BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL

OVERVIEW AND SCRUTINY BOARD

Minutes of the Meeting held on 08 July 2019 at 6.00 pm

Present:-

Cllr P Broadhead – Chairman

Cllr M Haines – Vice-Chairman

Present: Cllr M Anderson, Cllr M F Brooke, Cllr M Earl, Cllr G Farquhar, Cllr L Fear, Cllr M Iyengar, Cllr R Lawton, Cllr R Maidment, Cllr C Rigby, Cllr B Dove, Cllr P Hilliard and Cllr D Kelsey

Also in attendance: Cllr L Allison, Cllr D Brown, Cllr R Burton, Cllr M Howell, Cllr A Jones, Cllr J Kelly, Cllr L Lewis, Cllr L Northover, Cllr M Phipps, Cllr K Rampton, Cllr M White and Cllr K Wilson

9. Apologies

Apologies were received from Cllrs N Brooke, M Greene, N Greene and P Miles.

10. Substitute Members

Cllr P Hilliard substituted for Cllr N Brooks.
Cllr D Kelsey substituted for Cllr M Greene.
Cllr B Dove substituted for Cllr M Greene.

11. Declarations of Interests

The following declarations were made by member of the Board for the purpose of transparency, they were not disclosable pecuniary interests and therefore each of the Members below would remain, participate and vote on the items in question:

Agena Item 6 – Planning Arrangements Councillor Anderson was a founding Member of the Queens Park Neighbourhood Forum and Councillor Brooke was the Chairman of the Broadstone Neighbourhood Forum.

Agenda Item 7 – Pokesdown Station Lift – Councillor Farquhar advised that he had signed and distributed the petition with regards to the lift replacement at the station.

12. Confirmation of Minutes

A Member questioned the detail of the recording of the vote on the Financial Outturns 2018/2019 report in which only his name was recorded as voting against a particular motion. It was explained that individual Councillors would need to request that their own vote be recorded and could not put in a request for other Councillors.

13. Public Issues

The Board was advised that one public question, six public statements and one petition had been received by the stipulated deadlines. All of the public issues were in relation to Agenda Item 7, Pokesdown Station Lift, and the Chairman proposed, and the Board agreed that these be taken at the start of the appropriate agenda item.

A copy of the statements, question and petition can be found in the appendix to these minutes.

14. Planning Arrangements

The Overview and Scrutiny Board considered the Planning Arrangements report which would be presented to Cabinet on 12 July. The current arrangements for Planning were agreed by the Shadow Authority, however at the time it was acknowledged that the new Council may need or wish to make revisions to the agreed arrangements. The Portfolio Holder for Strategic Planning was asked to present the key elements of the report and consequently outlined the main recommendations and provided detail on the reasons for these. One of the main reasons for the proposed changes was the apparent lack of public engagement in the Planning Board process.

The Chairman opened the meeting to comments from the Board and the following points were raised:

- In response to a question on the impact of the changes the Portfolio Holder explained that it would be a matter of time to identify what the impact was but there would undoubtedly be an increase in the workload of the Planning Committee. However, the changes were felt necessary for public engagement. The Board raised concerns that there may be a risk of non-determination within the stipulated timescales. The Portfolio Holder responded that this was likely to be addressed through redirecting resources.
- A Councillor stated that they agreed with the proposed changes in principle but that they would need careful work in monitoring and implementing if they were to work correctly. The Councillor expressed their opinion that there would be many more requests and that there was a significant learning curve for the 76 councillors. The Portfolio Holder responded that Democratic Services and Legal would be producing a call-in form and call-ins would require proper material planning reasons to be provided.
- Issues were raised about any Councillor being able to call-in an application even if outside of their ward. The Board noted that when arrangements for this were agreed by the Shadow Authority national guidelines were followed. It was acknowledged that some applications would have an impact on adjacent wards but employing this for the large area covered by BCP council may prove difficult. The Portfolio Holder confirmed that the preceding Councils all had different criteria, but valid planning grounds would always need to be provided for any call-in request. A Councillor proposed that the Board recommend to Cabinet

that the recommendation in the Cabinet report at 2 be amended that if a Councillor calls-in a planning application it must affect their ward. There was general agreement on this, although one Councillor commented that a Councillor may see something in another ward and suspect an impact from it in their own ward. The Portfolio Holder accepted that the suggested amendment to the recommendation may be helpful.

