

# **BOROUGH OF POOLE**

## **CABINET MEETING**

**8 JULY 2003**

**Commenced at 7.00 pm – finished at 8.45 pm**

Present:

Councillor Leverett (Chairman)  
Councillor Mrs Stribley (Vice-Chairman)

Councillors Ms Atkinson, Parker, Pethen, Sorton, Woodcock and Wretham

Also attending:

Councillors Adams, Belcham, Brooke, Mrs Butt, Clements, Gillard, Gregory,  
Mrs Hillman, Matthews, Mrs Moore, White and Wilson

Members of the public present at the meeting - 13

### **“CALL-IN” ARRANGEMENTS**

**Please note that any Member wishing to “call-in” any of these decisions to the appropriate Scrutiny Committee (except item 10 which is urgent due to contractual deadlines and has been acted upon) should notify the Head of Democratic Services, Bob Harris, by MIDNIGHT ON TUESDAY, 15 JULY 2003.**

#### **1. DECISIONS OF THE PREVIOUS MEETINGS – AGENDA ITEM 2**

##### **DECISION TAKEN**

That the Cabinet agrees that the decisions of the meeting held on 10<sup>th</sup> June 2003 are a correct record.

**For: Councillors Leverett, Mrs Stribley, Ms Atkinson, Parker, Pethen, Woodcock and Wretham**

**Abstained: Councillor Sorton (as he was not present at the last meeting)**

3. DECLARATIONS OF INTEREST – AGENDA ITEM 3

Councillor Mrs Stribley declared a prejudicial interest Agenda Item 12 “Site Leased to Poole Harbour Commissioners” as a Poole Harbour Commissioner.

Councillors Clements, Leverett, Wretham, Woodcock, Mrs Butt, Mrs Moore and Mrs Wilson declared personal interests as Governors of Poole Schools.

4. PETITION FROM THE ALLIANCE OF RESIDENTS ASSOCIATION  
RE: ORB AND ITS ASSOCIATION COMPANIES – AGENDA ITEM 4

DECISION TAKEN

That the issues raised by the Petitioners relating to the activities of ORB and its Associate Companies, in particular:

- ◆ the events surrounding and leading to the leasing agreement for the Poole Pottery Site and the compilation of the Section 106 Agreement;
- ◆ the events surrounding and leading to the leasing of The Quay Hotel site and the benefits obtained by the Town in the light of experience gained from the Pottery deal;
- ◆ the events surrounding the Old Orchard site and its planning issues including parking arrangements; and
- ◆ the matters surrounding the Guildhall site and the Council’s failure to complete the deal.

be referred to the Council’s Service Provision Scrutiny Committee for investigation ensuring that this does not impinge on the work and investigation being undertaken by the Serious Fraud office.

**For: Unanimous**

REASON FOR THE DECISION

To consider the Petition referred from Council at its meeting on 17 June, 2003

KEY DECISION – NO

PUBLISHED IN FORWARD PLAN – YES

PORTFOLIO AREA – Resources/Local Economy/Environment

DISCUSSIONS/OPTIONS -

A petition in the following terms had been presented to Council and referred to the Cabinet by Mr W L Wood of the Alliance of Residents Association:

“In the light of continued concerns expressed by the Alliance of Residents Associations over past years on the matter of Poole Council’s dealings with ORB and its Associated Companies and the failure of the Alliance to obtain satisfactory answers to important questions from the previous Administration and in view of the serious concerns expressed in many quarters surrounding the activities of ORB and its Associated Companies, together with the investigation by the Serious Fraud Squad into its activities, we, the undersigned, demand that the new Administration hold a full and extensive investigation into the Council’s dealing with them in the following matters: (as detailed in full in the Decision).

Members concurred with the request of the Petitioners for Scrutiny Committee to investigate the matters at the appropriate time so as not to impinge on any investigations being undertaken by the Serious Fraud Office.

