

Notice of Council

Date: Tuesday, 11 January 2022 at 7.00 pm

Venue: Solent Hall, Bournemouth International Centre, Bournemouth



Chairman:

Cllr N Hedges

Cllr H Allen
Cllr L Allison
Cllr M Anderson
Cllr S C Anderson
Cllr M Andrews
Cllr J Bagwell
Cllr S Baron
Cllr S Bartlett
Cllr J Beesley
Cllr D Borthwick
Cllr P Broadhead
Cllr M F Brooke
Cllr N Brooks
Cllr D Brown
Cllr S Bull
Cllr R Burton
Cllr D Butler
Cllr D Butt
Cllr J J Butt
Cllr E Coope
Cllr M Cox
Cllr M Davies
Cllr N Decent
Cllr L Dedman
Cllr B Dion

Vice Chairman:

Cllr T O'Neill

Cllr B Dove
Cllr B Dunlop
Cllr M Earl
Cllr J Edwards
Cllr L-J Evans
Cllr G Farquhar
Cllr D Farr
Cllr L Fear
Cllr A Filer
Cllr D A Flagg
Cllr S Gabriel
Cllr N C Geary
Cllr M Greene
Cllr N Greene
Cllr A Hadley
Cllr M Haines
Cllr P R A Hall
Cllr P Hilliard
Cllr M Howell
Cllr M Iyengar
Cllr C Johnson
Cllr T Johnson
Cllr A Jones
Cllr J Kelly
Cllr D Kelsey

Cllr R Lawton
Cllr M Le Poidevin
Cllr L Lewis
Cllr R Maidment
Cllr C Matthews
Cllr S McCormack
Cllr D Mellor
Cllr P Miles
Cllr S Moore
Cllr L Northover
Cllr S Phillips
Cllr M Phipps
Cllr K Rampton
Cllr Dr F Rice
Cllr V Ricketts
Cllr C Rigby
Cllr R Rocca
Cllr M Robson
Cllr V Slade
Cllr A M Stribley
Cllr T Trent
Cllr M White
Cllr L Williams
Cllr K Wilson

All Members of the Council are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:
<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=4811>

If you would like any further information on the items to be considered at the meeting please contact:
Karen Tompkins on 01202 096660 or democratic.services@bcpcouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or
email press.office@bcpcouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

31 December 2021



Available online and
on the Mod.gov app

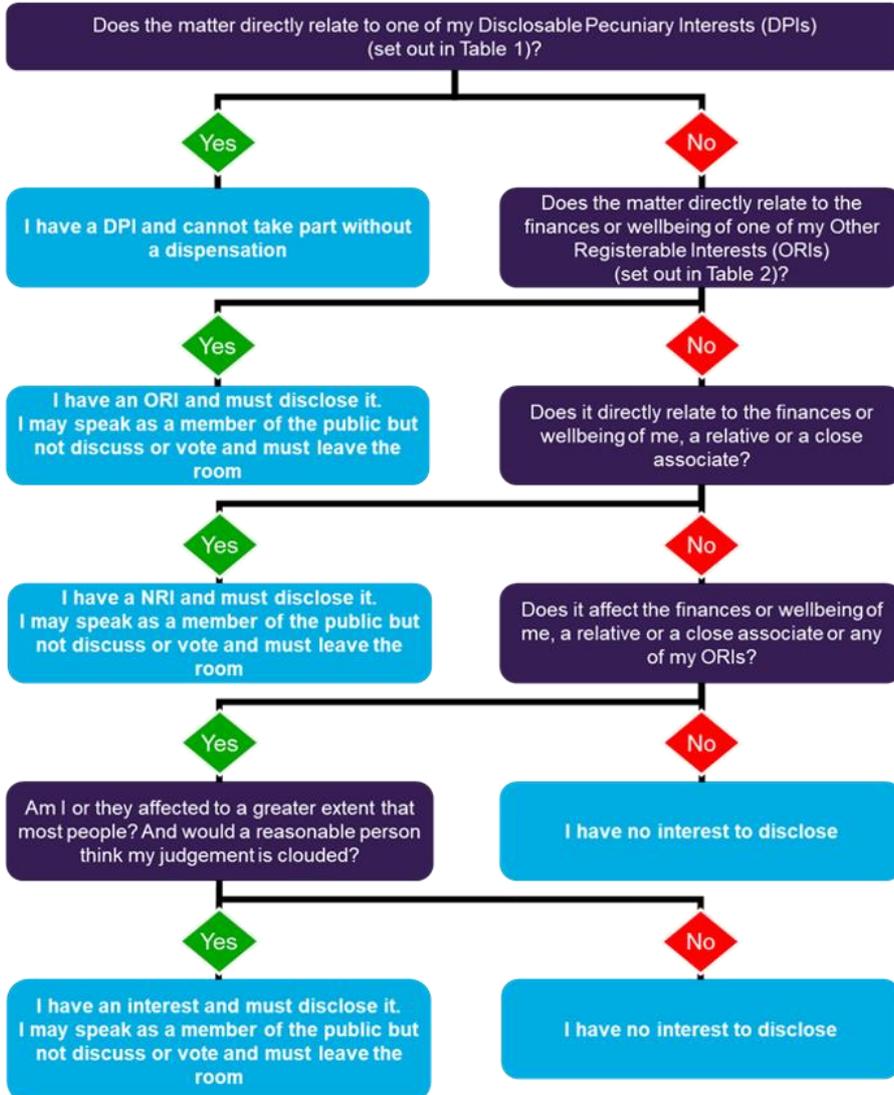


Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(susan.zeiss@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Apologies

To receive any apologies for absence from Councillors.

2. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

3. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the Meeting held on 9 November 2021.

9 - 44

4. Announcements and Introductions from the Chairman

To receive any announcements or introductions from the Chairman.

5. Public Issues

To receive any public questions, statements or petitions submitted in accordance with the Constitution, which is available to view at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

The deadline for the submission of a public question is 4 clear working days before the meeting.

The deadline for the submission of a public statement is midday the working day before the meeting.

The deadline for the submission of a petition is 10 working days before the meeting.

6. Questions from Councillors

The deadline for questions to be submitted to the Monitoring Officer is 31 December 2021

7. Recommendations from Cabinet and Other Committees

- 7 (a) Cabinet 24 November 2021 - Minute No 86 - Estates and Accommodation - BCP Civic Space

45 - 66

RECOMMENDED that: - B) the Phase 1 project budget set out in Appendix 3 of £1.067 million, of which £0.611 million will be funded from prudential borrowing, be approved.

(Resolutions (A) and (C) were matters determined by the Cabinet)

7 (b) Cabinet 24 November 2021 - Minute No 90 - Pokesdown Railway Station Improvement

67 - 112

RECOMMENDED that Council: -

- (A) approve £2.6m from BCP's Future Funds be allocated towards the improvement of Pokesdown Railway Station;**
- (B) approve that delegated joint authority be given to the Director of Transport and Engineering and the Monitoring Officer in consultation with the Portfolio Holder for Transport and Sustainability to finalise a legal agreement with partners to cover the forthcoming arrangement;**
- (C) approve that governance is delegated to the Regeneration Board to monitor and manage project progress including decision making related to any minor variation; and**
- (D) note that the Future funds allocation if approved shall include for any BCP costs to progress the technical, financial and legal work required.**

7 (c) Audit and Governance Committee 2 December 2021 - Minute No 57 - Report of the Constitution Review Working Group - Changes to the Constitution

113 - 320

RECOMMENDED TO COUNCIL

- (A) that the views and recommendations of the Constitution Review Working Group as considered by the Audit and Governance Committee and as set out in the relevant parts of the Constitution be approved as follows:-**
 - (i) that the proposed changes to Part 1 (Constitution Summary and Explanation) be adopted;**
 - (ii) that the proposed changes to Part 2 (Articles of the Constitution) be adopted subject to the following amendments:-**

Article 3, paragraph 3.1.4 (a), relating to the rights of the public, being amended to read "Complain to the Council where there is an alleged breach of the Councillors' Code of Conduct. The arrangements for dealing with allegations of breach of the Code of Conduct for Councillors is set out in Schedule 1 to Part 6 of this Constitution.";
 - (iii) that, subject to (iv) below, the proposed changes to Part 3 (Responsibility for Function and Officer Scheme of Delegation) be adopted subject to:-**

Part 3A, paragraph 7.1.1 being deleted (i.e. the removal of responsibility for personnel-related appeals);

- (iv) that a Place Overview and Scrutiny Committee comprising 11 members, meeting six times per annum be established from the Annual Meeting of Council in May 2022, subject to the remit as outlined in Part 3A, paragraphs 4.7 and 4.8 of the proposed Constitution being amended to read:-

“4.7 The Place Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.2.7 to 4.2.13 above, in relation to matters such as strategic planning, house building, homes, environment, cleansing, waste, transport and sustainability.”

“4.8. This Committee carries out all the Council’s overview and scrutiny functions relating to flood risk management as required by legislation.”

- (v) that the proposed changes to Part 4 (Procedure Rules) be adopted, subject to:-

1. the words “A Councillor may ...” in Part 4D, paragraphs 13.17 (Points of Order) and 13.18 (Personal Explanation) being replaced with “A member of the meeting may...”;
2. Part 4D, paragraph 24.1 (Disorderly conduct by Councillors), second sentence, being amended to read “If the misconduct continues, the person presiding or any other Councillor may move “That the Councillor be not further heard for the item being debated” or “That the Councillor be not further heard for the remainder of the meeting”.

- (vi) That the proposed changes to Part 6 (Code of Conduct and Protocols) be adopted, subject to the inclusion of the Planning Committee Protocol for Public Speaking as a Local Protocol within this Part;

- (B) that necessary and consequential technical and formatting related updates and revisions to the Constitution, including the minor textual corrections identified by the Audit and Governance Committee, be made by the Monitoring Officer in accordance with the powers delegated.

7	(d) Audit and Governance Committee 2 December 2021 - Minute No 59 - Process for the appointment of external auditors 2023/24 to 2027/28	321 - 338
	RECOMMENDED that Council approves the decision by the Audit and Governance Committee to accept Public Sector Audit Appointments' (PSAA's) invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.	
7	(e) Cabinet 15 December 2021 - Minute No 97 - Quarter Two Budget Monitoring 2021/22	339 - 378
	RECOMMENDED that Council	
	(A) delegates the final decisions in spending the COMF allocations for winter planning to the director of public health in consultation with the chief executive, and leader of the council as urgent decisions may be required as considered in paragraph 72 of the report;	
	(B) approves the use of £4.2 million of the Covid pressures grant to support the net unavoidable pressures within services as set out in paragraph 67 of the report; and	
	(C) approves the capital virement to accept new grant funding as set out in paragraph 94 of the report.	
7	(f) Cabinet 15 December 2021 - Minute No 104 - Concessionary Fares Bus Operator Reimbursement	379 - 416
	RECOMMENDED that: - (A) the current 2021/22 scheme year Cabinet recommends to Council support for the continued concessionary travel reimbursement of bus operators at the adjusted pre-COVID levels with an expected saving of £350k.	
	(Resolution (B) was determined by the Cabinet)	
7	(g) Cabinet 15 December 2021 - Minute No 105 - Housing scheme at Herbert Avenue, Poole	417 - 498
	RECOMMENDED that Council: -	
	1. Approve the proposed £3.486m temporary accommodation scheme budget required to deliver the development:	
	a. supports the increase in previously approved budget of £ 2.508m Cabinet Oct 2018) plus sum of £0.28m (ODR approval June 2020) By a further £0.698m. (As detailed under paragraph 54 of the report)	
	b. approve the financial strategy for the scheme as set out in paragraphs 33 to 47 with specific approval for:	

- i) **£2.440m of prudential borrowing to be repaid over 50 years used to finance the Housing Revenue Account (HRA).**
- ii) **The capping of rental income to Affordable Rent levels and Local Housing Allowance.**
- c. **award the contract for the construction of the new temporary accommodation development to the preferred bidder.**

8. Notice of Motions in accordance with Procedure Rule 12

The following motion submitted in accordance with Procedure Rule 12 of the Meeting Procedure Rules has been proposed by Councillor Chris Rigby and seconded by Councillor Simon Bull:-

Fossil Fuel Non-Proliferation Treaty Motion

For reference <https://fossilfuel treaty.org/home>

This Council

- 1. Notes the “Glasgow Pact” Agreed at COP26 in November 2021 recognizes that the impacts of climate change will be much lower at the temperature increase of 1.5°C compared with 2°C and resolves to pursue efforts to limit the temperature increase to 1.5°C**
- 2. Notes the same document Calls upon Parties to accelerate the development, deployment and dissemination of technologies, and the adoption of policies, to transition towards low-emission energy systems, including by rapidly scaling up the deployment of clean power generation and energy efficiency measures, including accelerating efforts towards the phasedown of unabated coal power and phase-out of inefficient fossil fuel subsidies, while providing targeted support to the poorest and most vulnerable in line with national circumstances and recognizing the need for support towards a just transition;**
- 3. Notes that the recent report from the United Nations Intergovernmental Panel on Climate Change (IPCC), has been described as ‘a code red for humanity’ by the Secretary General of the United Nations**
- 4. Notes that global governments and the fossil fuel industry are currently planning to produce an estimated 120% more emissions by 2030 than what is needed to limit warming to 1.5°C and avert catastrophic climate disruption, and that this risks undermining global efforts to reduce climate-changing pollution**
- 5. Notes that the economic opportunities presented by a clean**

energy transition far outweigh the opportunities presented by an economy supported by expanding fossil fuel use and extraction

- 6. Notes BCP Councils own declaration of a climate and ecological emergency in July 2019**
 - 7. Notes BCP Council and the wider community is committed to targets of net zero by 2030 and the BCP conurbation target of net zero by 2050, and recognises the current work underway to meet these targets**
 - 8. Believes that BCP Council should be committed, as part of our Climate Emergency response, to a just energy transition and to ambitious investments in green infrastructure and industries that will create jobs and rapidly decarbonize our economy;**
 - 9. Recognises a new global initiative is underway calling for a Fossil Fuel Non-Proliferation Treaty that would end new fossil fuel exploration and expansion, phase out existing production in line with the global commitment to limit warming to 1.5°C, and accelerate a just transition to renewable energy**
 - 10. Notes that other leading cities including Barcelona, Toronto, Los Angeles, Sydney, and Cambridge (UK) have endorsed the call for a Fossil Fuel Non-Proliferation Treaty**
 - 11. Therefore, BCP Council endorses the call for a Fossil Fuel Non-Proliferation Treaty**
 - 12. Further that the relevant portfolio holder, on behalf of BCP Council send a letter to the Prime Minister of The United Kingdom urging the UK Government to support the global initiative for a Fossil Fuel Non-Proliferation Treaty.**
- 9. Urgent Decisions taken by the Chief Executive in accordance with the Constitution**

The Chief Executive to report on any decisions taken under urgency provisions in accordance with the Constitution.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
COUNCIL

Minutes of the Meeting held on 09 November 2021 at 7.00 pm

Present:-

Cllr N Hedges – Chairman

Present: Cllr H Allen, Cllr L Allison, Cllr M Anderson, Cllr S C Anderson, Cllr M Andrews, Cllr J Bagwell, Cllr S Baron, Cllr S Bartlett, Cllr J Beesley, Cllr D Borthwick, Cllr P Broadhead, Cllr M F Brooke, Cllr N Brooks, Cllr D Brown, Cllr S Bull, Cllr R Burton, Cllr D Butler, Cllr D Butt, Cllr J J Butt, Cllr E Coope, Cllr M Cox, Cllr M Davies, Cllr L Dedman, Cllr B Dion, Cllr B Dove, Cllr B Dunlop, Cllr M Earl, Cllr J Edwards, Cllr L-J Evans, Cllr G Farquhar, Cllr D Farr, Cllr L Fear, Cllr D A Flagg, Cllr S Gabriel, Cllr N C Geary, Cllr M Greene, Cllr N Greene, Cllr A Hadley, Cllr M Haines, Cllr P Hilliard, Cllr M Howell, Cllr M Iyengar, Cllr C Johnson, Cllr T Johnson, Cllr J Kelly, Cllr D Kelsey, Cllr R Lawton, Cllr M Le Poidevin, Cllr L Lewis, Cllr S McCormack, Cllr D Mellor, Cllr S Moore, Cllr M Phipps, Cllr K Rampton, Cllr Dr F Rice, Cllr V Ricketts, Cllr C Rigby, Cllr R Rocca, Cllr M Robson, Cllr A M Stribley, Cllr T Trent, Cllr M White, Cllr L Williams and Cllr K Wilson

115. Apologies

Apologies were received from Councillors N Decent, A Filer, P Hall, A Jones, C Matthews, R Maidment, P Miles, L Northover, T O'Neill (Vice-Chairman), S Phillips and V Slade.

116. Declarations of Interests

The following declaration was made:

- Councillor Mike Brooke declared for transparency purposes an interest as a Board Member of BDC in respect of item 8b – Cabinet 29 September 2021 – Minute No 55 – Accelerating regeneration and investment in the BCP Area.

117. Election of Vice-Chairman of the Council

Nominations were received as follows:

- Councillor Tony O'Neill – proposed by Councillor Dion and seconded by Councillor Stribley.
- Councillor George Farquhar – proposed by Councillor Trent and seconded by Councillor Lewis.

The proposers and seconders outlined their reasons for the above nominations and the nominees' ability to fulfil the role. Councillor Farquhar explained why he should be elected Vice-Chairman. In Councillor O'Neill's absence Councillor Mellor read out a statement prepared by Councillor

O'Neill on why he should fulfil the role. A secret ballot was undertaken in accordance with the Constitution. The Chief Executive reported on the outcome of the ballot as follows:

- Councillor Tony O'Neill 38
- Councillor George Farquhar 27

No abstentions were recorded.

RESOLVED that Councillor Tony O'Neill be elected as Vice-Chairman of the Council until the next Annual Council meeting in May 2022.

The Chairman thanked Councillor Fear for his support and experience in undertaking the role of Vice-Chairman. In response Councillor Fear thanked the Chairman for his comments and highlighted the work the Chairman has undertaken in his role and wished the new Vice-Chairman well. The Chairman also thanked Councillor Farquhar for putting himself forward to fulfil the role of Vice-Chairman.

118. Confirmation of Minutes

The Chairman asked Councillors if they agreed to confirm the minutes of the Ordinary Council meeting held on 14 September 2021.

Councillor Phipps indicated that she would have to abstain from the vote and explained that whilst she did not question the accuracy of the minutes recorded by Democratic Services, she believed that some of the answers given to her question as detailed in those minutes contained falsehoods and were not true. She reported that her question had been about the Lagoon Bounce back Grant Award of £70,000 and the Portfolio Holder had said that she lived close to the proposed Lagoon site. Councillor Phipps reported that she did not live near the site and his response made her appear to be dishonest and have a personal interest which she said she did not. Councillor Phipps also commented on the reference to the scoring made by the Portfolio Holder in his response and felt that he had manipulated wording in his response to twist the truth and as one of the two Members of the Award team he did agree to change the score on the Lagoon. Councillor Phipps confirmed that due to what she believed to be misinformation and perceived falsehoods being the only answer to her question recorded in the minutes she would abstain from the vote.

Councillor McCormack reported that for the same reasons as Councillor Phipps he would also be abstaining as, although the minutes were recorded correctly, he did not believe the information provided in the answer to his question was correct.

Councillor Brown reported that he would be abstaining from the vote on the minutes as he believed that the information provided by the Cabinet Member for Transport and Sustainability and by the Leader under minute 110 Questions from Councillors on pages 11, 12 and 13 of the minutes regarding the financial resources to tackle the climate emergency and at minute 111 Budget Outturn report on pages 20, 21 and 22 stated by the Leader and the Cabinet Member were not true. He reported that the public had a right to expect that the answers given were accurate and factually correct. He explained that whilst the minutes represent what was stated. He

was not content that in his opinion false information and fake news had become a matter of public record for this Council. He asked that it be minuted, that he disagreed with the statements made at the last Council meeting and would be abstaining on the vote to approve the minutes.

Councillor Mellor, Leader of the Council in response indicated that he had just been challenged on what he had said in the meeting. He explained that the Unity Alliance had cancelled the climate and ecological emergency budget, that £240,000 was taken out of the budget. He suggested that the Section 151 Officer who was in attendance could be the arbiter on who was correct. The Leader confirmed that the administration reinstated this budget and doubled the budget provision and made it permanent. He explained that the accusations were not true.

The Chairman indicated that the purpose of the item was to confirm the acceptance of the minutes of the last Council meeting.

Councillor Howell asked for the Chief Financial Officer to comment on the issues raised relating to the Climate budget and sought clarification on the budget provision for the previous administration compared to the current situation. He indicated that he would be abstaining from the vote for the reasons previously highlighted.

The Chief Executive reported that the purpose of the item in accordance with the Constitution was to confirm the accuracy of the minutes. If there was any challenge on the accuracy of the minutes, it should be undertaken by way of a motion proposed seconded and voted upon. He advised that the vote be taken on the minutes given the wording of the Constitution.

A recorded vote was taken on the confirmation of the minutes of the meeting held on 14 September 2021 as follows:

For – 38

Cllr Hazel Allen	Cllr Eddie Coope	Cllr Toby Johnson
Cllr Mark Anderson	Cllr Malcolm Davies	Cllr Jane Kelly
Cllr Sarah Anderson	Cllr Bryan Dion	Cllr David Kelsey
Cllr Julie Bagwell	Cllr Bobbie Dove	Cllr Bob Lawton
Cllr Steve Baron	Cllr Beverley Dunlop	Cllr Drew Mellor
Cllr Stephen Bartlett	Cllr Jackie Edwards	Cllr Karen Rampton
Cllr John Beesley	Cllr Duane Farr	Cllr Roberto Rocca
Cllr Derek Borthwick	Cllr Sean Gabriel	Cllr Ann Stribley
Cllr Philip Broadhead	Cllr Mike Greene	Cllr Mike White
Cllr Nigel Brooks	Cllr Nicola Greene	Cllr Lawrence Williams
Cllr Diana Butler	Cllr May Haines	Cllr Laurence Fear
Cllr Daniel Butt	Cllr Mohan Iyengar	Cllr Nigel Hedges
Cllr Judes Butt	Cllr Cheryl Johnson	

Against – 0

Abstentions – 27

Cllr Lewis Allison	Cllr L-J Evans	Cllr Simon McCormack
Cllr Marcus Andrews	Cllr George Farquhar	Cllr Sandra Moore

Cllr Mike Brooke	Cllr David Flagg	Cllr Margaret Phipps
Cllr David Brown	Cllr Nick Geary	Cllr Felicity Rice
Cllr Simon Bull	Cllr Andy Hadley	Cllr Vanessa Ricketts
Cllr Richard Burton	Cllr Paul Hilliard	Cllr Chris Rigby
Cllr Mike Cox	Cllr Mark Howell	Cllr Mark Robson
Cllr Lesley Dedman	Cllr Marion LePoidevin	Cllr Tony Trent
Cllr Millie Earl	Cllr Lisa Lewis	Cllr Kieron Wilson

The Minutes of the Ordinary Council meeting on 14 September 2021 were confirmed.

119. Announcements and Introductions from the Chairman

The Chairman made the following announcements:

A - Sir John Butterfill

The Chairman reported with sadness on the death of Sir John Butterfill MP. He explained that Sir John had passed away peacefully early on Sunday and he had been ill for some time. The Chairman reported that as many long-standing Members would know, Sir John had served as a Member of Parliament for Bournemouth West from 1983 until his retirement in 2010. He was elected to Parliament for Bournemouth West six times and in Parliament had the distinction as a Back Bench MP of introducing many Acts of Parliament.

Members stood to observe a minute's silence in his memory.

B - Councillor Colin Bungey

The Chairman referred to the recent Memorial Ceremony for Councillor Colin Bungey at The Priory Church. He was first elected to Jumpers Ward in Christchurch in May 1983 and his widow Sue was the current Mayor of Christchurch. Hundreds heard the eulogies and praise for 'a man of decency, integrity, honesty and selflessness' over the years he served as a 'non-Party' Councillor.

C – Civic Activities

The Chairman referred to some of the engagements he had attended since the last Council meeting as detailed below:

- Dorset Scouts Awards ceremony with the Mayor of Bournemouth in Blandford.
- BCHA At Your Service Launch for training people for the hospitality and catering industry.
- Christchurch Town Council rededication service at Christchurch Priory and the launch of the Christchurch Living Advent Calendar at the Kings Arms Christchurch which has seen Christchurch Rotary and BCP Events team working together.
- Visited Bournemouth University with special focus on the new and impressive Poole Gateway Building.
- Opening of New Halls at Arts University Bournemouth.
- Spoke at the launch of the Citizens Advice outreach vehicle.

- the High Sheriff of Dorset's Law Service in Dorchester. He explained that he continued to be honoured to be working on the High Sheriff's Working Group on his Harmony in Dorset project. (On that occasion he had accompanied the Mayor of Poole).
- Attended with the Mayor of Bournemouth the launch of the Bournemouth Arts Festival by the Sea.

120. Public Issues

The Chairman advised that a number of public issues had been submitted for the meeting:

A – Public Questions

Public Question from Susan Stockwell

Does this council consider littering emanating from licensed premises a matter of public nuisance, whether for alcohol licensing or take away licensing?

Reply from Councillor Bobbie Dove, Cabinet Member for Community Safety and Regulatory Services

The prevention of public nuisance is one of the Licensing objectives for all licensed premises, including alcohol sales and late-night refreshments. This would include take-aways operating after 11.00pm and would include litter.

Licensed premises, particularly those operating after 23:00 hours and into the early morning, may affect people living or working in the vicinity of these premises. Therefore, we would expect that the applicant's operating schedule would contain practical steps to prevent potential disturbance to local residents, this would include litter in the immediate vicinity.

In some instances, litter emanating from licensed premises may be as result of failure by businesses to comply with 'duty of care' obligations to make suitable waste collection arrangements. Where this should happen, the Council is piloting a scheme where an enforcement company called WISE will engage with businesses to work alongside the Council and make improvements where necessary. This would include engagement with licensed premises, to ensure that they comply with these obligations. Should they fail to do so, fixed penalty notices can be issued where appropriate.

Public Question from Vicky Spence

How are residents near Culliford Crescent supposed to be able to object about a 5g mast going barely metres from their homes and affecting other homes further up the hill when all have been pretty much isolating since March 2020?

Residents were not informed, and homes are now blighted by an unsightly 18 metre mast towering over them.

I only found the Yellow planning notice after it had been erected and the weblink went to a blank page, the phone number was an old Poole Council number. How are we to find out information when the information supplied is WRONG?

Reply from Councillor Philip Broadhead, Deputy Leader and Cabinet Member for Development, Growth & Regeneration

The 5G mast proposal near Culliford Crescent was subject to the required statutory notification following the submission of the application in June 2021. We need to look further into why residents didn't submit comments to the proposal but all statutory requirements regarding publicity were carried out as they always are. An objection to the application was received from a ward Cllr representing their residents raising issues that were then considered in the assessment of the application.

Unfortunately, due the way the permitted development regime operates, the Council is bound by a strict process within which to determine 5G mast applications, and whilst fully sympathising with the concerns raised in the question, this application was ultimately determined in accordance with the legislation. We are, however, always reviewing how applications are notified and will ensure that any issues raised will be looked at further to ensure the Council's notification procedures remain robust and engaging for residents.

Public Question from Dr David Young

Since 5G masts are sprouting up all over the boroughs, can the BCP council undertake to extend the safety-monitoring of electromagnetic radiation that it is already doing in the Lansdowne area throughout the BCP area, to ensure that no-one is exposed beyond the maximum recommended level for technologies using frequencies over 2 GHz in public spaces, as outlined by the International Commission on Non-Ionizing Radiation Protection (ICNIRP)?

Reply from Councillor Philip Broadhead, Deputy Leader and Cabinet Member for Development, Growth & Regeneration

5G Masts garnet just sprouting up all over the BCP area, but rather the whole world. Indeed, many other cities and towns of comparable size in this country are now further ahead in the roll-out than we are.

When we launched our own 5G network, we took the stop of monitoring the levels to give assurance to the small number of people who remain worried about this proven technology. These are publicly available and show all levels are not just within the limits, but very obviously so.

We don't have the capacity, funding or indeed the mandate to monitor those of others. However, the useful readings from our own equipment do prove that the levels are minimal and well below the recommended guidelines.

B – Statements

Public Statement from Philip Stanley-Watts

What with the tragic loss of trees and hedgerows at West Parley, just outside the BCP area there needs to be a natural environment heritage protection order within the planning process. This could be like the legislation within the listing process for this Country's built heritage. Then

there are TPOs but is that robust enough within our planning framework for the protection of trees.

Public Statement from Alex McKinstry

I deplore the decision by Bournemouth's charter trustees to recommend the town for city status. Residents have not been formally consulted on this; when the *Echo* suggested, on 9 June, that Bournemouth might apply for city status, the comments beneath that article were overwhelmingly negative. The prospective drawbacks to city status would be very numerous: landlords would start charging city rents; high-rise and high-density development would increase; while Poole and Christchurch would be relegated, potentially, to mere decorative outposts. I hope all councillors will consider these points, therefore, before voting on Item 10 of this evening's agenda.

Public Statement for Tina Cresswell (read out by the Chief Executive in her absence)

The utopian and fanciful 'Big Plan' for ambitious commercial development in the BCP area has set puny and underwhelming targets for carbon emissions, and no target at all to remedy the appalling sewage contamination of BCP beaches. This is at odds with the rosy image of the future as presented in the Big Plan. There is no target for tree planting, home insulation, wind-power, or provision of a community energy system generating low-carbon electricity. BCP please try harder.

C – Petitions

There were no petitions submitted for this meeting.

121. Questions from Councillors

Question from Councillor George Farquhar

As a follow on from the question I asked at Full Council on Tuesday the 5th January I have waited the Constitutionally required six months before being allowed to ask this question of the Leader of the Council.

Following the discussions with the Department for Transport aided by the Member of Parliament for Bournemouth East, will the Council commit to match funding the budgets in the public domain from South Western Railway and Network Rail for the installation and commissioning of the long overdue accessibility lifts at 'Pokesdown for Boscombe Station' in the ward I am proud to represent? If so when? And how much?

Reply from Councillor Mike Greene, Cabinet Member for Sustainability and Transport

This is a subject that has been high on my agenda for a number of years, following the excellent and successful campaign led by Cllr Andy Jones, which resulted in the obligation for lifts at Pokesdown Station to be included as a requirement for the South Western Railways franchise.

Several meetings have been held between the BCP Council leadership, South Western Railways, Network Rail and the MP for Bournemouth East to consider the various options ahead and officers are now working closely in partnership with both those organizations towards anticipated improvements to the Pokesdown Railway Station. It is hoped that these improvements will include not only the fully accessible lifts, but other enhancements too.

Over the last few months, at BCP's request, South Western Railways and Network Rail have been working on a business case that identifies the scope of the project, and the relative funding position for each of them. Technical work is continuing alongside this.

I am delighted to confirm that at the next Cabinet meeting, on November 24th, I will be asking for approval for up to £2.6m from the Futures Fund set up by this Conservative administration to be allocated as a potential BCP contribution. This is to cover the shortfall from partners who themselves have identified, subject to their own internal approvals, that they will contribute a total of £3.1m.

I understand that Cllr Farquhar is new to this, but sure he will be delighted that after so many years of operator delay, it looks like all the work done by his colleague, Cllr Andy Jones is finally close to bearing fruit.

Question from Councillor Eddie Coope

Can the cabinet member explain why the Long Groyne has been secured to prevent access and how secure is it and can the cabinet member tell me what is happening with the future of the Long Groyne.

Reply from Councillor Mark Anderson, Cabinet Member for Environment and Place

I would like to thank Cllr Coope for his question, The upgrade/replacement of the Long Groyne forms part of the current Poole Bay Beach Management Scheme for which we secured £36m funding last year. Initial structural investigations undertaken to help inform condition assessment and design parameters revealed significant voiding within the existing structure. On completion of these investigations, it was deemed appropriate to prevent access along the groyne due to the health and safety risk posed by potential movement or collapse of the structure.

As for any maritime structure like this, erecting safety barriers etc is extremely difficult as it is easily damaged during storm periods. The method adopted was designed and erected in liaison with BCP insurance personal to make sure the balance of security and signage was acceptable. No member of public could access past the gate and associated signage without being fully aware of the risk and it would take significant effort to do so.

At present ground investigations (boreholes etc) are due to start this month to inform design conditions. We are planning to go to tender in March/April 2022 on a design and build contract, with the design phase being undertaken next year and construction starting in Spring 2023. Due to environmental licence constraints, as well as being sensible programming

for marine construction, the build will take place during the summer months, aiming for completion during Autumn 2023.

It is also important to remind Council that we will not be significantly changing the length or alignment of the groyne. It will be more about rebuilding to make structurally sound and increasing height to allow for future sea level rise. It will also bring up to date the understanding of rock stability to ensure an appropriate design for future storm events. There was some consideration for slight adjustment to the angle of the groyne to optimise sediment retention to the west, however this could pose risk via exposing a harsher wave climate to Mudeford Spit and Christchurch Harbour entrance.

Councillor Coope, as a supplementary question, asked if the groyne was as secure as possible. Councillor Mark Anderson confirmed that he can assure Councillor Coope that the groyne was secure.

Question from Councillor Ann Stribley

Residents in the Parkstone/Penn Hill area have recently received a leaflet from Poole Liberal Democrats which purports to be a street survey, but states -

“The Conservative-led Council has recently spent £90,000 on two new mayoral limos.”

Is this statement true?

Reply from Councillor Mike Greene, Cabinet Member for Sustainability and Transport

I have seen the leaflet to which Cllr Stribley refers. It takes the form of a multiple-choice survey and features the names and pictures of three Liberal Democrat councillors. It says “The Conservative-led Council has recently spent £90,000 on two new mayoral limos” and asks residents: “How do you rate this as value for money for Poole tax-payers?” – “Appalling Waste, Poor Value, Good Value or Excellent use of funds”.

It is a shame that the authors did not add a further option, asking residents if they thought it might be: “simply a Liberal Democrat lie”.

When the Conservatives inherited the draft Fleet Replacement Strategy from the previous Liberal-Democrat led Administration a year ago, it was, to say the least, wholly inadequate: planning to replace a tiny fraction of our 600-odd vehicles with their electric equivalents. I am delighted to note that the Strategy **we** approved increased this to around a third of replacements to be with ULEV in the first 3-year phase alone, with an anticipation that this will see a large step up again in the following three years. In addition, we have replaced the diesel used by the non-electric fleet with a fully sustainable alternative drop-in fuel made from Hydrogenated Vegetable Oil. The net result is a predicted reduction in our fleet’s carbon emissions of more than 90%.

Councillor Evans during the response to the question raised a point of order indicated that the information provided did not seem relevant to the response. The Chairman asked for the answer to the question.

In the correct financially prudent way, the Strategy identified all vehicles that would reach end of life during the period and what, *if* replaced like-for-like, the cost would be. It was explained carefully to everyone at the Overview and Scrutiny meeting which discussed the strategy that this did **not** mean that individual purchases would go ahead. Maybe the Liberal Democrats present either did not listen to or did not understand that simple fact; but maybe it's telling too that out of a £31 million strategy which forms a massive step forward in the Council's objective to become Carbon neutral by 2030, they chose to focus all their energy on this one budget line and almost none on the other 99.7%.

Just to confirm to everyone: the line in the Liberal Democrat leaflet which says that "BCP Council has recently spent £90k on two new mayoral limos" is completely false. Was it written knowingly or unknowingly? I know what I think.

Councillor Stribley as a supplementary question asked what action the Portfolio Holder thinks this Council should take regarding Members who were either responsible for or complicit in circulating deliberate untruths. The Chairman advised that he was disinclined to allow the supplementary question. Councillor Wilson, by way of a point of order, asked on what grounds was the supplementary question being disallowed. The Chairman indicated that he did not feel it was pertinent to the original response given by the Portfolio Holder.

