Agenda item 13, Question to the Fire Authority from Councillor Daniel Martin.

**C109.08     MAYOR'S COMMUNICATIONS**

The Mayor drew Members' attention to the list of Engagements she had attended from the 24<sup>th</sup> October to the 13<sup>th</sup> December, details of which had been tabled at the Meeting.

In particular, the Mayor was pleased to note that Prince Edward, the Earl of Wessex, had officially opened the Old Town First School Extension and Nursery Project on the 4<sup>th</sup> December 2008 and she had attended with the Civic Party. She had also enjoyed a Dorset Youth Orchestra Concert and was very keen for the Council to acknowledge the Young People's success in achieving seven Gold Medal Standard of the Duke of Edinburgh Awards out of the 200 Duke of Edinburgh Awards she had presented, an increase in 50 from last year.

Council joined in congratulating all those participating in the Duke of Edinburgh Awards Scheme.

**C110.08     PRESENTATION OF PETITIONS**

**(a)     From Members of the Public**

No Petitions had been received.

(b) From Members

(i) Replacement fencing Haymoor Middle School

Councillor Mrs Moore presented a petition from residents requesting that fencing be replaced at Haymoor Middle School.

(ii) Parking Restrictions: Kingsbere Road

Councillor Adams presented a petition on behalf of residents of Kingsbere Road requesting the Council to improve visibility and ease congestion for residents.

RESOLVED that the two petitions be referred to the Overview and Scrutiny Board for onward transmission.

C111.08 MEDIUM TERM FINANCIAL PLAN 2009/10 TO 2011/12: UPDATE REPORT: REPORT OF THE LEADER OF THE COUNCIL AND CHAIRMAN OF THE CABINET

Councillor Leverett introduced his Report, explaining that, since his Report to Council had been circulated on the 8<sup>th</sup> December 2008, he had had time to review matters in the light of the extraordinary economic circumstances and no longer wished to defer consideration of this item. He moved an Amendment, which was seconded, in the following terms:

Paragraph 2.1 (ii) (i) delete “including £400,000 so far identified in 2009/10” to read: “Effective use of extraordinary surplus forecast currently in respect of the 2008/9 outturn position be made by: (i) applying up to £1M to fund known “one-off” in-year funding pressures over the lifecycle of the forthcoming Medium Term Financial Plan.” ...

Councillor Leverett explained that Cabinet, at its Meeting on the 2<sup>nd</sup> December 2008, had unanimously supported the recommendations as detailed at 2.1 of his Report to Cabinet.

He explained that since his Report had been circulated, he had had chance to review the situation, noting that interest rates had fallen, income was less than predicted, which had given the Council latitude with windfall savings and some “one-offs” had been found to reduce budget pressures. He was creating a contingency fund of £750,000 to mitigate unforeseen risks and he felt it was prudent to set aside this windfall money.

The Opposition spokesperson on this item, Councillor Clements, thanked the Mayor for allowing longer than that specified in the Council’s Constitution to debate this item, but since he had thought from the Council Agenda papers that the item was being deferred, and was not aware until 5pm today that this item was being debated, he had had little time to prepare for this evening.

He referred to page 13 of the Report to Cabinet and Council, which included an extract from the Area Committees on consideration and comments on the Medium Term Financial Plan. He explained that, in this the Leader had clarified that at the Newtown and Parkstone Area Committee Meeting on the 12<sup>th</sup> November 2008, that no Council Tax payers money was being used for the Regional Infrastructure Funding (RIF) payment for the Bridge, but that the Council had to plan ahead and he queried whether the Leader would be able to guarantee that the Bridge would not require funding from Council Taxpayers in the long term? He queried how much more Council Taxpayers would have to pay next year? He requested that, at the Budget Council in February of 2009, the Leader should make a clear statement on any charges that the Council was proposing to increase and any reduction in service against this year's Budget, which would result in cuts. He wanted, clearly outlined, any additional charges that were proposed.

A Member commented that he had considerable concerns over the Council's Medium Term Financial Plan, in particular relating to Children's Services and monies resulting from windfall in interest rates. He referred to Appendix B of the Report, page 45 of the Extract from the Children and Young People's Overview and Scrutiny Committee of the 27<sup>th</sup> of November 2008, consideration of the Budget where it was stated that "additional staff reductions to give Budget savings of £326,000 were planned during the period of the Medium Term Financial Plan (MTFP).

He queried whether this was Budget cuts and explained that he hoped that this was not the case as, at Key Stage 2, Poole's young people's performance in Maths was amongst the worst in the Country. He commented that the Council had schools in Special Measures and there was a continuing need for improvement, not a reduction in Budget. He was not happy with the proposals for the Council Medium Term Financial Plan on that basis.