5. ANNUAL REVIEW OF THE EDUCATION DEVELOPMENT PLAN 2002/2003 AND UPDATED ACTIONS FOR 2003/2004 – AGENDA ITEM 5

DECISION TAKEN

That Cabinet approves the Revised Education Development Plan for recommendation to Council as amended by the Learning Overview Group at its meeting on 1<sup>st</sup> July 2003 in the following terms, including revised Table 6 – Local Authority Minority Ethnic KS2 Pupil Performance, Table 7 – Local Authority Minority Ethnic KS3 Pupil Performance, Table 8 – Local Authority Minority Ethnic KS4 Pupil Performance

**Page No**

**Amendment**

# 4

Revised wording for the paragraph on Ethnicity Data Tables 6 – 8 to better reflect the situation in 2002 and tie in with the revised statistics on pages 5, 6, 7 and 8 – “Ethnicity data has been extremely unreliable due to very low numbers of pupils, invalid categories (now amended by the DfES in line with Census 2001) and inconsistent recording. Target setting for these groups was postponed and we now have set targets for 2004. The total numbers of pupils are not the total numbers of pupils in cohorts, as only pupils who had their ethnicity recorded when the projection was done (February 2002) are included.”

\* 5, 6, 7 and 8

The percentages of pupils anticipated to achieve at particular levels have been amended to better ally with anticipated pupil numbers (amended pages attached).

**Annex 2**  
**Page No**

# 6 (Priority 1, Activity 2, Action 2)	Action 2 to read - "Promote, enhance and create opportunities for schools to broaden and enrich their curriculum and raise pupil standards and esteem through creative arts led, sports led and study support activities, both in and beyond the classroom."
* 11 (Priority 2, Activity 2, Action 5)	Action 5 re-worded to read – " Establish an email project between a group of schools in the Manche area of Normandy and a groups of schools in Poole to promote links and understanding of other cultures."
# Page 12 (Priority 3, Activity 1, Action 2)	The Resources column to be amended to read – "Senior Adviser (MC) (10 days) Post 16 Collaboration project co-ordinator (CF) (4 days) ICT Adviser (AP) (3 days)"
# Page 14 (Priority 3, Activity 2, Action 3)	Amend the 'start' and 'complete' times so that Action 3 is started in the summer term and completed in the autumn term.
* Page 17 (Priority 3, Activity 3, Action 4)	Action 4 re-worded to read – "Improve self-esteem using material available from the Pacific Institute. Pilots to be run in some schools, including a Sixth Form."
* Page 22 (Priority 4, Activity 3, Action 4)	Action 4 re-worded to read – "Introduce in schools one-to-one intervention strategies for literacy, to ensure pupils with significant literacy difficulties make better progress than the majority of pupils."
* Page 37 (Priority 6, Activity 4, Action 3)	Action 3, re-worded to read – "Establish an arts project providing workshops for excluded pupils encompassing a variety of creative activities."  Amend the Resources column to read – "Arts Council England (£3,000) and Learning Support Service."
# Page 38 (Priority 6, Activity 4, Action 7)	Action 7, amend the Success Criteria by deleting "(x) weeks" and inserting "8 weeks"

**For: Unanimous**

**REASON FOR THE DECISION**

To recommend the revised Education Development Plan to Council on 22nd July 2003.

KEY DECISION – YES

PUBLISHED IN FORWARD PLAN – YES

PORTFOLIO AREA – Learning

DISCUSSIONS/OPTIONS –

Councillor Woodcock, the Portfolio Holder for Learning Areas, introduced the Plan to the Cabinet explaining that it had to be with the Department for Education and Skills by 18<sup>th</sup> July 2003, before Council had considered this Plan and that the Department would be advised that it was subject to Council approval.