Question from Councillor Daniel Butt

Hamworthy is in dire need of a new sea wall along a significant stretch. Can the leader tell me what efforts are underway to find a long-term solution to this problem, which has been brewing for years?

Reply from Councillor Drew Mellor, Leader and Cabinet Member for Finance & Transformation.

My colleague, Cllr Mark Anderson and the Flood and Coastal Erosion Risk Management (FCERM) team have done significant work in this area to both gain an understanding of the level of defects and to discuss a mitigation strategy with the friends of Hamworthy park. A maintenance report has been completed for these defects along with a priced solution to robustly repair the seawall and path in this popular location.

I thank you for raising this issue with me personally and I am delighted to confirm that post your intervention it is this administrations intention to bring forward a capital programme to rectify this situation, to invest in Hamworthy and to ensure we keep investing in Hamworthy.

Question from Councillor Tony Trent

No doubt other members have received representations on this, albeit that many got caught in BCP Council's "Junk Mail" folder and may not have been read by the intended recipients.

At the November 2020 meeting of BCP Council (with the item debated on 8th December 2020) the council passed a motion relating to fireworks. One of the actions required under the motion was for the Portfolio Holder, which I believe was Cllr. Anderson, to write to the Government urging them to

pass legislation limiting the maximum noise level to 90dB for private fireworks displays. Could I be told what action, if any, has been taken to follow up this request, and to take the concerns expressed further.

The motion also requested that the Portfolio Holder encourage local retailers to stock quieter fireworks, and I would be grateful if it could be confirmed what action has been taken on this.

Finally, the motion called for a public awareness campaign on fireworks, but there does not appear any record of it having been done so far. Can it be confirmed if action has been taken on this, and when it took place.

Reply from Councillor Mark Anderson, Cabinet Member for Environment and Place

I would like to thank Cllr Trent for his question, I received an almost identical question from another Councillor via email last week and as I told her in my response this isn't my portfolio as it's really concerned with Noise and Publicity which are covered by the Enforcement team and Communications, but I investigated it to provide an answer.

The first thing I did was look up the motion and I thought it might be useful to remind members as well: -

The motion states that "This Council resolves: -

(a) to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.

(b) to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks.

(c) to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays.

(d) to encourage local suppliers of fireworks to stock 'quieter' fireworks for public private display."

Interestingly it appears three of the parts of the motion are already carried out, responding to these 3: -

Part a) which is conceivably the only part that is an Environment issue, public fireworks on Council land are advertised anyway and we cannot require those holding displays on private land to publicise (as there is no license or permit requirement). There was only one Fireworks display on council land this November and that was at Poole Quay. This has been promoted as the lead story in all destination consumer emails as well as being included in the council's events weekly email.

Part b) I have been told the council comms team were sending out daily social media posts and email news to residents in the build up to bonfire night and I believe the campaign is linked to the national governments campaign on fireworks. I have several of the infographics that were sent out on this with the earliest one I have seen being dated the 27th of October.

Part d) As part of national campaigning on noise & safety of fireworks, local retailers are already encouraged by our Trading Standards Officers to stock low-noise fireworks whilst they carry out the annual licensing visit to ensure safe storage of pyrotechnics. We have no jurisdiction to require the inclusion of low-noise fireworks by retailers, although TSOs report general acceptance of the desirability to stock them. An on-line check by the TS Manager recently indicated that the vast majority of local retailers do in fact already stock low-noise fireworks. We have also arranged for future licence inspections to include a question on the proportion of sales that relate to low-noise fireworks. Again, we have no jurisdiction to require this info, but feedback from TSOs suggests that retailers are quite cooperative and willing to assist.

So, returning to Part C of the motion where Cllr Trent believed I am required to write to the government requiring a maximum 90db noise level for fireworks, I would like to reiterate I was not specified in the motion and the majority of the requirements are not in my portfolio, in fact no PFH was specified in the motion to do this.

Now specifying 90db as a noise level is I'm afraid meaningless unless a minimum distance is specified, this is an area of physics that comes under the Inverse square law, so if you double the distance, you half in this case the sound.

I did ask Environmental Health about stipulating a 90 decibel (dB) limit and was told that "stipulating a sound pressure level in isolation would not convey a definable or measurable proposal." and for legislation be passed that covered all categories of fireworks, including for home displays, the testing regime would need to be specified.

On further investigation I discovered that this is the testing regime currently stipulated under Regulation 8 of the Fireworks Regulations 2004, which for Category 3 fireworks (outdoor fireworks with spectator safety distances of at least 25m) is set at 120dBA. A sound level meter that measures A-weighted decibels, has a similar sensitivity to sound at different frequencies to the average human ear and is the one most commonly used for measuring loud noise.

I can however confirm that a letter was sent to the government regarding the 90db level, I am not aware of any follow up to the letter although I can confirm that action was already being taken on the other three items and has for a while.

Councillor Trent as a supplementary question asked what the point was of sending a press release on 4 November which would not have appeared in print until 5 November on firework safety and could one of the regular press releases have included an article that was in the wider public interest. Councillor Anderson reported that just because Councillor Trent had received the release on 4 November does not mean that was when it was published. He explained that Communications had sent out earlier publications the earliest that he had seen was on 27 October 2021 whilst highlighting that such information needs to be published in a suitable time period.

Question from Councillor Lewis Allison

In previous months, in response to the ongoing Afghanistan refugee crisis, Local Authorities across the UK have been providing homes and support for refugee families, It's recently been announced that BCP Council will only be taking in one family, why is our commitment so low in comparison to other similar sized councils?

Reply from Councillor Karen Rampton, Cabinet Member for People and Homes

BCP Council are supporting one of the national Bridging Hotels initiated by the Home Office to provide temporary housing for Afghan Refugees. BCP Council has been facilitating a multi-agency effort to support multiple families at the Hotel since 17th September.

The Home Office has provided accommodation at the Hotel, the food, and basic provisions. The Local Authority were asked to mobilise support to the families ensuring they can both access statutory and other relevant services and integrate within the community. This support has been provided from Children's Services, Adult Social Care, Housing, Schools and Education, Primary health care, public health and the voluntary sector. We continue to support many families in this setting.

Some of the multi-agency achievements to date are:

- Children start school on 8th November
- All families are registered with a GP and have been screened for medical needs.
- High percentage of adults have been vaccinated for COVID and Flu
- ESOL classes are in place for adults
- DWP have assisted all families to access Universal Credit and other relevant benefits.
- The DWP work coaches are now proactively working with families to access work and training.
- The community and voluntary sector including Shout Out, the Red Cross, and ICN have played a key role in this effort, providing interpreters, clothing and activities for children.
- Local businesses including JP Morgan and AFC Bournemouth have also offered their support including running weekly football skills with the children.

Prior to these families arriving in the UK all Local Authorities were asked to consider assisting in the efforts to provide long term settled properties for the families. We ran a campaign focussing on private landlords requesting help to deliver this locally. BCP have so far provided one property for a family in October. Another property has since been secured and a family matched to who are due to arrive at the end of November. A further 2 properties have been identified and the details are being provided to the Home Office.

We continue to run our property request campaign on our web page, social media and our landlord newsletter and persist in working on leads for offers of additional accommodation. ICN (International Care Networks) are

commissioned to provide the resettlement support for families who move into this accommodation for up to three years.

BCP Council and our partners are committed to playing our part in this national effort.

Question from Councillor Andy Hadley

With COP26 underway, leaders across the World are discussing urgent actions to mitigate the climate and ecological crisis. This includes the handling of sewage.

I'm grateful that a members seminar was organised so Wessex Water could share their position and plans last month. We were told that they are allowed to discharge up to 10 times a year from any outfall, but this is being significantly exceeded, with 44 events logged at two local sites in 2020.

I am though sorry to learn that our local MPs would not accept changes to regulation, though following the national outcries, the Wessex Water Chief Executive was moved to write to us. Can the Portfolio-holder please briefly advise what particular measures he is now undertaking to accelerate efforts given the Wessex Water plan to 2025 seems mostly just to be monitoring the spread of sewage, that fouls our beaches and regularly shuts down our shell fisheries.

Reply from Councillor Mark Anderson, Cabinet Member for Environment and Place

I would like to thank Cllr Hadley for his question, I would also like to remind the council that we have 8 blue flags and award winning beaches!

The Environment Agency is the regulator of Wessex Water in relation to sewer overflows, although the Council continues to represent the interests of local residents and businesses who remain concerned that the current sewage infrastructure is inadequate for the level of storms and heavy rainfall.

The Council's legal responsibilities are centred on the work carried out by Environmental Health in classifying Poole Harbour waters for shellfish harvesting, as well as for testing the biological quality of harvested shellfish intended for sale and export. The Council has on occasion been required to serve temporary closure notices on the shellfish harvesting sites, as a result of sewage outflows.

Following such an event in November 2019 when Storm Pablo struck, the Council established the Poole Harbour Sewage Outfall Stakeholder Group. The aim was to influence local infrastructure investment and national policy in relation to the issue of spills arising from storm overflows in the Harbour and its tributaries. This strategic group comprises Wessex Water, the Environment Agency, Public Health England, the Food Standards Agency, the Centre for Environment, Fisheries and Aquaculture Science, the Southern Inshore Fisheries & Conservation Authority, and BCP Council.

Through this group the Council and other partners continue to influence and encourage Wessex Water to develop their investment strategy in relation to sewer and water treatment infrastructure. The Council does not however

have any regulatory or enforcement powers with regards sewage outflows from Wessex Water.

In 2020 Defra established the Storm Overflows Taskforce, comprising Defra, the EA, Ofwat, Consumer Council for Water, Blueprint for Water and Water UK, which aims to establish proposals to reduce the frequency and volumes of storm overflow spills. The Council wrote to Defra requesting local participation in the Taskforce and received a favourable response advising that an invite will be forthcoming, although this has yet to happen despite a reminder being sent.

The Group also aspires to enable greater information sharing about storm overflow operation and other factors affecting water quality, in order to enable earlier warning where possible. The aspiration is to move away from reactive lab analysis towards dynamic risk assessments providing real-time data for stakeholders and businesses. A small working group, including the Council, CEFAS, SIFCA, and UKHSA, has been formed to develop project proposals to develop innovative data/AI sharing within the Harbour and coastal settings.

It is also worth noting that as parliament is currently debating this, it will be prudent for us to wait until they have finished before we consider what further actions we take.

122. Recommendations from Cabinet and Other Committees

8a – Licensing Committee 16 September 2021 – Minute No 18 – Sex Establishment Policy

The Chairman confirmed that he had allowed 5 minutes for Councillor Judes Butt, Chairman of the Licensing Committee to present the recommendations on this issue.

Councillor Butt, Chairman of the Licensing Committee presented the report on the Sex Establishment Policy as set out on the agenda and outlined the recommendations. Councillor Butt explained that this was the first BCP Council Sex Establishment Policy. She reported on how the Policy had been developed to enable the regulation of the operation of any sex establishment within the BCP conurbation, including the legislative requirements, the comprehensive consultation with all relevant stakeholders at each stage and the chronological journey of the Policy to date. The Chairman highlighted key aspects of the policy including public sector equality issues. On 29 June 2021 there had been an all Member briefing giving Members the opportunity to be informed about the policy raise questions and contribute to the process being followed. The Chairman referred to the last meeting of the Licensing Committee in September which heard questions and statements from the Public and from Councillors. She explained that the Committee had considered these and all the public feedback, dancer responses and the equality impact assessment which was referred to at every Member workshop to ensure a thorough and detailed consideration of all equality impacts. Councillor Butt reported that the equality impact assessment had been signed off by the Equality Assurance Panel a new step to ensure that the Council met its Statutory duties in full. The Chairman reported that the policy

demonstrated the Council's compliance with the Public Sector Equality duty. Councillor Butt explained that the Licensing Committee has comprehensively discussed and interrogated the report and appended policy and had amended and improved it throughout its journey. Members were informed that on 16 September 2021 the Committee agreed the final amendments to the policy which were set out in detail in the report at 8 (a). Councillor Butt referred to the proposal relating to the retention of CCTV footage to amend from 31 to 90 days. However, this was subject to a further amendment agreed by all Members of the Licensing Committee that the retention of CCTV footage should be amended back to 31 days and not 90 days. Councillor Butt explained that the reason for the amendment was although in theory it was a good idea, officers had subsequently received further advice that this change goes against the principles of GDPR and the guidance issued by the Information Commissioners Office (ICO), which states that personal information should be deleted as soon as practical. For domestic users this was 14 days and for commercial users this was 31 days. Members were informed that Officers had spoken to the BCP Council's CCTV manager and the Crime Prevention Officer for Dorset Police and they had both confirmed that they agree that 31 days was reasonable and any longer would breach ICO rules. Members were informed that full assurance can be provided that if any incidents occur at venues, officers would, always download any CCTV images and save a copy for action, this then gives any persons plenty of time to come forward if they so wish. The Chairman reported that the Draft Policy presented today reflects this amendment pending agreement by Council.

Councillor Butt took the opportunity to thank the Licensing Committee Members and Officers for all their efforts and contributions in the creation of this complex policy. In conclusion she reported that the Sex Establishment Policy as agreed by the Licensing Committee sets out a robust framework for making decisions on sex establishments and it provides strict conditions in all venues in order to keep dancers, staff, customers and the public safe. Councillor Julie Bagwell seconded the proposal.

Councillors considered the proposed recommendations and made a number of comments. Councillor Dunlop highlighted that violence against women and girls was an epidemic she outlined the statistics relating to death and rape and access to videos illustrating abuse. She referred to the intolerable level of harassment that girls suffer at school on a daily basis. She reported that the normalisation of the porn culture by the sex industry which dehumanises women as sex objects to be enjoyed by men drives this epidemic. Whether legal or not such activities undermine everything that the Council says about women's equality, safety and values in society. Councillor Dunlop explained that such objectification as practised in sexual entertainment venues was directly linked to sexual and domestic violence and was recognised at an international level by the legally binding United Nations Convention to eliminate discrimination against women which calls upon states to take action against objectification. Councillor Dunlop indicated, not to be confused with the Licensing Act which explicitly excludes sex establishments and requires evidence of undermining, the legislation that applies to Sexual Establishment Venues gives Local Authorities extensive powers. Councillor Dunlop reported that a Council

needs no evidence of anything in order to decide that objectification and exploitation of women does not reflect its values. She explained that the Licensing Committee had the power to say no and the authority to accept the view of the female respondents who told the Committee clearly, 95%, that they were vehemently opposed to these clubs with good reasons based on safety and equality. She further explained that the power of sexual establishment legislation makes it possible to say no location was suitable so with her portfolio hat on she could object to a SEV licence application renewal because she was creating a family identity and such establishments do not fit. She highlighted that the Policy gives required rights to the existing clubs and exempts them from the powers the Council has to use the locality to control them for 5 years – the law indicates that the applicants cannot be treated any differently to existing clubs. She asked due to no limit what was expected to happen when the Council uses locality when dealing with new applicants, she indicated that she could not support the policy.

Councillor Hadley indicated that he was a member of the Licensing Committee but was not a Member of the Working Group that looked in detail at the policy. He referred to the safety of the dancers and comments made by Councillors that they felt unsafe in the vicinity of the venues and was concerned about the removal of the cap on the number of establishments. He indicated that he would be abstaining from supporting the adoption of the policy.

Councillor Moore explained that when the policy was discussed at the Licensing Committee, she submitted a written statement objecting. She acknowledged that the Committee had undertaken a huge amount of work and subsequently approved the policy. However, she highlighted that her initial objections still stand, and she would not be supporting the policy.

Councillor Farquhar thanked Councillor Dunlop for her summing up of the issue. He explained that he was a Member of the Licensing Committee acknowledging that it was within the law but highlighting that this was the wrong message to send from BCP Council and he would be voting against the adoption on any SEV Policy.

Councillor Lewis reported that she had submitted a statement against the policy and endorsed everything that Councillor Dunlop had said.

Councillor Rampton acknowledged the strong views that had been expressed whilst highlighting that the venues were lawful to operate, they were regulated, there has been consultation, there was no apparent evidence of trafficking, coercion or exploitation and no evidence or reports of assaults or violence linked to any of the venues. She emphasised that the Council was compliant with Public Sector Equality duty and she would be supporting the policy.

Councillor Wilson indicated that he had not been directly involved in the development of the policy but based on the statement from Councillor Dunlop he would be voting against the policy. He emphasised that this was not solely on moral grounds as there was other evidence.

Councillor Judes Butt in summing up acknowledged the high passions and accepted that Councillor Dunlop's statement had identified worries. She identified that the Council has to provide for the BCP area, and the Licensing Committee had done its best in the development of the SEV Policy. She was saddened that some Councillors had not been involved in the process but thanked those Councillors who had come forward with their concerns. Councillor Butt reported that the SEV Policy as agreed by the Licensing Committee sets out a robust framework for BCP Council to make decisions on sexual establishments and provides extremely strict conditions which would be applied and was there to keep the dancers, staff, customers and the public safe.

A request for a recorded vote failed.

The Council then took a vote on the recommendations arising from the Licensing Committee on 16 September 2021 as set out on the agenda and the further amendment that the CCTV retention period be amended to 31 days and not 90 days which were carried as follows.

Voting: For – 35, Against – 14, Abstentions – 13

Councillor Farquhar wished to be recorded as voting against the above decision.

8b - Cabinet 29 September 2021 - Minute No 55 - Accelerating regeneration and investment in the BCP Area

Councillor Broadhead, Deputy Leader and Cabinet Member for Development, Growth & Regeneration presented the report on accelerating regeneration and investment in the BCP area as set out in the agenda and outlined the recommendation. Councillor Broadhead referred to the development and identification of approximately 15/16 sites with around £3bn of gross development value of regeneration with a considerable amount concentrated on the rejuvenation of Poole which had been highlighted in the Big Plan. He referred to the Future Places Urban Regeneration Company which was operational with really talented staff and he was proud of the work already being undertaken. The recommendation before the Council sought approval to increase the budget by an additional £3.404m which was a fraction of a percent of the gross development value. Councillor Broadhead reported that costs such as site and ecological surveys were being incurred in the development of the programme. Councillor Mellor seconded the proposal.

Councillors commented on the recommendations including concerns about how the proposed additional resources were being funded, the expectation that future generations would fund such projects and the need to stop and think before approving any further expenditure as the budget was showing a deficit. Councillor Howell indicated that in general he was supportive of the measures in the report. He emphasised the need for proper governance in relation to such matters and proposed the following amendment which was seconded by Councillor Rice:

“In the interests of promoting confidence in the governance of the URG amongst the public, developers, investors and future residents

the Council requires one Board position to be offered to one of the opposition groups.”

The Chief Executive reported that any amendment should relate to the content of the report which was considered by Cabinet and from which the recommendation had come from. Councillor Broadhead reported that Councillor Howell was referring, he believed, to a different regeneration report relating to the commissioning business plan which was not part of this recommendation. Councillor Howell indicated that the business plan was referenced in the document. The Chief Executive reported that the matter was appropriate to bring before the Council in another form but to raise at this point in the agenda it was necessary to check that it was referenced in the appropriate report. The Chairman reported that as this reference could not be confirmed at this stage it was not possible to proceed with the above amendment. Councillor Howell indicated that the relevant place in the report was point 46. The Chairman reiterated that it would not be possible to accommodate his amendment as this related to the officer structure

Councillors commented further on the proposals including acknowledging the positive messages for future places, asking where the resources would be funded from. Councillor Mellor, having reserved his right to speak, explained that he was delighted to be involved in this work, he highlighted the calibre of staff that had been attracted to the role, the work being undertaken and the opportunities to invest. He highlighted that the administration would fund for the future and the priorities identified now. The Leader reported that the Council had significant funds and resources at its disposal whilst referring to the lack of understanding of the budget. The Leader reported that the regeneration was exactly what was envisaged in respect of the Big Plan with genuine ambition to move the area forward and putting world class placemaking at the heart of what the Council was doing.

Councillor Broadhead in summing up addressed the issues that had been raised during the debate including the funding. He referred to legacy budget issues from the previous administration and highlighted that the current administration did not want to push pause on the much-needed regeneration. He referred to the suggestion that the administration was not dealing with the financial challenges for the future and asked Councillors to wait for the proposed budget for 2022/23. Councillor Broadhead reported that Councillor Howell's point on governance had been raised and addressed at the Overview and Scrutiny Board in detail and the same proposal had not been supported. He explained that Future Places was different to other external companies which the Council interacts with. Futures Places was a purely Council owned entity namely a teckal company which essentially meant that it was another Council function. Due to this structure the main interaction by Members should come through the commissioning plan. He emphasised that more external involvement was needed on the Future Places Board and it would not be appropriate to have further Councillor representation. Councillor Broadhead reported on the continuing cross-party engagement at the commissioning stage.

Councillor Howell asked to respond, the Chairman indicated that there was no provision in the Constitution to speak again on a proposal. Councillor Howell continued to speak. Councillor Nicola Greene raised a point of order and reported that she would like to use the provision that the Councillor be not heard again due to the disrespect that Councillor Howell had shown the entire Chamber. This proposal was seconded by Councillor Judes Butt. In accordance with the provisions of the Constitution the Chairman clarified the following proposal moved by Councillor Nicola Greene and seconded by Councillor Judes Butt

That Councillor Howell be not further heard.

The above motion was immediately put to the vote without discussion and was carried by a majority.

The Chairman confirmed that Councillor Howell would not be able to be heard for the rest of the meeting but indicated that he would like him to remain in the meeting.

The Council then took a vote on the recommendation arising from the Cabinet meeting on 29 September 2021 as set out on the agenda which was carried as follows.

Voting – For - 41, Against - 8, Abstentions 13

8c- Cabinet 29 September 2021 - Minute No 58 - Cleaner, Greener, Safer

Councillor Mark Anderson, Cabinet Member for Environment and Place presented the report on Cleaner, Greener, Safer as set out on the agenda and outlined the recommendation. He explained that this issue had been scrutinised by the Overview and Scrutiny Board and the proposed expenditure recommended by Cabinet. Councillor Nicola Greene seconded the proposal and in doing so highlighted that few things matter more to residents and elected representatives than the condition of local neighbourhoods. She referred to the pride agenda focussed through work under the cleaner, greener, safer banner which looks to recognise and address these issues and the report provided early investment to ensure that a visible difference was made. She explained that it was not the whole of the agenda and much work would follow next year. Councillor Greene reported that the Overview and Scrutiny Board had spent time delving into the detail of the project raising excellent points on how to monitor and improve this work. Councillor Greene thanked officers for the work undertaken to bring the proposals forward and Councillor Haines for her drive and expertise in preparing the Cabinet paper.

Councillors commented on the proposals including whilst supporting the principles of cleaner, greener, safer that there was a disconnect between the ambitions of the initiative and the services being delivered. It was suggested that the Portfolio Holders overseeing the project look at the quality of the service provided. Councillor Hadley welcomed the general thrust of the paper referring to the great comments that he had received on the imaginative planting at Hunger Hill. He outlined his concerns relating to the removal of street furniture to improve flow highlighting that good public seating was important with café seating creating new pinch points. He

asked for assurance that such furniture would be retained where possible and only moved where necessary. Councillor Hadley reported that one of the biggest issues for Poole High Street was incidents of loose pavement bricks which had resulted in injuries to pedestrians with no capital investment to fix the paving. He explained that the area had suffered from the loss of public toilets, and he could see no funding for the refurbishment of these facilities. Councillor Hadley having checked referred to 27 streetlights in Poole High Street that were not working and stressed that the basics were not being done. Councillor Farquhar echoed Councillor Hadley's points referring to amenities in his own ward and that the level of service expected was provided to the residents of BCP. Councillor Rigby commented on the use of glyphosate when weeds were being treated and the associated health issue with using this treatment which has been addressed with the Leader of the Council. He indicated that alternatives would be used when they become more financially available and more affordable. Councillor Rigby referred to point 29 of the report and the procurement of services from a specialist company contracted to supply a spot treatment weed spray which he welcomed as it would minimise usage. Councillor Mike Greene having listened to the debate and read the paper did not believe that the comments made were in anyway contradictory and was grateful for the issues raised by Members. He reported that it was up to all ward councillors to make note of where these deficiencies were taking place and reporting them. Councillor Butler referred to theme 2 and urban greening and in particular the use of shrubs which can be useful for wildlife habitats. She commented on the need for manual workers and suggested that offenders should assist with cleaning graffiti and litter.

Councillor Mark Anderson in summing up explained that the purpose of the paper was to provide funds, that the comments on the tree strategy and the use of shrubs could be considered through a proposed working group to address these issues, that part of the funding in the paper would include the provision of seasonal workers, that he encouraged Councillors to report issues they spot such as defective street lights and referred to an asset management programme that would be undertaken to address the condition of street furniture. Members were informed that it was also proposed that QR codes would be included on benches and bins to enable reporting of any issues eg overflowing bins.

The Council then took a vote on the recommendation arising from the Cabinet meeting on 29 September 2021 as set out on the agenda which was carried by a majority.

8d - Cabinet 29 September 2021 - Minute No 60 - 2021/22 Quarter One Budget Monitoring Report,

Councillor Drew Mellor presented the report on the 2021/22 Quarter One Budget Monitoring report as set out in the agenda and outlined the recommendations. He explained that this was the regular quarterly report, which was considered by the Overview and Scrutiny Board, that he looked forward to the next quarter update in December and the budget cafes. Councillor Mellor reported on the significant work undertaken which was ongoing with material and positive progress. He indicated that predecessor conservative colleagues do have a record of delivery on the management

of the budget as does this administration in delivering a £5m surplus having inherited a £50m deficit from the previous administration and this year would be no exception.

Councillor Mellor then read out the following statement

The Council has the power to enter into the Grant Agreement with Homes England under the general power of competence. However, full Council approval is now required in order to enter into it. Attention should be drawn to the fact that there are extensive provisions with which the Council must comply, including delivery obligations, operational obligations, review, monitoring and reporting obligations, as well as transparency obligations. In addition, there are further provisions concerning circumstances in which Homes England would be entitled to withhold payments and in which the Council would be required to repay grant monies to Homes England. Homes England is unlikely to be prepared to negotiate the terms of the Grant Agreement and so it is a matter for the Council to consider whether to accept the risk of these terms, in particular the clawback provisions, together with the need for the funding. I would therefore propose that Council formally approves authority to enter into the grant agreement with Homes England and in doing so recommendation (E) is altered to read "That Council approves the Capital virements as set out in paragraph 74 and authorises the entering into the Grant Agreement with Homes England."

Councillor Broadhead seconded the proposed recommendations including the amendment as set out by Councillor Mellor detailed above.

Councillor Farquhar asked how many times must we hear the reference to the £50m budget deficit without an answer to how it was filled and where the funding came from.

Councillor Mellor in summing up responded to the above question reporting that the funding came from the Conservative Government delivered at the start of the pandemic and the administration in the change to the financial strategy.

The Council then took a vote on the recommendations arising from the Cabinet meeting on 29 September 2021 together with the following amendment to recommendation (E) That Council approves the Capital virements as set out in paragraph 74 and authorises the entering into the Grant Agreement with Homes England which was carried by a majority.

The meeting was then adjourned from 9.45 – 9.55 pm

Councillor Nick Geary left at 9.45 pm

8e - Cabinet 29 September 2021 - Minute No 63 - BCP Housing Strategy 2021-2026 "Our commitment to our communities

Councillor Bob Lawton presented the report on the BCP Housing Strategy 2021-2026 "Our commitment to our communities" as set out on the agenda and outlined the recommendation. He explained that this Strategy brings together three documents and reported that the Strategy had been developed over a number of months following a long public consultation with a great deal of stakeholder engagement through various sessions.

Members were advised that it was a high-level document which sets out the clear vision with strong leadership for BCP to ensure that housing, planning, economic development and regeneration work together and were integrated to best influence the housing market. Councillor Lawton emphasised that it was a key document that forms partnerships working together, drives shaping and contributes to health and wellbeing within the local population. He set out the vision statement and the five main objectives. Councillor Rampton seconded the proposals and highlighted that good housing was fundamental to good health and wellbeing. She highlighted the impact of the strategy which would run for a five-year period supported by a robust action plan which would help ensure delivery.

The Council then took a vote on the recommendation arising from the Cabinet meeting on 29 September 2021 which was carried unanimously.

8f - Cabinet 29 September 2021 - Minute No 64 - Council New build Housing & Acquisition Strategy (CNHAS), 2021-2026

Councillor Bob Lawton presented the report on the Council New build Housing & Acquisition Strategy (CNHAS), 2021-2026 as set out on the agenda and outlined the recommendations. He referred to the Council's house building programme over the next five years. CNHAS would sustain BCP Council's direct delivery of quality homes on its own land and would help support its communities and response to growth priorities. Councillor Lawton in referring to the building programme over the next five years reported that this would ensure a diverse set of homes were developed as identified in the BCP Housing Strategy. He explained the latest evidence around housing provision for young people, older residents, couples and families and those most vulnerable needing support. CNHAS would deliver at least 65% affordable homes as a mix across the next five-year programme not the statutory 40%. Members were informed that this would vary by scheme as they were built some would be 100% affordable and some less. Councillor Lawton reported that the programme in 2022 was expected to deliver 85% affordable housing, with expected minimum standards for the housing and a diversity of house types. Councillor Lawton explained that it would reduce the burden placed on BCP Council for the use of temporary accommodation for those who were homeless. He referred to the purchase of properties under the previous Bournemouth Borough Council the purpose of the scheme was to house homeless people which reduced the burden placed on the Council to accommodate homeless people. Councillor Lawton highlighted the Council's ambitious house building programme to enable people to get into the housing market.

Councillor Broadhead in seconding the proposals took the opportunity to thank Councillor Lawton for his leadership in this area. He emphasised that it was nothing new for Local Authorities to provide housing but what was new was the scale of the programme which was in addition to the Council's aspirations for the regeneration agenda which was about placemaking and the homes agenda which was about people with a long-term plan for the future. Councillor Broadhead also commented on the acquisition element of the strategy and the previous work through Seascope Homes and Property Limited. In particular he referred to the final approval of the

Princess Road scheme which was a fantastic example of what a Council led project should be.

Councillors commented on the proposals including seeking clarification on the progress with the Herbert Avenue scheme for homeless families, thanking Councillor Lawton for his commitment and dedication as a Cabinet Member, that both of the housing strategies rely heavily upon references to the Local Plan which was currently being developed and to the Government's standard method of calculating housing totals. Councillor Brooke further explained that the Local Plan Working Group was looking closely at the standard method and it would appear that the Council may be able to apply exceptional circumstances and provide a situation whereby it would be looking at a lower housing figure as a whole over the Plan period. He reported that it would therefore potentially be difficult if the two housing strategies continued to refer to the standard method and suggested that the housing strategies could be modified to accommodate what may happen with the Local Plan on that issue. Councillor Brooke also asked for consistency on the comments between the Local Plan and the strategies in particular relating to dates. Councillor Hadley echoed the comments made about Councillor Lawton and his dedication. He highlighted his concerns about affordable housing but was pleased to see retention of properties for rent for various schemes and plans for properties to have a high sustainability standard. Councillor Hadley urged consideration of the provision of open space, play space and green space. Councillor Phipps, in supporting the comments made by Councillor Brooke, asked if the Portfolio Holder could explain when the Council goes out on the issues and options consultation for the Local Plan, and it was decided the Council goes for exceptional circumstances and does not opt for the 2,700 homes per annum how this would be dealt with in this strategy and the previous document. Councillor Brown asked about the proportions of affordable housing and market homes within this Strategy.

Councillor Lawton in summing up reported the latest on the Herbert Avenue Scheme that tenders had been received and were being evaluated. He explained that he shared the concerns relating to the housing figures for the Local Plan and the differentials between the Plan and the Strategies, but he felt that there was sufficient flexibility within the policies for them to be adjusted to ensure that they were all aligned. In response to the issue raised on open space Councillor Lawton indicated that he agreed that as much open space should be retained as feasible and possible but there was an increasing population in the BCP area. He highlighted that there was a need to balance the need for accommodation with the need for open space. Councillor Lawton reported that the statutory requirement for affordable housing was 40% the paper proposed an average of 65% affordable housing and was dependent on the feasibility of each scheme and in 2022 it was expected that 85% of all units built would be affordable.

Councillor Lawton took the opportunity to thank the Officers for the development of the Housing Strategy and the CNHAS Strategy. He also reported that it had been an honour, a privilege and a pleasure to be the Portfolio Holder for Housing for Bournemouth and BCP Councils and he was glad that he was leaving an excellent legacy.

The Council then took a vote on the recommendations arising from the Cabinet meeting on 29 September 2021 which were carried unanimously.

8g - Standards Committee 5 October 2021 - Minute No 16 - Local Government Association - Revision to Model Code of Conduct for Councillors

Councillor Daniel Butt, Chairman of the Standards Committee presented the report on the Local Government Association – Revision to Model Code of Conduct for Councillors as set out on the agenda. He reported that following Council's adoption of the code of conduct in June this year the Council received notification from the Local Government Association outlining a series of amendments to their model code which the Standards Committee considered at its meeting on 5 October 2021. Councillor Butt reported that the changes made were set out in the agenda pack. The Committee supported these changes subject to a number of alterations which were set out on the agenda. He took the opportunity to thank Councillors for attending the training sessions on the new code of conduct and that he had been advised that 82% of Councillors had already attended the training. He explained that further dates would be offered to those Councillors who had not completed or undertaken the training. Councillor Butt outlined the recommendations as set out on the agenda. Councillor Borthwick seconded the proposals.

Councillor Andrews explained that the new code tidied up some typographical errors but did not give any particular extra powers if a Councillor was found to have contravened its provisions. He highlighted that the Committee could not suspend a Councillor, but the Committee can ask them to apologise, and they may refuse. Councillor Andrews reported that the Councillor needs to be reported to the Group Leaders who do have powers to suspend a Councillor from their group membership or demote a Councillor who holds an SRA.

The Council then took a vote on the recommendations arising from the Standards Committee meeting on 5 October 2021 which were carried as follows.

Voting: For – 63, Against – 1, Abstentions - 0

8h - Cabinet 27 October 2021 - Minute No 72 - Estates and Accommodation Retention of Poole Civic Space

Prior to consideration of the recommendation Councillor Diana Butler asked the following question:

Having asked the previous administration a similar question in September 2020 – I ask the current administration: When will the residents of Poole be given a Public Consultation on the future of the listed Poole Civic Centre building?

Reply from Councillor Drew Mellor, Leader and Cabinet Member for Finance & Transformation

Councillor Butler thank you for your question and for your continued interest and passion for this hugely important building for Poole.

As per the paper before us this evening I am delighted to once again confirm my personal and our administration's position in relation to retaining this building for future generations. What is not and will not be on the table while I am leader of this council is any disposal. A clear difference to the position of the Liberal Democrat led Unity Alliance who had marked this site for disposal.

As you will see from the later paper tonight, the current expectation is that the listed part of the site will be retained by the mayoralty, the charter trustees and a new anchor tenant being the coroner. In relation to the wider site we have asked our emerging URC team, Future Places, to explore options and a large part of their ethos, and the ethos of any successful regeneration, is to put the community at the heart of it and to that end a key piece of work that will be forthcoming is something called "the big conversation" which will be a powerful community engagement and consultation exercise. So, the community won't just have the opportunity to comment on this site but also the wider conurbation as we bring forward regeneration across BCP.

Councillor Mellor, Leader of the Council and Cabinet Member for Finance and Transformation presented the report on the Estates and Accommodation Retention of Poole Civic Space and outlined the recommendation relating to the approval of the budget set out in Appendix 2 of the report. Councillor Mellor reported that he was committed to retaining the Civic Centre for this and future generations and the desire that the Community would not only benefit from this asset, but that community use would be integral to the Council's Plans going forward. He confirmed that the building would be used by the Mayoralty and the Charter Trustees and the intention was for the Coroner to be the anchor tenant. He thanked Members and officers for their work in developing the proposals. Councillor Mark Anderson seconded the proposals.