- The Board expressed concern that some statutory consultees were effectively being given powers to refer items to the Planning Committee. This would give greater powers to some statutory consultees than others and would also mean some residents had more avenues to get a planning application called-in if they lived in an area with a parish council or a neighbourhood forum. The Portfolio holder responded that this had always worked well in Christchurch previously and all residents would still be able to ask their ward councillor to make a call-in. It was felt by some councillors that areas without parish councils or neighbourhood forums should have some democratic recourse for residents to call-in a planning application. For these reasons the Overview and Scrutiny Board did not feel that it could support recommendation 6 in the Cabinet report.
- There was discussion concerning the timetable for the publication of public notices for planning applications in comparison to when an application was registered and the 30-day timescale for call-ins to be received. It was suggested that the wording in one of the recommendations could be amended to address this concern. The Portfolio Holder suggested that this could be looked into depending upon its impact on the application process.

RESOLVED that:

(a) Cabinet be recommended that recommendation 2 as outlined in the Cabinet report be approved with the following amendments:

- **That, after the words "material planning issues," the words "that affect their ward" be added.**
- **That at the end of the recommendation the following words be added: "provided that the issue has been discussed with the Ward Councillors or that the Ward Councillors have been informed".**

(b) the Overview and Scrutiny Board did not support recommendation 6 as outlined in the Cabinet report.

Note 1: The O&S Board informally requested that the Portfolio Holder for Strategic Planning to consider widening the scope to have planning issues brought to the Planning Committee through public involvement, through means such as the number of valid representations to planning applications.

Note 2: The O&S Board informally requested that the Portfolio Holder consider amending the wording of recommendation three to change "date the application was registered" to "date the notice was displayed".

(c) the Overview and Scrutiny Board supported the recommendations as outlined in the Cabinet report with the exception of those noted above.

Voting: For 13, Against 0, Abstained 1

15. Pokesdown Station Lift

As all public statements, questions and petitions received for this meeting were in relation to this agenda item the Board agreed that they should be taken at the start of this item. It was noted that there would be no response made to the statements as the issues would be dealt with in the ensuing discussion. There would also not be a response to the public question from the Boards the question related directly to issues which were within the remit of South Western Railway - SWR and would also be dealt with in the ensuing discussion. The petition was received by the Board and it was agreed to pass it on to SWR for their consideration.

The Chairman invited the Ward Councillor who raised the issue to introduce the issues to the Board. It was explained that there had been numerous demonstrations at the station as it was currently completely impossible for those with accessibility issues to access the station. As part of the 2017 franchise agreement there was provision for lifts to be installed by 31 December 2019. It was noted that to date there appeared to be very little progress on this and the ward Councillor advised that it had become increasingly difficult to get responses from SWR. The ward Councillor requested to know the date of commencement for the build programme and when it was expected to finish. Two representatives of SWR attended the meeting and provided answers to the Board's enquiries. The following issues were discussed:

- It was explained that relatively early on in the new franchise a new report on the status of the lift shafts was commissioned. It was found that there had been some degradation as access could not be gained to the lift shaft through the existing doors. A second survey in January 2019 ascertained that the old lift gear was still in place at the top of the lift towers. It needed to be determined whether this was in a stable condition in order to allow any further access and in order to do this a safe way to access this part of the lift shaft needed to be found. A way to access this had been agreed in principle and a contractor had been instructed to undertake this work, which was expected to be completed towards the end of August. Network Rail then needed to approve the safety system of the work.
- Although the original deadline was December 2019 this had been extended by two months due to a two-month delay in signing the franchise agreement. However, it was confirmed that it was unlikely that the lift would be installed before the end of 2020. If everything proceeded according to plan the likely date for completion would be end of September 2020.

- The Chairman asked what the implications were for not fulfilling a contractual agreement. The Board were informed that there were many obligations under the bid and franchise system and in the case of those that would not meet the contractual deadline the franchise partner would normally approach the Department for Transport to explain the individual agreements with a proposal for an alternative solution and it would be up to the DfT to make a determination on what to do. It was noted that there were hundreds of committed obligations and a number of which may be altered. It was noted that this project was currently being reported with a red RAG status. Queries were raised regarding due diligence on the part of SWR and the unsafe lift shafts. However, it was confirmed that two previous surveys did not uncover any major concerns and therefore the lift project was put into the franchise as deliverable.
- A Board member questioned who had responsibility for the lifts at Pokesdown and why Network Rail wasn't responsible. It was noted that it was written into the SWR franchise and they would be using experienced rail contractors to complete the works. Network Rail had a responsibility for the maintenance of stations, but as the lifts had not been in operation for many years this did not fall under their maintenance obligations. There were some queries raised with regards to the lack of basic maintenance making the lift shafts unsafe.
- A Board member asked if any alternative measures could be put in place temporarily to allow access to the platform. It was confirmed that this was not possible but that people with specific mobility requirements could access a taxi to take them to an alternative station. SWR confirmed they would do all they could to arrange taxi transportation, but the more notice received of this requirement the better.
- Members raised concerns that in the response provided from South Western Railway there was no mention of the customer experience and no apology for the delay. Then representatives assured the Board that they and the company were totally committed to its obligations and the customer experience in delivering projects.
- A Councillor asked about signage at the station and how members of the public were made aware of the alternative access arrangements with the provision of taxis. SWR undertook to place signage at the station.