A Member also expressed surprise that this item was being debated this evening expecting to support a deferral. He felt that during this fluid financial situation, more detailed accurate forecast was needed to make a decision. He queried whether there was more information on the effect of cuts in library hours, whether additional charges were being introduced, whether in order to suggest increasing car park charges and asked for more facts with regard to savings and efficiencies.

A Member referred to page 20 of the Report relating to the drug and alcohol services noting that there was to be no additional investment by the Borough of Poole, but, that no allowance was made for inflation. She also referred to the Children and Young People Social Care figures detailed at page 46 of the Report and was concerned that there appeared to be a saving factored into the Medium Term Financial Plan of £104,000. She called for a full scrutiny of Childrens Services particularly in the light of the 'Baby P' case.

A Member responded to the queries on the Medium Term Financial Plan querying where the savings required by Gershon would be achieved by the Opposition? He congratulated Cabinet on the proposals outlined.

In response, a Member explained that his concern, in particular with regard to proposed savings on staff budgets in Children And Young People Service - Strategy, Quality, Improvement, he wished to see more spent on staff restructuring to provide better staff to ensure a better process of design and estimate of projects such as Old Town First School and more effort placed on improving Key Stage 2 results for the Borough.

A Member responded explaining that tenderers for Old Town First School were appointed by the School, not the Council.

With regard to “Looked After Children” a Member explained that the figures quoted were not savings but a reduction in budget estimates as there had been a reduction in the number of “Looked After Children” due partly by stability of placements and more specialised fostering than children being placed out of the Borough.

The Mayor invited Councillor Leverett to sum up the debate on his Amendment.

Councillor Leverett explained that he felt it was prudent to revert to a “fall back” position following analysis which had only completed earlier today. It seemed prudent to reserve £400,000 as a consequence of the continually changing budget situation.

With regard to the funding of the second Harbour crossing he explained that the RIF funding was the responsibility of landowners. The interest was not to be funded from Council Taxpayers. With regard to the reference to cuts in library services Councillor Leverett explained that this was not a cut, but a rationalisation of opening hours meaning that the libraries were open when most frequently used.

On being put to the vote the Amendment was CARRIED.

It was moved, seconded and RESOLVED that

- (i) Portfolio Holders and Strategic Directors ensure that final proposals for Service savings and efficiencies are ready for inclusion in the final Medium Term Financial Plan (MTFP) to be reported to Cabinet in February 2009 further to paragraph 6.1 (a) of the Report:
- (ii) Effective use of extraordinary surplus forecast currently in respect of the 2008/09 Outturn position be made by:
  - (i) Applying up to £1M to fund known “one-off in-year funding pressures over the lifecycle of the forthcoming MTFP;
  - (ii) Creating contingency fund of up to £750k for use in 2009/10 as required to help mitigate the financial risk to the Council arising from future interest rate movements in the light of ongoing volatility of the financial markets, the economic downturn and potential deflation in 2009/10; and

- (iii) Using any residual monies to replenish un-earmarked reserves consistent with the principles and recommendations regarding the treatment of reserves as set out in a previous report to Cabinet on 9 September 2008.

C112.08 MERGER OF POOLE AND BOURNEMOUTH ADULT LEARNING SERVICE:  
REPORT OF THE PORTFOLIO HOLDER FOR STRENGTHENING OUR  
COMMUNITIES

Councillor Adams, the Portfolio Holder, introduced his Report explaining that he was seeking Council's agreement, in principle, to the merger of the Poole and Bournemouth Adult Learning Service from the Academic Year 2009/10.

Cabinet at its Meeting on the 2<sup>nd</sup> December 2008 had unanimously approved the merger for recommendation to Council. A Joint Bournemouth and Poole Member Working Party had been established to explore the possibility of a single joint Adult Learning Service to ensure that the service maximised benefits for learners and residents. The Working Party had considered in detail the benefits and risks of the proposals of combining the two services including a governance model, financial issues and the need for consultation. Councillor Adams felt that the merging of the two Services would be a step forward for improved facilities for the conurbation and that a joint prospectus would be produced next year.