Councillors commented on the proposals including concerns expressed about the proposed changes to what was a listed building such as fire escapes, the impact on other elements of the building, that there had been no comments from the Conservation Officer, that the plans provided related to April 2021 when the Charter Trustees had discussed a September 2021 plan illustrating a layout of the vertical slice and a different positioning of the fire escapes. Councillor Le Poidevin indicated that of all the possible uses of the vertical slice the inclusion of the Coroners Court was appropriate. She indicated that the facilities set aside for the mayoralty were adequate but raised concerns about the start date for works of May next year. She emphasised that no work should affect the Mayor Making ceremony. In addition, she asked that the Cattistock Room and the Council Chamber were available for Mayoral and Community use and that nothing would hinder pre-booked events. Councillor Trent asked about the proposed arrangements for temporary accommodation for the Poole Charter Trustees and declared an interest as it would be the first six months of his mayoralty. He suggested that the Old Branksome Town Hall could be an option and asked if any progress had been made. Councillor Hadley indicated that the Unity Alliance had not decided to dispose of the building but accepted that the Town Hall would be the civic offices for BCP Council and for Poole Civic

Centre an alternative use was needed but that plan had not been made. He expressed his concern about how reports were considered through the democratic process from Overview and Scrutiny Board, Cabinet and onto Council without modification. He indicated that he had raised in the Overview and Scrutiny Board and Cabinet concerns about the sustainability of the proposals for the vertical slice including insulation, the state of the windows, uncertainty around the use of electricity generated on site, and heat pumps and none of this has been included in the paper. Councillor Bagwell highlighted the provision of parking for those accessing the building and in particular those stakeholders using the Coroner's Court.

Councillor Mark Anderson reported that he had been round the Civic Offices with the Coroner and relevant Officers looking at the work that would be undertaken and raised a number of questions including relating to fire escapes and the state of the building. He advised that he was informed that all necessary works would be carried out correctly. In respect of the issue raised by Councillor Le Poidevin on use of rooms Councillor Anderson reported appropriate arrangements would be in place. Councillor Anderson reported that Councillor Hadley was right, and the heating and insulation of the building needed to be looked at and he would talk to his colleagues on this issue.

Councillor Mellor in summing up reported that he had also raised concerns on the sustainability of the building. He highlighted that he was committed to the consultation via future places work and protecting the listed part of the building. In respect of the comment made by Councillor Butler concerning the plans he had emailed her earlier with a response from the relevant officer. The Leader referred to the arrangements for Mayor making and gave an assurance that this event was planned, and any works would start after that. He reported that some discussions were ongoing relating to the use of other venues by the Charter Trustees and that can be shared with the Mayor and Charter Trustees. The Leader indicated that the only difference in the paper was that the administration was not proposing to sell the building removing the word "disposal" and he was aware of the previous Leaders position. He agreed with the comments on parking and that there needed to be a solution.

The Council then took a vote on the recommendation arising from the Cabinet meeting on 27 October 2021 which was carried by a majority. Councillor Farquhar wished to be recorded as voting against the above decision.

8i - Cabinet 27 October 2021 - Minute No 73 - Futures Fund - Allocation for the Installation of a Core Gigabit Fibre Network

Councillor Broadhead, Deputy Leader and Cabinet Member for Development, Growth & Regeneration presented the report on the Futures Fund – Allocation for the Installation of a Core Gigabit Fibre Network and outlined the recommendations

Councillor Cheryl Johnson left the meeting.

Councillor Broadhead reported that he was delighted that this was one of the first applications from the Futures Fund which was designed for both

capital and infrastructure projects. He explained that the proposal was to use £5m of the Futures Fund to create a 70.5 km core giga fibre network and referred to potential operational savings for the Council. Councillor Broadhead referred to the timing of the project which would enable the fibre to be laid when the roads were already being dug up for the transforming travel initiative. The report highlighted the first phase of the project with fibre optics but not all the other benefits that would be part of future phases. He also commented on the smart place and transformation programme, the additional savings in service areas, that other public sector and voluntary organisations could use this network in the future, the acceleration for the role of 5G and a whole host of other applications. Councillor Broadhead reported that phase one provided a clear case for cost savings and that was the purpose of the recommendations. Councillor Mellor seconded the proposals.

Councillors commented on the proposals including the financial implications of the Futures Fund which should not be used for short term vanity projects which do little or have no benefit for the residents of BCP, that the technology was out of date and that it was unacceptable expenditure. Councillor Hadley explained that this was a scheme that was fixing yesterday's problem. He reported that he was grateful to the Smart Places team for trying to delve deeper into the technical detail. Councillor Hadley reported that we were increasingly moving towards cloud-based use and the idea of a fibre network was outdated and therefore this investment was a difficult issue as he felt that the paper did not detail the financial implications adequately whilst there were some good elements there were enormous uncertainties and risks. Councillor Bartlett supported Councillor Hadley whilst he would like to support the paper, he had three concerns on the technology, that the costs were not clear for the total system and how the project was funded namely spending money from savings that had not yet been achieved. Councillor Brown raised questions on the financial stability of the project. Councillor Earl highlighted the importance of where the resources were being funded from and the proposal that they were paid back over 54 years. She also highlighted the potential views of residents on the project, the funding arrangements and whether this was a good use of resources for now and future generations.

Councillor Mellor, having reserved his right to speak, indicated that there was may be a lack of understanding on what the Futures Fund was and an explanation may be needed. He reported that it was not a normal business case proposition and explained that the Council wanted to deliver a world class location for the future and as such there were certain requirements. Councillor Mellor explained that the Council needs to go first, and this was the infrastructure that we need to provide to make BCP outstanding. Councillor Mellor reported on the Smarter Cities model and the ambition to transform the Council into the most exemplar authority in the country in terms of the ability to deliver modern services that improve lives and were cost effective whilst making year on year savings. The proposal was to invest a small fraction of those savings into this project.

Councillor Broadhead in summing up, explained that the Futures Fund was different highlighting that opportunities would be unlocked. He reported that the beauty of the Futures Fund was while we were digging up the road the

fibre can be laid which was investing in our future now. This was an infrastructure investment to access the cloud.

The Council then took a vote on the recommendations arising from the Cabinet meeting on 27 October 2021 which were carried by a majority.

Councillor Farquhar wished to be recorded as voting against the above decision.

8J - Cabinet 27 October 2021 - Minute No 76 - Children's Services Capital Programme

Councillor Nicola Greene, Cabinet Member for Council Priorities and Delivery presented the report on the Children's Services Capital Programme as set out on the agenda and outlined the recommendations. She explained that the report covered the progress of the Children's Services Capital Programme and set out the picture across the conurbation. Councillor Greene highlighted that the intention was to use the funds to provide the very best facilities for our children and young people in which they can enjoy and thrive. Members were informed that the focus for the future was in providing places for children and young people with Special Educational Needs and Disabilities (SEND). Councillor Greene reported on the ongoing focus of the written statement of action and the inquiry into inclusion which has been reported to Cabinet, Children's Overview and Scrutiny Committee and Council. Councillor Greene highlighted that the administration made a commitment to invest in these priorities by allocating an additional £10m to the regular types of Government Grants which the Council receives. She explained that further work was underway on the analysis of the needs of the current cohort of children and young people which informs spend. Councillor Greene reported that the decision taken by Cabinet under delegated authority agreed to bring forward a SEND Strategy as part of the wider children's services capital programme for Council to approve in February 2022. Councillor Greene referred Members to the recommendations before the Council which sought approval to pause the project to create a satellite for Winchelsea School at Somerford Primary School and the reason for that was that the original decision came before the visit of Ofsted in the Summer and therefore it was appropriate that the Council optimise resources in the light of the work which was following on from that inspection. Councillor Greene reported that she was very grateful to both the schools and the governors for their patience and absolute engagement in the process while we come up with the best solution which suits the requirements of the schools and the wider community. Councillor White seconded the proposals.

Councillors commented on the proposals including Councillor Flagg who reported that he had attended a meeting with senior teaching staff and a member of the Board of Governors who voiced their concern with regards to the process so far. He highlighted that we all know the difficulty that schools were under financially and their concern was that they had invested time and resources into the proposal. Councillor Flagg indicated that whilst he fully supported the recommendations in terms of the proposal, he would like to think that this Council would support the school over the next 12

months or so because of the financial input that they had already made to the Winchelsea School moving to Somerford Primary School.

Councillor Nicola Greene in summing up responded to Councillor Flagg and thanked him for his engagement and to Councillor McCormack for the open dialogue. She indicated that the point about the time resource was correct and this was about moving forward and achieving the best solution for the school and the wider community. Councillor Greene gave her commitment that she was pushing this project forward as quickly as possible

The Council then took a vote on the recommendations arising from the Cabinet meeting on 27 October 2021 which were carried by a majority.

8k - Cabinet 27 October 2021 - Minute No 81 - Acceptance and allocation of the Household Support Fund

Councillor Nicola Greene, Cabinet Member for Council Priorities and Delivery presented the report on the acceptance and allocation of the household support fund as set out on the agenda and outlined the recommendations. Councillor Greene reported on the approval sought to accept £2.56m on behalf of BCP communities from the Government. She explained that Government had allocated this sum to BCP Council under the Household Support Fund which followed on from last year's winter grant. Councillor Greene explained that the scope of this grant was considerably wider and at least 50% of the grant must be spent on families with children. The expectation was that the household support fund would be spent on families in most need and in particular on food, energy and water bills. It can also be used flexibly by households on related items eg assistance with school uniforms as parents were still dealing with some of the employment issues that had arisen from the pandemic. Councillor Greene reported that there was an expectation that the Council starts providing support from 6 October 2021 namely prior to half term until 31 March 2022. This was a significant improvement on last year's piecemeal allocation which allows households some certainty through the school holidays. Councillor Greene reported that the proposed model replicates the arrangements put in place last year and the very targeted approach aiming to reach those most in need but with a considerably increased allowance of £30 per child per school holiday week to be delivered by a flexible voucher. It was acknowledged that schools were at the frontline of identifying the families most in need largely but not exclusively on the basis of free school meals eligibility. Councillor Greene highlighted that Children's Centres and other organisations reach out into those communities in particular around pre-school children. Citizen's advice offer work with families in need who often have difficulties through food and fuel poverty. Members were advised that the Dorset Community Foundation reach elsewhere with its well-established grant giving function. Councillor Greene referred to the Access to Food Partnership setup under the previous administration which was well established highly regarded and received contributions from across the conurbation harnessing a wonderful community response and there was a further £60,000 to support their activities including food banks, community fridges and pantries. Robust and ongoing monitoring would ensure that those most in need were being reached with a budget provision for communications and Councillor Greene

encouraged all members to spread the message in their own wards. Councillor Kelly seconded the proposals and in doing so welcomed the Government Grant whilst highlighting that it was well documented that the Council always puts its communities at the heart of everything it does. Councillor Kelly indicated that there would be challenges to be faced by residents in the coming winter months and she outlined the key factors.

Councillor Earl indicated that she should declare an interest as she runs a community food project and works for Bournemouth Food Bank. She indicated that this funding had come from a Government that was struggling to justify cutting the £20 uplift on universal credit. She was pleased that this grant had been allocated but this was not the end for residents who were experiencing extreme poverty and in particular food insecurity. Councillor Judes Butt sought clarification on providing links on how the process would be put in place so that residents could be advised appropriately. Councillor Hadley highlighted the national shame of food poverty and that it was surprising that the allocation of funds to the Access to Food Partnership was so small. He also acknowledged the considerable support provided by volunteers in comparison to funding provided and asked if further funding could be provided. Councillor Brown referred to the recommendations and reported that the financial summary was in paragraph 26 and not paragraph 25.

Councillor Nicola Greene in summing up indicated that she had referred to paragraphs 25 and 26 and with Members' permission requested that for the record the minutes refer to paragraph 26. She reported that she was surprised in some respects on how the funding had been received. She highlighted that it was a significant fund which was targeted, flexible and aimed at BCP communities and we have doubled the amount that had previously been available to families with children via the national free school meals allocation to £30 per child per week of school holidays. In terms of Councillor Hadley's comment on the grant to the Access to Food Partnership being small Councillor Greene explained that the allocation was based on experience from last year and there was contingency to allow for flexibility. She referred to the immense support that food banks and community fridges were receiving and therefore £60,000 was proportionate to that. Councillor Greene highlighted that there would be an ongoing review and appropriate comms provided with a report back via Children's Overview and Scrutiny Committee as appropriate.

The Council then took a vote on the recommendations arising from the Cabinet meeting on 27 October 2021 subject to the reference to paragraph 26 which were carried unanimously.

123. Review of the political balance of the Council, the allocation of seats on Committees to each Political Group, appointment of Councillors to Committees and appointments to Outside bodies

The Leader of the Council presented a report on the above, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book. The recommendations were seconded by Councillor Broadhead.

The Council was asked to consider and approve the review of the political balance of the Council, the allocation of seats on Committees to each Political Group, appointment of Councillors to Committees and appointments to Outside bodies following Councillors Steve Baron, Nigel Brooks, Daniel Butt and Toby Johnson joining the Conservative Group.

Councillors commented on the implications of the proposals. Councillor Burton referred to the changes to the Children's Services O&S Committee and thanked Councillors for their work whilst welcoming new Councillors to the Committee which he highlighted was non-political.

Councillor Broadhead referred to the allocation of seats where a group has the majority of seats on the Council which he indicated was consistent with relevant legislation.

Councillor Farquhar raised a point of order as he took offence to the frivolity of political point scoring, the reference to the two by elections and how they had occurred, and he invited the Member to retract his remark. Councillor Broadhead clarified his comment.

RESOLVED that:-

- (a) the revised political balance of the Council, as set out in Table 1 of this report be approved;**
- (b) the allocation of seats to each political group, as set out in Table 2, be approved;**
- (c) the appointment of Councillors to Committees and Boards, taking account of the membership as detailed in Table 3, be approved;**
- (d) the allocation of seats to each political group on the outside bodies as detailed in Table 4 be approved and the Group Leaders advise the proper officer of their representatives; and**
- (e) Subject to (c) and (d) above the Council approves the appointment of unaligned Members to Committees, Boards and Outside bodies as follows:**

Planning Committee – Councillor Stephen Bartlett

Licensing Committee – Councillor Julie Bagwell

Overview and Scrutiny Board – Councillor Stephen Bartlett

**Health and Adult Social Care Overview and Scrutiny Committee
– Councillor Diana Butler**

**Lower Central Gardens Trust Board – Councillor Stephen
Bartlett**

Voting: carried by a majority.

124. City Status Application Request from the Charter Trustees for Bournemouth

The Chairman reminded Members to consider the statement made by Mr McKinstry earlier in the meeting on this issue

Councillor Kelsey presented a report, a copy of which had been circulated to each Member on the city status application request from the Charter Trustees for Bournemouth a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

Councillor Broadhead in seconding the recommendation outlined the process whilst highlighting that there was no proposal to submit a Council wide bid. The proposal was to receive the decisions from the three towns and passport upwards as appropriate. He explained that it was not the role of the Council, in his view, to consider the decisions that have been taken. He reported that Christchurch Town Councillors and Poole Charter Trustees had said no but the Bournemouth Charter Trustees had agreed to the submission of a bid. Councillor Broadhead reported that the city status was a name, and the application process did not require any intensive resource or extra funding.

The Government had announced that Her Majesty The Queen would award new Civic Honours in recognition of her Platinum Jubilee. This had resulted in a competition for places to be awarded city status.

In recognition of this opportunity the Leader wrote to the Mayors of Bournemouth, Poole and Christchurch to ask whether they would want their area to bid for City Status and also sought views from the parish councils. The Charter Trustees for Bournemouth indicated that they would like to take up this opportunity.

Applications for city status must be submitted by an upper tier local authority, so in this case the application would need to be submitted by BCP Council on behalf of the Charter Trustees for Bournemouth.

Councillors commented on the proposals including expressing the views of Christchurch Town Council and all the Parish Councils in the area who had voted against submitting a bid for city status, the impact on the dynamics of BCP Council if one town becomes a city and the implication for cross boundary wards and residents. Councillor Hadley reported that he disagreed with the sentiments in the Leader's letter where Dorchester has a Town Council with delegated powers as the formation of BCP Council left only the ceremonial and historical vestiges of the Towns by the Charter Trustees it did not leave the Towns with sovereign powers as previously described. He emphasised that having merged Bournemouth, Christchurch and Poole the implications of one town gaining city status by default demotes the other two towns precisely the outcome which Christchurch residents overwhelmingly rejected and those of Bournemouth and Poole were not asked. He referred to the statement from Alex McKinstry indicating that the residents of Bournemouth had not been consulted on the proposal. Councillor Hadley also reported that many people had moved to the area to get away from cities. He referred to the pressure that staff were under in supporting the transformation programme and the submission of a city status bid was a diversion of effort which was not needed. Councillor Stribley clarified the position on boundaries. Councillor Farr highlighted the opportunity to support the decision taken by the Charter Trustees. Councillor Mike Greene indicated that he was not in favour of Bournemouth bidding for city status in his role as a Charter Trustees but as a BCP Councillor he believed that each of the Towns should have the right to

adjust what was their civic status. He highlighted that when BCP Council was set up it was agreed that the Civic Status should remain with the constituent towns. Councillor Phipps expressed her surprise that this had gone down to the Mayors, highlighting that only the Mayor of Christchurch was originally asked until it was pointed out that there were Parish Councils which the Mayor of Christchurch did not represent. Councillor Phipps highlighted that surely residents should know the benefits or disbenefits of city status and what it means to be a city. She felt that this had not been undertaken in the right way. Councillor Rigby referred to the Bournemouth Charter Trustees debate on the issue and at the end of it having been unsure he chose to vote for the bid to be submitted. He referred to his recent experience in staying in Stirling, which was a city he outlined the benefits, and that everyone took pride in their location and that was what he wanted to see for Bournemouth to become a green city for the future.

Councillor Kelsey in summing up responded to the issues raised and highlighted that in his opinion Bournemouth deserves to be a city.

RESOLVED that Council approve the submission of an application for city status on behalf of the town of Bournemouth and delegate the submission of the bid to the Chief Executive in consultation with the Leader.

Voting: For – 37, Against – 8, Abstentions – 16

Councillor Farquhar wished to be recorded as abstaining from the decision.

Councillor Andrews left at 11.30 pm

Councillor Bagwell left at 11.35 pm

Councillor Howell left at 11.50 pm

125. Chief Officer Appointments for BCP Council

The Leader of the Council presented a report on Chief Officer Appointments for BCP Council, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'C' to these Minutes in the Minute Book.

This report invited the Council to approve new appointments to Chief Officer posts in accordance with the Council's Constitution and statutory requirements.

Councillor Mellor reported that Kate Ryan, Chief Operations Officer who had been a fantastic servant for Borough of Poole Council for a number of years, had delivered a safe landing in her role for BCP Council and in her current role would be leaving the Council. He highlighted that Kate had been an exemplar officer and congratulated her on her new role as Chief Executive at New Forest District Council. He formally wished to place on record the thanks of the Chamber to Kate for her service to both Borough of Poole Council and BCP Council.

Members were advised of the recruitment process and the calibre of the candidates for both the Chief Operations Officer and Corporate Director of Children's Services. Councillor Mellor reported that the Panel was able to unanimously agree cross party with the preferred candidates for both roles

that were selected. He also highlighted that the report included a recommendation for Kelly Ansell to act up in the position of Chief Operations Officer until Jess Gibbons can commence her employment. Councillor Nicola Greene seconded the recommendations and in doing so thanked Councillors Moore, Bartlett and Slade for their contribution to the recruitment process.

Councillor Evans referred to senior officers leaving the Council. She indicated that there had been comments on the calibre of candidates and asked if any members of the recruitment panel would comment on the number of candidates and why this was such a small amount for a large authority.

Councillor Wilson reported that he was involved in the early part of the process and felt that the calibre of candidates was very good. He wanted to place on record his thanks to Kate Ryan as he had started very inexperienced in his role as a portfolio holder, and he felt that she had not only made him a better portfolio holder but also a better person. He referred to personal issues that he had been dealing with which Kate had supported him with.

Councillor Moore reported that she was a member of the interview panel for the Director of Children's Services, and she was happy to support the appointment of Cathi who was experienced and well qualified. In addition, she felt it would be good for everyone to have a permanent Director. Councillor Hadley echoed the comments from the Leader and other Members about Kate Ryan who would be an enormous loss to the authority, and he wished her well. He also reported that he was no relation, that he was aware of, to Cathi Hadley.

Councillor Mellor in summing up referred to the reference made to senior officers leaving the Council. He emphasised that the staff movement in and out of the authority was normal. Councillor Mellor reported that there were 16 people on the long list for the Chief Operations Officer reduced to 6 and 4 were interviewed which was a normal process.

RESOLVED that Council approve the following appointments in accordance with the requirements of the BCP Constitution:-

- **Cathi Hadley is appointed to the post of Corporate Director of Children's Services.**
- **Jess Gibbons is appointed as Chief Operations Officer.**
- **Kelly Ansell, Director of Communities is appointed to act up in the position of Chief Operations Officer until Jess Gibbons can commence her employment with BCP Council.**

Voting: Unanimous

126. Notice of Motions in accordance with Procedure Rule 12

There were no motions submitted for this meeting.

127. Urgent Decisions taken by the Chief Executive in accordance with the Constitution

There were no urgent decisions taken that were required to be reported.

Date of the Next Council meeting

RESOLVED that the next Council meeting scheduled for 4 January 2022 be rescheduled and held on 11 January 2022 at 7 pm

Voting: Agreed

Note - it was acknowledged that this will require the Standards Committee scheduled on 11 January 2022 at 6 pm to be rearranged to an alternative date which the Chairman has already acknowledged.

The meeting ended at 11.59 pm

CHAIRMAN

CABINET



Report subject	Estates and Accommodation - BCP Civic Space
Meeting date	24 November 2021
Status	Public Report
Executive summary	<p>The creation of the BCP Council Civic Centre is part of the first phase in the council's Estates and Accommodation Strategy, which aims to establish a 'fit for purpose' corporate estate that can effectively support council's services and the delivery of its priorities. The November 2020 Estates & Accommodation Cabinet Report focussed on the remodelling of the officer accommodation areas of the former town hall complex as a priority. It also proposed setting up a Members' Working Group to consider and lead on the development of the Civic accommodation, as a subsequent phase.</p> <p>A Members Working Group was established in early 2021, to identify the needs of the civic space in the BCP Council Civic Centre. This report responds to the working group's considerations and proposes additional investment in the BCP Council Civic Centre to ensure that the building provides fit for purpose accommodation to support the council's democratic processes as well as the other functions that are typically delivered from the building's civic spaces. Works would include improved accessibility and the adoption of technology solutions that support transparency and wider engagement in the council's decision making. Whilst the original town hall presents challenges in terms of making changes or adaptations to the building's heritage features, a pragmatic and prudent approach to cost has been taken to ensure value for money</p>
Recommendations	<p>It is RECOMMENDED that Cabinet:</p> <ul style="list-style-type: none"> a) Approves the remodelling of the BCP Civic Space as outlined in this report b) Approves the Phase 1 project budget set out in Appendix 3 of £1.067 million, of which £0.611 million will be funded from prudential borrowing, for onward recommendation to Council c) Authorises the commencement of the procurement process and delegates authority to award contracts to

	implement the remodelling project to the Chief Executive, in consultation with the Leader, and Corporate Director Resources, in accordance with delegated authorities and the council's financial regulations
Reason for recommendations	To approve the budget and procurement approach required to successfully remodel the civic space in BCP Council Civic Centre.
Portfolio Holder(s):	Councillor Drew Mellor, Leader of the Council and Portfolio Holder for Finance and Transformation
Corporate Director	Julian Osgathorpe, Corporate Director Resources
Report Authors	Matti Raudsepp, Director of Customer and Business Delivery
Wards	Council-wide
Classification	For Decision and Recommendation

Background

1. In November 2020 Cabinet approved the budget to deliver Phase 1 of the Council's Estates and Accommodation strategy. It proposed the remodelling of the service accommodation as a priority, in order to move the project forward, and then to establish a Members Working Group to lead on the development of the Civic accommodation, as a subsequent phase of the project. The proposed impact of civic accommodation remodelling on the Medium Term Financial Plan was consequently not known at the outset of the wider project, although the budget approved in November 2020 included an amount to remodel the current Citizens' Advice Bureau area, potentially to house the Registrars.
2. This followed the outcome of the Cabinet report in Feb 2020 which recommended the refurbishment of Bournemouth Town Hall complex as the preferred approach to delivering a single BCP Council Civic Centre and the outcome of the organisational design process reported to Cabinet in November 2019.
3. As a consequence of the unprecedented situation created by the pandemic on the council's activities, Cabinet agreed in June 2020 to accelerate the transition of staff from Christchurch and Poole to the new BCP Civic Centre, and thereby release the legacy buildings for repurposing as soon as possible. It was also agreed that a more pragmatic and scaled back approach would be taken to the refurbishment of the new civic centre, reflecting the financial implications the council was dealing with as a result of the pandemic.
4. In order to progress the decisions around the future of the council's wider estate, an Asset Management Plan is also being developed. This piece of work will inform subsequent stages of the Estates and Accommodation project, and in

particular the identification of surplus assets and the requirements relating to the delivery of the Hub and Spoke objectives of the project as a whole.

5. A Cabinet report relating to the Poole Civic Centre was considered by Cabinet in October 2021. This proposed that a vertical slice of the Poole Civic Centre is retained as a civic footprint in Poole and as the home for the Poole Mayorality. The report also outlined that the Poole Civic Centre vertical slice would be an appropriate location for the Coroners service, which is currently based in Bournemouth Town Hall. The relocation of the Coroners' service will provide greater flexibility within the BCP Civic Centre, including the potential for increased space for public participation in council decision making, as well as potential new income generation opportunities.

BCP Civic Space - Requirements

6. The Members Working Group was established in early 2021 to understand the requirements of the civic space. The Members Working Group comprised Cllr Filer (Chair), Cllr Mellor, Cllr Butler and Cllr Andrews.
7. The BCP civic space is ground and first floors of the BCP Council Civic Centre sometimes referred to as the West Wing. The space is used for civic purposes, including council meetings, board, committee and panel meetings, school appeals and elections. It is a popular venue for weddings and civic partnerships and is used by external organisations for meetings. It also provides accommodation for the Bournemouth Charter Trustees including the Bournemouth Mayorality. It is also currently the home to the Coroners Service. Please see Appendix 1 for outline of the current BCP Civic Space area.
8. The BCP civic space is part of an historic building of which parts are Listed. At the heart of the current complex of buildings is the Mont Dore (Historic England call the building the Mont Dore) Hotel built between 1881 and 1885 to the designs of Alfred Bedborough. Originally one of the grandest hotels in Bournemouth the building was purchased in 1921 as the town hall, with the council chamber and related accommodation constructed as a separate block in 1930. In 1990 the modern office accommodation block (known as the Extension) was added. The Town Hall was listed grade II number 1389612 in December 2001. The original hotel is said to have been designed in a neo classical style, with the council chamber addition also classical in form.
9. The Members Working Group specified the following key requirements from the civic space:
 - a. Ensure the civic space is easily accessible to the public
 - b. Ensure that the Council Chamber is fit for purpose, in particular to provide sufficient capacity in order to accommodate all elected members
 - c. Ensure that the civic areas comply with fire safety regulations
 - d. Increase the maximum occupants allowed in the civic area by improving fire escape provisions
 - e. Provide unisex toilets
 - f. Provide baby changing areas
 - g. Civic space to be secure and safe – to allow for 24/7 and weekend working

- h. Provide a functional space for all members / large council meetings
 - i. Ensure rooms are maintained at appropriate temperatures
 - j. Ensure all rooms have adequate acoustics / sound proofing
 - k. Efficient and up-to-date technology in the Council Chamber
 - l. Create a mix of flexible meeting rooms, ie formal meeting rooms, breakout areas, that are bookable and non-bookable
 - m. Ensure adequate charging points available for phones and laptops
 - n. Ensure clear signage to guide the public in civic space
 - o. Ensure civic space has a similar standard of working environment as rest of Town Hall
10. There has been engagement with Bournemouth Charter Trustees to understand their requirements from the BCP Civic space. There has also been engagement with the Legal and Democratic team and Registrars team to ensure their needs from this space have been captured and will be met.
 11. The proposed requirement for the large functional space is so that large council meetings, such as planning appeals, or functions, can be held in the BCP Civic Space. As a meeting space, the space should fit 80 - 100 members of public in row seating and a horseshoe table committee area for up to 20 - 25 officers and councillors. The room should include technology and screens for the public to view presentations and an audio/conference system capable of broadcasting to residents and stakeholders via internet channels. It is also proposed for the room to have partition doors so that it could be split into 4 - 6 rooms of different sizes - 1 larger one and smaller rooms for waiting rooms.
 12. Remodelling the BCP civic centre provides an opportunity to expand the weddings and functions offering to attract more business and increase income. Each year over 2000 ceremonies are conducted across BCP of which 500 are at the Bournemouth Town Hall. Weddings bring in £700k income into the council. Improvements to the civic space accommodation will allow us to increase our income for ceremonies and functions.

BCP Civic Space - Design

13. Space in the BCP Civic Centre will become available following the relocation of the Coroners' service; relocating the Citizens Advice Team to the BCP Civic Extension; repurposing the mayoress' parlour and using meeting rooms, such as the Leaders office, flexibly.
14. It is proposed that the space vacated by the Citizens Advice team (currently on the lower ground floor of the west wing) is used to relocate the Registrars' team. This provides registrars with a location which has direct access to the public from the outside. The opportunity exists to create further multifunctional rooms which can be used for council meetings, officer meetings, community space, function rooms for weddings and ceremonies. Further function rooms will give us the opportunity to generate additional income. Please see Appendix 2 for proposed layout.

15. An external consultant was engaged to advise on the most effective way in which to address the requirements for the building within the constraints of its heritage listing. They proposed how best to create a large meeting space in the west wing. It was felt that the area the coroners currently occupy would be best fit for this purpose. Please see Appendix 2 for proposed location.
16. Advice was also given on how best to make the civic space more accessible and improve fire escape provisions. The consultant proposed changes in six key areas which are indicated on the layout in Appendix 2:
 - Area One, Main corridor lift and access - This improves disabled access from the main reception lobby through the main ground floor corridor towards the Mayor's Parlour, Tregonwell Room, Willows Room and ultimately towards the Council Chamber
 - Area Two, Lift to Coroner's Court - This improves disabled wheelchair access from the main ground floor corridor to the ground floor accommodation below the Council Chamber currently occupied by the Coroners Court.
 - Area Three, Main Entrance - This improves disabled wheelchair access to the main front entrance into the Town Hall. Currently the only disabled access to the reception lobby is either to come into the back of the Town Hall through the goods entrance, or to enter via a basement entrance on the main elevation.
 - Area Four, Lift to first floor – This improves accessibility from the reception lobby to the first floor Council Chamber by extending the current lift.
 - Area Five, Fire Escape - This creates a purpose built escape staircase on the side elevation of the Council Chamber block, accessed through what are currently windows at first floor and ground floor. This will increase the number of occupants allowed in the civic space
 - Area Six, Willows Room Escape – This creates a fire escape by altering one of the bay windows to form a fire door with a landing externally. This will increase the number of occupants allowed in the civic space
17. By undertaking the improvements to accessibility (areas one to four) people with disabilities will have the same independent access to the west wing as any other member of the public would. If the accessibility modifications are not undertaken, the areas remain accessible but by circuitous routes and in some areas people will need to get assistance.
18. A heritage consultant was engaged regarding the proposed changes to the Council Chamber and any changes impacting the listed nature of the building.
19. For the Council Chamber, the works proposed include building roll away seating to ensure seating for all seventy four councillors on the floor of the Council Chamber; reupholstering seating; improving desks –including microphones, laptop stands, charging points (power and data) ; installing three screens (2 in chambers, 1 in public gallery); wired conferencing system, integrated camera tracking system, audio system including speakers and microphones, live streaming & recording ability and Microsoft Teams integration; redecoration.
20. For HMS Phoebe and other key meeting rooms, the works proposed include installing appropriate technology and redecoration.

21. The proposed works includes the introduction or update to the heating, air cooling, air extraction system in the west wing, including the Council Chamber and new large meeting room. A consultant will be engaged to ensure there is appropriate air extraction in the west wing so it complies with COVID guidelines when it comes to ventilation.
22. Additionally, the toilets and baby change areas will be refreshed and the decoration in the west wing will be of a similar standard to the rest of the remodelled civic centre.

Delivery Strategy

23. It is proposed to deliver the remodelling of the BCP Civic Space in two key phases. Each phase will be subject to a separate planning application.
24. Phase 1 will focus on the areas of work that need to be prioritised and can be undertaken with the Coroners' service in situ as they would be low impact regarding noise. Phase 1 will include making the Council Chamber fit for purpose with suitable seating, updated ventilation and appropriate technology installed for hybrid meetings. Phase 1 will also include installing screens and redecoration in key meeting rooms (HMS Phoebe, Royal Hants, Room 50, Tregonwell and room 47). This will ensure that full and/or hybrid Council meetings can commence in the BCP civic centre as soon as possible. A heritage consultant has been engaged regarding the Phase 1 plans and significant progress has been made with a view to ensuring plans will receive the necessary approvals.
25. Phase 2 would include significant structural works such as the accessibility and fire escape works, creation of large meeting space and remodelling of the Lower Ground area for registrars. Phase 2 would also include floor replacement, toilet and kitchen refurbishment.
26. Initial design commenced in spring 2021 and listed building consent for Phase 1 will be applied for following approval of this Cabinet report. It is the intention that Phase 1 will be completed by end of May 2022 so that Council committee meetings, currently taking place in Poole Civic can operate from BCP Civic from this time (this will enable Poole Civic Centre to close for remodelling works from June 2022).
27. Feasibility work will need to be undertaken for Phase 2 in which the proposed structural works are explored in more detail and greater certainty on cost established. A further report will then be submitted to Cabinet for consideration of the feasibility work and funding for phase 2. The impact of remodelling works on Council activity in the space, including weddings and functions, would need to be considered. It is likely that the civic space will need to be closed for periods of time while the build work is underway.
28. The Bournemouth Charter Trustees and service users will continue to be engaged with to work through transition and interim arrangements while the space is being remodelled.

Delivery Budget

29. The budget requirement for the delivery of Phase 1 of the BCP Civic space improvements is £1.067 million, which includes feasibility funding for Phase 2 and a 17.5% contingency. The budget breakdown is set out in Appendix 3. The uncertainty that accompanies a project of this scale and complexity, within the context of a currently volatile construction market, means that a 17.5% contingency is considered appropriate.
30. A number of assumptions have been identified in order to build the project budget, and these are summarised as follows:
- a. The budget is largely based on estimates rather than tender costs
 - b. Asbestos surveys have been completed but only to a non-invasive level at this stage. More detailed survey work may identify additional costs in due course
 - c. The emphasis is on reuse of suitable office furniture and equipment in order to limit refurbishment costs
 - d. The emphasis is to redecorate key rooms and make good those with significant alterations
 - e. The costs for technology (screens and connectivity) in the key meeting rooms was included in the Nov 2020 budget and is therefore excluded from this budget request.
31. The budget can be most clearly understood in terms of the following breakdown:
- a. Updates to seating in Council Chamber
 - b. Installation of technology to key meeting rooms (including Council Chamber)
 - c. Update air ventilation/heating system in Council Chamber
 - d. Redecoration and refurbishment costs
 - e. Feasibility for Phase 2
32. It is considered that the approach being adopted is proportionate and represents value for money for the council. A pragmatic approach has been taken with remodelling the civic space.

Recommended procurement process

33. In order to deliver the BCP civic space as quickly as possible a combination of in-house and externally sourced design and professional skills capability will be used. This ensures that the various strands of the project can be developed concurrently which will assist in managing the interdependencies that exist within the project, and also represents the best use of internal resource.
34. With regard to the build elements of the project these will be procured in line with the council's normal procurement guidelines, and the most appropriate approach and breakdown of works will be identified once the outcome of the design phase is known.