He explained that the Plan had received unanimous approval at the Learning Overview Group but that concern had been expressed over targets and target setting which he felt could affect pupils and the curriculum. He felt this Plan encapsulated a more realistic appraisal of costs. Councillor Ms Atkinson explained that she would like to see a target in which all children aged 11 upwards could read and write and that although she was fully supportive of inclusion this should not be at the detriment of other young people. She queried whether, as in some other Authorities, a Behaviour Support Unit may help with educational achievements and Councillor Woodcock, the Portfolio Holder, agreed that he would explore this possibility with Service Unit Heads.

Councillor Parker referred to the under funding in Poole schools compared with the Borough's near neighbour, Bournemouth Borough Council, where the Government funded each child by £124 more than in Poole and it was agreed that the Council should continue to press for fairer funding of education in Poole.

6. FIRST DEPOSIT DRAFT OF THE BOURNEMOUTH, DORSET AND POOLE WASTE LOCAL PLAN – AGENDA ITEM 6

DECISION TAKEN

That the Cabinet endorses and recommends to Council the First Deposit Draft Waste Local Plan for public consultation as agreed by the Local Economy Overview Group on 26<sup>th</sup> June 2003, together with the suggested amendment to Schedule I, Page 37, deletion of "preferred" and insertion of "possible" – to read "Possible Locations for new Recovery Facilities."

**For: Unanimous**

REASON FOR THE DECISION

To consider and recommend this Statutory Plan to the Council.

KEY DECISION – YES

PUBLISHED IN FORWARD PLAN – YES

## PORTFOLIO AREA – Local Economy/Environment

### DISCUSSIONS/OPTIONS

Councillor Parker, the Portfolio Holder for Local Economy introduced this item explaining that it detailed the development of the First Deposit Draft Waste Local Plan and sought approval to publish the Plan for Public Consultation. The Minerals and Waste Local Plan was adopted by Bournemouth Borough Council, Dorset County Council and the Borough of Poole in 1999 and detailed the land use policies and proposals for all aspects of planning in connection with mineral working and handling, processing and disposal of waste in Bournemouth, Dorset and Poole.

Councillor Pethen, the Portfolio Holder for the Environment explained that the Plan had been looked at in parallel by the Environment Overview Group.

Councillor Ms Atkinson queried what the Government was doing to address the appalling record of industry with regard to recycling; explaining that recycling should be more than just figures and targets. She did not see the need for division between domestic waste and trade waste for such issues as garden waste. Councillors Wretham and Woodcock referred to the more positive attitude adopted to the recycling of bottles, batteries etc. in Europe.

The Chairman allowed Councillor Mrs Moore, the Ward Member for Canford Heath East, to address the meeting. She referred the Cabinet to Pages 48 and 49 of the Plan relating to energy from waste supporting those recommendations but queried Schedule I, Item 9, on Page 37 which referred to a site at Hatchpond Depot for “thermal treatment with energy recovery” querying whether this was a preferred location for an incinerator.

Councillor Parker advised Mrs Moore that thermal treatment with energy recovery was not an incinerator facility and it was not an incinerator and that sites had been included for public consultation. He explained that she could make representations on this matter at the consultation stage of the Plan. Councillor Mrs Moore wished the reference to this site to be deleted from the Plan.

Councillor Wretham suggested that “preferred” should be deleted and “possible” inserted. The Cabinet concurred should be amended as follows: Schedule I, Item 9, p 37 of the Plan to read – “ Possible Locations for new Recovery Facilities.”

It was noted that the Plan was endorsed and recommended to Council for public consultation only.

7. SCHOOL ORGANISATION: PROPOSAL TO CONSULT ON COMBINE TRINIDAD FIRST SCHOOL AND ALDERNEY MIDDLE SCHOOL – AGENDA ITEM 7.

DECISION TAKEN

That consultation on the following two options be approved:-

- (i) to combine Trinidad First School and Alderney Middle School;
- (ii) to keep Trinidad First School and Alderney Middle School as separate schools.

**For: Unanimous**

REASON FOR THE DECISION

To allow the first stage of this statutory process to be undertaken.