A number of Members spoke against the proposal explaining that there were concerns about the number of projects on which Bournemouth and Poole were collaborating feeling that it was the creation of a "Wessex City" and that Poole's interests may be submerged and lost in favour of those of Bournemouth. A Member explained that Bournemouth Borough Council had more funding than the Borough of Poole for Adult Education so he did not feel that it was equitable that Poole should join with Bournemouth for this service provision. A Member of the Working Party who supported the principle of a Bournemouth and Poole merger was unable to support the proposals before the Council as at the last meeting of the Working Party it was felt there was insufficient financial detail. Currently Bournemouth Borough Council was a £1¼M overspent and Bournemouth Borough Council had Senior staff vacancies in Adult Learning it felt like the Merger was being rushed through without additional financial advice. She felt that the issues of staff pensions, redundancies etc., had not been fully explored and that these needed to be considered in detail by each of the Education Authorities. She felt that the financial risks to the Borough were not recognised at Cabinet. The Member also felt that the final decision should not be delegated to the Chief Executive even, in consultation with the Portfolio Holder, but be a decision of the Council. She then moved the following Amendment which was seconded:

"That the final decision for Poole to merge, based on an acceptance of a viable Financial Plan be made by Council".

A number of Members spoke in support of the Amendment explaining that it was felt that merging with Bournemouth was not the only way forward and that the Council needed to look at other options. A Member felt that the governance

arrangements had not been properly explored and that the proposal was effectively the creation of a quango with no reference of how it would report back to this Council.

A Member commented that he felt certain Members were seeking a device to oppose the proposed merger without actually fully disregarding it. He acknowledged that Council agreed Policy and Strategy but that details were normally delegated to officers or the Portfolio Holder.

A Member commented that a merger was a totally new proposition most other things were a partnership and it was very important the full consideration was given by the Council to this proposal. It was clear from the Working Party that no-one understood the financial aspects and that the Council was being pressured by Bournemouth Borough Council into a merger to satisfy its own financial considerations.

**Note – Councillor Matthews declared a personal interest as an employee of Winton Media College.**

In response the Portfolio Holder explained that the method of financing was clear, it was on a per learner basis and the number of learners in total were between Bournemouth Borough Council and the Borough of Poole and the funds would be ring-fenced and only spent in the Adult Education area. He noted there was uncertainty with regard to Government funding and that there could be a “claw-back” if the requisite number of learners were not enrolled. The Government “claw-back” for 2008 was not made until 2009 and this would be finally rectified in 2010/11.

On being put to the vote the Amendment was LOST.

Members then debated the Substantive Motion.

A number of Members spoke in support of the merger explaining this was meant that one prospectus would be produced providing classes for adult learners across the Borough. This would provide a better provision of Adult Education for residents using public funding more effectively. It was agreed that there was a need for the governance issues to be clearer and this would be established before the merger was undertaken, joint working was a powerful way to deliver services, due diligence was important.

Members were assured that this Administration had no wish to combine all services with Bournemouth, this was not a merger across the board but proposed for those services where there was a benefit for Poole residents.

It was moved, seconded and RESOLVED that Council

- (i) agree, in principle, to the merger of Poole and Bournemouth Adult Learning Services from the Academic Year 2009/10;
- (ii) note that the merger will be dependent on further financial analysis and due diligence;

- (iii) agree the final decision for Poole to merge, based on the acceptance of a viable financial plan, be delegated to the Chief Executive in consultation with the Portfolio Holder; and
- (iv) agree that if the merger is agreed, that the Service Unit Headquarters is likely to be based in Bournemouth and the employing Council to be the Borough of Poole

**C113.08     CORPORATE ASSET MANAGEMENT PLAN 2008/9: REPORT OF THE PORTFOLIO HOLDER FOR COUNCIL EFFICIENCY AND EFFECTIVENESS**

Councillor Sorton, the Portfolio Holder, introduced his Report which sought approval of the Corporate Asset Management Plan and for a series of actions to improve the Council's management of its property assets.

He explained that the Council was a significant landowner in the Borough. Virtually all Council projects had a property dimension, for instance Fourways, the Town Centre regeneration, the Materials Recycling Facilities and Hamworthy Library.

In November 2007 the Cabinet adopted the Asset Management Strategy. This was designed to look at all the Council's land and buildings strategically, to ensure that they met with the Council's Corporate Strategy for the benefit of residents and staff.

The Strategy informed the Council where it wanted to be and told us where it wanted to go. He advised that this route could be achieved by means of the Asset Management Plan, revised and updated on an annual basis.