Next steps

35. Subject to the approval of the recommendations contained in this report the focus will be on Phase 1 of the design and delivery of the BCP civic space.
36. A planning application will be prepared and submitted for Phase 1 works.
37. Feasibility work will be undertaken for Phase 2
38. Procurement of key suppliers will commence.

Summary of financial implications

39. The total cost of remodelling works for Phase 1 is estimated at £1.067 million, including 17.5% contingency. Table below provides a high-level indicative outline of planned spend, based on estimated delivery timeline. Estimated spend at this stage is based on high level desktop estimates only. Both the estimates and delivery timeline will need to be revised as costs and plans are firmed up. The £1.067 million estimated spend consists of £0.611 million (including 17.5% contingency) of planned works that could be capitalised in accordance with CIPFA accounting standards. These include new ICT investment in the council chamber and Phoebe room, new air ventilation and heating in council chamber as well as new furnishings and windows overhaul. One-off revenue spend of £0.456 million includes reupholstery of furniture, redecoration and £50k feasibility budget for future phases of works that cannot be capitalised.
40. It is proposed that the capital expenditure of £0.611 million is funded from additional prudential borrowing at 3% interest rate (council's low risk invest to save framework rate) over the life of each 'asset component' (e.g. 25 years for new air ventilation and heating, 5 years for ICT investment). This results in a blended overall interest cost of borrowing of £0.152 million on new prudential borrowing of £0.611 million.
41. The table below summarises the financial implications in absolute terms of the planned investment over the council's Medium Term Financial Plan (MTFP). This table contains indicative values only. There will likely be further other ongoing revenue budget impacts from the investment (e.g. additional repairs and maintenance, lighting, offset by additional income from room hire) which have not yet been costed.

	2021/22 £000	2022/23 £000	2023/24 £000	2024/25 £000	2025/26 £000	2026/27 £000	> MTFP £000	total £000
Planned investment								
Capital expenditure	470	141	0	0	0	0	0	611
One-off revenue expenditure		456	0	0	0	0	0	456
Planned investment	470	597	0	0	0	0	0	1067
Revenue impact of funding for planned investment								
One-off revenue expenditure	0	456	0	0	0	0	0	456
Repayment of borrowing principal	0	60	70	70	70	70	273	611
Repayment of borrowing interest	4	11	11	11	11	11	94	152
Revenue budget impact	4	527	80	80	80	80	367	1219

42. In producing the estimates for the original Estates and Accommodation budgets for the development of the BCP Civic Centre a Transformation saving of £1.031m for 2022/23 was declared, increasing to £1.085m in 2023/24. By agreeing to the proposals for the BCP Civic Space these savings will be reduced by £527k in 2022/23, and by an ongoing £80k pa from 2023/4.
43. The Bournemouth Charter Trustees contribution is £17,350pa. (20/21). This is existing revenue income already assumed within the budgets.

Financial risks

44. There is significant uncertainty around high level cost estimates at this time.
45. Contingency will be provided for at 17.5% of estimated costs (which may increase when more detailed investigation and design work is completed).
46. It is recommended that Council is provided with full details of planned works – in particular to understand how the additional ‘West Wing’ works complement existing remodelling works already underway at the site.
47. Consideration should be given towards the timing of planned investment and impact on costs. The council’s capital programme and revenue budgets are already seeing significant new cost pressures from post Brexit and Covid market conditions at this time. There is potential for ‘market correction’ to have occurred during the timeline of the planned BCP Civic Centre additional works, but no guarantee.
48. The potential to generate additional annual net revenue income from the investment (for example public room hire) should also be understood and factored into the MTFP if material. Similarly additional costs of annual maintenance, cleaning, repair and other building related costs (particularly with regard to the new meeting space) will need to be properly costed and understood.
49. Should Council approve the use of Prudential borrowing for this project, it would use some of the £212 million additional borrowing headroom within our prudential indicators (approved by Council September 2021), further to the approved financial strategy supporting the MTFP.

VAT

50. The proposed project has been reviewed from VAT perspective and no issues has been identified. Any VAT the Council incurs will be fully recoverable subject to receiving a valid VAT invoice.

Value for Money

51. This represents additional investment in the BCP Council Civic Centre to ensure that there is a consistent approach to remodelling works across the campus, and that the Town Hall building is coherent in its look and feel.
52. The proposals ensure that the Civic Centre will provide fit for purpose spaces for council meetings and public functions, including the ability to run hybrid meetings and importantly for the building to be accessible to all.
53. As with the remodelling works in the Extension, a pragmatic and prudent approach to cost has been taken.

Summary of legal implications

54. The Council has the power to enter into contracts pursuant to section 1 of the Localism Act 2011. The council will undertake the procurement in accordance with the Public Contracts Regulations 2015 and subject to any relevant implications arising from the UK's transition from the jurisdiction of the European Union on 31st December 2020.

Summary of human resources implications

55. There are no human resources implications arising from this report.

Summary of sustainability impact

56. The introduction of new ways of working to accompany the outcomes of the Estates and Accommodation Project will reduce travel, with most staff spreading their working time across home and office locations. Investment made in remote working technology as a result of the Covid 19 pandemic has already demonstrated the potential in this regard, and we know following recent staff surveys that the workforce is overwhelmingly enthusiastic about working differently.
57. The creation of an Interim Travel Plan is being progressed to support the project and it will identify measures to both encourage positive changes in travel behaviour and to discourage unnecessary travel both to/from work and whilst performing duties related to work.

Summary of public health implications

58. A consultant will be engaged to ensure there is appropriate air extraction in the west wing so it complies with COVID guidelines when it comes to ventilation.

Summary of equality implications

59. An Equalities Impact Assessment (EIA) is attached at Appendix 4

Background papers

Cabinet, 13 November 2019

Cabinet, 12 February 2020

Cabinet, 24 June 2020

Cabinet, November 2020

Cabinet, 27 October 2021

Appendices

Appendix 1 – Current layout of BCP civic space

Appendix 2 – Proposed layout of BCP civic space

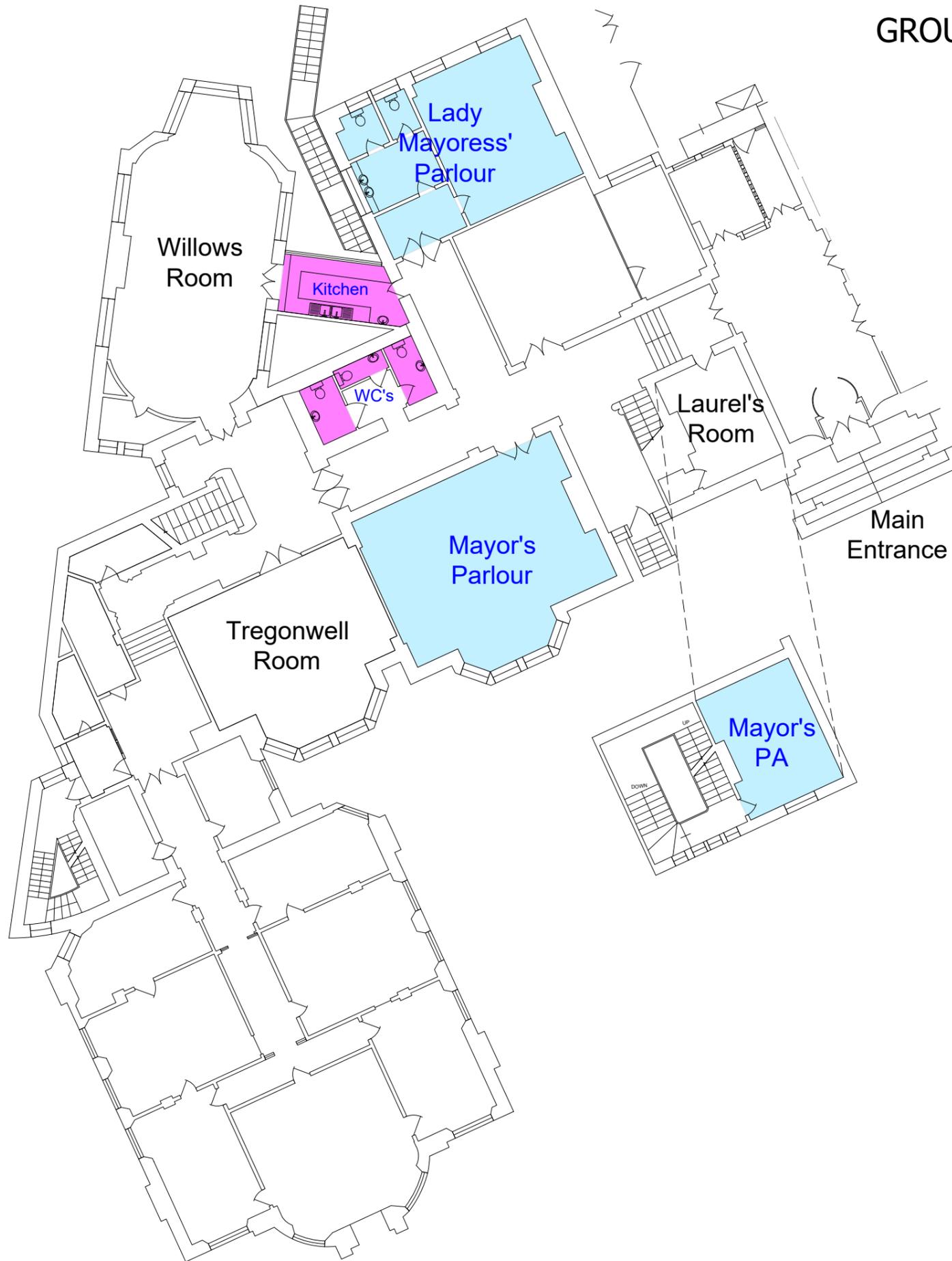
Appendix 3 – Budget

Appendix 4 – EIA

Member's Areas

Joint Use

GROUND FLOOR & MEZZANINE



55

This drawing is indicative only.
 DO NOT SCALE.
 Use figured dimensions only.
 All dimensions are in millimetres
 unless stated otherwise & information
 should not be relied upon for any
 purpose without on-site verification.



Property Name:
 E0071A - Bournemouth
 Town Hall

Details:
 Ground Floor & GF Mezzanine -
 Member's Areas

Date: 16/03/2021	Drawn By: RS	Dwg Format: AutoCAD 3D
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Scales:
 A3 1:200

Drawing Number:
 PS21026-001 RevB

Member's Areas

Joint Use

FIRST FLOOR



56

This drawing is indicative only.
 DO NOT SCALE.
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 All dimensions are in millimetres
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 purpose without on-site verification.



Property Name:
 E0071A - Bournemouth
 Town Hall

Details:
 First Floor - Member's Areas

Date: 16/03/2021	Drawn By: RS	Dwg Format: AutoCAD 3D
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Scales:
 A3 1:200

Drawing Number:
 PS21026-002 RevB

TOWN HALL LOWER GROUND FLOOR WEST WING

- Multi-Functional Rooms
- Registrars
- Mayor's Parlour
- Member's Room
- Proposal Marker



57

This drawing is indicative only.
 DO NOT SCALE.
 Use figured dimensions only.
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 should not be relied upon for any
 purpose without on-site verification.



Property Name:
 E0071A - Bournemouth
 Town Hall

Details:
 Lower Ground Floor - West Wing -
 Proposals

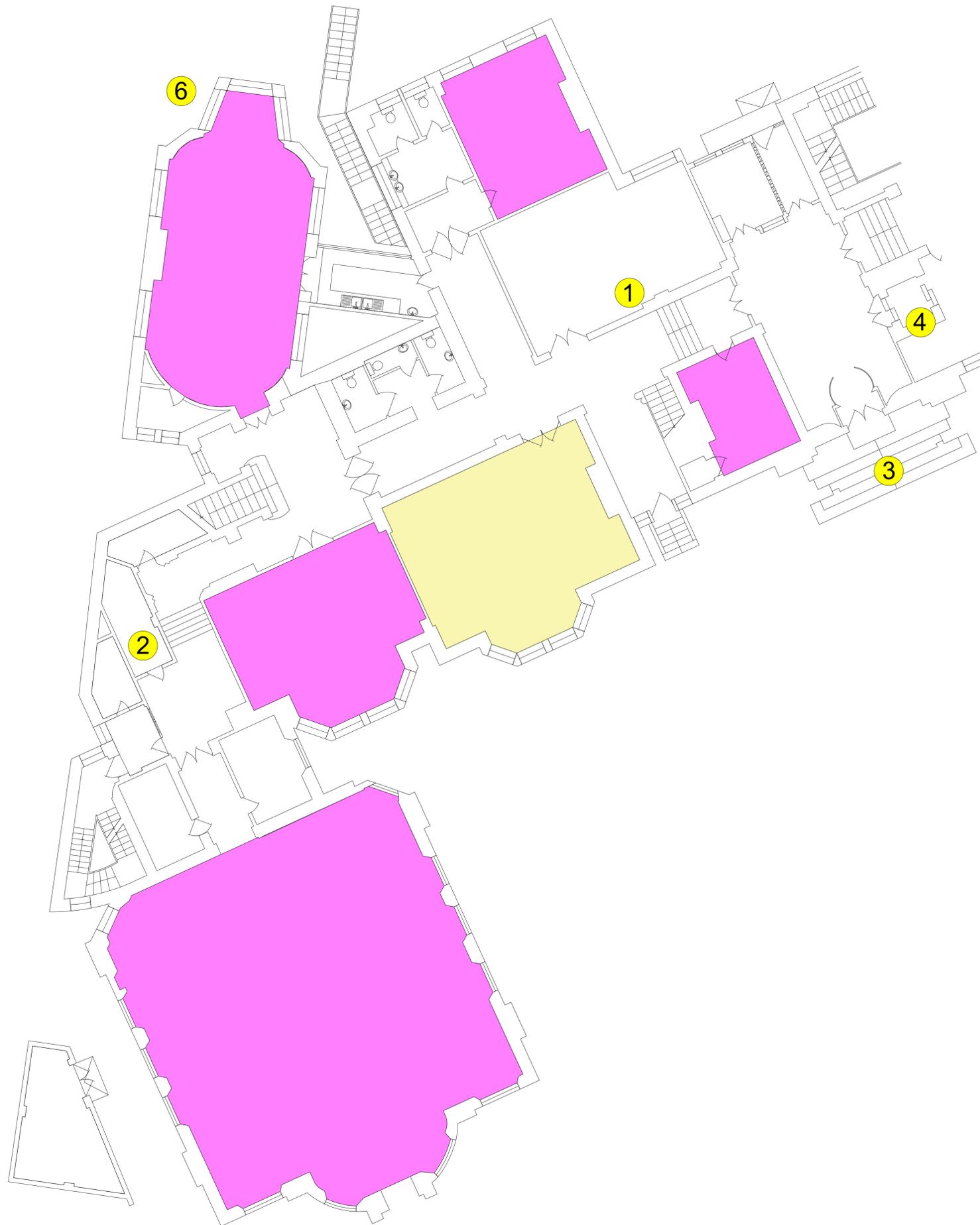
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Drawing Number:
 PS21057-001

TOWN HALL GROUND FLOOR WEST WING

- Multi-Functional Rooms
- Registrars
- Mayor's Parlour
- Member's Room
- Proposal Marker



58

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unless stated otherwise & information
should not be relied upon for any
purpose without on-site verification.



Property Name:
E0071A - Bournemouth
Town Hall

Details:
Ground Floor - West Wing -
Proposals

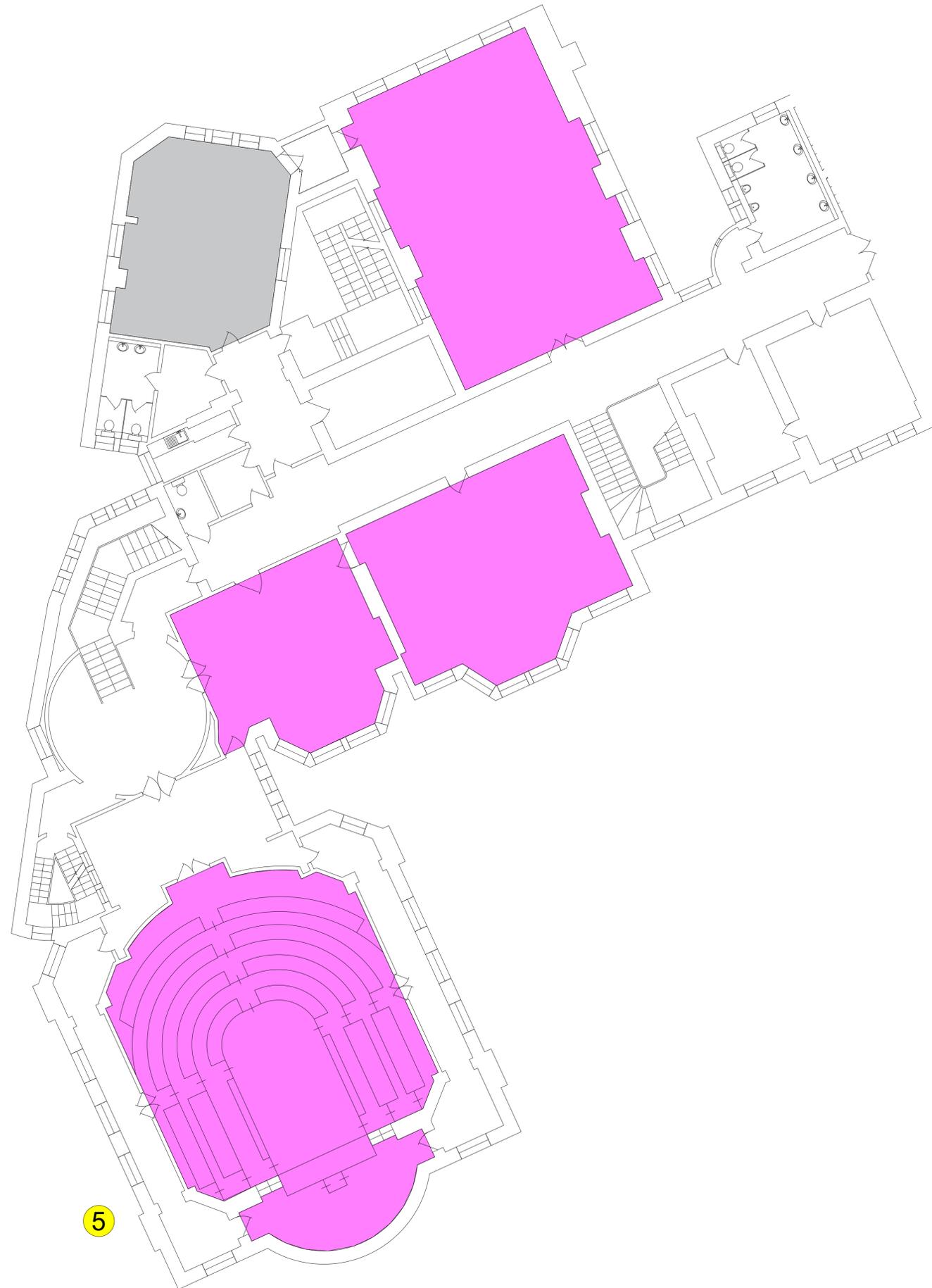
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Drawing Number:
PS21057-002

TOWN HALL FIRST FLOOR WEST WING

- Multi-Functional Rooms
- Registrars
- Mayor's Parlour
- Member's Room
- Proposal Marker



59

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Property Name:
E0071A - Bournemouth
Town Hall

Details:
First Floor - West Wing -
Proposals

Date: 15/09/2021	Drawn By: RS	Dwg Format: AutoCAD 3D
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PS21057-003

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Phase	Cost item	Estimate
Phase 1	Updates to Council Chamber, and installing AV and redec in key meeting rooms (Phoebe, Royal Hants, Room 50, Tregonwell and Room 47)	
	Additional 4 sets of 2 seats (including foldaway desks); alterations to existing media stands; reupholstery of existing seats	118,000
	Data and power and AV technology for Council Chamber and Phoebe	220,000
	Update air ventilation/heating system in Council Chamber	180,000
	Bespoke carpet in C/Chamber	35,000
	Redecoration for C/Chamber	130,000
	Redecoration for Phoebe, Royal Hants, Room 50, Tregonwell and meeting room 47	50,000
	All timber windows overhauled and new blinds (to front elevation only)	35,000
	External lighting and security improvements	50,000
	Resiting Memorabilia and BCP Honours Board	10,000
	Fees	30,000
Phase 2	Feasibility	50,000
	sub total	<u>908,000</u>
	inc contingency at 17.5%	1,066,900

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Equality Impact Assessment: Conversation Screening Tool

<p>What is being reviewed?</p>	<p>Remodelling of the civic space (ie ground and 1st floor west wing) in BCP Council Civic Centre</p>
<p>What changes are being made?</p>	<p>The civic space is being remodelled to improve accessibility for staff, visitors and hybrid meetings The Council Chamber is having seating increased so that it can seat all Councillors and appropriate technology introduced for hybrid meetings. A large, flexible meeting space is being created for social space/large council meetings. Unisex toilet and appropriate baby change facilities (toilets updated and refreshed) Redecoration of key meeting rooms</p>
<p>Service Unit:</p>	<p>Resources - Transformation</p>
<p>Participants in the conversation:</p>	<p>Matti Raudsepp, Julian Osgathorpe, Member Working Group (Cllr Drew Mellor, Cllr Anne Filer, Cllr Marcus Adams, Cllr Diana Butler) Bournemouth Charter Trustees, Beccy Brookwell, Richard Jones, Matt Pitcher, Paul Collins</p>
<p>Conversation date/s:</p>	<p>Throughout Jan to September 2021</p>
<p>Do you know your current or potential client base? Who are the key stakeholders?</p>	<p>Bournemouth Charter Trustees, Legal and Democratic (Richard Jones), Registrars (Matt Pitcher), Member Working Group, Service Users</p>
<p>Do different groups have different needs or experiences?</p>	<p>We will consider all equality requirements and improve accessibility where we are able to do so. There are 4 areas in the west wing where it is proposed to improve accessibility, one of which involves extending an existing lift. We will be updating toilet and baby change facilities. DOTS Disability, a local charity with an expertise in accessibility will be consulted with during the design process to ensure designs are as inclusive as possible. The current design does not incorporate a ‘changing places’ facility as it is proposed to include one in the remodelled Bournemouth library– which will become the customer contact centre/library in the centre of Bournemouth. Considerations for each different group below:</p> <ul style="list-style-type: none"> • age (young/old) – The use of the areas is not age restricted, baby change facilities will be available • disability – ease of use of building – accessible rooms, lifts and accessible toilets, technology available to dial in meetings. Accessible car parking bays at front of building. Main doors are powered and open automatically with card. there are existing hearing loops, which will updated as necessary The refurbished building will allow independent access as much as possible. • gender reassignment – appropriate toilet facilities – unisex toilet available

	<ul style="list-style-type: none"> • marriage and civil partnership – the building is licenced for weddings and the remodelling of the space enables more scope for weddings and functions • pregnancy and maternity – there will be an updated baby changing area. • race, religion or belief – there is a contemplation room for officers in the basement of the east wing of the BCP civic building • gender, sexual orientation – appropriate toilet facilities • members of the armed forces community – any military services currently undertaken in the building will continue via ongoing civic connections
Will this change affect any service users?	<p>Yes – while the building is being remodelled there will not be any weddings/functions/ council meetings in the building. Following the remodelling of the building the BCP Civic space will offer enhanced facilities for service users. Meeting spaces will be used more flexibly.</p> <p>(note - the coroners service will be relocated to Poole civic – this is outlined in a separate Cabinet Report and EIA)</p> <p>There are many dependencies between the different projects within the E&A programme. The build work is being planned so that transition between the buildings has been considered, eg BCP civic council chamber needs to be updated by end of May so that Poole civic can close and council meetings held in Bmth. Also the Poole civic vertical slice need to be completed so that the coroners can transition into their new space before major structural works are undertaken in the BCP civic centre.</p>
What are the benefits or positive impacts of the change on current or potential users?	<p>Following the remodelling of the building the BCP Civic space will offer enhanced facilities for service users and be fully accessible. Meeting spaces will be used more flexibly and there will be a large meeting room available. The meeting rooms, including the Council Chamber and HMS Phoebe, will have appropriate technology for hybrid meetings. The Council Chamber will be able to seat all Councillors. Key meeting areas will be refreshed and redecorated as well as the toilets and baby change area.</p> <p>Bournemouth Charter Trustees – it has been agreed that the Bournemouth Charter Trustees will no longer use the mayoress parlour exclusively. This will now be a multi functional space. Memorabilia will be kept in situ though space needs to be made for BCP Council honours boards.</p>
What are the negative impacts of the change on current or potential users?	<p>While the building (west wing) is being remodelled there may be a period of time when the west wing has to close and there will not be any weddings/functions/ council meetings in the building. The project team will continue to liaise with service users to ensure that any building closure is well communicated and minimises disruption.</p>
Will the change affect employees?	<p>Employees may not be able to use this area of the building while it is being remodelled. The build approach and timeframe will need to be worked through with the building contractor but we will aim to minimise disruption.</p>
Will the change affect the wider community?	<p>When the Coroners service moves to Poole (estimated end 2022), attendees at Coroner Inquests will have to travel to Poole, however there are good transport links around the Poole civic centre</p>

	<p>including frequent buses and cycle routes. Parking arrangements are being thought through for officers and visitors. There will be accessible parking bays at the front of the building. (covered in separate Cabinet report and EIA).</p> <p>There may be a period of time when the west wing is closed for build works – this will need to be well communicated to the wider community in advance and interim arrangements proposed.</p>
<p>What mitigating actions are planned or already in place for those negatively affected by this change?</p>	<p>Engagement with Bournemouth Charter Trustees and service users regarding interim arrangements while the space is being remodelled</p>
<p>Summary of Equality Implications:</p>	<p>Please note - An EIA has been completed for the November 2020 Cabinet Report which outlined the remodelling of the BCP civic centre for officer accommodation (included with this report) The remodelling of the BCP Civic space is part of the overall Estates and accommodation programme. An EIA was also completed to support the Cabinet report for Poole civic space.</p> <p>We will consider all equality requirements and improve accessibility where we are able to do so. There are 4 areas in the west wing where it is proposed to improve accessibility, one of which involves extending an existing lift. We will be updating toilet and baby change facilities. DOTS Disability, a local charity with an expertise in accessibility will be consulted with during the design process to ensure designs are as inclusive as possible.</p> <p>The current design does not incorporate a 'changing places' facility as it is proposed to include one in the remodelled Bournemouth library– which will become the customer contact centre/library in the centre of Bournemouth.</p> <p>Additional information – please refer to supporting Cabinet report including Appendix outlining proposed layout of space.</p>

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CABINET



Note – the following amendments have been made to the report since publication with the Cabinet agenda

Paragraphs - 25 and 26 a change from “Lift” to “Lifts” – text highlighted in green.

Duplicated financial implications text has been deleted.

Report subject	Pokesdown Railway Station Improvement
Meeting date	24 November 2021
Status	Public Report
Executive summary	<p>This report seeks the recommendation of Cabinet to Council for allocation of up to £2.6m from BCP’s Future Fund to improve Pokesdown Railway Station through a jointly agreed financial arrangement with South Western Railway (SWR) and Network Rail (NR).</p> <p>Subject to approval of the business case with the Department for Transport (DfT) both SWR and NR are committed to sourcing £3.1M towards the overall project cost of £5.7m to deliver this essential and long-awaited infrastructure with the Council then covering the shortfall up to a maximum of £2.6m.</p> <p>The anticipated scope of work is shown in the outline business case included within this report at Appendix 1. The content is subject to further detailed design and legal consideration.</p> <p>This investment shall provide essential access benefits to all users but especially for wheelchair users.</p>
Recommendations	<p>It is RECOMMENDED that Cabinet recommend to Council that:</p> <ul style="list-style-type: none"> (a) £2.6m from BCP’s Future Funds be allocated towards the improvement of Pokesdown Railway Station; (b) Delegated joint authority be given to the Director of Transport and Engineering and the Monitoring Officer in consultation with the Portfolio Holder for Transport and Sustainability to finalise a legal agreement with partners to cover the forthcoming arrangement;

	<p>(c) Governance is delegated to the Regeneration Board to monitor and manage project progress including decision making related to any minor variation; and</p> <p>(d) To note that the Future funds allocation if approved shall include for any BCP costs to progress the technical, financial and legal work required.</p>
Reason for recommendations	<p>SWR and NR identified a short fall in funding towards this project and sought the assistance of BCP Council to facilitate progression.</p> <p>BCP have liaised with the DfT and NR to confirm their provisional allocation of the third-party funds. This has been confirmed subject to final business case, BCP legal input and detailed design approvals.</p> <p>The BCP Future Funds Board has also already confirmed its support in principle towards working in partnership with SWR and NR to jointly fund the replacement of the old goods only lifts with accessible passenger lifts that would then benefit all rail users; refurbishment works on the bridge across the railway line to connect both lifts and other much needed modernisation of the Station facilities.</p> <p>Local resident campaigns on support of these improvements have been ongoing for many years with Ward Councillor support throughout. Tobias Ellwood MP is also highly supportive working closely with our BCP leadership to bring these changes forward given that the railway station is not accessible for all potential users and is in much need of modernisation.</p> <p>The scale of investment identified requires approval from Council.</p> <p>Delegated authority is also sought to form the necessary legal agreement between the three parties in consultation with the relevant Portfolio Holder.</p> <p>The costs of preparing the final case, detailed design, legal arrangements/ subsequent agreements and then implementation are all expected to be covered within the above financial allocations.</p>
Portfolio Holder(s):	Cllr Mike Greene

Corporate Director	Kate Ryan
Report Authors	Julian McLaughlin, Director of Transport and Engineering Richard Pincroft, Head of Transportation including Sustainable Transport
Wards	Council-wide
Classification	For recommendation to Council.

Background

1. Pokesdown Station is served by a variety of train services provided by South Western Railway (SWR) giving connections through Bournemouth and Poole to Weymouth and to Southampton and London in the east with many other locations accessible through a single change at locations such as Southampton Central, Basingstoke and Clapham Junction.
2. There are typically 350,000 entries and exits per annum at the station although this has varied in recent years due to strikes and the impact of Covid-19.
3. At present the platforms are accessed by long steep stairs from street level which makes the station inaccessible to wheelchair users, disabled and non-disabled persons with limited mobility and difficult to use for many others, for example with luggage, those with cycles or young children.
4. The standard train service frequency is two trains per hour with some variations in peak periods and at each end of the day. The current gap between services (17 mins / 43 mins) is partially dictated by the number of other fast services through the corridor, including those operated by Cross Country, as well as infrastructure constraints such as signal headways.
5. The Dorset Strategic Study, led by Network Rail (NR) and looking ahead to 2050, is examining the potential infrastructure improvements required to achieve a Metro style frequency that would enable a minimum of three trains per hour and more even headways between services at Pokesdown.
6. SWR is working with BCP Council and NR to deliver the improvements at the station. The provision of lifts was originally one of the obligations in SWR's 2017 franchise agreement with the Department for Transport (DfT). Subsequent detailed surveys of the existing lift shafts indicated however that their conversion to passenger use to the latest standards would be significantly more complex and expensive than originally envisaged.
7. SWR's 2017 franchise agreement was replaced by a new National Rail Contract with the DfT in May 2021. This reconfirmed a £1.6m funding contribution from SWR towards the provision of lifts at the station, subject to third party funding being confirmed to

meet any shortfall. BCP would provide a proposed funding commitment of up to £2.6m to assist in building the lifts and other improvements at the station.

8. NR has also identified a sum of £1.5m towards asset maintenance at the station including the existing footbridge in addition to recent expenditure on a new mural and security improvements. This does not formally form part of the business case but is referenced as part of the overall package of improvements.

Options Appraisal

9. Options have been assessed at this outline stage with a preferred option chosen. The detail of the optioneering is included in the appendices of the outline business case shown in Appendix 1.
10. The progress of this scheme is subject to DfT requirements and associated approvals. As with all rail-based projects there is a strict and well controlled design approvals process in place that shall need to be adhered to as the scheme design progresses to its detailed design and the project is then assessed prior to an approval to build being received. Implementation shall also require full compliance with DfT and Network Rail requirements.

Summary of financial implications

11. The total value of the scheme being undertaken by South Western Railways (SWR) and Network Rail (NR) at Pokesdown Station is costed at £5.7m.
12. The Council has been requested to contribute £2.6m (46%) into this key piece of local infrastructure. The remaining £3.1m is being funded by SWR (£1.6m) and NR (£1.5m).
13. Legislation allows certain expenditure to be classified as capital for funding purposes when it does not result in the expenditure being carried on the Councils balance sheet as an asset. Therefore, the spend will be treated as capital expenditure and funded from borrowing.
14. The proposal is that the Council finances its £2.6m contribution from prudential borrowing with the resultant capital and interest repayments spread over the next 50 years.
15. Prudential borrowing for these items is permitted under revised HM Treasury PWLB guidance as the capital investment is primarily supporting infrastructure improvements and regeneration.
16. The Council's contribution of £2.6m is likely to be incurred over a 3-year period with initial forecasts showing £0.1m in the current 2021/22 financial year, a further £1.75m in 2022/23 and £0.75m in 2024/25.
17. In addition to the repayment of capital, interest costs of £1.5m will be incurred (based on current prevailing PWLB rate) over the 50 term of the borrowing.
18. Annual capital and interest borrowing repayments (commencing the first full year following the year in which borrowing is taken out) is initially estimated to be £2k in 2021/22, £37k in 2022/23, £72k in 2023/24 and £81k per annum from 2024/25 when the full investment has been made (based on the current prevailing PWLB rate).

19. The capital and interest repayments will be a cost pressure that the Council will need to finance within the envelope of any resources that it will have available.
20. It should always be borne in mind that the council is required to repay principal and interest on any loans before it can determine the resources available annually to support service delivery. Bearing that in mind members will need to reflect on their responsibility to both current and future taxpayers and its fiduciary duty to be prudent in the administration of its funds. This is a specific reference to the fact that the Futures Fund capital and interest costs is a cost pressure within the funding gap in the Councils MTFP.
21. It should be referenced that this proposal, in general, will not require an amendment to the cost pressure included in the currently approved MTFP of the Council, as the cost of the borrowing (capital and interest repayments) associated with the Futures Fund is already included.
22. However, as interest rates have slightly moved since the Futures Fund was included in the MTFP Budget Report in February 2021 the capital and interest repayments shown in section 17 are higher than the £1.5k 2021/22, £29k 2022/23, £64k 2023/24 and £74k 2024/25 that would have previously been included.
23. The financial models have been developed using the prevailing PWLB rate (1.95%) and the Invest to Save low risk rate (3%). The use of these two different rates is to demonstrate the potential sensitivity around any fluctuations in interest rates. As part of the ongoing MTFP process there may need to be refinements due to any differences between both the timing of the expenditure and current interest rates from those previously assumed.
24. The investment is considered low risk as the Council has previous experience of undertaking similar works required and has good knowledge of this type of expenditure.
25. The proposed expenditure will be spent on the construction of **a** new lifts **s** and station enhancements.

Table 1: Summary of Preferred Option

Project Element	Scope	Indicative Cost £(m) including appropriate risk and optimism bias allowances
Lifts	Conversion of existing lift shafts to passenger use	3.25
Repairs to, and repainting of, existing Network Rail assets	<ul style="list-style-type: none"> - Footbridge - Canopies (subject to available budget) 	1.50
Sub total	Core lifts and renewals scheme:	4.75

Station Facility Enhancements	<ul style="list-style-type: none"> - Replacement or upgraded station building - New forecourt with interchange facilities - CCTV and help point improvements - Seating and shelter improvements <p>Note scope is indicative only and subject to available budget</p>	Up to £0.95m subject to net funds available following completion of lifts scheme
Total Budget		5.70

26. The construction of a new lifts will take priority and may therefore reduce the amount available for investment in the wider station enhancements.
27. Appendix 2 sets out the financial evaluation of the recommended investment showing a detailed breakdown of the first 10 years plus 10-year summaries thereafter.
28. Table 2 summarises the key financial data over the asset life from both model's perspectives. The key data is shown over a 53-year period due to a phased implementation of the works and corresponding matched borrowing.