KEY DECISION – YES

PUBLISHED IN FORWARD PLAN – YES

PORTFOLIO AREA – Learning

DISCUSSIONS/OPTIONS

Councillor Woodcock, the Portfolio Holder, introduced this item explaining that Trinidad First School and Alderney Middle School were part of a Targeted Fund Bid which involved moving Trinidad First School on to the site of Alderney Middle School. Governors had considered the impact of falling roles at both schools and now wished to consult on combining the two schools for September 2004.

He outlined the education advantages of combining the schools together with the resulting more efficient use of resources.

The Policy Director (Education) Mr Nash, explained that following consultation the final decision would be taken by the School Organisation Committee.

The Chairman allowed Councillor Clements to address the meeting. Councillor Clements explained that as a Governor of Trinidad School he and the Governors were supportive of the proposal to combine the two schools.

8. PROTOCOL FOR MANAGING SUBSTANCE RELATED INCIDENTS IN POOLE SCHOOLS – AGENDA ITEM 8

DECISION TAKEN

That the protocol, policy and procedure regarding managing substance related Incidents in Poole Schools be approved.

**For: Unanimous**

REASON FOR THE DECISION

Approve the adoption of the policy.

KEY DECISION – YES

PUBLISHED IN FORWARD PLAN – YES

PORTFOLIO AREA – Learning, (Discussion/Opinions)

DISCUSSIONS/OPTIONS

Councillor Woodcock, the Portfolio Holder, introduced this report explaining that Head Teachers had been using the Protocol in its draft form since February 2003 and were supportive of the Policy.

9. CAPITAL INVESTMENT STRATEGY – ASSET MANAGEMENT PLAN - AGENDA ITEM 9

DECISION TAKEN

- (i) that the performance details in the report of last year's submission be noted; and
- (ii) the contents document and supporting information relating to the Corporate Investment Strategy forming part of this year's submission to the Office of the Deputy Prime Minister via the Government Office for the South West by 31<sup>st</sup> July 2003, be approved.

**For: Unanimous**

REASON FOR THE DECISION

To approve the corporate Capital Investment Strategy and Property Asset Management Plan before submission to the Office of the Deputy Prime Minister as required.

KEY DECISION – YES

PUBLISHED IN FORWARD PLAN – YES

PORTFOLIO AREA - Resources

DISCUSSIONS/OPTIONS

The Chairman, Councillor Leverett, introduced this item explaining that in the past the Government had required the submission of three documents, a contents document including core data, a capital, Investments Strategy and a corporate Property asset management Plan, however, in line with the broader initiative to ease the plan burden on Local Authorities, the Government had relaxed the requirement to submit all but the contents document and core data for those Authorities whose submissions were assessed as “good”. This Authority was in that category.

Councillor Mrs Stribley pointed out that in Appendix 2 to the report the unemployment figures quoted were for 2001. The Chairman requested that all the figures be checked before submission of the document to the office of the Deputy Prime Minister.

Councillor Parker queried how rates of return could be assumed when there was a variable interest charge referring in particular to the data on Sheffield City Council. The Head of Building Consultancy and Chairman of SCAMP agreed to give Councillor Parker a written response.

10. OPERATIONAL OPTIONS FOR PARK AND RIDE SITE – AGENDA ITEM 10

DECISION TAKEN

1. Operating the Creekmoor Park and Ride

- (i) that the Cabinet concur with the Transport Advisory Group’s stated preference for a Park and Ride service being provided on a part-time basis including periods on the lead up to Christmas and over the Summer and possibly Saturdays. Whilst Park and Ride service is not available the site would be made available as a park and share facility, for commuters to meet up and share travel to their work places and for business to use and make their own transport arrangements.
- (ii) that the Head of Transportation Services, in conjunction with the Head of Legal and Head of Financial Services, be authorised to enter discussions with the Wilts and Dorset Bus Company regarding the operation of the service preferred by the Council and the impact on the service which is contracted to begin on the 26 July 2003, including serving formal on the Bus Company that the service will not be required, and;
- (iii) that under the terms of the existing contract, to enter into discussions with the Bus Company regarding compensating it for any costs the Company either has or will necessarily incur,

due to the changed operation of the Park and Ride service, whilst exploring all possibilities for a varied service to be carried out by the Bus Company pending the carrying of recommendation (iv) and to explore all the available opportunities to mitigate any such costs which either have, or will be directly incurred by the Company, as a result of the current situation;