The Asset Management Plan 2008/9 was before the Council and was very detailed. Councillor Sorton highlighted the more important milestones as follows:-

- (i) The Council was fostering partnership working through Poole Partnership which engages with other statutory authorities and the voluntary sector. We are also co-operating with local and other authorities outside the Borough, for instance with Bournemouth Borough Council, over the Employee First Project, and Bournemouth Borough Council and Dorset County Council through the medium of the Multi Area Agreement.
- (ii) The Council was managing the Council's property estate on a proactive basis, which had resulted in an increase in the rent roll of £300,000 per annum and covenant approvals estimated this year to produce £215,000.
- (iii) Through the Business Transformation Agenda the Council was seeking to rationalise the Council's office and other requirements; for instance the Property Services Service Unit had relocated to the Civic Centre Annex from Jade Manor Court, resulting in a rent saving of £100,000 a year, apart from the time saved in travelling between offices. A



comprehensive Office Accommodation Review was being worked on, which would doubtless suggest further rationalisation in the Council's property estate.

- (iv) Property Services was working towards shifting the balance in the maintenance of Council buildings to planned maintenance from response maintenance.
- (v) Property Services was working towards making 50% of Council buildings compliant with the requirements of the Disabled Discrimination Act. Members were aware that work would shortly start in providing a lift from the Members' Entrance in the Civic Centre to the first floor, which will give easy access to the Council Chamber and the Committee Suite.
- (vi) Councillor Sorton drew Members' attention to the most important innovation this Year which was the establishing of the Asset Management Group, which took a strategic and collaborative overview of the Council's land and buildings. This comprised the Heads of the relevant Service Units having an interest in the land and property under discussion. Councillor Sorton was a Member of this Group as the Cabinet representative.

A Member welcomed the Plan and its successors but drew attention to two issues with regard to the list of site proposals withdrawal and stated that Ward Members involved in sites in the Wards should be consulted at the earliest possible opportunity and this was not happening. He referred to the Appendix at page 34 and queried who was involved in the Asset Management Group in particular with regard to the Anjou Close site as he had been consulted by Strategic Planning on possible uses for this site which did not appear to have been considered by Property Services.

A Member also expressed concern and disappointment that with regard to the Disability and Discrimination Act the Borough had done far too little, too late and she queried how long it would take in order that the Borough owned properties were compliant with the Disability and Discrimination Act?

It was explained that 100% compliance would not be achieved as the test of reasonableness was taken into account in buildings already in existence.

A Member referred to the Asset Management of Poole Housing Partnership Limited in particular with regard to 88 Alexandra Road explaining that it had been sold on the open market. He queried that if any property Poole Housing Partnership managed properly became surplus to requirements then should it not be returned to the Council's housing allocation? He felt Poole Housing Partnership Limited should be used more constructively as a housing provider.

**Note – Councillor Bulteel declared a personal interest as a Director of Poole Housing Partnership Limited.**

A Member referred to page 54, property at Terrace Row “formerly required” explaining that this should be looked at in respect of the larger site as it was understood this the site next to it was being marketed.

In response to a Member’s query with regard to the property on Alexandra Road it was explained that the housing management was not the housing provider, this had been a hostel and it was no longer fit for purpose.

The Portfolio Holder responded explaining that with regard to the property at Anjou Close he would refer this matter to Property Services. He advised that Ward Members had no right of veto but were given the opportunity to make representations. He thanked the Member concerned with regard to the comments on the Terrace Row property explaining that this particular property was in a bad state but that he would make enquires with regard to its marketing as part of an overall, larger site.

It was Moved, Seconded and

RESOLVED that Council approve the Corporate Asset Management Plan 2008/9 (AMP).

**C114.08     NOTICE OF MOTIONS**

The following Motion had been received:-

**(i)     Tree Management Policy**

“It is over two years since a review of the Council’s tree management policy was requested and as no such review has appeared then we, the undersigned, once again request that the Council does actually review its Tree Management Policy and in doing so address the following issues: -

- (i)     The current Policy of only carrying out works on Council owned trees in the event of trees being deemed dead, dying or dangerous is having an adverse impact on the quality of life for Poole residents; and
- (ii)    The current Policy of leaving standing deadwood needs to be applied in a sensitive fashion, particularly when the tree is within close proximity of residential properties.”

Signed:        Councillors Matthews, Mrs Moore, Brooke, Clements, Mrs Long, Wilson, Martin and Allen.

RESOLVED that the above Motion be referred to the Overview and Scrutiny Board for onward transmission.

The following Motion had been received:-

(ii) Remembrance Sunday

“This Council recognises the good work of our local British Legion members, including their efforts for this year Remembrance Service and of those Police Officers who safeguarded this year’s Remembrance Sunday Parade. In doing so, this Council will right to both the British Legion and the Police thanking them for their efforts and also wholeheartedly supports the campaign for better funding for our local Policy Authority.”

Signed: Councillors Martin and Brooke

It was moved, seconded and

RESOLVED that the above Motion be CARRIED.