Table 2: Key Financial Data

	Prevailing PWLB Model (1.95%)	Invest to Save Low Risk Model (3%)
	£	£
Borrowing interest over 53 years	1,493,653	2,452,514
Borrowing capital repaid over 53 years	2,600,000	2,600,000
Total capital and interest repayments	4,093,653	5,052,514

29. BCP are a funding partner and will not be directly involved in the rail-based build programme other than monitoring its progress and ensuring the outcomes are to expectation.
30. The risks have been allocated to each of the parties and a legal agreement is expected to be drawn up to cover the relative risks and to ensure that the needs of BCP are met with respect to its investment.
31. This legal agreement will include provisions covering that BCP will not have any ongoing repair or maintenance obligations, and that mechanisms shall be put in place to ensure SWT and NR maintain the assets in perpetuity. Failure to do so will enable the Council's investment to be reclaimed.
32. If the cost of the lifts and associated bridge works exceed the expected budgeted cost, then the scale of station enhancements shall need to be adjusted downwards. Suitable contingency has been assumed for this early stage of the project and through detailed design costs shall be confirmed ahead of any commencement on the ground.

33. Any underspends of Network Rail funds on asset renewal of the bridge shall be used to contribute to either the lifts scheme or station enhancements scheme.
34. An Outline Business Case has been prepared by South Western Railway (Appendix 1).
 - a. Their appraisal uses a period for the economic benefits of 60 years in line with standard transport scheme parameters. It is assumed that the existing and new structures have a design life of 60 years with appropriate maintenance interventions. However, the financial modelling has been capped at 50 years in line with the framework around local authority capital expenditure.
 - b. The results of the initial economic appraisal for the project show a good value for money with a healthy Benefit Cost Ratio (BCR) of 2.46. The benefit of this work would be further enhanced if a metro style service were to be instigated in the future.

Summary of legal implications

35. Local Authorities have the power to borrow under s1 Local Government Act 2003. The discretion afforded to Local Authorities to borrow under s1 of the Act is wide reaching – “for any purpose relevant to its functions under any enactment or for prudent management of [the Local Authorities] financial affairs”. The content of this report indicates that the Service Unit relies upon borrowing “for any purpose relevant to its functions under any enactment” given that the aim of this project is to improve equality, accessibility and infrastructure namely in respect disabled access to Pokesdown train station.
36. The Council’s 2021/22 budget and MTFP includes provision to service £50m of PWLB borrowing drawn down in £10m tranches over the next 5 years. Legal Services has not had sight of the terms and conditions associated with the PWLB borrowing, however given the nature and prevalence of PWLB borrowing, it is likely that the Council’s Finance team will be comfortable with the borrowing terms and interest repayments when agreements are entered into.
37. The Service Unit has been advised that it should seek specialist advice to ensure that the funding being provided in respect of the project complies with the Subsidy Control Regime. It is recommended that the Service Unit obtains specialist advice via an external firm of solicitors in this respect. Legal Services can recommend and liaise with such specialists on behalf of the Service Unit. Legal Services has not obtained fee estimates from external solicitors at the time of writing this report, however, it is anticipated that the fees for such work would not exceed around £8,000 (plus VAT), although that is subject to change. Hence the recommendation to approve further Legal work on this project. All project related staff costs would be covered from within the £2.6M allocation.
38. Before being in a position to obtain external advice on the Subsidy Control Regime a formal plan showing the site where the proposed works will take place is will be required as well as a Land Registry Search identifying all or any third parties with an interest in the property. A detailed list of the proposed works under each relevant heading to clarify exactly what the lift works, enhancement and repairs comprise of will be required. The parties also need to firm up the proposal in respect of the

commercial premises as well as the movement of any bike or beryl bike / scooter bay. This initial work is currently being considered.

39. Legal Services understands that the works are intended to be undertaken by either Network Rail and / or South Western Rail and will not be undertaken by the Council who will not be a party to any works contract. Before being in a position to advance any funds to either Network Rail and / or South Western Rail, the Service Unit must ensure that there are appropriate contractual arrangements in place. However, it is worth bearing in mind that any contractual documents provided by Network Rail and / or South Western Rail are likely to contain very onerous terms which the Council will need to critically assess before agreeing to.
40. In the event that the intention is to move the Beryl Bike / e-Scooter bay from outside of the station to inside the newly built station, the Service Unit must consider the contractual arrangements between the Council and Beryl which may involve seeking prior permission to move the bay.
41. The cost of progressing the next stages including forming a legal position are to be costed and are expected to be from within the total £5.7M budget. As the project progresses to detailed design stage the costs of the lifts and associated bridge works shall be confirmed and as a result the remaining scope of other enhancements finalised based on the overall affordability against budget.
42. The risks associated with this project are as follows:-
 - i. Costs of the overall works could increase and it is unclear at this point whether the expectation is that all parties will bear any cost increase jointly. There is a risk that the Council could be expected to cover a cost increase. If it fails to contribute additional costs, questions will arise over whether certain elements of the works will proceed (note the comment at point 2 below which will apply) or whether the works will be completed at all;
 - ii. The Council does not intend to be a party to the works contract which means it is one step removed from the works and will not be able to directly instruct the contractor. The Council must ensure that there is a governance / overview process agreed with Network Rail and / or South Western Rail to ensure that the Council has oversight of the works and has a say in the project.

Summary of human resources implications

43. Subject to BCP Council confirmation suitable resources shall be identified to progress with BCP legal and technical support for the project. The cost of such shall be identified and covered from within the overall BCP budget.

Summary of sustainability impact

44. Enhancement of this railway station shall provide significant improvement for the local travelling public as well as enhancing the look and feel of the station within its Pokesdown context. With a more attractive and accessible station the more likely that local people shall consider using rail as an alternative to car-based travel. This project would link with other improvements towards bus, cycle and walking as the Council seeks to provide a more sustainable travel choice for its public.
45. The Decision Impact Assessment (DIA) for the proposal indicates that the proposal is low in impact with a score of 1.5. Refer to summary:

Impact Summary

Climate Change & Energy	Green - Only positive impacts identified
Communities & Culture	Green - Only positive impacts identified
Waste & Resource Use	Amber - Minor negative impacts identified / unknown impacts
Economy	Green - Only positive impacts identified
Health & Wellbeing	Green - Only positive impacts identified
Learning & Skills	Green - Only positive impacts identified
Natural Environment	Green - Only positive impacts identified
Sustainable Procurement	Amber - Minor negative impacts identified / unknown impacts
Transport & Accessibility	Green - Only positive impacts identified

-  Major negative impacts identified
-  Minor negative impacts identified / unknown impacts
-  Only positive impacts identified
-  No positive or negative impacts identified

Answers provided indicate that the score for the carbon footprint of the proposal is: 1.5	The Carbon Footprint is banded as follows: 0-4 4.5-9.5 10-14 Low Moderate High
---	---

Proposal ID: 306

Proposal Title: **Pokesdown Station Improvements**

46. The full version of the DIA can be found in Appendix 3.

Summary of equality implications

47. An Equality Impact Assessment screening has been undertaken and the summary is as follows:

Summary of Equality Implications:	There are not any envisaged negative equality implications as this is an improvement to the transport network which does not result in any detrimental impacts elsewhere. The improvement has been long lobbied for by the local community and is a significant benefit for people that are currently unable to access rail services via this station.
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48. The full Equality Impact Assessment: conversation screening tool can be found in Appendix 4.

Summary of risk assessment

49. The key risks at this early stage have been considered and are dealt with within the outline business case shown in appendix 1.

Background papers none

List of appendices

Appendix 1: Outline Business Case

Appendix 2: Financial Summary

Appendix 3: Decision Impact Assessment

Appendix 4: Equality Impact Assessment

Pokesdown Station

Business Case

October 2021



Document Control

Key personnel

Title	<i>CUS027 – Pokesdown Lifts – Business Case</i>
Sponsor	<i>Alex Foulds</i>
Head of Major Projects	<i>Natalie Edwards</i>
Regional Development Manager	<i>Andrew Ardley</i>
Project Manager	<i>Iftikhar Rahman</i>
Authors	<i>Camila Lobo / Andrew Ardley</i>
Status	<i>BCP Cabinet Version</i>
Document Reference	-

Version history

Version	Date	Summary of changes	Changes marked
1.0	July 2021	Initial Draft shared with BCP	
1.1	August 2021	Revised draft to BCP	No
1.2	September 2021	Further updates in response to BCP comments	No

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1. Introduction

1.1 Purpose and Scope of Business Case

This business case has been written to support the proposed project to make improvements to Pokesdown station in Bournemouth. The core element of the scheme is the provision of lifts at the station but this is supported by other proposed improvements related to the station building, forecourt and platform facilities which will enhance the value for money of the lifts investment.

South Western Railway (SWR) is working with BCP Council and Network Rail to deliver the improvements at the station. The provision of lifts was originally one of the obligations in SWR's 2017 franchise agreement with the Department of Transport (DfT). Subsequent detailed surveys of the existing lift shafts indicated however that their conversion to passenger use to the latest standards would be significantly more complex and expensive than originally envisaged.

SWR's 2017 franchise agreement was replaced by a new National Rail Contract with the Department of Transport (DfT) in May 2021. This reconfirmed a £1.6m funding contribution from SWR towards the provision of lifts at the station, subject to third party funding being confirmed to meet any shortfall. This business case supports BCP's proposed funding commitment of up to £2.6m to include both the lifts and other improvements at the station.

Network Rail has also identified a sum of £1.5m towards asset maintenance at the station including the existing footbridge in addition to recent expenditure on a new mural and security improvements. This does not formally form part of the business case but is referenced as part of the overall package of improvements.

2. Strategic Case

2.1 Baseline

Pokesdown for Boscombe station is located in the Bournemouth suburb of Boscombe, just under 3km from the main Bournemouth station. A detailed location plan is available in Appendix 1. It also serves neighbouring Southbourne.

The station is served by a variety of train services provided by SWR giving connections through Bournemouth and Poole to Weymouth and to Southampton and London in the east with many other locations accessible through a single change at locations such as Southampton Central, Basingstoke and Clapham Junction. There are typically 350,000 entries and exits per annum although this has varied in recent years due to strikes and the impact of Covid-19. The platforms are accessed by long steep stairs from street level which makes the station inaccessible to those with various mobility impairments and difficult to use for many others, for example with luggage, cycles or young children.

The standard train service frequency is two trains per hour with some variations in peak periods and at each end of the day. The current gap between services (17 mins / 43 mins) is partially dictated by the number of other fast services through the corridor, including those operated by Cross Country, as well as infrastructure constraints such as signalling headways. The Dorset Strategic Study, led by Network Rail and looking ahead to 2050, is examining the potential infrastructure improvements required to achieve a Metro style frequency that would enable a minimum of three trains per hour and more even headways between services at Pokesdown.

Recent History

Pokesdown station has, unfortunately in recent years, been the focus of a high level of fatalities linked to suicides, trespass and vandalism activity which has affected both the reputation and attractiveness of the station, particularly to potential users in the local community. The issues also caused significant delays and cancellations to services on the Bournemouth main line over several years. The problems were exacerbated by the general visual condition of the station when SWR took over management of the station in August 2017. Figures 1 and 2 below show the scale of incidents and subsequent delay minutes impacting on rail services for the Pokesdown area:

Figure 1: Trespass and Fatality Incidents at Pokesdown by Year

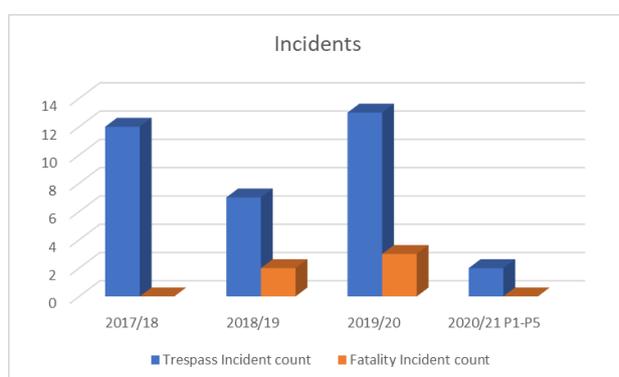
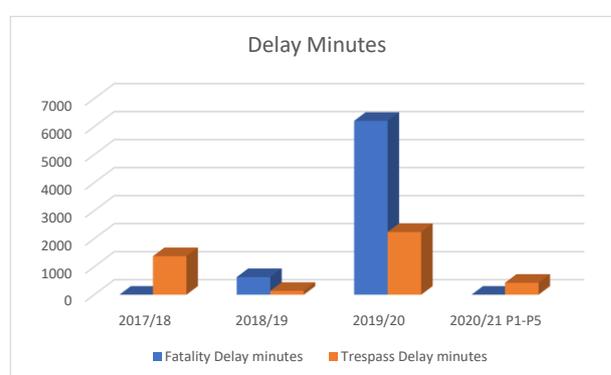


Figure 2: Delay Minutes Attributable to Incidents at Pokesdown by Year



There have been some significant improvements at the station over the last 12-18 months. Network Rail has implemented a number of security improvements in and around the station including additional fencing on platforms and on bridges either side of the station alongside reducing levels of vegetation cover, the funding of a refresh of the community mural on platform 2 and work with the local community to reduce levels of trespass and fatalities through a joint programme with the local football club, AFC Bournemouth. The mural refresh replaced an original one created in 2009 and which had virtually no vandalism compared to other parts of the station. It has also employed Trespass and Welfare Officers [at the station during service operating hours since 2020 which has helped significantly reduce the number of serious incidents and resulting delays alongside the other measures.

SWR has repainted of the areas of the station it manages during 2020. It has also installed LED lighting and free WiFi whilst carrying out several deep cleans of all customer facing areas.

2.2 Objectives

The primary objectives of the improvements to Pokesdown station are to:

-
- Make the station fully accessible to all and a positive local community facility which local people are proud of.
- Enable the station to be an integral part of the major local regeneration plans and be a key gateway to and from the area including the town centre, football club and local beaches, supporting economic growth.

- Contribute to a continued reduction in trespass, suicide attempts and vandalism in and around the station.
- Enable the station to become a key component in the areas local transport network through improved integration with other modes.
- Increase footfall and ticket sales to and from the station including enabling it to take advantage of future service improvements envisaged through the Network Rail Dorset Strategic Plan.

2.3 Wider Context

The issues at the station cannot be decoupled from the wider needs and concerns of the local community. The Pokesdown and Boscombe area faces a number of social and economic challenges and is now the focus of a significant regeneration plan through the Bournemouth Town Investment Plan which has secured over £25m through the Government's Towns Fund in addition to local funding.

The regeneration plans for Boscombe and Pokesdown are part of BCP Council's recently published Big Plan which sets out a wide range of ambitious plans for investment and other improvements throughout the city region. The quality and experience of stations and their environs as gateways to the area is a high priority and a key area for future investment, combining with other improvements in walking, cycling and bus networks and services through the Towns Fund, Local Transport Plan and Transforming Cities Fund (TCF).

The BCP city region benefits from well used high frequency and quality bus networks operated by Yellow Bus and Morebus including several services which pass Pokesdown station. SWR works closely with both operators and BCP Council to promote integrated travel options, particularly to access destinations which are not close to stations. SWR is working with the partners to support the next stage of improvements through the TCF and Bus Service Improvement Plan (BSIP).

The BCP area also has a successful bike share scheme operated by Beryl which is currently complemented by a shared e-scooter trial. There are currently bays within Bournemouth and Poole station forecourts with plans to extend these to other stations in the area including closer integration of the bay near Pokesdown station. BCP and Beryl are planning to introduce e-bikes to the area including rail stations in the near future.

SWR has published its Stations Social and Commercial Development Plan (SSCDP) for the next ten years which sets out its vision for stations and priorities for investment including the introduction of mobility hubs.

The forthcoming Network Rail Dorset Strategic Plan, due to be published late 2021, recognises that the rail line through the BCP conurbation performs both a longer distance and local integrated transport roles within and beyond the BCP city region into Dorset and Hampshire. The rail line between Hinton Admiral / Christchurch and Poole / Hamworthy has competitive east – west journey times compared to road based options but can only be fully effective by integrating with the bus and shared mobility networks to meet the needs of different journey patterns across the city region. BCP council, Dorset Council, SWR and Network Rail are working with the Western Gateway Sub National Transport Body to realise the latter's rail strategy vision of a Dorset Metro service through the conurbation to help deliver this vision. The Dorset Strategic Study is a key stage in its delivery.

The local strategy development noted above sits in the wider context of the Government's policies including the Levelling Up agenda and, specifically related to rail, the recently published Williams-Shapps white paper. This document sets out a path for the reform of the rail industry including the creation of a new strategic body, Great British Railways (GBR).

The transition to the new arrangements will start in 2023 and will require new legislation. This will not affect the implementation of the scheme at Pokesdown.

3. Preferred Option and Economic Case

There are three principal elements to the project at Pokesdown:

- Provision of passenger lifts
- Enhancements to station facilities
- Repairs to, and maintenance / repainting of, existing Network Rail assets

Table 1: Summary of Preferred Option

Project Element	Scope	Indicative Cost £(m) including appropriate risk and optimism bias allowances
Lifts	Conversion of existing lift shafts to passenger use	3.25
	-	
Repairs to, and repainting of, existing Network Rail assets	<ul style="list-style-type: none"> - Footbridge - Canopies (subject to available budget) 	1.5
Sub total	Core lifts and renewals scheme:	4.75
Station Facility Enhancements	<ul style="list-style-type: none"> - Replacement or upgraded station building - New forecourt with interchange facilities - CCTV and help point improvements - Seating and shelter improvements Note scope is indicative only and subject to available budget	Up to £0.95m subject to net funds available following completion of lifts scheme
Total Budget	-	5.7

Further details of budget allocations can be found in Table 5.

SWR has carried out an economic appraisal exercise to support the decision making on the costs and benefits of the preferred option. This is summarised in section 3.4 below. Each element of the project is described in more detail below with further information available in Appendix 1.

3.1 Passenger Lifts

SWR has completed an assessment of options for the provision of lifts at the station through a detailed internal examination of the lift shafts. These included:

- Adapting the existing redundant goods lifts for passenger use
- Demolishing the existing lift shafts and the construction of new ones in the same location
- Constructing new lifts shafts in a different location but still linked to the existing footbridge (with existing shafts remaining in situ)
- Full replacement of the existing footbridge and lift shafts with new structures (with Network Rail contributing a financial sum in lieu of funding repair and maintenance of existing footbridge)

The assessment referenced a number of factors including:

- The current condition of the existing lift shafts

- The current condition and residual life of the existing footbridge
- The ability to meet required standards without requiring derogations
- The impact of the design and temporary works on other structures at the station
- Whole life costs including maintenance requirements
- Affordability

The conclusion of the detailed assessment is that the preferred option for the provision of lifts is the utilisation of the existing shafts but with modified passenger ramps at the bases to meet standards required for the maintenance pit depths. This would include external recladding of the lift shafts. A detailed review of the option assessment and further information on the preferred option can be found in Appendix 1.

This option was chosen for the following reasons:

- Reduced cost and disruption risks including impact on other structures
- Cost effective solution
- Minimal disruption to customers including those on services running through the station

The preferred option does still have some risks which are dealt with in section 5. The apportionment of funding contributions is explained in Section 5, the Financial Case.

3.2 Enhancements to Station Facilities

A range of improvements to Pokesdown station is expected to be required to make it attractive to both existing and potential future customers in the and to meet the objectives set out in section 2.2. This is particularly important to encourage maximum take up of any future enhancement of service frequency at the station as part of the Dorset Metro aspirations and the Network Rail Dorset Strategic Plan.

The lifts are an important part of improvements to the station but other enhancements are required to secure full value from that investment. This has been demonstrated through the economic appraisal summarised in section 3.3 below.

The further enhancement proposals can be summarised in two main areas:

- Platform and footbridge facilities including CCTV, help point and seating improvements
- The station building and a new forecourt to improve integration with other transport modes

It should be noted that the final station facility improvements and their detailed specific scope will be subject to the available funding remaining and BCP Council approval once the detailed costs of the lifts scheme are known. Further detail on funding apportionment can be found in Section 5, the Financial Case.

Platform / Footbridge Facilities

CCTV and help points are particularly important at this station given the recent history of trespass and other incidents. Good security and access to help when required is recognised to be an important part of making rail travel attractive. The provision of lifts is expected to increase the number of customers who need to sit whilst waiting for a train and for whom protection from the weather is particularly important. Any future service enhancements through the Dorset Metro would further increase use of station facilities and improve the benefits of the investment.

CCTV

Existing CCTV equipment does not meet latest standards and there are some coverage gaps on the platforms. Additional and replacement higher standard cameras would be installed on both platforms and on the footbridge although some improvements may be carried out and funded through the lifts element of the project. CCTV enhancements within the station building would be carried out as part of the proposed improvements below.

Help Points

Both platforms currently have standard voice only help points which connect to SWR's control centre at Basingstoke. Many customers however appreciate the ability to see the person they are talking to as it gives them additional reassurance. It is therefore proposed to replace the existing voice only help points with ones that have video capability.

Seating and Shelters

Pokesdown does have extensive platform canopy coverage but there is a lack of enclosed shelter on the platforms when there are cold winds or driving rain. There is also only limited seating for a small number of people. It is proposed to both increase the amount of seating and provide enclosed waiting areas by installing shelters with seating on both platforms.

Station Building and Forecourt

Existing Situation

The bulk of the current station building is allocated to two retail units on either side of the main entrance. The central section of the building for rail customers and staff is relatively small, approximately 20% of the building footprint including parking for the retail units. This falls further to around 15% when staff accommodation is excluded. The rail station does not therefore have a clear and well defined on-street presence as a gateway to and from the area, being slightly lost between the retail units.

The station building currently only has basic customer facilities including a small booking hall, ticket office and ticket vending machines. There are no toilets or seating areas and most of the space allocated to customers is used as the through walking route to the bridge and platforms. Whilst there are automatic doors onto the pavement, the exit onto the bridge and platforms is not enclosed and the booking hall is therefore not heated in colder weather.

Access to the platforms is currently solely through the booking hall. There is no alternative access when the station is not staffed, currently after early afternoon Mondays to Saturdays and not at all on Sundays. This has caused issues with vandalism in the past although is currently managed by the presence of Trespass and Welfare officers during service operating hours with the doors being locked outside these times.

The age of the building means it is an increasing challenge to maintain including a number of recent roof leaks affecting the retail premises. It is also expected to have a poor energy efficiency rating.

There is very limited space at the front and side of the station building for both customer use and integration with other transport modes. There are a small number of unsecured cycle parking spaces across the road junction and opposite the station which double up as a bay for Beryl bikes and e-scooters.

The nearest eastbound bus stop towards Christchurch is 170m away and requires a road crossing. Similarly there is a bus stop towards Southbourne on the opposite side of the road junction.

There is no location for private cars or taxis to drop off at the station and constrained parking space for rail response staff. The former can be important for dropping of customers who have mobility problems, the number of which would be expected to increase with the provision of lifts at the station.

Proposal

The proposal for the station building and new interchange forecourt has not been fully developed at this stage. The final chosen option will depend on both the net budget available once the cost of the lifts scheme and other enhancement options is known together with relevant local consultation and any required permissions. An outline scheme has been developed by SWR as a basis for a value for money assessment and to demonstrate what might be achievable.

The outline proposal, based on the preferred option and £5.7m budget shown in Table 1, includes (subject to design feasibility and budget):

Station Building

- Demolishing the existing station building
- Construction of a new station building on a smaller footprint with the following potential features:
 - o Attractive building that is clearly identifiable as a rail station and which can act as a focal gateway into the wider Boscombe regeneration project area as well as to AFC Bournemouth and local beaches
 - o Energy efficient building with remote access to waiting room / toilet when unstaffed
 - o Separate night entrance gate with remote control access
 - o Enhanced CCTV coverage
 - o Accessible toilet
 - o Internal heated waiting area with seating for rail and bus customers plus those waiting to be picked up by taxi or private car, especially those with mobility issues.
 - o Accessible low level ticket office window
 - o Real time bus information screen / information totem
 - o Ability to include community artwork as part of the internal / external design
 - o Potential community room / café to help provide support to mental health and other projects or alternatively replacement retail space

The proposal above is not the only option for the station building. Others include:

- o Retaining the whole building but reconfiguring the interior to improve customer and community facilities (but this would exclude the ability to create a new forecourt)
- o Partial demolition of the existing building and reconfiguring the interior of the remainder

Station Forecourt

- New station forecourt to include all or some of (subject to design feasibility and budget availability)

- Secure cycle parking
- Beryl Bike Bay (including provision for e-bike dock if required)
- Eastbound bus stop with real time information and shelter
- Rail / local information totem
- Taxi bay
- Rail staff parking
- Car drop off point
- Attractive paved area with ability to host community events / pop up commercial ventures such as coffee carts supported by planting through a proposed station adoption group
- Attractive lighting of forecourt / station building

All of the above would be contained within the current Network Rail freehold land / SWR lease boundary with the possible exception of the bus stop which would require further investigation.

Figure 3: Example of how a new Pokesdown station building and forecourt could look



3.3 Repairs to (and Repainting of) Existing Network Rail Assets

Network Rail have assessed the condition of the station footbridge and determined that it is structurally sound. Some repairs and a full repaint of the external facing parts are however required to extend its design life in line with that of the new lifts and improve its visual appearance to customers. The internal areas of the bridge were repainted in 2020 by SWR along with the other leased areas of the station.

The platform canopies are in poor visual condition in parts and will be repainted or cleaned subject to available budget.

3.4 Economic Appraisal of Preferred Option

SWR commissioned ARUP to carry out an economic appraisal of the preferred and alternative options for the lifts and other improvements. This excluded the Network Rail investment in repairs and reconditioning of the footbridge and platform canopies.

The appraisal period for the economic benefits is 60 years in line with standard transport scheme parameters. It is assumed that the existing and new structures have a design life of 60 years with appropriate maintenance interventions.

The results of the economic appraisal show that the preferred option has a High central case Benefit Cost Ratio (BCR) of 2.46. The lift scheme on its own has a BCR of 0.88. The 2.46 BCR for the combined lifts and other enhancements scheme would be further improved with an 'upside' assumption about the future impact of a 'Dorset Metro' timetable frequency alongside 2% passenger volume growth and not all the scheme risk costs being realised. This would be expected to take the BCR to over 3. Note that the final BCR will vary depending on the actual cost of the schemes implemented and the final specification and scope of the improvements to the platforms, station building and forecourt.

Whilst the importance of the lifts for customers and the community is fully acknowledged, the economic appraisal demonstrates that the full benefits of the lift scheme, and value for money from the total investment, will be realised when the other improvements to the platforms, station building and forecourt are implemented alongside the lifts scheme.

Despite the fact that the Network Rail works have been excluded from the formal economic appraisal they will clearly still have a beneficial impact on the customer experience, especially in terms of adding further value to the other proposed improvements. The primary benefits will arise from the planned repainting of the external areas of the footbridge and, if there is sufficient budget, the upper areas of the platform canopies. This would complement the repainting of the rest of the station carried out by SWR in 2020 and particularly a new or improved station building.

4. Commercial Case

The commercial case reflects the approach to how the procurement and management of contracts is approached. This is underpinned by the Financial Case in section 5.

For clarity the commercial case is split into four parts – the lift design, lift works, bridge and canopy works and other station enhancement works.

Table 3: Procurement Strategy

Scheme / Stage	Implementation Body	Contracting with:	Comments
Lifts design	SWR	N/A	To full design stage
Lifts Construction	Network Rail	SWR	BCP Council will contract with SWR to provide the required additional funding to construct the lifts.
Station Enhancements	SWR	BCP Council	BCP Council will contract with SWR to provide the funding for the station enhancements, subject to the remaining budget following completion of the lift works
Bridge and canopy works	Network Rail	N/A	Network Rail will be responsible for designing and commissioning these works within its standard procurement framework. Note: canopy works subject to available budget.

4.1 Lifts Design

SWR has already undertaken a significant proportion of the design work to date. It is proposed that SWR continues to contract the completion of the design work to a stage where the lifts scheme is ready for construction. This is the most cost and time efficient

approach whilst also minimising risks by fully costing the scheme and creating a detailed risk register ahead of the award of the construction contract.

The cost of the design work from May 2021 would be sourced from SWR's £1.6m allocation for the scheme. It is currently anticipated that further design costs will require £0.472m of the £1.6m SWR budget allocation.

4.2 Lifts Construction

There are a number of alternative options to the procurement of the lifts construction contract. BCP Council has clearly indicated that it wishes to be the 'funder of last resort'. i.e. only meeting the gap between the available SWR funding and the designed cost of the lifts up to a cap of £2.6m (there is no Network Rail funding towards the lift construction).

Further detailed discussions will be undertaken between the three parties (SWR, Network Rail and BCP Council) to establish the most suitable and effective contractual arrangements for the lifts construction.

4.3 Station Enhancements Package

The stations enhancement package would be split into two stages to give BCP Council control over what elements it chooses to fund within scope of the relevant rail industry standards..

The first stage will focus on the design of the different enhancements to include both scope, detail and scale.

The second stage will include a detailed agreement between SWR and BCP Council for the construction and implementation of the actual schemes once the net budget is known following the completion of the lift works. This will take account of public consultation feedback at the appropriate time..

4.4 Risk Allocation

The design of the lifts scheme has currently reached option selection stage with associated risk and optimism bias allowances of 15% and 18% respectively. The primary remaining risk is the ability of the lift shafts' structural steelwork and foundations to take the required loads for passenger lifts. This will be confirmed through final structural surveys and the detailed design stage. There will however be other risks to be managed during construction.

Design of the station enhancement schemes has not reached option selection stage at this point. There are sufficient choices and options available to be able to manage their implementation within the available budget.

Table 4: Proposed Allocation of Cost Risks

Phase	Allocated To	Comments
Lifts Design	SWR	None
Lifts Construction	SWR / BCP Council	Costs mitigated by contribution to Network Rail risk funds subject to the specific conditions of these funds. Risk and optimism bias allowances
Bridge and canopy renewals	Network Rail	Managed with Network Rail's overall renewals programme
Station Enhancements	BCP Council / SWR	Management of project scope through detailed design

Risks associated with the implementation of the lifts scheme will be managed in three main stages:

- Completion of full design: the completion of the full design stage will enable an accurate cost estimate to be produced with reduced risk and optimism bias allowances. This will include further testing of the structural integrity of the existing lift shaft steelwork to ensure its capability to take the designed loadings.
- Some risks will be mitigated by contributions to the two Network Rail risk funds, the Network Rail Fee Fund and the Industry Risk Fund which can be summarised as follows (though this will vary depending on whether Network Rail or SWR contract the lifts works):
 - o Network Rail Fee Fund
 - Funds NR for contractual liabilities to Third Party Customers for contractual breach and negligence
 - o Industry Risk Fund
 - Funds NR for low probability, high impact risks specific to rail industry conditions
 - o The purpose of the risk funds is:
 - To enable NR to deliver enhancement projects
 - To enable NR to assume risks and liabilities in line with normal project delivery
 - To fund low-probability/high-impact risks specific to rail projects
 -
 - They are NOT an extension to the contingency
- If the costs of the lifts scheme are higher than the current £3.25m estimate the additional budget required will need to be provided by BCP Council up to the total cap of £2.6m. No station enhancements will be fundable by the council if this cap is reached.

The station enhancements programme will go through a detailed design stage to confirm chosen options and their costs. The schemes will only go ahead when the available budget is certain following the completion of the lifts scheme..

Network Rail will manage the risks associated with the repairs and repainting of their assets as part of their wider asset renewal programme.

5. Financial Case

5.1 Funding Sources

There are three main funders of the proposed project at Pokesdown as summarised below. The current total cost of the three schemes at Pokesdown is currently estimated to be £5.7m.

Table 5: Funding Sources for Preferred Option

Scheme / Element	Funding Contribution(s) £m (current estimates at August 2021)			Totals (£m)	Comments
	SWR	BCP Council	Network Rail		
Lifts Design (Full)	0.472			0.472	Current estimate subject to confirmation

Scheme / Element	Funding Contribution(s) £m (current estimates at August 2021)			Totals (£m)	Comments
	SWR	BCP Council	Network Rail		
Lifts construction	1.128	1.65		2.778	SWR contribution to construction costs is the balance after design costs above there subject to variation. BCP Council contribution is balance of estimated cost of £3.25m less SWR £1.6m contribution but will vary with actual costs. SWR's funding will be spent first.
Asset Renewals			1.5	1.5	Any underspends of Network Rail funds on asset renewals shall be used to contribute to either the lifts scheme or station enhancements scheme.
Station Enhancements		0.95m		0.95	
Totals	1.6*	2.6	1.5	5.7	

5.2 Revenue Costs

All works constructed within the Network Rail freehold boundary will become railway assets once completed. Network Rail and SWR will become liable for ongoing maintenance of all railway assets constructed as part of this business case as part of the standard industry arrangements. BCP Council will have no ongoing maintenance revenue liabilities for the railway assets. Further discussions are required to review the distribution of any income arising from new retail or community space created as part of the station enhancements scheme.

5.3 Funding Profile

The funding profile is based on the estimated costs as at August 2021 and is subject to the outcome of the detailed design work and the contract tendering process. The timing of actual construction spend will be subject to a number of factors including all relevant technical and commercial agreements being in place alongside contractor availability and rail possessions where required. Actual costs may vary.

Table 6: Predicted Funding Profile (subject to change)

Funding Source / Scheme	2021/22 £m	2022/23 £m	2023/24 £m	Total £m
Full Design (SWR) #	0.472			0.472
Lifts Construction (SWR)		1.128		1.128
Lifts Construction (BCP Council)		1.65*		1.65
Station Enhancements (BCP Council)	0.1	0.1	0.75	0.95
Network Rail Asset Renewals	0.1	0.7	0.7	1.5
Totals	0.672	3.578	1.45	5.7

* The annual profile of BCP's contribution may vary depending on whether the procurement lead for the lifts scheme is Network Rail or SWR. BCP's contribution to the lifts scheme may increase up

to a total cap of £2.6m (if total costs exceed the current £3.25m estimate) with a corresponding decrease in the budget available for the station enhancements.

Note this excludes design costs incurred prior to May 2021

6. Management Case

The primary decision making body will be a Pokesdown Station Board comprising representatives from BCP Council, SWR and Network Rail. Each organisation will also need to follow its own internal approval processes to endorse decisions by the Board where appropriate. DfT approvals will also be required. The Board will be responsible for both the lift and station enhancement schemes. The core responsibilities of the Board will be to:

- Monitor and review project progress against targets
- Approve scheme scope and designs
- Approve legal / commercial agreements
- Approve change management requests
- Approve and monitor risk management registers
- Agree post implementation and evaluation arrangements
- Approve and manage communications plan

The Board membership and links to organisational decision making procedures is shown in Figure X below. The Board will meet monthly unless otherwise agreed. Each organisation will need further internal or DfT approvals to proceed.