- (iv) as advised by the Head of Legal Services if necessary to advertise and award the varied Park and Ride service in OJEC as required by the Public Services Contract Regulations 1993; and
- (v) all discussions and further recommendations be reported back to the Transportation Portfolio Holder and the Cabinet.

## 2. Completing Construction

- (i) That minimal construction work should be carried out until a full-time; and
- (ii) Park and Ride service is introduced. (Some items of work from Phase 1 were left incomplete due to time constraints for the introduction of the Christmas 2002 service and replacement of a gas main. The cost of a “*do minimum*” scheme is estimated at £1375K.

**For: Unanimous**

### REASON FOR THE DECISION

To consider the recommendations from the Transportation Advisory Group.

### KEY DECISION – YES

### PUBLISHED IN FORWARD PLAN – YES

### PORTFOLIO AREA – Local Economy

### DISCUSSIONS/OPTIONS

Councillor Parker, the Portfolio Holder, introduced this item explaining that this matter had been discussed at the Transportation Advisory Group meeting on 2<sup>nd</sup> July 2003.

Additional recommendations following consultation with the Heads of Legal and Financial Services were circulated at the meeting and formally moved by Councillor Parker and reflected in the “Decisions Taken – section above at (ii) to (v).

Councillor Ms Atkinson commented on the cost to the Council of whatever action was taken. Councillor Parker explained that with the Park and Share proposal there would be a high level of security so there should be no future incursion of travellers on the site.

The Chairman allowed Councillor Clements to address the meeting. Councillor Clements counselled caution and referred to the Minister's letter detailing the Local Transport Plan Settlement explaining that Poole's allocation from the Government had been given specifically in line with the strategies in the Local Transport Plan, one of which was Park and Ride. He also suggested that the traffic calming at Creekmoor would be financially prohibitive if the Park and Ride Scheme was only to operate for a few weeks a year.

The Chairman commented that the Administration had to accept the situation it had inherited and was trying to mitigate against the probable loss of car parking income.

#### 11. PROVISIONAL FINANCIAL OUTTURN 2002/2003 – AGENDA ITEM 11

##### DECISION TAKEN

That the following package of financial actions with regard to 2002/2003 be approved:-

- (i) To agree the following package of financial actions with regard to the 2002/03 budget outturn:-
  - (a) To carry forward overspends within Transportation (£326,000) and Marketing (£19,000) enabling them to be addressed within the 2003/04 budget;
  - (b) To fund all remaining overspends (£1,414,000) including most notably those in Social Services (£810,000) and Education (£494,000) from a combination of general savings made in the year and unearmarked reserves;
  - (c) To disallow all but a maximum provision of £211,000 for cost centre carry forwards in light of the Council's overall financial position.
- (ii) Carry forwards, supported by both the appropriate Portfolio Holder and the Head of Financial Services at the Cabinet meeting of 9<sup>th</sup> September.
- (iii) That the Head of Financial Services undertake a further review of revenue reserves prior to submission of the Statement of Accounts to Council on 16<sup>th</sup> September.
- (iv) That the timetable for corporate financial monitoring to Cabinet in 2003/04, as set out in Section 5 of the report to Cabinet, be approved.

**For: Unanimous**

REASON FOR THE DECISION

To provide Cabinet with provision details of financial outturn position for 2003/2004.