C115.08 CHANGE IN MEMBERSHIP OF SAFER PARTNERSHIP BOARD

RESOLVED that Councillor Adams replace Councillor Leverett on this Board.

C116.08 QUESTIONS RELATING TO POLICE AND FIRE AUTHORITY

RESOLVED that in the absence of Councillor Martin, the questioner, a written response be circulated to his question.

C117.08 QUESTIONS RELATING TO GENERAL BUSINESS

Five Questions had been received. In the absence of the questioner, Councillor Martin it was agreed that written responses should be sent to the three questions he had raised. The Questions and Answers are appended to these Minutes.

C118.08 URGENT BUSINESS: SUPPLEMENTARY AGENDA: APPOINTMENT OF THE HEAD OF PLANNING AND REGENERATION: REPORT OF THE PORTFOLIO HOLDER FOR DEVELOPING A DYNAMIC ECONOMY

In accordance with Section 100B(4) of the Local Government Act 1972 the Mayor allowed consideration of the above Supplementary Agenda item as a decision was required before the next scheduled Meeting of the Council.

Councillor Parker, the Portfolio Holder for Developing a Dynamic Economy, informed the Council that the Appointment Panel had interviewed 8 candidates for the above post with 4 candidates shortlisted for the final interviews. It had been agreed that Mr Thorne, currently Head of Development Services at Salisbury District Council, should be appointed.

RESOLVED that Mr Stephen Thorne be appointed as Head of Planning and Regeneration to commence employment with the Borough of Poole not later than the 30<sup>th</sup> March 2009.

**C119.08     EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public and press be excluded from the Meeting for the business specified in Items 17 and 18 of the Agenda because it was likely that if Members of the present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the said Act and the public interest in withholding the information outweighed the public interest in disclosing it.

**C120.08     SECURING THE FUTURE OF POOLE'S WASTE STRATEGY:  
ACQUISITION OF A SITE FOR THE DEVELOPMENT OF A MATERIALS  
RECOVERY FACILITY (MRF): REPORT OF THE PORTFOLIO HOLDER  
FOR THE ENVIRONMENT**

[With the consent of the Meeting, the Mayor varied the order of the Agenda.]

Councillor Collier, the Portfolio Holder, introduced his Report informing Council of the latest progress in securing a site for the development of the Material Recovery Facility. He was seeking agreement in principle to proceed with preparatory work with the aim of a joint purchase with Bournemouth Borough Council with the subsequent disposal to Viridor of a plot of land which was an appropriate part of the site currently in private ownership. He explained that it was necessary to seek Council's agreement to the principle of Compulsory Purchase of the site with preparatory steps being taken concurrently with negotiations to acquire the site by agreement.

He outlined the history of this site. Council noted that the outline business case had established the principle that the Council(s) would provide a suitable site and Viridor would fund and carry out all design, construction and commissioning works and subsequent operation of the site for the duration of the Poole Viridor Waste Management Contract. Under a back to back agreement the site would be leased to Viridor for the duration of the contract.

Council noted that a Report with all the details that were required by legislation would be submitted for Council approval in the event of a full Compulsory Purchase Order (CPO) becoming necessary but that initial discussions with the site owner were encouraging in its possible acquisition.

The outline business case approved by Cabinet outlined projected gate fees for recycle recovery at the MRF but assumed the site could be acquired and that the Council would have sufficient capital resources available to fund this acquisition and therefore would generate the necessary finance by way of prudentially borrowing.

Joint purchase with Bournemouth Borough Council would share the risk of the venture and provide capital towards the acquisition costs of the site potentially releasing funds for other essential services and/or reducing the Council's borrowing requirements.

Councillor Collier informed the Council that Bournemouth Borough Council had more recent experience in the execution of CPO powers and would add value and provide skills to the site procurement process. Joint acquisition would contribute significantly to the strategic aims of the Councils to work together where mutual benefit and best value for Council tax payers was gained.

If approved preparatory work to acquire the site and Project Teams would be undertaken from a combination of a contribution from the original budget allocation, the contribution from Bournemouth Borough Council and by utilising the underspend in waste disposal costs forecast for 2008/9.

Councillor Collier drew Members' attention to the risks in undertaking this Project as detailed at paragraph 8 to his Confidential Report.

A Member informed the Council that complaints had been received from residents in Stinford Road about the increase and usage by heavy goods vehicles of this road. Councillor Collier agreed to take this up with Environmental Services and Consumer Protection.