Figure 4: Pokesdown Station Board Governance Arrangements and Membership

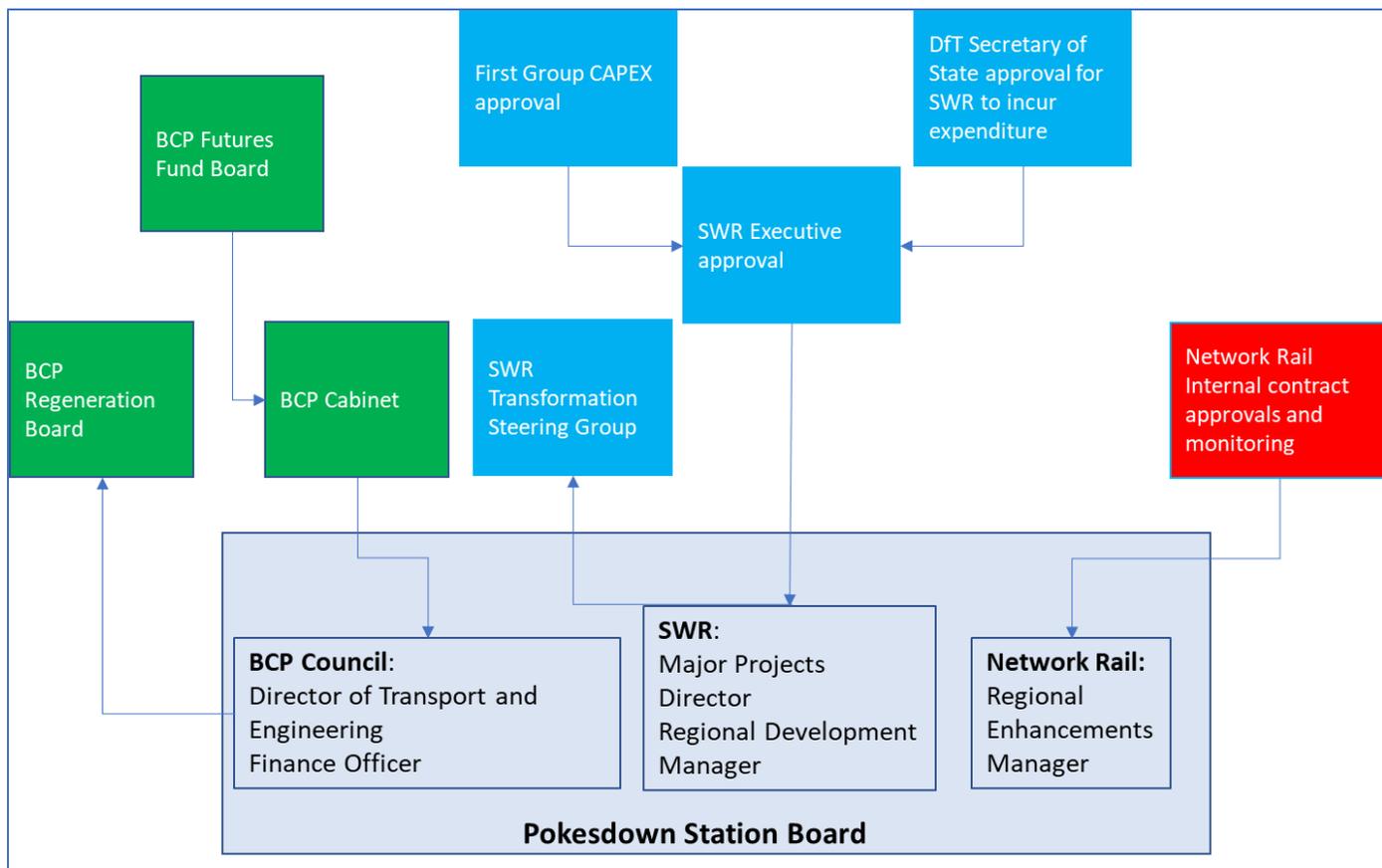
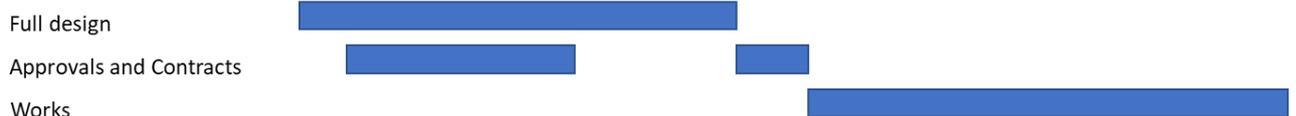


Figure 5: Key Project Stages

Lifts



Asset Renewals



Station Enhancements



Note this is an indicative programme only to show the key stages towards completing the three key elements of the scheme. The overall lifts programme is expected to take around 18 months. The station enhancements element is subject to available funds and therefore works are not expected to start until nearer the completion of the lifts element. All stages are subject to variation as contracts are agreed, designs are fully developed, railway possessions booked etc.

Appendix 1: Lift Options Considered

Table 1: Rejected Lift Options

Option Name / Description	Primary Reasons for Rejection
1: Using existing lift shafts (no modifications)	<ul style="list-style-type: none"> - Does not meet required railway standards re depth of maintenance pit and would require derogation approvals (with significant risk these could not be achieved)
2: Using existing lift shafts with pit depth extended	<ul style="list-style-type: none"> - Requirement for high risk temporary works to support structures during pit excavation
3: Demolish existing lift shafts and construct new shafts in same locations	<ul style="list-style-type: none"> - High risk temporary supporting works for surrounding structures - Closure of platform 1 (London bound) for a long period of time
4: Retain and mothball existing lift shafts. Construct new lift shafts in new locations attached to existing footbridge.	<ul style="list-style-type: none"> - Risk of cutting access points into existing footbridge – impact on structural integrity - Space available on stair / footbridge landing areas does not meet accessibility standards for wheelchair turning movements
5: Demolish existing footbridge and lifts shafts and construct new footbridge and lift shafts in approximately same location	<ul style="list-style-type: none"> - Cost exceeded budget available even taking into account Network Rail contribution to the scheme in lieu of renew and repair scheme to the existing bridge - The station would have to be fully closed for a substantial period of time

Figure 2 – Option 5 Diagrams

Potential New Station Building and Forecourt Layout



Pokesdown Train Station

Finances - Prevailing PWLB Rate (1.95%)

10 year detailed summary	Investment Total 2,600,000	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Years 1-10	Years 11-20	Years 21-30	Years 31-40	Years 41-50	Years 51-60	Total	Years 1-54
Interest on borrowing	-	1,950	36,052	50,244	49,627	48,998	48,357	47,703	47,037	46,358	45,665	421,991	415,457	329,547	225,335	98,923	2,401	1,493,653	1,493,653
Repayment of debt principle	-	-	1,199	22,204	31,629	32,246	32,875	33,516	34,170	34,836	35,515	258,191	395,560	479,827	582,046	706,040	178,336	2,600,000	2,600,000
MTFP (Surplus) / Deficit	-	1,950	37,251	72,448	81,256	81,244	81,232	81,220	81,207	81,194	81,181	680,182	811,017	809,374	807,381	804,963	180,737	4,093,653	4,093,653
<i>Cumulative (Surplus) / Deficit</i>	-	1,950	39,201	111,648	192,905	274,149	355,381	436,601	517,807	599,001	680,182	680,182	1,491,199	2,300,573	3,107,954	3,912,917	4,093,653	4,093,653	

Pokesdown Train Station

Finances - Invest to Save - Low Risk Rate (3.00%)

10 year detailed summary	Investment Total 2,600,000	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Years 1-10	Years 11-20	Years 21-30	Years 31-40	Years 41-50	Years 51-60	Total	Years 1-54
Interest on borrowing	-	3,000	55,473	77,481	76,773	76,045	75,295	74,522	73,727	72,907	72,063	657,286	668,221	550,505	392,304	179,695	4,503	2,452,514	2,452,514
Repayment of debt principle	-	-	887	16,428	23,570	24,277	25,005	25,755	26,528	27,324	28,143	197,916	332,312	446,600	600,193	806,609	216,369	2,600,000	2,600,000
(Surplus) / Deficit	-	3,000	56,360	93,908	100,343	100,322	100,300	100,278	100,254	100,231	100,206	855,202	1,000,533	997,105	992,497	986,305	220,872	5,052,514	5,052,514
<i>Cumulative (Surplus) / Deficit</i>	-	3,000	59,360	153,268	253,611	353,933	454,234	554,511	654,766	754,996	855,202	855,202	1,855,736	2,852,841	3,845,338	4,831,642	5,052,514	4,831,642	

Proposal Title: Pokesdown Station Improvements
Appendix 3 – Decision Impact Assessment
Impact Summary

Climate Change & Energy	Green - Only positive impacts identified
Communities & Culture	Green - Only positive impacts identified
Waste & Resource Use	Amber - Minor negative impacts identified / unknown impacts
Economy	Green - Only positive impacts identified
Health & Wellbeing	Green - Only positive impacts identified
Learning & Skills	Green - Only positive impacts identified
Natural Environment	Green - Only positive impacts identified
Sustainable Procurement	Amber - Minor negative impacts identified / unknown impacts
Transport & Accessibility	Green - Only positive impacts identified

-  Major negative impacts identified
-  Minor negative impacts identified / unknown impacts
-  Only positive impacts identified
-  No positive or negative impacts identified

Answers provided indicate that the score for the carbon footprint of the proposal is: 1.5	The Carbon Footprint is banded as follows: 0-4 4.5-9.5 10-14 Low Moderate High
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Proposal ID: **306**

Proposal Title: **Pokesdown Station Improvements**

Type of Proposal: **Project**

Brief description:

Partnership with Network Rail and South Western Railway to improve accessibility at Pokesdown Railway Station through works that would result in there being working lifts to provide wheelchair, buggy etc. access to both platforms from street level.

Proposer's Name: **Richard Pincroft**

Proposer's Directorate: **Regeneration & Economy**

Proposer's Service Unit: **Growth & Infrastructure**

Estimated cost (£): **Above OJEU threshold**

If know, the cost amount (£): **£2.6million**

Ward(s) Affected (if applicable):

Boscombe East & Pokesdown Boscombe West East Cliff & Springbourne East Southbourne & Tuckton Littledown & Iford West Southbourne

Sustainable Development Goals (SDGs) supported by the proposal:

3. Good Health and Well Being 10. Reduced Inequalities 11. Sustainable Cities and Communities

Proposal Title: Pokesdown Station Improvements

Climate Change & Energy

Is the proposal likely to have any impacts (positive or negative) on addressing the causes and effects of climate change? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Has the proposal accounted for the potential impacts of climate change, e.g. flooding, storms or heatwaves? **Not Relevant**
- 2) Does it assist reducing CO2 and other Green House Gas (GHG) emissions? E.g. reduction in energy or transport use, or waste produced. **Yes**
- 3) Will it increase energy efficiency (e.g. increased efficiency standards / better design / improved construction technologies / choice of materials) and/or reduce energy consumption? **Not Relevant**
- 4) Will it increase the amount of energy obtained from renewable and low carbon sources? **Not Relevant**

How was the overall impact of the proposal on its ability to positively address the cause and effects of climate change rated?
Green - Only positive impacts identified

The reasoning for the answer (details of impacts including evidence and knowledge gaps):
Some rail users living close to Pokesdown Rail Station have to travel to other more accessible stations. The proposed programme of work would negate the need for this.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):
None

Proposal Title: Pokesdown Station Improvements**Communities & Culture**

Is the proposal likely to impact (positively or negatively) on the development of safe, vibrant, inclusive and engaged communities? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it help maintain and expand vibrant voluntary and community organisations? **Not Relevant**
- 2) Will it promote a safe community environment? **Yes**
- 3) Will it promote and develop cultural activities? **Not Relevant**

How would the overall impact of the proposal on the development of safe, vibrant, inclusive and engaged communities be rated?

Green - Only positive impacts identified

Reasoning for the answer (details of impacts including evidence and knowledge gaps):

The improvements will include enhanced CCTV within the rail station and upgrade of help points.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

None

Proposal Title: Pokesdown Station Improvements

Waste & Resource Use

Is the proposal likely to have any impacts (positive or negative) on waste resource use or production and consumption? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it prevent waste or promote the reduction, re-use, recycling or recovery of materials? **Not Relevant**
- 2) Will it use sustainable production methods or reduce the need for resources? **Partially**
- 3) Will it manage the extraction and use of raw materials in ways that minimise depletion and cause no serious environmental damage? **Not Relevant**
- 4) Will it help to reduce the amount of water abstracted and / or used? **Not Relevant**

How would the overall impact of the proposal on the sustainable production and consumption of natural resources be rated?

Amber - Minor negative impacts identified / unknown impacts

The reasoning for the answer (details of impacts including evidence and knowledge gaps): **Works to upgrade the station will require materials to be used but once in place it should eliminate the need for some journeys to more accessible stations that are further away.**

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

Ensure that procurement of contractors to facilitate the works give full consideration to the re-use and recycling of materials. Furthermore, that any materials required are sourced from sustainable sources.

Proposal Title: Pokesdown Station Improvements**Economy**

Is the proposal likely to impact (positively or negatively) on the area's ability to support, maintain and grow a sustainable, diverse and thriving economy? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will the proposal encourage local business creation and / or growth?

Partially

- 2) Will the proposal enable local jobs to be created or retained?

Partially

- 3) Will the proposal promote sustainable business practices?

Partially

How would the overall impact of the proposal on it's potential to support and maintain a sustainable, diverse and thriving economy be rated?

Green - Only positive impacts identified

The reasoning for the answer (details of impacts including evidence and knowledge gaps)

Provides better access to a sustainable travel mode.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc)

None

Proposal Title: Pokesdown Station Improvements**Health & Wellbeing**

Is the proposal likely to impact (positively or negatively) on the creation of a inclusive and healthy social and physical environmental for all?

Yes

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will the proposal contribute to improving the health and wellbeing of residents?

Yes

- 2) Will the proposal contribute to reducing inequalities in health between different communities or groups?

Yes

- 3) Will the proposal contribute to a healthier and more sustainable physical environment?

Yes

How would the overall impact of the proposal on the creation of a fair and healthy social and physical environmental for all be rated?

Green - Only positive impacts identified

The reasoning for the answer (details of impacts including evidence and knowledge gaps):

Provides greater accessibility for residents and staff both to and from places of work, leisure, education etc.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

None

Proposal Title: Pokesdown Station Improvements**Learning & Skills**

Is the proposal likely to impact (positively or negatively) on a culture of ongoing engagement and excellence in learning and skills? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it provide and/or improve opportunities for formal learning?
Partially
- 2) Will it provide and/or improve community learning and development?
Partially
- 3) Will it provide and/or improve opportunities for apprenticeships and other skill based learning?
Partially

How would the overall impact of the proposal on the encouragement of learning and skills be rated? **Green - Only positive impacts identified**

The reasoning for the answer (details of impacts including evidence and knowledge gaps):
Better accessibility to schools, colleges, Universities and places of work.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):
None

Proposal Title: Pokesdown Station Improvements**Natural Environment**

Is the proposal likely to impact (positively or negatively) on the protection or enhancement of local biodiversity or the access to and quality of natural environments?

Yes

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it help protect and improve biodiversity i.e. habitats or species (including designated and non-designated)? **Not Relevant**
- 2) Will it improve access to and connectivity of local green spaces whilst protecting and enhancing them? **Not Relevant**
- 3) Will it help protect and enhance the landscape quality and character?
Not Relevant
- 4) Will it help to protect and enhance the quality of the area's air, water and land?
Yes

How would the overall impact of your proposal on the protection and enhancement of natural environments be rated?

Green - Only positive impacts identified

The reasoning for the answer (details of impacts including evidence and knowledge gaps):
Encourage more rail users which is more sustainable.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

None

Proposal Title: Pokesdown Station Improvements

Sustainable Procurement

Is the proposal likely to involve the procurement of goods, services or works which risk negative impact on resources (including power, water, raw material extraction), natural environment or labour markets (e.g. welfare standards)?

Yes

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

Has or is it intended that the Strategic Procurement team be consulted?

Yes – already underway

If the Strategic Procurement team was not consulted, then the explanation for this is:

- 1) Do the Government Buying Standards (GBS) apply to goods, services and/or works that are planned to be bought?

Partially

- 2) Has sustainable resource use (e.g. energy & water consumption, waste streams, minerals use) been considered for whole life-cycle of the product/service/work?

Partially

- 3) Has the issue of carbon reduction (e.g. energy sources, transport issues) and adaptation (e.g. resilience against extreme weather events) been considered in the supply chain?

Partially

- 4) Is the product/service/work fairly traded i.e. ensures good working conditions, social benefits e.g. Fairtrade or similar standards?

Partially

- 5) Has the lotting strategy been optimised to improve prospects for local suppliers and SMEs?

No

- 6) If aspects of the requirement are unsustainable then is continued improvement factored into your contract with KPIs, and will this be monitored?

No

How is the overall impact of your proposal on procurement which supports sustainable resource use, environmental protection and progressive labour standards been rated?

Amber - Minor negative impacts identified / unknown impacts

The reasoning for the answer (details of impacts including evidence and knowledge gaps):

The proposal is at an early financial approval stage. If approved BCP officers would work with partners to encourage sustainable procurement outcomes. Regarding trying to improve prospects for local suppliers, this will be explored but it is likely that this will be difficult to influence as only specialist certified/skilled contractors are allowed to operate on live railway track and it is likely that the arrangement between partners is that all of this work is managed by Network Rail and South Western Railway with BCP as a promoter.

Proposal Title: Pokesdown Station Improvements

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

BCP Officers to engage with Network Rail and South Western Railway regarding sustainable procurement if decision is made to promote the work.

All new-build projects and all major refurbishments should have an appropriate environmental assessment method applied appropriate to the size, nature and impact of the project. This is likely to be:

- **BRE's Environmental Assessment Method (BREEAM) for buildings, or**
- **BRE's Civil Engineering Environmental Quality Assessment & Award Scheme (CEEQUAL) for civil engineering, infrastructure, landscaping and works in public spaces**

BREEAM rates, and certifies, buildings on a scale of:

- **Pass**
- **Good**
- **Very Good**
- **Excellent**
- **Outstanding**

CEEQUAL rates, and certifies, civils (and so on) on a scale of:

- **Pass**
- **Good**
- **Very Good**
- **Excellent**

Minimum Mandatory Level:

- **New-build projects achieve as a minimum an 'Excellent' rating**
- **Major refurbishments achieve as a minimum a 'Very Good' rating.**
- **In both cases unless site constraints or project objectives mean that this requirement conflicts with the obligation to achieve value for money.**

Best Practice Level:

- **New projects (buildings only) to achieve an "outstanding" rating**
- **Major refurbishment projects achieve an "excellent" rating**
- **In both cases unless site constraints or project objectives mean that this requirement conflicts with the obligation to achieve value for money.**

BCP officers to work to achieve most sustainable outcome with partners.

Proposal Title: Pokesdown Station Improvements**Transport & Accessibility**

Is the proposal likely to have any impacts (positive or negative) on the provision of sustainable, accessible, affordable and safe transport services - improving links to jobs, schools, health and other services? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

1) Will it support and encourage the provision of sustainable and accessible modes of transport (including walking, cycling, bus, trains and low emission vehicles)?

Yes

2) Will it reduce the distances needed to travel to access work, leisure and other services?

Yes

3) Will it encourage affordable and safe transport options?

Partially

How would the overall impact of your proposal on the provision of sustainable, accessible, affordable and safe transport services be rated?

Green - Only positive impacts identified

The reasoning for the answer (details of impacts including evidence and knowledge gaps): **Existing situation is that any person that uses a wheelchair, has limited mobility, has a buggy or pushchair, large luggage or bicycle that they want to take on the train is most likely unable to do so at Pokesdown due to limited accessibility. This proposal seeks to overcome that issue.**

Details of proposed mitigation and monitoring (inc. timescales, responsible officers, related business plans etc):

None

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Equality Impact Assessment: conversation screening tool

[Use this form to prompt an EIA conversation and capture the output between officers, stakeholders and interested groups. This completed form or a full EIA report will be published as part of the decision-making process]

Policy/Service under development/review:	Pokesdown Railway Station Improvement
What changes are being made to the policy/service?	<p>At present the platforms are accessed by long steep stairs from street level which makes the station inaccessible to wheelchair users, disabled and non-disabled persons with limited mobility and difficult to use for many others, for example anyone with heavy luggage, and those with cycles or young children, or that are pregnant.</p> <p>The proposal is in partnership with Network Rail and South Western Railway to facilitate works to provide working lifts that will enable easy access to the platforms from the station forecourt. Thus, overcoming the accessibility issues mentioned in the paragraph above.</p>
Service Unit:	Transport and Engineering
Persons present in the conversation and their role/experience in the service:	Richard Pincroft – Head of Transportation John McVey – Sustainable Transport (inc. Policy) Manager Richard Barnes – Strategic Public Transport Manager
Conversation dates:	Various during last decade. EIA conversation: 05/10/21
Do you know your current or potential client base? Who are the key stakeholders?	<p>Would be Pokesdown Station Rail users from Pokesdown, Boscombe and Southbourne areas that are wheelchair users and non-wheelchair users that are less mobile and any pregnant persons.</p> <p>The catchment for the station includes areas of BCP that has very low levels of car ownership. People without access to cars, particularly those with a disability are often amongst the lowest income groups and are therefore more reliant on public transport.</p>
Do different groups have different needs or experiences in relation to the policy/service?	Yes. In addition to providing better physical access the lifts also need to be designed to accommodate blind and partially sighted people.
Will the policy or service change affect any of these service users?	Yes.
[If the answer to any of the questions above is 'don't know' then you need to gather more evidence and do a full EIA. The best way to do this is to use the Capturing Evidence form]	
What are the benefits or positive impacts of the policy/service change on current or potential service users?	<p>It will positively impact some disabled persons (wheelchair users and any other persons with limited mobility) who are currently unable to access or find accessing the platforms (trains) difficult. It will also benefit the elderly (if less mobile), blind and partially sighted people and any pregnant persons by making it easier to access the platforms (trains).</p> <p>More widely, people that are unable to access the platforms (trains) or find it a barrier at present will be able to use the</p>

	station instead of other stations in the town that are further away but have better access.
What are the negative impacts of the policy/service change on current or potential service users?	The EIA conversation team does not consider there are any negative impacts.
Will the policy or service change affect employees?	Improved accessibility at Pokesdown Station could potentially benefit some colleagues for travel to work and their household travel arrangements – for example by easier travel to school. The BCP Council Travel Plan aims to encourage sustainable travel which includes public transport.
Will the policy or service change affect the wider community?	There are anticipated benefits provided through better access to local services, facilities, healthcare, retail and leisure.
What mitigating actions are planned or already in place for those negatively affected by the policy/service change?	The EIA conversation team does not consider there are any negative impacts.
Summary of Equality Implications:	There are not any envisaged negative equality implications as this is an improvement to the transport network which does not result in any detrimental impacts elsewhere. The improvement has been long lobbied for by the local community and is a significant benefit for people that are currently unable to access rail services via this station.

For any questions on this, please contact the Policy and Performance Team by emailing performance@bcpcouncil.gov.uk

AUDIT AND GOVERNANCE COMMITTEE



Report subject	Report of the Constitution Review Working Group - Changes to the Constitution
Meeting date	1 December 2021
Status	Public Report
Executive summary	<p>The report summarises the issues considered by the Constitution Review Working Group and sets out a series of recommendations arising from the Working Group for consideration by the Committee.</p> <p>Any recommendations arising from the Committee shall be referred to full Council for adoption.</p> <p>This report is to be considered by a special virtual non-decision making meeting on 1 December 2021 which shall be live-streamed for the public viewing, and subsequently at the ordinary meeting of the committee on 2 December 2021. The outcome of the virtual meeting shall form the basis of the recommendations on 2 December.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>(a) the views and recommendations of the Constitution Review Working Group, as set out in this report at paragraphs 19, 25, 36, 44, 60, 67, be supported;</p> <p>(b) that necessary and consequential technical and formatting related updates and revisions to the Constitution be made by the Monitoring Officer in accordance with the powers delegated.</p>
Reason for recommendations	To make appropriate updates and revisions to the constitution following consideration by the Working Group.

Portfolio Holder(s):	Councillor Drew Mellor (Leader of the Council and Portfolio Holder for Finance and Transformation)
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Richard Jones (Head of Democratic Services) Susan Zeiss (Director of Law and Governance and Monitoring Officer)
Wards	Not applicable
Classification	For Recommendation

Background and Method of Working

1. The Terms of Reference of the Audit and Governance Committee include 'Maintaining an overview of the Council's Constitution and governance arrangements in all respects'.
2. In discharge of this responsibility the Committee established a Constitution Review Working Group of five of its Councillors. The current members of the Working Group are Councillor Williams (Chairman), Councillor D Butt (Vice-Chairman) and Councillors Beesley, Brooke and Trent. Since its establishment, the Working Group has continued to meet on a regular scheduled basis. The Group receives advice from the Monitoring Officer.
3. From time to time, as required, Officers and Members with specialist responsibility such as the Chairs of the Planning Board and the Licensing Committee, for example, have been invited to have an involvement.
4. The Working Group has considered suggestions received from a wide variety and range of sources including input from Councillors and from Officers. Prior to commencement of its work, the Chairman of the Audit and Governance Committee wrote to all members of Council asking them to submit items for discussion and consideration.
5. In order to provide independent challenge and to draw on best practice, the Monitoring Officer engaged Weightmans Law Firm to undertake a comprehensive review. The feedback and suggestions from this independent review have been incorporated into the proposed changes.

Format

6. Many of the requests from councillors and officers have been previously considered by the Working Group, referenced to the Audit and Governance Committee and, where appropriate, debated and approved by Council. These are included within the current published version of the Constitution available on the Council website.
7. The current version of the Constitution was last updated to reflect the changes agreed by the Council on 22 June 2021.

8. Since June, a number of other proposed changes, though carefully considered, have not yet been approved by the Audit and Governance Committee. These are set out within this report.
9. Subject to these matters, a copy of the revised Constitution is enclosed with this report and, once considered by the Audit and Governance Committee will be submitted to Council for adoption.
10. The Constitution will include a number of formatting and presentation changes which will improve the way it is used and applied, including the introduction of indexing, although this will be applied following final adoption.
11. Two versions of the new proposed Constitution are being made available. The version appended within the agenda is a clean version which is easier to read. An additional version has also been published as a supplement which shows the proposed changes using the 'track changes' feature. For ease of reading typographical corrections and changes which simply involve the movement of specific provision elsewhere within the Constitution are not necessarily shown. Members should rest assured that where provisions have been moved and not highlighted the content has not been altered.
12. The remainder of this report makes specific references to key changes considered by the Constitution Review Working Group. The following section references Constitution-wide changes with subsequent sections referencing changes by the relevant parts of the Constitution.

Constitution-wide Changes and Principles

13. The structure and content of the existing Constitution was developed at significant pace in the months leading to Local Government Review in early 2019 and whilst it was functionally complete, it was necessary at the time to develop specific provisions and rules in isolation and often referenced as appendices.
14. This has made the operational use of the Constitution confusing at times, necessitating cross-referencing of various document parts to fully interpret and draw a conclusion on specific issues. As a consequence, the content of individual appendices has been reviewed and incorporated within the core document to ease reference.
15. The revised Constitution remains a complex document, however, the changes are considered to be an improvement.
16. Furthermore, the Constitution refers to various protocols adopted by individual committees, etc., however, these have not previously formed part of the Constitution document. It is not proposed to change the delegation to adopt these protocols, however, for completeness and ease of reference, these have now been incorporated into the new version.
17. It was previously acknowledged that gender-specific pronouns would be replaced during the fundamental review of the Constitution. These have been removed in this version together with the replacement of Chairman and Vice-Chairman with Chair and Vice-Chair.

Part 1 – Constitution Summary and Explanation

18. There are no significant changes proposed to this part of the Constitution. This part is an introduction to the Constitution and acts as a guide to readers navigate the

component parts. The changes marked provide clarity and correct anomalous references.

19. RECOMMENDATION

It is RECOMMENDED that the proposed changes to Part 1 (Constitution Summary and Explanation) be adopted.

Part 2 - Articles of the Constitution

20. The articles now include an improved content schedule to ease reference and navigation to individual component articles.
21. A number of changes throughout the articles and other parts have been drawn from Weightmans drawing on best practice. These are shown within the document.

Order of business at Council

22. It was noted that the order of business at the Council meeting was not something that was currently prescribed in the Constitution. Although there was the opportunity to canvass the views of members and particularly the Chairman of the Council. The majority view of the Working Group was that the 'Questions from Members' item should be at the end of the meeting.
23. It was agreed by the Working Group that this matter should go forward to the A&G Committee. Article 4 (Full Council), paragraph 4.3, includes draft wording which seeks to reflect the ambition of the proposal.

Article 15 (Covid-19 Response Period)

24. Article 15, which was introduced in response to the Covid-19 pandemic and subsequent temporary legislation, made specific decision-making provisions to permit decision-making arrangements to continue, in the main without in-person meetings. The temporary legislation has now expired and this Article is no longer required. There were some provisions within the temporary Article relating to the publication and access to information and notices principally by electronic means, which the Constitution Review Working Group wished to be maintained and these have been incorporated in the Constitution accordingly.

25. RECOMMENDATION

It is RECOMMENDED that the proposed changes to Part 2 (Articles of the Constitution) be adopted.

Part 3 - Responsibility for Functions

26. The structure of this Part of the Constitution has been remodelled taking into consider best practice guidelines and incorporates, in particular, a more detailed scheme of delegation to officers.

Overview and Scrutiny Development

27. The Working Group considered a paper which set out options to establish an additional Overview and Scrutiny Committee focussed on environmental matters and which would be known as the 'Place Overview and Scrutiny Committee'.

28. Informal discussions with all Overview and Scrutiny Chairs identified an appetite to establish an additional Overview and Scrutiny Committee, transferring some of the responsibilities from the Board's remit.
29. Effective Governance workshops were held in November 2020 and April 2021 for all councillors, with support provided by the LGA. A general theme in the comments made by councillors was the need for non-executive councillors to be more engaged in decision making, and importantly at an earlier stage.
30. Engagement has also been undertaken with political group leaders and non-aligned councillors on potential changes to the O&S Structure, from which there was general support. The proposed remit of an additional committee is set out in Part 3, paragraphs 4.7 and 4.8. The committee would meet and operate on the same basis as the two existing Overview and Scrutiny Committees.
31. The establishment of a more focussed scrutiny committee on place related and climate change issues, and in turn a more defined remit for the O&S Board, should give rise to greater development of councillors' knowledge as they focus on a smaller collection of topics. A natural consequence of this should be more targeted work planning, which may enable the committees to focus on their own work suggestions, rather than predominantly Cabinet related scrutiny. Improved agenda capacity would also provide potential for greater and more effective space for community insight to play a bigger role in scrutiny. This has often been the first element to be lost from the scrutiny process when agendas are regularly too full.
32. The Authority originally agreed a total of 22 scheduled O&S meetings per year, plus one working group per committee at any one time. This was based on the resources available from Democratic Services and other officers in the wider council to provide support.
33. Since 2019, the Council has absorbed 10 additional ordinary O&S Board meetings per year, whilst ongoing organisational review of staffing structures and budget constraints has resulted in an overall reduction in staffing levels within the team. The introduction of a new O&S committee comprising 11 members, meeting 6 times per annum, would be offset by a reduction of Board meetings returning to 10 per annum. The net result would be a total of 28 meetings per year, not including special meetings. Whilst this is still a net increase of six above the number originally agreed for O&S in 2019, it is considered to be more sustainable for officers to support than the current arrangements.

Financial implications of Additional Committee

34. If an additional Committee is established within the Overview and Scrutiny structure, there will be an additional Special Responsibility Allowance for the Chair of that Committee. The current SRA paid to the Chair of the Health and ASC Committee and the Children's Services Overview and Scrutiny Committee is £7,706. Whilst the payment for Chair of the O&S Board is £10,275. A review of the remunerations may be required through the independent remuneration panel, however, it is likely that the new Committee Chair will attract the same SRA as the existing committee Chairs of £7,706. This is not budgeted and would be a growth in the Members Allowances' budget.
35. If supported by the Council, it is suggested that the new Committee should be established from the Annual Meeting of Council in May 2022. This will not only allow for budget provision to be agreed, but would also provide an opportunity for the Overview and Scrutiny Board to review its Work Plan over the next few months.

36. RECOMMENDATION

It is RECOMMENDED that a Place Overview and Scrutiny Committee comprising 11 members, meeting six times per annum be established from the Annual Meeting of Council in May 2022 with the remit as outlined in Part 3, paragraphs 4.7 and 4.8 of the proposed Constitution.

Appeals Committee - Employee Appeals - member involvement in Employee appeals against dismissal

37. The Constitution Working Group were invited to consider a change in the Council's Constitution in relation to employment appeals against dismissals. The report, which was presented by the Head of Human Resources and Organisational Development, provided background to a proposal that staffing appeals against dismissal should be heard by an independent senior BCP Council Officer at tier 3 level supported by an HR professional advisor, rather than the Member Appeals Committee.
38. The report included reference to legal and best practice advice and it was confirmed that there was no legal requirement for Councillors to be involved. Results of a survey undertaken by SW Councils demonstrated that only 4 out of the 10 respondent Local Authorities had appeals that were led solely by Councillors.
39. There was a unanimous view within the Working Group that elected Members brought an essential independence to the process which often included the benefit of their own personal experience and background.
40. The Working Group agreed that the present system of appeals involving Councillors through the Appeals Committee should be retained, however, it was considered that the Audit and Governance Committee should consider the matter further and determine whether to recommend a change to Council.
41. The Committee is therefore requested to consider whether the existing arrangements for employment appeals against dismissals should be changed.

Scheme of Delegation to Officers

42. The existing scheme has been updated to capture greater detail of specific delegations to officers to provide greater transparency and accountability. This change is a significant change from the current arrangements and may require further revision to reflect operational requirements.
43. The scheme also includes additional references and appendices relating to RIPA, the designation of proper officer and councillor and officer indemnities.

44. RECOMMENDATION

It is RECOMMENDED that the proposed changes to Part 3 (Responsibility for Function and Officer Scheme of Delegation) be adopted.

Part 4 Procedure Rules

45. The existing Constitution contains 14 parts, sub-parts and appendices to the Procedure Rules. These are:-

Part A – Access to Information Procedure Rules

Part B – Cabinet Procedure Rules

Part C – Overview and Scrutiny Procedure Rules

Part D – Meeting Procedure Rules

Sub-Part A – Council Meetings

Sub-Part B – Committee and Sub-Committee Meetings

Sub-Part C – General Provisions

Plus a series of 7 separate appendices relating back to one of the Sections or Sub-Parts listed above.

46. This structure has proved to be unnecessarily complex and increased the risk of incorrect rules being applied. The fundamental review of this structure has been a key focus of the work of the Working Group and resulted in a significantly simplified product.
47. It has still been necessary to maintain the four component sections to the Procedure Rules, however, incorporating all the sub-parts and appendices within the core suite of rules has proved significantly advantageous. References to applicable legislative provisions and constraints of procedure rules in the margins will also assist with interpretation and application.

Specific Changes to Procedure Rules

48. The procedure rules relating to the behaviour of councillors in meetings has been revised to explicitly provide for an initial warning to a councillor who is perceived to be misconducting themselves, before proceeding to a formal motion to silence or remove the councillor. This is consistent with the procedures for disruptive behaviour by the public.
49. The procedure rules relating to voting have also been altered to require the person presiding at the meeting to invite any councillor who may wish to vote against or abstain from a vote to so indicate where there is clear majority in favour of a proposal.

August Recess

50. Councillor J Butt had been invited to the Working Group to outline her proposals for the Constitution to prescribe a period of annual recess during the month of August and although recognising the need to retain essential meetings such as Planning and Licensing, outlined the benefits for Councillors and staff of the proposal. The Working Group considered the practical implementation issues including the need to allow for preparation and pre-scrutiny of matters being considered by scheduled Committee in September.
51. It was agreed by the Working Group that this matter should go forward to the Committee for consideration. Part 4D (Meeting Procedure Rules), paragraph 1.1 includes draft wording which seeks to reflect the ambition of the proposal.

Member Questions at Council

52. The Working Group reviewed the current practice and the impact that this part of the agenda was having upon the effective conduct of Council business. There was agreement about maintaining the important opportunity for Councillors to raise questions themselves or to highlight specific issues on behalf of their constituents. The current practice needed to be carefully managed to prevent a negative impact.