The Board placed on record its disappointment that greater progress had not been made with regards to the installation of lifts, it understood the reasons behind the delay but was concerned that no information was being provided to the public. The Chairman requested that SWR keep the Board update on progress. The Portfolio Holder agreed that he would pursue the issue.

RESOLVED that:

(a) the Portfolio Holder, on behalf of the residents of the BCP conurbation and especially the 80,000 residents with accessibility issues, be asked to the Minister for Transport to express the Councils concern that residents had been let down and that the Council were disgusted at how the conurbation had been treated in this matter.

Note: The wording for the letter was to be agreed between the Portfolio Holder, Board Chairman and Board Members.

(b) this issue be monitored as part of the Board's Forward Plan.

Voting: Unanimous

A recorded vote was requested on this issue.

For: Cllr P Broadhead, Cllr M Haines, Cllr M Anderson, B Dove; Cllr M Earl, Cllr G Farquhar, L Fear, M Iyengar, P Hilliard; D Kelsey, R Lawton, R Maidment,

16. Holes Bay - Former Power Station Site

The Portfolio Holder for Regeneration and Culture and the Portfolio Holder for Housing introduced the report and explained the context. The site was the largest regeneration opportunity for housing available in the BCP Council area. The Board questioned the Portfolio Holders on a number of aspects of the report including:

- The Board was informed that there would be costs and risks associated with the proposal to move forward with a Compulsory Purchase Order – CPO on the site. A Councillor asked what evidence there was, that by the Council acquiring the site it would enable it to be developed in an exceptional way. The Portfolio Holder for Regeneration and Culture responded that they were happy to move forward with the current landowners developing the site but in the midst of a national housing crisis the Council needed to take action to ensure that it did not remain undeveloped. The housing waiting list across BCP was extensive. The Board was advised by the Portfolio Holder that the site had potential for 850 homes and was essential for meeting local housing targets. It had remained empty and undeveloped for the past 17 years.
- In response to a question from the Board the Portfolio Holder commented that whilst the private sector was only motivated by profit as a local authority there were additional considerations in developing the site such as the necessity to meet housing targets and provide much needed homes in the area.
- The Board questioned the Portfolio Holders on why BCP Council would be able to deliver on the site when the current landowners hadn't been able to. The Portfolio Holder for Housing explained that there was currently funding available from Homes England which may be lost if it wasn't used within a given timeframe. The developers had confirmed that they did not intend to proceed with this funding agreement. Projections for the development of the site had been drawn up which were thought to be viable and the site was extremely important in meeting the Council's housing targets.
- A Councillor questioned whether the viability for developing the land had been proven and what the level of risk was in the Council acquiring land which may not be able to be developed. The Cabinet members acknowledged that there was level of risk but there was also a risk in

losing the available funding and site development not taking place. A delivery mechanism would be in place before a CPO was instigated. Cabinet members confirmed that they would prefer not to use the CPO on the site but were prepared to if it was the best way forward. It was hoped that the site could be purchased in a normal commercial deal.

- The Board raised concerns about the amount of money the Council would need to put up and the associated risk. The Portfolio Holders advised that a CPO wouldn't be exercised unless there was a clear business case identifying all risks within the acquisition strategy.
- The Board members asked if there was a parallel plan if the deadline for funding could not be met and whether the Local Enterprise Partnership LEP had been informed. It was explained that these issues would be addressed in the site acquisition strategy. The LEP were aware of the situation.

A Ward Councillor requested to speak on the item and commented that although the report mentions current Ward Councillors were supportive of the proposed approach this was the first time that he had seen the report. The Portfolio Holders apologised for this oversight. The Chairman commented that it may be useful to share information on the risk/deliverability/evidence base for the intended decision if there was anything further available.

RESOLVED that the Overview and Scrutiny Board support the recommendations within the Cabinet report.

Voting: Unanimous

17. Princess Road Housing Scheme

The Portfolio Holder for Housing introduced the report and explained that the only property remaining on site needed to be demolished, other properties had been demolished due to their condition and in readiness for the new development. The current proposal was for a new build scheme of 121 apartments and a 20-bed family hostel. This increase in provision would help towards BCP Council Housing targets. The following points were raised in the ensuing discussion:

- In response to a query the Portfolio Holder agreed to provide further detail to the Board on the re-provision of facilities for 60 people with complex needs, including emergency family hostel accommodation as outlined in paragraph 6 of the report. In response to a question regarding a reduction in accommodation for people with complex needs an Officer explained that the previous accommodation also included single units for vulnerable people. All had been vacated by either a process of people moving on naturally or by sourcing alternative accommodation, some of which was met through the housing acquisition programme and some through the private sector. It was confirmed that no one was placed in a vulnerable position.
- In response to a question the Board was advised that overall the responses received to the consultation were good. The Board also asked about the construction costs for the project and the restraints in

taking the changes through Cabinet and Council. The Councillor felt that this risk possibly required tighter mitigation. It was noted that the figures outlined were arrived at through taking best practice from the preceding three authorities. The previous Portfolio Holder noted hid total confidence in the Housing Team as they had always brought projects in on target.