It was Moved, Seconded and

RESOLVED that Council

- (i) approve the proposal that the Head of Property Services proceeds with the necessary preparatory work for the purchase of the required plot of land on the basis of the joint funding with Bournemouth Borough Council subject to an agreement to the principle that Bournemouth will retain its interest in the plot as long as it continues to make substantive use of the Material Recycling Facility (MRF);
- (ii) approve the principle that a Compulsory Purchase Order (CPO) may be pursued to acquire the required part of the site not currently in Council ownership should negotiations to acquire the land by agreement prove unsuccessful;
- (iii) agree that if agreement cannot be reached with Bournemouth Borough Council on joint purchase terms then the Council should proceed with this site purchase preparatory work on the basis of the sole purchase by the Borough of Poole; and
- (iv) approve the use of the 2008/9 underspend on Waste Disposal Costs (currently forecast to be £57,000) to be used to supplement the £300,000 previously allocated to fund the MRF Project Team to full business case stage.

C121.08     OLD TOWN FIRST SCHOOL AND NURSERY – EXTENSION PROJECT  
AND CHILDREN CENTRE PROJECT: REPORT OF THE PORTFOLIO  
HOLDER FOR CHILDREN AND YOUNG PEOPLE

**Note – Councillors Bulteel and Mrs Evans having declared a prejudicial interest in the above Item left the Meeting before discussion and voting thereon.**

Councillor Woodcock, the Portfolio Holder, introduced his Report explaining that the first design of the Project had tried to match the old building which had proved impossible within budget and the design had had to change which had resulted in an increase in the Budget.

He had asked the Strategic Director, Mr Jim Bright, to challenge any additional claims which, unless fully supported with documentation, were not to be paid. Councillor Woodcock believed it was right to query the first project proposals as this had resulted in a better scheme which better integrated into the environment.

Cabinet, at its meeting on the 4<sup>th</sup> November 2008, had considered and approved the proposals requesting delegated authority for the Chief Executive to approve virement and funding in consultation with the Portfolio Holder.

Members noted that the additional funding required for this project could be found from the Children Services Capital Programme which had a contingency of £2.3M at present of which £1M was committed for the Pupil Referral Unit. The Project had required additional work over and above the approved budget and at least a further £216,000 from the Childrens Services Capital Programme Contingency to cover the undisputed additional costs was required.

Council noted there was also a further risk that further additional funding may be required although it was hoped that, by challenging the claims and with cost contact management of the remaining work this full sum may not be required.

A Member spoke of his concerns with this Project explaining that he had on so many occasions pointed out the inadequacy both in the Scheme and in expenditure incurred.

A Member commented that this was now a splendid building but the Council could not afford to make any more mistakes.

A Member queried why the Portfolio Holder had not exercise due diligence and had allowed the Project to go so far over budget? A Member also expressed incongruity that there was an absence of a signed agreement.

The Portfolio Holder explained that the former Director of Childrens Services and he had decided that the Project should go ahead without a contract in view of the time constraints. There was a choice made in that the Project could wait until a contract was in place or it could commence and be ready in time to accept children from September 2008. He agreed that lessons had been learnt but emphasised that the Council was now in possession of an attractive extension to the Old Town First

School and that a Children Centre had been built. He accepted that the delegation should be to the Chief Executive but in consultation with himself as Portfolio Holder.

It was Moved, Seconded and

RESOLVED that

- (i) Council give delegated authority to the Chief Executive in consultation with the Portfolio Holder to approve the virement of funding from the Childrens Services Capital Programme Contingency to this Project to ensure sufficient funding exists to cover the Council's potential contractual obligations.

The Chief Executive will report back to Council at the appropriate time to advise of the exact value of virement that was required.

- (ii) Council noted that the Chief Executive's intention based on legal advice to robustly challenge the financial claims made by the Contractor resulting in arbitration or even litigation be noted.

**MAYOR**

**QUESTIONS AND ANSWERS UNDER STANDING ORDER 9.2 TO 9.4**

**1. Question to Councillor Parker, Portfolio Holder for Developing a Dynamic Economy from Councillor Martin**

“What safeguards, and reassurances, can the Leader, the Portfolio Holder for 'Developing a dynamic Economy', and the Portfolio Holder for 'Improving Efficiency and Effectiveness', give to Poole businesses, to demonstrate that this Council will ensure that the invoices it receives are paid within time, and without delay, to those businesses that invest in our town, and communities?”

**Councillor Martin**

**RESPONSE**

I thank Councillor Martin for his Question and would reinforce that the Council has always strived to pay all invoices within 30 days, the performance standard expected of us as a local authority.

The Government has announced that it is to request Councils to pay small employers within 10 days.