53. The Working Group considered how questions remaining unanswered at the 30 minute cut-off point should be dealt with. It was noted that to include the responses within the Minutes would require specific provision within the Constitution. There was also the possibility of using the IT system to quickly circulate responses after the meeting
54. The Working Group agreed that
- (a) Subject to retention of Chairman's discretion, 30 minutes was the right length of time within the Council meeting for Councillors questions;
 - (b) No speech, question or answer should exceed 3 minutes (that is, to extend existing 3 minute limit on speeches rule to include questions and answers - maximum 3 minutes each)
 - (c) Further discussion was required around how to deal with questions still remaining unanswered after the 30 minute time cut-off had been applied.
 - (d) And that, subject as set out above, this matter should go forward to the A&G Committee
55. Part 4D (Meeting Procedure Rules), paragraph 13.5 includes draft wording which seeks to reflect the ambition of the proposal.

Voting at Council (where there is consensus)

56. The Working Group supported the proposal to not hold a full count of votes when there was a clear consensus at a council meeting. The proposal "That where there is a clear majority in favour of a proposal the Chairman will ask if any Councillor wishes to vote against or abstain from a proposal" was supported.
57. It was agreed by the Working Group that this matter should go forward to the A&G Committee. Part 4D (Meeting Procedure Rules), paragraph 17.1 includes draft wording which seeks to reflect the ambition of the proposal.

Petitions at Council

58. The Working Group considered a request to refer petitions automatically to another committee or body of the Council. The Working Group reviewed the provisions of the Petition Scheme and considered that there was sufficient scope and flexibility to respond appropriately to petitions received.
59. The Working Group agreed that no changes should be made to the existing Petition Scheme.

60. RECOMMENDATION

It is RECOMMENDED that the proposed changes to Part 4 (Procedure Rules) be adopted.

Part 5 – Financial Regulations

61. Part 5 (Financial Regulations) was not considered as part of this review.

Part 6 - Code of Conduct and Protocols

62. This part of the Constitution has previously only contained the Code of Conduct for Councillors, the Protocol for Councillor / Officer Relations and the Arrangements for dealing with allegations of breach of the Code of Conduct for Councillors.
63. In addition to the above, there are a series of other Protocols which other committees adopt which relate to governance arrangements but are not contained within the Constitution. The Working Group is proposing that these additional protocols are published within this part of the Constitution for ease of reference and completeness, whilst recognising that any review and update should be retained by the respective committee.
64. The additional protocols added to Part 6 includes:-
- Planning Committee - Site Visit Protocol
 - Licensing Committee and Sub-Committee - Protocol for Public Speaking
 - Licensing Committee and Sub-Committee - Protocol for Public Representation at Virtual Meetings
 - Licensing Committee and Sub-Committee - Site Visit Protocol
65. In addition, the Working Group considered a new Local Code of Best Practice relating to Planning Matters applies to every councillor irrespective of whether or not they are a member of the Planning Committee. It also applies to all officers. It is supplemental to, and should be read in conjunction with, the Code of Conduct for Councillors and as such is considered to form an integral part of Part 6. Future iterations of this Code should be considered and recommended by the Audit and Governance Committee for adoption by Council.
66. The Working Group further considered the arrangements for dealing with allegations of breach of the Code of Conduct and considered that the Monitoring Officer should have extended remit in the initial assessment of complaints to reject, dismiss and agree an informal resolution where it is considered appropriate. In addition, the Working Group supported the inclusion of the criteria used when determining that no further action should be taken on a complaint.

67. RECOMMENDATION

It is RECOMMENDED that the proposed changes to Part 6 (Code of Conduct and Protocols) be adopted.

Part 7 - Member Allowances

68. Part 7 (Members Allowances) was not considered as part of this review part of this review

Summary of financial implications

69. Paragraph 34 identifies that the establishment of an additional Overview and Scrutiny Committee will require the payment of an additional Special Responsibility for the appointed Chair. The estimated cost of the SRA is £7,706 per annum. It is proposed that the new committee is established from May 2022 and therefore the

additional amount would required inclusion in the 2022/23 Revenue Budget for Members Allowances.

Summary of legal implications

70. The Constitution of the BCP Council complies with relevant legislation

Summary of human resources implications

71. There are no human resource implications arising from this report.

Summary of sustainability impact

72. There are no sustainability implications arising from this report.

Summary of public health implications

73. There are no public health implications arising from this report.

Summary of equality implications

74. The Constitution of the BCP Council sets out the rights of public access to the democratic process. Where appropriate the Equality Officer was engaged on relevant issues.

Summary of risk assessment

75. The Constitution is a legally required document which prescribes the procedural and democratic arrangements for the proper governance of the Council.

Background papers

None

Appendices

Draft Revisions to Part 1, 2, 3 4 and 6 the Constitution

PART 1

SUMMARY AND EXPLANATION

Part 1 - Constitution - summary and explanation

1. General

- 1.1. The Council's Constitution sets out rules and procedures which explain how Council business is done and how decisions are made. This introduction should help you find what you are looking for in the Constitution.
- 1.2. Some of the processes in the Constitution are required by law while others are considered by the Council to be necessary to ensure that it operates effectively and efficiently; and in the interests of the people it serves.

2. The Constitution and its Content

- 2.1. The Constitution is divided into seven parts.

Part 1 sets out an explanation of what the Council is and how it works.

Part 2 sets out the formal articles of the Constitution:

Article 1	The Constitution;
Article 2	Councillors;
Article 3	Rights and Responsibilities of Members of the public;
Article 4	The Full Council;
Article 5	The Role of the Chair of the Council;
Article 6	Overview and Scrutiny;
Article 7	The Leader of the Council and the Cabinet;
Article 8	Other Committees;
Article 9	Joint Arrangements;
Article 10	Arrangements for promoting good standards of behaviour by Councillors;
Article 11	Officers;
Article 12	Decision Making;
Article 13	Legal Matters;
Article 14	Review, Revision, Suspension, Interpretation and Publication of the Constitution; and

Part 3 sets out the responsibility of bodies and individuals for various functions carried out by the Council in relation to the exercise of its powers.

Part 4 contains the Rules of Procedure which are designed to regulate the conduct of the Council's business to ensure decisions are made in accordance with the law and the wishes of the Council.

Part 5 contains the Financial Regulations which provide the governance framework for managing the Council's financial affairs.

Part 6 includes the Code of Conduct for Councillors which is designed to ensure that Councillors carry out their duties to the highest ethical standards. It also includes a protocol on Member/Officer Relations.

Part 7 covers the Scheme of Councillors' Allowances.

3. The Council and how it operates in making decisions

- 3.1. The Council is composed of 76 Councillors elected every 4 years. Councillors are democratically accountable to the residents of their Ward. Councillors have a responsibility to the whole community, but in particular, to their ward residents, including those who did not vote for them.
- 3.2. The Council employs staff (Officers) whose job is to assist and advise Councillors and provide the services of the Council.
- 3.3. All Councillors meet together as a Full Council, approximately six times per year. Meetings of the Council are normally open to the public. Full Council is responsible for approving certain specific key policies for the Council and setting the budget and Council Tax each year.

The Cabinet

- 3.4. Every 4 years the Council appoints a Leader of the Council. The Leader appoints an additional number of Councillors to act as members of the Cabinet (not more than 10 in total including the Leader and a Deputy Leader). The Leader of the Council may appoint a Deputy Leader and may ask members of the Cabinet to take lead responsibility for specific services (usually referred to as Portfolio Holders). These are usually themed around the Council's main priorities.
- 3.5. The Cabinet is the part of the Council which is responsible for most day to day decisions. The Cabinet can make decisions that are in line with the Council's key policy framework and budget.
- 3.6. The Leader of the Council may also appoint up to six Lead Members to provide advice and support to the relevant Cabinet members. Lead Members do not have any delegated powers to take individual decisions.

Other Committees

- 3.7. Important decisions relating to planning and licensing matters are dealt with by separate Committees known collectively as Regulatory Committees. These are the Planning Committee and the Licensing Committee.
- 3.8. The Standards Committee deals with the conduct of Councillors and is responsible for ensuring the arrangements the Council has to deal with complaints against Councillors are effective and that the Council operates to high ethical standards. The Audit and Governance Committee has responsibility for oversight of the Council's corporate governance arrangements and financial affairs. There are a number of other Committees which perform specific functions including some which operate jointly with other councils. The details are set out in the Articles in Part 2 of this Constitution.

Overview and Scrutiny

- 3.9. Councils operating a Leader and Cabinet model must make provision for at least one Overview and Scrutiny Committee. There is no single definition of Overview and Scrutiny. It is generally viewed as an umbrella term covering a wide range of possible roles. The Bournemouth, Christchurch and Poole Overview and Scrutiny function is based upon six principles:
1. Contributes to sound decision making in a timely way by holding decision makers to account as a 'critical friend'
 2. A member led and owned function – seeks to continuously improve through self-reflection and development
 3. Enables the voice and concerns of the public to be heard and reflected in the Council's decision-making process
 4. Engages in decision making and policy development at an appropriate time to be able to have influence
 5. Contributes to and reflects the vision and priorities of the council
 6. Agile – able to respond to changing and emerging priorities at the right time with flexible working methods
- 3.10. The Overview and Scrutiny Committees are appointed by full Council.

4. How can I participate?

- 4.1. The Council encourages every resident to register on the Council's Register of Electors and to vote in every local and national election that is organised. Further information can be obtained from the Council's website.
- 4.2. Residents have the right to contact their local Ward Councillors for assistance or about matters of concern. Contact details can be found on the website.
- 4.3. Most Council, Cabinet and Committee meetings will be open to the public and members of the public are welcome to attend. Agendas and reports are available on the Council's website in advance, as is the Calendar of Meetings for each Municipal Year (May to May). If the public require these documents in another format, we will do our best to assist.
- 4.4. The Constitution gives residents and others certain rights and opportunities to participate in decision making and contribute to certain meetings. These will depend upon the nature of the meeting and the procedures for asking questions, submitting petitions and taking part in certain meetings are contained within this Constitution and set out on the Council's website.
- 4.5. Public engagement is a guiding principle of Overview and Scrutiny. The public can get involved in Overview and Scrutiny in a number of ways, for example by:
- attending meetings of the Committees;

- contributing evidence to an Overview and Scrutiny review;
- suggesting topics to be considered for Overview and Scrutiny;

5. What if I am not happy?

- 5.1. The Council operates a corporate complaints system, details of which can be obtained from the website or by contacting the Council by telephone.
- 5.2. If you think that a Councillor has breached the Code of Conduct, then you may lodge a complaint and details of the procedure are set out on the website or can be obtained by contacting the Council by telephone.
- 5.3. The Local Government Ombudsman will investigate cases where the Council's own complaints mechanism has not provided an adequate resolution of issues.

6. More information

- 6.1. For more information regarding any of the matters in this introduction, please refer either to the relevant section of the Constitution, or to the Council's Monitoring Officer or Democratic Services team. Contact details are published on the Council's website, and can also be obtained by contacting the Council's Customer Services.

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PART 2

ARTICLES OF THE CONSTITUTION

Article Number	Article Heading	Page Number
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Article 1 - The Constitution

1.1. Powers and Duties of the Council

The powers and duties of the Council are established by legislation and clarified through statutory guidance and case law. The Council will exercise those powers and duties in accordance with the law and this Constitution.

1.2. The Constitution

The Council's Constitution includes all those parts listed in the Summary and Explanation at Part 1 of this Constitution.

1.3. Purpose of the Constitution

1.3.1. The purpose of this Constitution is to:

- a) provide a framework within which the Council can establish and achieve its priorities and provide effective and accountable local leadership;
- b) enable decisions to be taken transparently, efficiently and effectively;
- c) provide a robust and effective overview and scrutiny function;
- d) ensure that a decision will not be reviewed or scrutinised by anyone who was directly involved in making the decision; and
- e) ensure that those responsible for decision making can be clearly identified and that they can explain the reasons for their decisions.

1.3.2. The Council will ensure that the Articles, Procedural Rules and Protocols in this Constitution reflect and deliver the purpose set out above.

Article 2 – Councillors

2.1. Composition

The Council shall comprise 76 elected Councillors. Councillors shall be elected by the voters of each electoral ward in accordance with a scheme drawn up by the Local Government Boundary Commission for England. Further information on the Councillors can be found on the Council's website.

2.2. Term of Office

The term of office for Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3. Role of Councillors

The key responsibilities of the Councillors are to:

- 2.3.1. Participate in the approval of the Council's key plans, policies and strategies as required by law and take decisions on such matters as must be reserved to the Full Council by law or as provided for in this Constitution.
- 2.3.2. Oversee the Council's strategic and corporate management.
- 2.3.3. Represent their communities and the views of their electorate in the decision-making process.
- 2.3.4. Support, as appropriate, individuals in their dealings with the Council and represent them in seeking to resolve particular concerns or grievances.
- 2.3.5. Balance the different interests of people within their ward with a view to representing their ward as a whole.
- 2.3.6. Participate, as appropriate, in the decision-making, and overview and scrutiny processes.
- 2.3.7. Maintain the highest standards of conduct and ethics and observe the Council's Code of Conduct for Elected Councillors.

2.4. Councillors' Representational Roles

- 2.4.1. All Councillors represent their wards and the Council considers this to be an important role and responsibility under this Constitution.
- 2.4.2. Councillors have an important job in consulting their communities on the development of policies, plans and strategies and other local initiatives.
- 2.4.3. The Council will ensure in its processes that appropriate procedures are in place so that Councillors can contribute to the Council's business on behalf of their local community both in terms of policy development and decision making.

2.5. Councillors' Rights

2.5.1. Councillors will have rights of access to any document, information, land or buildings of the Council where this is necessary for the proper discharge of their functions as a Councillor and in accordance with the law and this Constitution.

2.5.2. A Councillor is not permitted to make available to the public or divulge to anyone, other than a Councillor or Officer entitled to know it, any information which they have been sent or given in whatever form and which is exempt or confidential information without first obtaining consent properly given on behalf of the Council.

2.5.3. For these purposes “exempt” and “confidential” includes those classes of information defined in the Access to Information Procedure Rules which are set out at Part 4A of this Constitution as well as information which is confidential in the wider sense.

2.6. Conduct of Councillors

All Councillors are required to observe the Councillors’ Code of Conduct and to have appropriate regard to such other protocols, policies, guidance and advice as may be issued from time to time through the Council’s formal processes.

2.7. Councillors’ Scheme of Allowances

All Councillors shall be entitled to receive such allowances as are contained within the Scheme of Allowances set out in Part 7 of this Constitution.

2.8. Councillor Support

The Council will provide support to Councillors as appropriate to enable them to fulfil their roles and responsibilities. This support will include provision of appropriate IT equipment, information, induction and ongoing training relevant to the role.

Article 3 - Rights and Responsibilities Members of the Public

3.1. Rights of the Public

Members of the public have the following rights:

3.1.1. Information. In accordance with the statutory framework and this Constitution, the public have the right to:

- a) access information, subject to such constraints as may be imposed, by law and as set out in the Access to Information Procedure Rules at Part 4A of this Constitution;
- b) attend meetings of the Council and its Committees and Sub-Committees except where exempt or confidential information is likely to be disclosed, and the meeting is therefore held in private;
- c) attend public meetings of the Cabinet except where exempt or confidential information is likely to be disclosed, and the meeting is therefore held in private;
- d) access the Council's Forward Plan of Key Decisions to be taken by the Cabinet;
- e) inspect reports, background papers and any records of decisions made by: the Council; the Cabinet; a Committee; Sub-Committee; the Leader or a Portfolio Holder subject to the provisions on exempt or confidential information; and
- f) inspect the Council's accounts and to make their views known to the external auditors where appropriate.

3.1.2. Participation. Subject to the terms of this Constitution, the public have the right to:

- a) ask questions, make statements or present petitions at designated meetings in accordance with such procedures as the Council may determine from time to time; and
- b) contribute to work undertaken by the Overview and Scrutiny Committees where invited to do so.

3.1.3. Reporting on meetings. Subject to the guidelines published on the Council's website and available at meetings, the public have the right to:

- a) film, audio record or report on meetings of the Council and its Committees and Sub-Committees and the Cabinet.

3.1.4. Providing feedback. The public has the right to:

- a) Complain to the Council where there is an alleged breach of the Councillors' Code of Conduct

3.2. Responsibilities of the Public

The Public must not:

- a) be disruptive of the proceedings of meetings;
- b) use violent, abusive or threatening behaviour in any form against any Councillor, Officer or persons acting for or on behalf of the Council; or
- c) Wilfully harm or damage property, assets and other resources of the Council, Councillors, Officers or persons acting for or on behalf of the Council.

Article 4 - The Full Council

4.1. Functions

The Council will be responsible for the adoption of the Council's budgetary and key policy frameworks.

4.1.1. Key Policy Framework

The Key Policy Framework shall mean the Corporate Plan and any policy or strategy required by law or by the Council to be approved by Full Council including the following:

- a) Children and Young People's Plan;
- b) Crime and Disorder Reduction Strategy;
- c) Development Plan Documents;
- d) Licensing Authority Policy Statements;
- e) Local Transport Plan;
- f) Youth Justice Plan;
- g) Housing Strategy;
- h) Corporate Plan; and
- i) Annual Senior Officer Pay Policy Statement.

4.1.2. Budgetary Framework

The Budgetary Framework shall mean:

- a) The Revenue Budget;
- b) The Capital Programme;
- c) Capital Strategy;
- d) Medium Term Financial Plan; and
- e) To the extent it is not covered by a) to d) above:
 - (i) any plan or strategy for the control of the Council's borrowing, investments or capital expenditure or for determining the Council's minimum revenue provision; and
 - (ii) any other financial requirements that legislation expressly requires to be determined by Full Council.

4.1.3. The Council's functions are set out fully in Part 3 of this Constitution.

4.2. Council Meetings

4.2.1. There are three types of Council meeting:

- a) the Annual Meeting;

- b) Ordinary Meetings; and
- c) Extraordinary Meetings,

and they will be conducted in accordance with the Procedural Rules at Part 4D of this Constitution.

4.2.2. Full Council will normally have six Ordinary Meetings a year plus the Annual Meeting unless it determines otherwise.

4.3. Order of Business

4.3.1. Save for any statutory items of business, the order of business at Ordinary Meetings will be as follows:-

1. Apologies
2. Declarations of Interest
3. Confirmation of Minutes
4. Announcements and Introductions from the Chairman
5. Public Issues (Questions, Statements and Petitions)
6. Recommendations from Cabinet and Other Committees
7. Other Direct Reports to Council for Determination (e.g., Scheme of Members Allowances, Outcome of Ombudsman Complaints, etc.)
8. Notices of Motion under Procedure Rule 9
9. Questions from Councillors
10. Urgent Decisions taken by the Chief Executive

4.4. Conduct of Council Meetings

Council meetings will be conducted in accordance with the law and the Procedure Rules as set out at Part 4D of this Constitution.

Article 5 - The Role of the Chair of the Council

5.1. Chair

The Chair will be elected by the Council at its annual meeting. The Vice-Chair will be elected at the same meeting. The Chair and Vice-Chair shall not be members of the Cabinet.

5.2. Vice-Chair

5.2.1. The Vice-Chair will:

- a) support the Chair in their civic role;
- b) carry out civic duties as appropriate on behalf of the Chair;
- c) deputise in the absence of the Chair in carrying out the responsibilities of the Chair.

5.3. Civic Role

5.3.1. The Chair, supported by the Vice-Chair, and other Councillors (as appropriate), will perform civic duties on behalf of the Council, which shall include:

- a) raising and maintaining the profile of the Council's area, the Council and its communities;
- b) promoting the aims and values of the Council in an apolitical manner;
- c) promoting such civic and ceremonial functions as the Council, or the Chair, may determine following consultations, where appropriate; and
- d) representing the Council at civic and ceremonial functions of other local authorities or involving other appropriate bodies.

5.4. Council Role

5.4.1. The Chair shall have the following responsibilities:

- a) upholding and promoting the purposes of this Constitution and interpreting it, taking into account appropriate advice when necessary
- b) presiding over meetings of the Full Council to ensure that business is carried out transparently, efficiently and effectively whilst preserving the rights of Councillors and the interests of members of the public
- c) ensuring that at Council meetings matters of concern to local communities can be debated through the appropriate mechanisms
- d) ensuring that Councillors who are not on the Cabinet or who do not hold the Chairmanship of a main Committee are able to hold those office holders to account
- e) promoting public involvement in the Council's affairs and acting as a contact between members of the public and organisations and the Council

- f) undertaking such other roles as may be placed upon the Chair from time to time by the Council

Article 6 – Overview and Scrutiny

6.1. Overview and Scrutiny

6.1.1. As outlined in the Summary and Explanation at Part 1 of this Constitution, the Council has established arrangements for the Overview and Scrutiny function in line with six principles, those being that the Overview and Scrutiny Committees shall:

- a) contribute to sound decision making in a timely way by holding decision makers to account as a ‘critical friend’;
- b) be a Councillor led and owned function that seeks to continuously improve through self-reflection and development;
- c) enable the voice and concerns of the public to be heard and reflected in the Council’s decision making process;
- d) engages in decision making and policy development at an appropriate time to be able to have influence;
- e) contribute to and reflect the vision and priorities of the Council; and
- f) be agile and be able to respond to changing and emerging priorities at the right time with flexible working methods.

6.2. Responsibilities of the Overview and Scrutiny Committees

The Overview and Scrutiny Committees have the functions set out at Part 3 of this Constitution.

6.3. Current Overview and Scrutiny Committees

6.3.1. There shall be four Overview and Scrutiny bodies:

- a) **Overview and Scrutiny Board** which shall comprise of 15 Councillors meeting approximately 10 times each year. Meetings shall take account of the calendar of meetings for the Cabinet, to enable the Board to make recommendations to the Cabinet;
- b) **Health and Adult Social Care Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting approximately six times each year;
- c) **Children’s Services Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting approximately six times each year; and
- d) **Place Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting approximately six times each year.

6.4. Membership

6.4.1. No member of the Cabinet may be a member of the Overview and Scrutiny Committees or any group established by the Committees.

- 6.4.2. The Board and Committees are to be politically balanced in accordance with the requirements of the Local Government and Housing Act 1989.
- 6.4.3. Where the Chairs of the other Overview and Scrutiny Committees are not members of the Overview and Scrutiny Board they will be invited to attend meetings of the Board in order to report on activity within their Committees.

6.5. Substitutes

If a member is unable to attend a meeting their Group may arrange for a substitute to attend in their place in accordance with Part 4 of this Constitution.

6.6. Members of the Public

- 6.6.1. Members of the public can be invited to attend and contribute to meetings as required to provide insight to a matter under discussion. This may include but is not limited to subject experts with relevant specialist knowledge or expertise, representatives of stakeholder groups or service users. Members of the public will not have voting rights.

6.7. Childrens Services Overview and Scrutiny Committee

- 6.7.1. As the functions and duties of the Children's Services Overview and Scrutiny Committee include making decisions in relation to the Council's education responsibilities, the Committee must include two church and two parent governor representatives as voting members in addition to the Councillors. Parent governor membership shall extend to a maximum period of four years and no less than two years. These co-opted education representatives are entitled to vote on any item relating to education.
- 6.7.2. The Children's Services Overview and Scrutiny Committee may also co-opt one representative from the Academy Trusts within the local authority area, to attend meetings and vote on matters relating to education.

6.8. Conduct of Overview and Scrutiny Committee meetings

Conduct of the proceedings at Overview and Scrutiny Committee meetings shall be in accordance with the Procedure Rules as set out in Part 4C of this Constitution.

6.9. Commissioned Work

- 6.9.1. The Overview and Scrutiny Committees may commission work to be undertaken in the following ways as it considers necessary after taking into account the availability of resources, the work programme and the matter under review:
- a) **Working Groups** – a small group of Councillors and Officers gathered to consider a specific issue and report back to a full committee, or make recommendations to Cabinet or Council within a limited timescale. Working Groups usually meet once or twice, and are often non-public;

- b) **Sub-Committees** – a group of Councillors delegated a specific aspect of the main Committee’s work for ongoing, in-depth monitoring. May be time limited or be required as a long-standing committee. Sub-Committees are often well suited to considering performance based matters that require scrutiny oversight. Sub-Committees usually meet in public;
- c) **Task and finish groups** – a small group of Councillors tasked with investigating a particular issue and making recommendations on this issue, with the aim of influencing wider Council policy. The area of investigation will be carefully scoped and will culminate in a final report, usually with recommendations to Cabinet or Council. Task and finish groups may work over the course of a number of months and take account of a wide variety of evidence, which can be resource intensive. For this reason, the number of these groups must be carefully prioritised by scrutiny members to ensure the work can progress at an appropriate pace for the final outcome to have influence;
- d) **Inquiry Days** – with a similar purpose to task and finish groups, inquiry days seek to understand and make recommendations on an issue by talking to a wide range of stakeholders and considering evidence relating to that issue, within one or two days. Inquiry days have similarities to the work of Government Select Committees. Inquiry days are highly resource intensive but can lead to swift, meaningful outcomes and recommendations that can make a difference to Council policy; and
- e) **Rapporteurs or scrutiny member champions** - individual Councillors or pairs of Councillors tasked with investigating or maintaining oversight of a particular issue and reporting back to the main committee on its findings. A main committee can use these reports to facilitate its work prioritisation. Rapporteurs will undertake informal work to understand an issue – such as discussions with Officers and Portfolio Holders, research and data analysis. Rapporteur work enables scrutiny members to collectively stay informed of a wide range of Council activity. In this way the workload is spread between Councillors. This approach to the provision of information to scrutiny members also avoids valuable committee time being taken up with briefings in favour of more outcome-based scrutiny taking place at committee.

Article 7 - The Leader of the Council and the Cabinet

This Article explains the role and appointment of the Leader of the Council and the role and appointment of the Cabinet. The Leader of the Council and the Cabinet members are often together referred to as 'Executive Members'.

7.1. The Leader

7.1.1. Appointment of Leader

The Council will elect a Councillor to be the Leader of the Council at the annual meeting following a full election of Councillors, unless for any reason the Leader's time in office comes to an end within four years from the date they were appointed, in which case a replacement will be elected at an Extraordinary Council Meeting.

7.1.2. Roles and Functions

The Leader of the Council will:

- a) be a member of the Cabinet;
- b) appoint up to 9 other Councillors to form the Cabinet. The Leader has the right to remove any member from the Cabinet;
- c) appoint a Deputy Leader from among the Cabinet members and make any other executive appointments required by law;
- d) allocate Portfolio responsibilities and functions to each of the Councillors appointed to the Cabinet, defining the scope, deputising arrangements and scheme of delegation in respect of each Portfolio. One of the Portfolio Holders must be designated with responsibility for Children's Services;
- e) notify the Chief Executive and Monitoring Officer of the allocation of Cabinet members' responsibilities for functions such information to be set out in The Cabinet Portfolio Scheme;
- f) chair meetings of the Cabinet;
- g) lead in the preparation, co-ordination and presentation of the Cabinet's policies and activities and liaise with the Chief Executive on the carrying out of the Council's policies; and
- h) retain the power to make all executive decisions on behalf of the Council pursuant to the relevant legislation

7.1.3. Ending the Leader's term in Office

The Leader of the Council will hold office as the Leader of the Council from the day of their appointment until one of the following:

- a) the date of the Council's Annual Meeting following a full election of Councillors;
- b) they resign from office;
- c) they are suspended or disqualified from being a Councillor;
- d) they are removed from office by resolution of the Full Council; or

- e) for any other reason they cease to be a Councillor.

7.1.4. Ending the Deputy Leader's and Cabinet Members' term in Office

The Deputy Leader and each Cabinet member will remain as members of the Cabinet until one of the following:

- a) the date of the Council's Annual Meeting following a full election of Councillors;
- b) they are removed from office by the Leader;
- c) they resign from office;
- d) they are suspended from being a Councillor; or
- e) for any other reason they cease to be a Councillor.

7.1.5. Votes of No Confidence

The Leader shall cease to be the Leader if a resolution is passed by a majority of members present and voting to remove the leader at a meeting of the Full Council in accordance with the Procedural Rules contained within Part 4D of this Constitution. Subject to the following:

- a) should a Leader not be able to act or the office is vacant, the Deputy Leader is to act in the Leader's role;
- b) if the Deputy Leader is unable to act or the office is vacant then the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to take the Leader's role, until a decision is made by the Council to appoint a new Leader; and
- c) in the event of there being no Leader, Deputy or Cabinet members, executive functions shall in the interim be carried out by the Chief Executive.

7.2. The Cabinet

The Cabinet is a group of Councillors who work with Council Officers to run the Council and take most decisions except decisions about major policy issues or setting the annual budget, which only the Full Council can do - or decisions on whether to give planning permissions or licences or any other matters which are reserved to Full Council or other Committees.

7.2.1. Membership

The Cabinet consists of the Leader of the Council and up to 9 other Councillors appointed by the Leader, not being the Chair or Vice-Chair of the Council.

7.2.2. Roles of Cabinet

The Cabinet will carry out all functions of the Council which are not by law or, under the Functions Scheme, the responsibility of another part of the Council.

7.2.3. Functions of individual Members of the Cabinet

The functions of the individual members of the Cabinet are set out in the Cabinet Portfolio Scheme which is contained within Part 3 of this Constitution.

7.2.4. Meetings of the Cabinet

Meetings of the Cabinet must follow the Procedure Rules contained within Part 4D of this Constitution.

Article 8 - Other Committees

8.1. Other Committees

8.1.1. The Council will appoint the following other Committees to take such decisions which are not reserved to Full Council; the responsibility of the Leader / Cabinet or within the remit of Overview and Scrutiny:

- a) **Planning Committee** – consisting of 15 Councillors;
- b) **Licensing Committee** – consisting of 15 Councillors;
- c) **Standards Committee** – consisting of 7 Councillors;
- d) **Appeals Committee** – consisting of 7 Councillors;
- e) **Audit and Governance Committee** – consisting of 9 Councillors; and
- f) **Investigation and Disciplinary Committee** – consisting of 7 Councillors (including the Leader of the Council and another member of the Cabinet).

8.1.2. The Council may appoint other Committees, Sub-Committees and Special Committees with delegated powers to act under specific terms of reference which must be set out in the minutes of the meetings.

8.1.3. The Council will establish a Health and Wellbeing Board in accordance with the legislative requirements and statutory guidance, and the terms of reference for this Board are published on the website.

8.2. Powers of Committees

8.2.1. The Committees shall have the functions set out within Part 3 of this Constitution.

8.2.2. A Committee may, at any time, decline to exercise a delegated power. The matter must then be considered and determined by the Full Council as appropriate.

8.3. Conduct of Committee Meetings

Committee meetings will be conducted in accordance with the law and the Procedure Rules set out within Part 4D of this Constitution.

Article 9 – Joint Arrangements

9.1. Joint Arrangements

- 9.1.1. The Council may enter into joint arrangements with one or more other councils to exercise functions which are not executive functions. The arrangements may involve the appointment of a joint committee with these other councils and appointments to it should reflect the political composition of the Council as a whole.
- 9.1.2. The Leader may enter into joint arrangements with one or more other councils to exercise functions which are Executive Functions or to advise the Leader. Such arrangements may involve the appointment of a joint committee with these other councils. Such a joint committee will be a Committee exercising Executive Functions and appointments to it will be made by the Leader and will be members of the Cabinet. Those members need not reflect the political composition of the Council.
- 9.1.3. Details of any joint arrangements including any delegations to joint committees is set out in the Council's Scheme of Delegations within Part 3 of this Constitution.

9.2. Access to Information

The Access to Information Rules within Part 4A of this Constitution apply to joint arrangements.

9.3. Joint Arrangements

The Council currently has a number of joint arrangements in place, including the following:

- a) Stour Valley and Poole Partnership;
- b) Dorset Public Health Board; and
- c) Aspire Adoption Joint Board.

Article 10 - Arrangements for Promoting Good Standards of Behaviour by Councillors

10.1. Adoption of a Code of Conduct for Councillors

The Council has adopted the Code of Conduct for Councillors set out within Part 6 of this Constitution.

10.2. Application of the Code of Conduct

The Code of Conduct will apply to all Councillors when they are acting as a Councillor or hold themselves out as doing so.

10.3. Standards Committee

The Standards Committee is responsible for monitoring and overseeing the effectiveness of the arrangements for dealing with complaints and the Code of Conduct. It is also in general terms responsible for oversight of the ethical conduct of Councillors and for working with other Committees such as Audit and Governance Committee to ensure the ethical governance framework of the Council is effective and fit for purpose.

10.4. Arrangements for dealing with complaints against Councillors

The Council's adopted arrangements for dealing with complaints against Councillors are set out within Part 6 of this Constitution.

Article 11 - Officers

11.1. Management Structure

11.1.1. General

The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

11.1.2. Chief Officers

The Council will engage persons for the following posts, who will be designated Chief Officers:

- a) Chief Executive and Head of Paid Service; and
- b) Directors who report directly to the Chief Executive within the line management structure.

11.1.3. Selection and recruitment of Chief Officers

The process of selection and recruitment of the above Chief Officers shall be undertaken in accordance with provisions set out in the Employment and Procedure Rules at Part 4E of this Constitution.

11.1.4. Other designated Officers

The Council is required by law to designate an Officer to each of the following statutory roles, further details of which can be found in the Financial Regulations at Part 5 of this Constitution:

- a) Head of Paid Service;
- b) Section 151 Officer; and
- c) Monitoring Officer.

11.1.5. Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. That document shall form part of the Constitution.

11.2. Roles and Functions of the Head of Paid Service

11.2.1. Discharge of functions by the Council.

The Head of Paid Service will, where they consider it appropriate, report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions, the organisation of Officers and to such extent as relevant, the appointment and proper management of Officers.

11.2.2. Restrictions on functions.

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if they are a qualified accountant.

11.3. Functions of the Monitoring Officer

- a) **maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is made available to Councillors, Officers and the public;
- b) **ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Full Council, or Cabinet in relation to an executive function, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration;
- c) **standards.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct;
- d) **proper Officer for access to information.** The Monitoring Officer will ensure that Councillor decisions (including decisions by Committee and individual Cabinet member decisions), together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as required by legislation;
- e) **contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice;
- f) **providing advice.** The Monitoring Officer will provide advice to the Council on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues and will support and advise Councillors and Officers in their respective roles; and
- g) **restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.4. Functions of the Chief Finance Officer (Section 151 Officer)

- a) **ensuring lawfulness and financial prudence of decision making.** After consulting with the Monitoring Officer, the Section 151 Officer will report to the Full Council, to Cabinet in relation to executive functions and to the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully;
- b) **administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- c) **contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice;
- d) **providing advice.** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity (and budget and policy framework issues) to all

Councillors and will support and advise Councillors and Officers in their respective roles; and

- e) **give financial information.** The Section 151 Officer will provide financial information to the media, the public and the community.

11.5. Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.6. Conduct

Officers will comply with the Protocol for Councillor/Officer Relations and the relevant Employee Code of Conduct.

11.7. Employment

The recruitment, selection and dismissal of posts below Chief Officer level will be made in accordance with arrangements prescribed by the Head of Paid Service to the extent not covered by the Employment Procedure Rules at Part 4E of this Constitution.

Article 12 - Decision Making

12.1. Principles of Decision Making

When the Council makes a decision it will:

- a) be clear about what the Council wants to happen and how it will be achieved;
- b) ensure that the decision and the decision-making process are lawful;
- c) consider the Public Sector Equality Duty and its obligations under the Human Rights Act;
- d) consult properly and take professional advice from Officers;
- e) have due regard to appropriate national, strategic, local policy and guidance;
- f) ensure the action is proportionate to what the Council wants to happen;
- g) ensure the decisions are not unreasonably delayed;
- h) explain what options were considered and give the reasons for the decision; and
- i) make the decision public unless there are good reasons for it not to be.

12.2. Responsibility for Decision Making

The Council will prepare and keep up to date a Functions Scheme. The Functions Scheme will show what types of decisions can be made and who or which part of the Council can make them.

12.3. Types of Decision

12.3.1. Decisions Reserved to the Full Council

Decisions reserved to Full Council in the Functions Scheme will be made by Full Council only. Other non-executive decisions are delegated to Council Committees, Sub-Committees and to Officers as set out in the Functions Scheme.