KEY DECISION – YES

PUBLISHED IN FORWARD PLAN – YES

PORTFOLIO AREA - Resources

DISCUSSIONS/OPTIONS

The Chairman, Councillor Leverett, introduced this report explaining that there was a gross overspend of £1.7M which could be mitigated by some underspent receipts, additional income and budgetary savings.

Members were appreciative of the proposal for monthly monitoring of the Council's financial situation and felt that spending could be better tracked in this way and any trends recognised at an earlier stage.

Councillor Ms Atkinson informed that Cabinet that whilst at present Social Services budget was not anticipating an overspend there may be "hot spots" where the Service had to react which may lead to overspend.

12. SITES LEASED TO POOLE HARBOUR COMMISSIONERS ON NEW QUAY ROAD, POOLE - AGENDA ITEM 12

DECISION TAKEN

That the Cabinet approved in principle:

- (a) the surrender of the existing lease of Ballast Quay to Poole Harbour Commissioners;
- (b) the granting of a new longer term interest in the Ballast Quay site to Poole Harbour Commissioners; and
- (c) the simultaneous surrender of the lease of Yard Quay by Poole Harbour Commissioners
- (d) terms and conditions to be negotiated and reported back to a future meeting of the Cabinet for formal approval.

**For: Councillors Ms Atkinson, Leverett, Parker, Pethen, Sorton, Woodcock and Wretham.**

**Note: Councillor Mrs Stribley, having declared a prejudicial interest in this item left the meeting before the discussion and took no part in voting on this item.**

REASON FOR THE DECISION

To authorise the officers to undertake negotiations and to rationalise the use of sites leased to Poole Harbour Commissioners.

KEY DECISION – NO

PUBLISHED IN FORWARD PLAN – YES

PORTFOLIO AREA - Local Economy

DISCUSSIONS/OPTIONS

Councillor Parker, the Portfolio Holder, introduced this report and in response to a query was able to confirm that the land would not be used for residential purposes, purely for maritime use.

The Chairman was assured that the Lease would need to return to the Council should it be proposed to use the land for anything other than maritime employment activities.

13. COUNCILLORS' ROBES – AGENDA ITEM 13

DECISION TAKEN

That the “call in” procedures be referred to the Standing Orders Working Party with a view to possible amendments to the Constitution, as requested by the Service Provision Scrutiny Committee.

**For: Unanimous**

REASON FOR THE DECISION

To consider the recommendation from the Service Provision Scrutiny Committee.

KEY DECISION – NO

PUBLISHED IN FORWARD PLAN – YES

PORTFOLIO AREA -Resources

DISCUSSIONS/OPTIONS

Councillor Mrs Stribley returned to the meeting.

It was agreed that the “call in” procedure should be referred to the Review of Standing Orders Working Party for consideration.

14. LEISURE CENTRE PROVISION – ESTABLISHMENT OF WORKING GROUP – AGENDA ITEM 14

DECISION TAKEN

- (i) that Council be recommended to disband the Sports and Recreation Member Group;
- (ii) that the Cabinet concur with the establishment of a Working Group of the Environment Overview Group comprising two Conservative, one Liberal Democrat Members and the Portfolio Holder. The Terms of Reference of the Leisure Centre Provision Working Group to be specific and considered at its first meeting.

**For: Unanimous**

REASON FOR THE DECISION

To consider a recommendation from the Environment Overview Group.

KEY DECISION – NO

PUBLISHED IN FORWARD PLAN – YES

PORTFOLIO AREA - Environment

DISCUSSIONS/OPTIONS

Councillor Pethen, the Portfolio Holder, introduced this item explaining that the Environment Overview Group had considered it should take forward the work of the former Sport and Recreation Member Group as there was a need to review Leisure Centre provision in the Borough and to look at potential partners.

Councillor Pethen confirmed that no options were being ruled in or out for Leisure Centres and that the work of the newly established Working Group would make recommendations to the Environment Overview Group and then to Cabinet.