The Council is sensitive to economic pressures and tries to ensure that small local employers can be identified and has asked Service Units to identify these invoices and notify the Creditors Section in order that earlier, prompt payment may be made.

**Councillor Leverett  
Leader of the Council**

**2. Question to the Leader of the Council from Councillor Martin**

“What demonstrable progress has the Leader, and Portfolio Holders, made regarding the long-term focus on partnership with Government for access to security information, to enable this Council to tackle national security threats to the area, especially in expectation of the local 2012 Olympic events?”

**Councillor Martin**

**RESPONSE**

Information regarding security threats originate from the Security Service (MI5) and are assessed by (internal) Irish and domestic terrorism and by a Joint Terrorist Analysis Centre (JTAC) for international terrorism.

The UK threat 'system' has 5 levels: low, moderate, substantial, severe and critical. The current level is 'severe' although this should be viewed in a context of having been at that level for several years. This general UK threat level is in the public domain and is available on a number of websites.



Currently any specific threat information relating to a particular area will be forwarded, in the first instance, by MI5 to the (local) Police force. Other agencies (such as Councils) would then be advised by the Police accordingly on a 'need to know' basis in order that a response to the threat may be established.

Such information would go directly to the Chief Executive in the first instance, and thereafter other officers could be advised/alerted, as appropriate, to the situation.

Processes are generally agreed and developed in conjunction with the Council's statutory responsibility to co-operate under Civil Contingency legislation. The Bournemouth, Dorset and Poole Local Resilience Forum provides the mechanism for inter-agency cooperation.

Access to any information that has a security classification requires that information to be protected by physical measures, vetting of personnel and by procedures for the transmission of the information. Local Authorities in general only have a 'need to know' and be able to access and handle information up to 'Restricted' level.

In the near future much of this information will be made available by Central Government via the new Government Connect secure network (GCSx), which will be available to all Local Authorities in early 2009. The GCSx is a secure 'Trusted' network that will allow data to be accessed up to Restricted Level.

A number of applications will use the GCSx as an operational network 'platform'. One of which will be the National Resilience Extranet (NRE) browser that will link the Cabinet Office to Regional and Local Resilience Forums and is designed to be the means by which restricted civil contingencies information will be provided (including issues relating to the Olympics). The NRE is scheduled to come on line later in 2009.

**Councillor Brian Leverett**  
**Leader of the Council**

**3. Question to Councillor Collier, Portfolio Holder for the Environment from Councillor Martin**

"For what proportion of the total time since they have been installed, have Poole public conveniences actually been a convenience to the people of Poole, and how much revenue has been received from the use of these public loos?"

**Councillor Martin**

**RESPONSE**

In 1999 the then Liberal Democrat administration closed 10 toilets much to the inconvenience and annoyance of many people in the borough of Poole. In addition there is little evidence of any maintenance, other than basic decoration being conducted on the borough's toilets during the Liberal Democrats remaining time in control.

Since we took control we have invested some £400,000 in the existing toilets bringing 4 of them up to modern standards and have reopened 2 of the 10 toilets that were closed by the Liberal Democrats. The remaining toilets had either been sold off prior to our taking control or were no longer usable without significant expenditure being applied to them.

The contract for the demolition and replacement of four public toilets was signed on 8<sup>th</sup> August 2006. The four toilets that had been identified as having the worst problems of vandalism and/or anti-social behaviour were specified and a new innovative design that incorporated several measures to combat these issues were identified, such as direct street opening of doors, timed locks and a small charge using the smallest coin that was acceptable to the new locks. Facilities are available in all four locations for users of the national RADAR key scheme and these remained at no charge.

The new toilet at Chapel Lane was opened to the public in January 2007.

The new toilet at Sea View was opened to the public in August 2007.

The new toilet at Poole Road was opened to the public in March 2008

The new toilet at Quay Visitors was delivered in March 2008, however this new toilet was delivered with a standard of construction that did not allow it to be opened to the public.

The three new toilets that have been opened have all incurred vandalism as predicted at these locations. This vandalism has included bags of concrete twice being poured down WC pans at Chapel Lane and coin boxes being sawn out at Sea View, resulting in lengthy repair works. It has also become apparent after constant use that some of the infrastructure that had been incorporated in the new toilets by the manufacture was not of a standard that would be expected for a well used public facility. There have been occasions when some of the individual units at the three locations have been unable to be used and on occasions all of the units at a location. When problems have occurred signs have been placed on the new toilets although these are constantly being removed. The town centre has five public toilets four of which will have 24 hour access.