- The Board questioned what was meant by market rents for the private rental sector properties as outlined in the report which would be marketed by Seascape Homes and Property Limited will market the PRS homes. It was explained that Seascape rents were normally inline with the market rather than overinflated.

The Chairman commented that it would be helpful in future for Councillor briefings on any particular issue to be provided for the opposition group as well.

RESOLVED that the Overview and Scrutiny Board supported the recommendations as outlined in the report to Cabinet.

Voting: Unanimous

18. The Bournemouth International Centre

The Portfolio Holders for Tourism, Leisure & Communities and Regeneration & Culture presented the report to the Board. The Board was advised that the hotel project relating to the site adjacent to the Bournemouth International Centre (BIC) required further investigation and research as did the options for the redevelopment of the BIC. The options in relation to this were set out in the report and included combining the BIC site with the adjacent potential hotel site. The tender process which was started by Bournemouth Borough Council was now ready to progress. However, the decision to be taken by Cabinet would be to halt the procurement process for the hotel site and look at the site as whole including the BIC. The following points were raised by the Board:

- The Chairman commented that he was very supportive of the development of the site but could see the rationale for looking at everything in one go. However, he commented that the hotel scheme could revitalise the process for redevelopment rather than throwing everything into the mix. In response it was noted that the process to date was not being cancelled altogether but that the various options would be looked into and all stakeholders would be consulted.
- The Chairman asked about the implications of the site being gifted from the Regional Development Agency on the proviso that the Council would procure hotel development on the site, He suggested that the Council could wait for the outcome of the procurement process before taking a decision. The Portfolio Holders responded that utilising the whole site might allow for greater flexibility and releasing the service road between the sites would allow for greater build space.
- Councillors asked about the timescale for the analysis of site options and it was confirmed that the entire process would take approximately 12 months. A Councillor asked about the potential abortive costs of halting

the procurement process and if there was an indicative figure. The Portfolio Holders advised that it wouldn't be possible to provide an estimate, but the chance of a successful challenge was extremely low. They advised that they were satisfied that the Council was protected against the risk.

- In response to a question the Portfolio Holders made clear that the recommendations were in relation to a feasibility study and that all options were a possibility at this stage. The feasibility study would cover risk/cost and potential benefit.
- A number of Councillors felt that the procurement process should proceed as it was in a position to be able to and would provide further information to help make a decision on the site in future. There were some concerns raised that other areas had moved forward with first rate conference facilities and Bournemouth needed to 'catch up'. Councillors commented that disregarding the work which had already taken place would be detrimental. However, the Board was advised that to proceed with the procurement increased the risk for a potential abortive cost claim.

RESOLVED that the Overview and Scrutiny Board supported the recommendations as outlined in the Cabinet report at 'a' and 'c' but disagreed with recommendation 'b'.

Note: A Councillor requested a recorded vote on this item. Details of the vote are recorded below:

Voting: For: Chairman - Cllr Broadhead, Cllrs Anderson, Dove, Fear, Lawton, and Kelsey. Against: Cllrs Brooke, Earle, Farquhar, Hilliard, Maidment and Rigby. Abstained: Vice-Chairman – Cllr Haines and Cllr Iyengar.

The Chairman used his casting vote to pass the motion.

19. Overview and Scrutiny Board Forward Plan

The Committee considered the public Cabinet Forward Plan. It was noted that there was an update to the Forward Plan due to be published on Friday and following this the Chairman and Vice-Chairman would consider which items on the Forward Plan should be considered by the Overview and Scrutiny Board.

A Member commented on the volume of business on the agenda and suggested that if possible Cabinet should hold two meetings in September and the Overview and Scrutiny Board should do the same to give each item appropriate time for consideration. There were no further comments on the content of the Cabinet Forward Plan.

RECCOMMENDED that Cabinet hold two separate meetings in September due to the large volume of substantive items currently on the Forward Plan for September.

RESOLVED that the Overview and Scrutiny Board hold two meetings in September regardless of whether Cabinet wish to accept the above recommendation.

20. Future Meeting Dates

The future meeting dates and locations were noted.

The meeting ended at 8.55 pm

CHAIRMAN