As mentioned, the coin operation of the new locks was designed as a deterrence for anti-social behaviour and the Council never anticipated deriving an income from introducing charges. In the full year of 2007/08 £5,400 was collected from the coin boxes from paying users, but the costs of collection were £5,250.

**Members will note with the charge being 10p that across all of the new toilets there have been over 50,000 relieved users!**

Although the three operational toilets are at well used locations and we incurred large price increases from utility companies in 2007/08, the response repairs reduced from £5,700 in 2006/07 to £4,100 despite the vandalism, electricity reduced from £3,400 to £2,300 and water reduced from £5,700 to £2,300.

**Notwithstanding this, the new toilets have not been signed off by the Council as being completed to the satisfaction of the Borough of Poole and a large effort has been expended in improving the performance and quality of workmanship inside the new toilets. Complications have arisen over the period of the contractual relationship with first the contracted party Bradco-Scissons as they were purchased by a Swiss company called Franke, who then re-sold the public toilet business to Premier Hygiene.**

After taking legal advice to ensure that the Council could bring the contract to a conclusion, the Council obtained a written guarantee, that Franke would at their own expense, provide a team of professional trades people to completely overhaul all of the four new public toilets so that the council could agree completion. This work commenced on 1<sup>st</sup> December 2008 and is due to be completed on 19<sup>th</sup> December 2008, and following agreement of the subsequent documentation such as new wiring diagrams, all four new public toilets should be available in January 2009.

We remain confident that these toilets will provide better value and better service in the long term. It is unfortunate that our original supplier has let the Council down but the actions currently being undertaken will remediate that position.

**Councillor Don Collier**  
**Portfolio Holder for Environment**

**4. Question to Councillor Ms Atkinson, Portfolio Holder for Social Care and Equalities from Councillor Clements**

“Bearing in mind the distress caused to Fourways users, their families and carers by continuing uncertainty over the future of the facility and the concerns of many residents about the portacabins at Whitecliff, can the Portfolio Holder advise Council of the current situation and what steps she has taken to keep users and the general public informed?”

**Councillor Clements**

**RESPONSE**

**Current Situation**

As Councillors are aware, the Council has developed detailed plans to develop a new well-being centre on the Fourways site which will meet the needs and aspirations of current and future service users and carers. In early 2008, the Council tendered for a development partner to build both the centre and housing on the site. Unfortunately the economic down-turn led, to the withdrawal of the developer from the project in summer 2008.

Officers have, subsequently, been conducting a review of the financial viability of the project in the light of the changed economic circumstances and have continued negotiations with Care South, which is planning as an integral part of the project to re-develop its residential home for older people, which is located on the site. The

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Housing Corporation has indicated a willingness to provide grant, which could allow the provision of affordable housing as part of the project.

At this point, the financial appraisal work and negotiations with Care South are continuing. A timescale is set for 27<sup>th</sup> January 2009 (Cabinet Meeting) for the conclusion of this work and for decisions to be made on the way forward.

### **Information to service users and carers**

The responsible Principal Officer from the Adult Social Care and Well-Being Service Unit has given regular verbal and written updates to service users, carers and staff throughout the project.

An individual letter was sent to all service users on 3 July 2008 advising of the delays caused by the withdrawal of the developers.

The Principal Officer has made two visits to service user meetings since July to specifically advise about progress as well as discussing with individuals during his regular visits to Fourways.

### **Information to the general public in relation to the portacabins at Whitecliff**

The Head of Service attended the Parkstone and Newtown Area Committee on 12 November 2008 to provide an update and answer questions about the project. Ward members and the Portfolio Holder for Equalities and Adult Social Care have also been in regular communication with local residents through e-mail correspondence.

**Councillor Ms Elaine Atkinson**  
**Portfolio Holder for Social Care and Equalities**

#### **5. Question to Councillor Leverett, Leader of the Council from Councillor Brooke**

“Could the Leader of the Council explain why the Government has no record of Poole Council making any representations on School Funding during the period since the Schools Funding Review Group was set up (31<sup>st</sup> January 2008) and which has now met 5 times to consider representations from Local Authorities, and why the Council did not submit any comments relating to the initial consultation about the review when it was clearly in the interest of Poole Council so to do, especially since it claims school funding (the DSG) is unfair?”

**Councillor Brooke**

**RESPONSE**

In brief, the Government is at an early stage of the Review, the Schools Forum is being kept abreast of its progress and we would definitely respond should the direction of travel not seem helpful to Poole. We are also part of the SW Region Finance Group which is taking a similar line. The review stage will be followed by a consultation to which Poole will make a detailed response.

**Councillor Brian Leverett**  
**Leader of the Council**