12.3.2. Key Decisions

A Key Decision, which must be included in the Cabinet Forward Plan, is a Leader or Cabinet decision which is likely to meet one or more of the following criteria:

- a) it will result in the Council on its own or in partnership with other organisations spending or saving £500,000 or more, with the exception of operational expenditure or savings identified within the agreed Service Plan and Budget; and/or
- b) it is likely to have a significant impact or effect on two or more electoral wards.

12.3.3. A Key Decision must be made in accordance with the Procedure Rules set out at Part 4B of this Constitution.

12.3.4. Individual Cabinet Member Decisions

Individual Cabinet member Decisions will be made in accordance with the Procedures set out in this Constitution and the Functions Scheme – Delegation to Cabinet members, the Leader’s Scheme of Delegation and the Financial Regulations.

12.3.5. Major Operational Decisions taken by Officers

A Major Operational Decision is an Officer decision which is not a Key Decision and which is likely to meet one of the following criteria:

- a) it will result in the Council incurring expenditure, including the loss of income – in excess of £100,000, with the exception of operational expenditure identified within the agreed Service Plan and Service Budget;
- b) it is a decision which has been specifically delegated to Officers – for example to conclude an agreement or contract within the outline terms agreed by the Cabinet; and/or
- c) it is a decision which is controversial and/or politically sensitive in nature or is, in the opinion of the Director, of such significance that a published record of the decision would ensure transparency and accountability in relation to decision making within the Council.

12.3.6. Day to day Operational Decisions taken by Officers

A day to day operational decision is an Officer decision which is not a Key or Major Operational Decision and meets all of the following criteria:

- a) it is within an agreed Service Plan and Service Budget;
- b) it is not in conflict with the Budget and Policy Framework or other approved policies of the Council; and
- c) it does not raise new issues of policy.

Article 13 - Legal Matters

13.1. Financial Management

The management of the Council's financial affairs will comply with the Financial Regulations contained within Part 5 of this Constitution.

13.2. Contracts

Every contract made by the Council will comply with the Financial Regulations.

13.3. Legal Proceedings

13.3.1. The Monitoring Officer can start, defend, settle or take part in any legal proceedings where such action is necessary to act on decisions of the Council and where they consider that such action is necessary to protect the Council's interests and comply with its statutory duties.

13.3.2. The Monitoring Officer can designate nominated Officers to carry out this function on their behalf. Details of the powers that the Monitoring Officer has delegated are contained in the Scheme of Delegation to Officers.

13.4. Authentication of Documents

13.4.1. Any document necessary for any legal procedure or proceedings will be signed by the Monitoring Officer or by some other person authorised by them, unless any law otherwise authorises or requires another person's signature or the Council has given authority to some other person to sign on its behalf.

13.4.2. Any contract with a value over £30,000 entered into on behalf of the Council shall be made in writing.

13.4.3. Such contracts must either be signed by the Monitoring Officer or by some other person authorised by them, or one of the persons referred to in Article 13.5 below or made under the Common Seal of the Council certified by at least one of the persons referred to in Article 13.5 below.

13.5. Common Seal of the Council

13.5.1. The Common Seal of the Council will be kept in a secure place in the custody of the Monitoring Officer.

13.5.2. A decision of the Council, or of any part of it to which authority has been delegated, will be authority for sealing any document necessary to give effect to the decision.

13.5.3. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed or otherwise completed as required by the Procedure Rules. The affixing of the Common Seal may be certified by either the Chief Executive, the Monitoring Officer, the Deputy Monitoring Officer, a Director, the Chair, or the Vice-Chair.

Article 14 - Review, Revision, Suspension, Interpretation and Publication of the Constitution

14.1. Duty to monitor and review the Constitution

- 14.1.1. The Monitoring Officer will monitor and review the operation of the Constitution.
- 14.1.2. To the extent that it is not covered by a delegation to an Officer or other committee or as otherwise provided for in this Article (or unless Full Council otherwise expressly resolves), any proposed change to the Constitution before it is considered by Full Council shall have had an opportunity to be considered by the Audit and Governance Committee and/or a Sub-Committee/Working Group appointed by it provided that nothing in this provision shall prevent the Monitoring Officer taking a proposed change of the Constitution to Full Council even if they have delegated power to determine such a matter.
- 14.1.3. Save to the extent as provided for in this Article changes to the Constitution shall be determined by Full Council to the extent as provided for in Article 4 of this Constitution.

14.2. Changes to the Constitution by the Monitoring Officer without referral

The Monitoring Officer shall have power without referral elsewhere to make amendments to the Constitution where they consider this is necessary and/or expedient to reflect legislative change, secure consistency, address any legal ambiguity, and/or address any uncertainty in interpretation. The Monitoring Officer shall notify all Councillors of any such changes.

14.3. Suspension of the Constitution

- 14.3.1. The Articles of this Constitution may not be suspended. However, the Procedure Rules set out in this Constitution may be suspended by the Full Council, Cabinet or relevant Committee to the extent permitted within those Rules and the law.
- 14.3.2. A motion to suspend any rules cannot be moved without notice, unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking into account the purposes of the Constitution set out in Article 1 of this Constitution.

14.4. Interpretation

The ruling of the Chair of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution and shall be made taking the advice of the Monitoring Officer or such other Officer as designated.

14.5. Publication

The Monitoring Officer will:

- a) give each Councillor access to an electronic copy of this Constitution;
- b) ensure that a copy of this Constitution is made available on the Council's website;
- c) ensure that copies are available for inspection at the Council's main office, and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee; and
- d) provide to any Councillor, upon request, a copy of the Constitution.

14.5.1.

PART 3
RESPONSIBILITY FOR FUNCTIONS
AND OFFICER SCHEME OF
DELEGATION

See Part 5 for Financial Delegations

PART 3A

RESPONSIBILITY FOR FUNCTIONS

A. Introduction – Responsibility for Functions

This Part A explains the types of Council functions and which part of the Council can make decisions relating to those functions. Some functions can be delegated, and this Part A includes details of the functions which have been delegated and the Councillors or Officers they have been delegated to.

1. Responsibility of Full Council

The functions listed below are reserved to Full Council and can only be discharged by Full Council:

- 1.1. Approving the Key Policy Framework which shall mean the Corporate Plan and any policy or strategy required by law or by the Council to be approved by Full Council including the following:
 - 1.1.1. Children and Young People’s Plan;
 - 1.1.2. Crime and Disorder Reduction Strategy;
 - 1.1.3. Development Plan Documents;
 - 1.1.4. Licensing Authority Policy Statements;
 - 1.1.5. Local Transport Plan;
 - 1.1.6. Youth Justice Plan; and
 - 1.1.7. Housing Strategy
 - 1.1.8. Corporate Plan
 - 1.1.9. Annual Senior Officer Pay Policy Statement.
- 1.2. The approval or adoption of the Budgetary Framework and for the purposes of this Constitution, “Budgetary Framework” shall, unless the context expressly requires otherwise, mean:
 - 1.2.1. the Revenue Budget;
 - 1.2.2. the Capital Programme;
 - 1.2.3. the Capital Strategy;
 - 1.2.4. the Medium Term Financial Plan; and
 - 1.2.5. to the extent that it is not covered by 1.2.1 to 1.2.4 above:
 - a) any plan or strategy for the control of the Council’s borrowing, investments or capital expenditure or for determining the Council’s minimum revenue provision; and
 - b) any other financial requirements that legislation expressly requires to be determined by Full Council.
- 1.3. The approval of any of the above documents in the event they, or part of them, need to be submitted to the Secretary of State or any Government Minister for final approval, including where they are to be submitted in draft form.

- 1.4. The approval of changes to any plan or strategy referred to above, unless one of the following applies:
 - 1.4.1. that change is required by the Secretary of State or any Government Minister where the plan or strategy has been submitted to them for approval; or
 - 1.4.2. Full Council specifically delegated authority in relation to these functions when it approved or adopted the plan or strategy.
- 1.5. Adopting and changing the Constitution save to the extent provided for in Article 14 of Part 2 of the Constitution.
- 1.6. Appointing to such Committees of the Council as it is required to appoint by or under any statute or by virtue of the Constitution, and to:
 - 1.6.1. determine the size and allocation of seats to political groups in accordance with the political balance rules;
 - 1.6.2. receive nominations of Councillors to serve on each Committee and appoint to those Committees; or
 - 1.6.3. approve any changes to the terms of reference and scheme of delegation for those Committees (as set out in Part 3 of this Constitution).
- 1.7. Appointing and removing the following:
 - 1.7.1. Chair of the Council;
 - 1.7.2. Vice-Chair of the Council; and
 - 1.7.3. Leader of the Council in accordance with the relevant legislation.
- 1.8. Authorising appointments to any joint committees which are not solely Executive bodies.
- 1.9. Approving the allocation of seats to political groups and where appropriate appointments to the Dorset and Wiltshire Fire and Rescue Authority, Dorset Police and Crime Panel, Dorset Pensions Fund Committee, Lower Central Gardens Trust Board and Stour Valley and Poole Partnership Joint Committee.
- 1.10. Approving a Members' Allowances Scheme.
- 1.11. Approving the Annual Senior Officer Pay Policy Statement.
- 1.12. Confirming the appointment of the Head of Paid Service, the Monitoring Officer, the Section 151 Officer and other Statutory Chief Officers and the dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer in accordance with the Employment Procedure Rules and the law.
- 1.13. Making an Order to give effect to recommendations made in a Community Governance Review.
- 1.14. Changing the name of the Council.

- 1.15. Conferring honorary titles.
- 1.16. Making, amending, revoking, re-enacting and adopting byelaws and promoting and opposing the making of local legislation and personal bills in Parliament.
- 1.17. Any other function which, by law, must be reserved to the Full Council.

Full Council has delegated specific non-executive functions to the following bodies listed below.

2. Planning Committee

- 2.1. All matters relating to Town & Country Planning functions as set out in the planning and related Acts, are delegated to the relevant senior planning officer as set out in the Chief Executive's Scheme of Delegation to determine, other than those matters as set out below which shall be the responsibility of the Planning Committee.
- 2.2. The Planning Committee has responsibility to determine the following:
 - 2.2.1. applications submitted by or on behalf of a Councillor or direct family (spouse or civil partner) of a Councillor for any property or land in which they have a financial interest;
 - 2.2.2. applications submitted by or on behalf of a current Officer:
 - a) working within the planning section; or
 - b) at Tier 3 level and above; or
 - c) direct family (spouse or civil partner) of Officers identified under 2.2.2 a) and b); or
 - d) for any property or land in which they have a financial interest;
 - 2.2.3. applications referred to the Committee by the relevant senior planning officer for one or more of the following reasons:
 - a) applications where there are material planning issues that have not previously been considered within the Council's area;
 - b) applications where a national or local planning policy is being tested for the first time within the Council's area;
 - c) applications which have a significant impact on a wide number of businesses and / or people;
 - d) applications which have a finely balanced Officer recommendation;
 - e) applications by or on behalf of a planning Officer who has recently left the organisation or one of the preceding councils; and/or

- f) applications that the Head of Planning considers are potentially contentious and raise material planning issues, or would affect the wider public interest;
- 2.2.4. applications where the Council is the applicant or landowner for major development proposals as defined in the Development Management Procedures Order;
 - 2.2.5. significant departure from Development Plan Policy which would be required to be the subject of consultation with the Secretary of State;
 - 2.2.6. applications which require an Environmental Impact Assessment except where the relevant senior planning officer considers that approval of the application would not lead to significant environmental impacts;
 - 2.2.7. an application which a Councillor requests should be referred to the Planning Committee provided that all of the following criteria are met:
 - a) the application is potentially contentious and raises material planning issues that affect their ward or would affect the wider public interest;
 - b) the Councillor has submitted the referral to planning committee request in accordance with the local planning authority's agreed call-in protocol (as set out at paragraph 2.3 to this Part 3A);
 - c) the Application is not one of the following:
 - i. Permission in Principle (PiPs)
 - ii. Lawful Development Certificates (LDC) (existing or proposed)
 - iii. Prior Approvals and Prior Notifications
 - iv. non-material amendments
 - v. applications other than "major", "minor" and "householder"; and
 - 2.2.8. applications where there have been 20 or more representations received within the initial or any subsequent notification period, based on material planning issues, from separate addresses that are contrary to the recommendation of the planning officer. The Head of Planning has the authority to make the decision as to whether the contrary representations are based on material planning issues.
 - 2.2.9. With reference to Councillor call in powers at 2.2.7 above, a Councillor may make a request that an application be considered by Planning Committee conditional upon a recommendation to grant or refuse, or may make an unconditional request. A Councillor may also withdraw a request at any time up to seven calendar days before publication of the relevant Committee agenda. Any request should be made in writing on the form provided for the purpose.

2.3. The call-in protocol referred to at 2.2.7 above is as follows:

- 2.3.1. a formal referral request must be submitted on the Council Planning Committee referral form;
- 2.3.2. all parts of the planning committee referral request form must be completed for the request to be considered as valid and compliant with the provisions set out in paragraph 2.2.7 of Part 3A of the Constitution;
- 2.3.3. the form must set out the material planning reasons for the referral that warrant the application being considered by Planning Committee;
- 2.3.4. the ward Councillor must have first discussed the planning application with the planning case officer before submitting a Planning Committee referral form. This discussion should take place within the initial planning application notification period. In these discussions, and prior to submitting the form, the ward Councillor must advise the officer whether they are considering submitting a Planning Committee referral request form so the officer can update the ward Councillor on progress before a recommendation is made.
- 2.3.5. to ensure resilience that the planning committee referral requests are formally received by the case officers, request forms should be submitted by email to both the case officer and the relevant office inbox as follows:
 - a) planning.bournemouth@bcpcouncil.gov.uk
 - b) planning.christchurch@bcpcouncil.gov.uk
 - c) planning.poole@bcpcouncil.gov.uk
- 2.3.6. Once the notification period has expired and the officer has not had any contact from a ward Councillor in respect of a potential planning committee referral, Councillors are to be aware that officers are able to make decisions on planning applications under delegated powers in accordance with the Council scheme of delegation.

3. Licensing Committee

- 3.1. All matters relating to Licensing functions as set out in the relevant legislation are delegated to Officers pursuant to the Chief Executive's Scheme of Delegation to determine other than those matters set out below which shall be the responsibility of the Licensing Committee.
- 3.2. The Licensing Committee has responsibility for the following:
 - 3.2.1. making recommendations to Full Council in relation to the Council's policies under the Licensing Act 2003, the Gambling Act 2005, the Police Reform and Social Responsibility Act 2011, and the Council's Regulations on the Control of Sex Establishments made under the

- Local Government (Miscellaneous Provisions) Act 1982 and any other relevant legislation;
- 3.2.2. making decisions in connection with statutory commercial public safety licensing of a type that may require quasi-judicial process or intervention – for example, alcohol, entertainment, gambling, sexual entertainment venues, street trading, charitable collections and public carriages;
- 3.2.3. establishing Licensing Sub-Committees, subject to statutory provisions, and to determine the number of such Committees, after first consulting with the Monitoring Officer or the Monitoring Officer's nominated representative to ensure Councillors have suitable expertise and to avoid political imbalance;
- 3.2.4. delegating appropriate matters to Licensing Sub-Committees for a decision. Any such delegation is without prejudice to the Licensing Committee's ability to consider and determine those matters notwithstanding the delegation, these matters may include the following:
- a) decisions on applications made under the Licensing Act 2003 for new Premises Licences and/or Club Premises Certificates where representations have been made and not withdrawn;
 - b) decisions on applications made under the Licensing Act 2003 to vary Premises Licences and/ or Club Premises Certificates where representations have been made and not withdrawn;
 - c) decisions on applications made by the Police under the Licensing Act 2003 for expedited reviews of Premises Licences and/or Club Premises Certificates;
 - d) decisions on applications to review Premises Licences and/or Club Premises Certificates made under the Licensing Act 2003, including those licences which have been the subject of an earlier expedited review;
 - e) decisions on applications made under the Licensing Act 2003 for Personal Licences where representations have been made and not withdrawn, or where the applicant has unspent convictions;
 - f) decisions on applications made under the Licensing Act 2003 for a Provisional Statement where representations have been made and not withdrawn;
 - g) decisions on applications for a Temporary Event Notice made under the Licensing Act 2003 where Police or Environmental Health representations have been made;
 - h) decisions on Public Carriage licensing matters which fall outside of existing policies;

- i) decisions on Public Carriage disciplinary matters;
- j) decisions on applications made under the Gambling Act 2005 where representations have been received and not withdrawn for the following:
 - i. applications for new Premises Licences;
 - ii. applications for Variation of a Premises Licence;
 - iii. applications for a Provisional Statement; and
 - iv. applications for other permits;
- k) decisions on applications for transfer of a Premises Licence made under the Gambling Act 2005 where representations have been received from the Gambling Commission;
- l) decisions on applications made under the Gambling Act 2005 for:
 - i. cancellation of Club Gaming/Club Machine Permits;
 - ii. cancellation of Licensed Premises Gaming Machine Permits; and
 - iii. a decision to give a Counter Notice to a Temporary Use Notice;
- m) making decisions in matters under the Licensing Act 2003 where there are unresolved Police representations relating to applications:
 - i. to vary the Designated Personal Licence Holder;
 - ii. for the transfer of a Premises Licence; and
 - iii. for Interim Authorities;
- n) making decisions on all applications relating to premises or land operated by the Council where relevant representations are received;
- o) making decisions on applications to review Premises Licences made under the Gambling Act 2005;
- p) making decisions on applications relating to Street Trading which fall outside of existing policies;
- q) making decisions on Public Carriage disciplinary matters that may result in the revocation or suspension of a Taxi Operators Licence;
- r) making decisions on applications for new Sex Establishment and Sexual Entertainment Licences;

- s) making decisions on applications for renewals of Sex Establishment and Sexual Entertainment Licences where representations have been received and not withdrawn;
- t) making any decisions required to be made within the following legislative frameworks which have not been delegated by the Committee to Officers:
 - i. Caravan Site Act 1968 and Mobile Home Act 2013 and related legislation;
 - ii. Charities Act 1992 and related legislation;
 - iii. Street Trading Permits and Table and Chair permissions and related permissions; and
 - iv. Animal Welfare Licensing – where there are objections to licences;
- u) approving the level of fees charged by the Council; and
- v) making decisions on the tariffs charged by the Public Carriage Trade.

4. Overview and Scrutiny Function

Overview and Scrutiny Board

- 4.1. For the avoidance of doubt, any responsibility relating to an Overview and Scrutiny Committee in 4.2 below may also relate to the Overview and Scrutiny Board.
- 4.2. The Overview and Scrutiny Board has responsibility for:
 - 4.2.1. discharging the statutory duties for which the Overview and Scrutiny function is responsible, other than those that relate to Flood Risk Management, Health, Adult Social Care and Children’s Services;
 - 4.2.2. overseeing the Council’s overall Overview and Scrutiny function including the preparation, implementation, monitoring and review of a work programme for Overview and Scrutiny;
 - 4.2.3. keeping the Overview and Scrutiny function under review, suggesting changes as appropriate to ensure that it remains fit for purpose;
 - 4.2.4. considering decisions that have been called-in pursuant to the Procedures set out in this Constitution for further scrutiny;
 - 4.2.5. reporting annually to Full Council on the output of the Overview and Scrutiny function providing an assessment of the value added by the work undertaken, taking into account the agreed principles on which the function is based;

- 4.2.6. maintaining oversight and establishing priorities for the training needs of the whole Overview and Scrutiny function;
- 4.2.7. establishing such commissioned work as appropriate after taking into account the availability of resources, the work programme and the matter under review;
- 4.2.8. scrutinising decisions of the Cabinet, offering advice or making recommendations on the matter;
- 4.2.9. referring to Full Council, the Cabinet or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Overview and Scrutiny Board/Committee determines should be brought to the attention of the Council, Cabinet or the Committee or Sub-Committee;
- 4.2.10. offering any views or advice to the Cabinet in relation to any matter referred to the Overview and Scrutiny Committee for consideration by the Cabinet;
- 4.2.11. assisting the Council in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- 4.2.12. undertaking general policy reviews with a cross-service and multi-organisational approach wherever possible, and making recommendations to the Council or the Cabinet to assist in the development of future policies and strategies; and
- 4.2.13. monitoring the implementation of decisions to examine their effect and outcomes.

Health and Adult Social Care Overview and Scrutiny Committee

- 4.3. The Health and Adult Social Care Overview and Scrutiny Committee will carry out those duties as outlined in 4.2.7 to 4.2.13 above, in relation to matters regarding health, adult social care, public health, community care and any other issues relating to the delivery of health services by health service providers and NHS bodies affecting the residents of Bournemouth, Christchurch and Poole.
- 4.4. This Committee carries out all the Council's overview and scrutiny functions relating to health as required by legislation.

Children's Services Overview and Scrutiny Committee

- 4.5. The Children's Services Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.2.7 to 4.2.13 above, in relation to matters which relate to the delivery of services for children in Bournemouth, Christchurch and Poole.
- 4.6. Education co-optees will be appointed to this Committee in line with legislation, as set out in this Constitution.

Place Overview and Scrutiny Committee

- 4.7. The Place Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.2.7 to 4.2.13 above, in relation to matters which relate to the delivery of services for strategic planning and house building, strategic transport, TCF delivery, road safety, sustainability and climate change, waste collection (household and public bins), streets (resurfacing, potholes, sweeping), litter, fly tipping, beaches, sea front, paddling pools, cleaning and maintenance, flood resilience, parks and bereavement, conservation (AONBs and SSSIs), cemeteries / crematorium, social housing, rented market, landlord liaison, homelessness / poverty, housing standards and adaptations, welfare benefits and services and Seascape in Bournemouth, Christchurch and Poole.
- 4.8. This Committee carries out all the Council's overview and scrutiny functions relating to flood risk management as required by legislation.

5. Audit and Governance Committee

- 5.1. Functions of the Audit & Governance Committee are set out below. The Audit & Governance Committee cannot delegate for a decision any issues referred to it apart from any matter that is reserved to Council.

Statement of Purpose

- 5.2. The Audit & Governance Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 5.3. The purpose of our Audit & Governance Committee is to provide independent assurance of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, Risk & Control

- 5.4. To consider the arrangements for corporate governance including reviews of the Local Code of Corporate Governance and review and approval of the Annual Governance Statement (AGS).
- 5.5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 5.6. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

- 5.7. To consider arrangements for risk management including the approval of the Risk Management Strategy and review of the Council's corporate risk register.
- 5.8. To consider arrangements for counter-fraud and corruption, including 'whistle-blowing' including approval of the Counter Theft, Fraud & Corruption Policy and the outcomes of any investigations in relation to this policy.
- 5.9. To review the governance and assurance arrangements for significant partnerships or collaborations.

Internal Audit

- 5.10. To approve the Internal Audit Charter.
- 5.11. To approve the risk-based Internal Audit Plan, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 5.12. To approve significant interim changes to the risk-based Internal Audit Plan and resource requirements.
- 5.13. To consider reports from the Head of Internal Audit on Internal Audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - 5.13.1. updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
 - 5.13.2. regular reports on the results of the Quality Assurance Improvement Programme (QAIP); and
 - 5.13.3. reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN), considering whether the nonconformance is significant enough that it must be included in the Annual Governance Statement (AGS).
- 5.14. To consider the Head of Internal Audit's annual report, including:
 - 5.14.1. the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit; and
 - 5.14.2. the opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- 5.15. To consider summaries of specific internal audit reports as scheduled in the forward plan for the Committee or otherwise requested by Councillors.
- 5.16. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be

unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

- 5.17. To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every 5 years.
- 5.18. To commission work from the Internal Audit Service (with due regard to the resources available and the existing scope and breadth of their respective work programmes and the forward plan for the Committee).

External Audit

- 5.19. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments Ltd (PSAA).
- 5.20. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- 5.21. To consider all other relevant reports from the External Auditor as scheduled in the forward plan for the Committee as agreed with the External Auditor or otherwise requested by Councillors.
- 5.22. To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 5.23. To commission work from External Audit (with due regard to the resources available and the existing scope and breadth of their respective work programmes and the forward plan for the Committee).
- 5.24. To liaise with the national body (currently Public Sector Audit Appointments (Ltd)) (PSAA) over the appointment of the Council's External Auditors.
- 5.25. To consider reports dealing with the management and performance of the External Audit function.
- 5.26. To consider and approve the Annual Plans of the External Auditor.

Financial Reporting

- 5.27. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 5.28. To consider the external auditors report to those charged with governance on issues arising from the audit of the accounts.

Accountability Arrangements

- 5.29. To report to Full Council and publish an annual report on the committee's findings, conclusions and recommendations concerning the adequacy and

effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

- 5.30. To report to Full Council and publish an annual report on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

Other Functions

- 5.31. To consider arrangements for treasury management including approving the Treasury Management Strategy and monitoring the performance of this function.
- 5.32. To maintain an overview of the Council's Constitution in respect of financial regulations, working protocols and codes of conduct and behaviour (not otherwise reserved to the Standards Committee or other committees).
- 5.33. To consider breaches, waivers and exemptions of the Financial Regulations.
- 5.34. To consider any relevant issue referred to it by the Chief Executive, Chief Finance Officer (CFO), Chief Internal Auditor (CIA), Monitoring Officer (MO) or any other Council body or Cabinet Member.
- 5.35. To consider arrangements for information governance, health and safety, fire safety, emergency planning (including business continuity).
- 5.36. To consider any issue of Council non-compliance with its own and other relevant published regulations, controls, operational standards and codes of practice.
- 5.37. To consider gifts and hospitality registers relating to officers.

6. Standards Committee

- 6.1. The Standards Committee will have responsibility for:
 - 6.1.1. monitoring the Code of Conduct and arrangements for dealing with complaints against Councillors and making recommendations to Full Council on any changes to the Code;
 - 6.1.2. promoting and maintaining the Council's responsibilities for ethical governance and high standards of conduct;
 - 6.1.3. ensuring that appropriate advice and training is provided to Councillors in respect of ethical governance and the Code of Conduct;
 - 6.1.4. supporting the Monitoring Officer in discharging their duties in relation to the conduct and behaviour of Councillors;
 - 6.1.5. promoting the observance of the ethical governance agenda within Parish and Town Councils in its area;

- 6.1.6. considering the outcome of investigations undertaken pursuant to the arrangements for dealing with allegations of a breach of the Code of Conduct;
- 6.1.7. making arrangements for suitable liaison as appropriate with the statutory Independent Persons in the course of dealing with an allegation of breach of the Code of Conduct; and
- 6.1.8. considering an Annual Report on Gifts and Hospitality Registers relating to Councillors.

7. Appeals Committee

- 7.1. The Appeals Committee will have responsibility for determining:
 - 7.1.1. personnel-related appeals in respect of decisions made which result in a dismissal;
 - 7.1.2. appeals by parents and students against the Council's decision in relation to student awards;
 - 7.1.3. appeals by parents against the Council's decision on boarding education matters and other pupil benefits;
 - 7.1.4. appeals by parents against the Council's decision in relation to the provision of transport in cases of need, special circumstance or safety;
 - 7.1.5. appeals against the Council's decision on the provision of transport to denominational schools and colleges; and
 - 7.1.6. appeals relating to disciplinary action against, and in respect of, the relevant Statutory Officers.

8. Investigation and Disciplinary Committees

Investigation and Disciplinary Committee (IDC)

- 8.1. The Investigation and Disciplinary Committee will have responsibility for disciplinary and dismissal matters which relate to the relevant statutory officers. The relevant officers being the Head of Paid Service; Chief Finance Officer and Monitoring Officer.
- 8.2. The IDC shall undertake the responsibilities required pursuant to the relevant 2015 Regulations agreed Guidance and Model Procedure issued by the relevant national JNC or other relevant body that may exist in future.
- 8.3. The IDC is to be a Committee consisting of six councillors and must include the Leader of the Council and another member of the Cabinet.
- 8.4. In this case of a complaint against:
 - 8.4.1. a relevant Officer, the decision whether to refer the matter to the Investigating and Disciplinary Committee will be delegated to the Monitoring Officer or Chief Finance Officer;

- 8.4.2. the Head of Paid Service, the decision to refer the matter to the IDC will be delegated to the Head of Paid Service; and
 - 8.4.3. the Monitoring Officer or the Chief Finance Officer, the decision to be made in consultation in every case with the Head of Human Resources and Organisational Development.
- 8.5. The IDC will have delegated responsibility for the suspension of the relevant Officers. In the event of the need for urgency, this function is delegated to the Head of Paid Service (in the case of the Monitoring Officer or Chief Finance Officer) or the Monitoring Officer (in the case of the Head of Paid Service) in consultation with the Chair of the IDC.
- 8.6. The relevant officers will be given the same right to be accompanied at any disciplinary hearing as all Council employees. Additionally, this will include the right to be accompanied by a legal representative at their own cost.

Independent Panel

- 8.7. The three Independent Persons appointed by the Council pursuant to the Localism Act requirements shall act as the Independent Panel in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015).

10. Leader and Cabinet – Executive Functions

Discharge of Executive Functions

10.1. All executive authority flows through the Leader who retains the authority to make any executive decisions and subject to this may delegate decision-making to:

- 10.1.1. the Cabinet;
- 10.1.2. a member of the Cabinet;
- 10.1.3. a Committee of the Cabinet;
- 10.1.4. an Officer;
- 10.1.5. another Council; or
- 10.1.6. another organisation under joint arrangements.

Local Choice Executive Functions

10.2. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 identifies functions which may be the responsibility of an authority's executive. The schedule below identifies these functions and indicates whether the function is an executive or non-executive function.

1.	Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Executive
2.	The determination of an appeal against any decision made by or on behalf of the Council.	Non-executive
3.	The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Non-Executive
4.	The making of arrangements pursuant to sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals)	Non-Executive
5.	The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies)	Non-Executive
6.	Any function relating to contaminated land	Non-executive

7.	The discharge of any function relating to the control of pollution or the management of air quality	Non-executive
8.	The service of an abatement notice in respect of a statutory nuisance	Non-executive
9.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Non-executive
10.	The inspection of the authority's area to detect any statutory nuisance	Non-executive
11.	The investigation of any complaint as to the existence of a statutory nuisance	Non-executive
12.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests inland.	Non-executive
13.	The obtaining of particulars of persons interested inland under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Non-executive
14.	The making of agreements for the execution of highways works	Non-executive
15.	The appointment of any individual— (a) to any office other than an office in which he is employed by the authority; (b) to any body other than— (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Non-executive
16.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Non-executive
17.	Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of Schedule 2 Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Non-executive Not applicable

Functions of the Cabinet

- 10.3. The Leader will prepare a Scheme of Delegation in which the Leader will confirm which of the following functions will be delegated to the Cabinet:
- 10.3.1. responsibility for strategic and policy co-ordination;
 - 10.3.2. making recommendations to Full Council for approval as part of the Budget and Key Policy Framework, major new policies, changes to or revisions of existing policies or any other plan or strategy which Full Council decides it shall adopt or approve;
 - 10.3.3. carrying out the Council's responsibilities for improving the economic social and environmental well-being of the area;
 - 10.3.4. ensuring that the Annual Budget is set and the underlying principles set out in the Financial Regulations adhered to in any changes required from time to time including recommending to Full Council any changes to policy that will materially reduce or increase the services of the Council or create significant financial commitments in future years in accordance with the requirements of the Financial Regulations;
 - 10.3.5. recommending to Full Council the overall financial strategy, including the Capital and Revenue Budgets and the level of Council Tax and the Council Tax Base;
 - 10.3.6. monitoring spending on the Capital Programme;
 - 10.3.7. taking in year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver the Key Policy Framework, Corporate Plan and Budget;
 - 10.3.8. considering and responding to recommendations and reports from Overview and Scrutiny Board and Committees;
 - 10.3.9. considering the reports of external review bodies on key aspects of overall service delivery;
 - 10.3.10. deciding all Local Choice Functions which Full Council has decided should be undertaken by the Cabinet;
 - 10.3.11. carrying out those Executive Functions of the Council not delegated to other bodies, individual Cabinet Members or Officers pursuant to one of the schemes of delegation;
 - 10.3.12. resolving disputes between Cabinet Members including those where there is no agreement between Portfolio Holders relating to cross-portfolio issues;
 - 10.3.13. being involved in the process for appointment of the Council's Chief Executive/Head of Paid Service and other Officers as set out in the Employment Procedure Rules in Part 4;
 - 10.3.14. making the final decision on joint arrangements and delegations to other councils which relate to Executive Functions; and

- 10.3.15. conferring with other councils, government departments, statutory bodies, voluntary bodies, and other external agencies.

11. Functions of Individual Members of the Cabinet

The Leader

- 11.1. The Leader will perform the following functions:
- 11.1.1. leading on implementing the Council's policy and budget decisions;
 - 11.1.2. providing leadership of the Council by setting the strategic direction and key priorities, overseeing the development of the financial strategies;
 - 11.1.3. representing the Council in the community and in negotiations with regional and national organisations;
 - 11.1.4. in the absence of a Portfolio Holder taking responsibility for all relevant matters within the remit of the Cabinet;
 - 11.1.5. appointment of a Deputy Leader;
 - 11.1.6. appointment of up to 9 Councillors to be Members of the Cabinet;
 - 11.1.7. allocating to each Member of the Cabinet areas of responsibility to be known as Portfolios;
 - 11.1.8. notifying the Monitoring Officer of the allocation of responsibility so that the information can be compiled in the Cabinet Members' Portfolio Scheme;
 - 11.1.9. providing leadership to the Cabinet and chair Cabinet meetings;
 - 11.1.10. where the Leader judges it to be the most suitable course of action, the Leader may require any decision proposed by one or more Portfolio Holders to be taken by the full Cabinet;
 - 11.1.11. exercising discretion to personally discharge any Executive Functions or make arrangements for their discharge by the Cabinet, another Member of the Cabinet, a Committee of the Cabinet or an Officer (without prejudice to their continued power to discharge that function); and
 - 11.1.12. responsibility for all Executive Functions not expressed to be within the remit of the Leader or otherwise delegated by the Leader to the Cabinet, a Cabinet Member, Committee of the Cabinet or to Officers.

The Deputy Leader

- 11.2. In addition to their Portfolio responsibilities, the Deputy Leader will Deputise in the Leader's absence or inability to act due to a conflict of interest.

Delegation to Cabinet Members

- 11.3. All Cabinet Members will be publicly accountable for the Executive Functions of the Council. This will include specific responsibility for matters within the scope of their Portfolio as follows:
 - 11.3.1. to make decisions consistent with the Council's Key Policy Framework;
 - 11.3.2. to make decisions within approved budgets or within virement discretion in accordance with the Financial Regulations;
 - 11.3.3. to make decisions which do not compromise any existing or proposed policy;
 - 11.3.4. to refer to the Leader any matter considered by the Portfolio Holder or the Leader to be too sensitive or controversial to be decided 'within Portfolio';
 - 11.3.5. to agree decisions with other Portfolio Holders where the matter is a cross-portfolio matter. To refer to the Leader any such matter which cannot be agreed;
 - 11.3.6. to give public account of the functions and decisions made within the Portfolio areas of responsibility;
 - 11.3.7. to maintain clear communication with the Chairmen of the relevant Overview and Scrutiny Board and Committees;
 - 11.3.8. to represent the Council with external bodies and agencies in order to promote the work of the Council and the Council's interests and improve Council influence with external bodies;
 - 11.3.9. to develop clear, affordable policies and strategies for services which are consistent with the Council's wider objectives and consistent with the Council's cross cutting objectives;
 - 11.3.10. to set clear priorities which are consistent with the Council's policies and strategic objectives;
 - 11.3.11. to ensure that resources are efficiently managed within allocations set by Council and that risk is well managed; and
 - 11.3.12. specific projects as agreed with the Leader of the Council.
- 11.4. Where matters are to be discharged by the Cabinet then (unless the Leader directs otherwise) the Cabinet may exercise its discretion to delegate those matters to a Committee of the Cabinet or to an Officer.
- 11.5. Where matters are to be discharged by a single Cabinet Member then unless the Leader directs otherwise that Cabinet Member may exercise their discretion to delegate those matters to an Officer.
- 11.6. Where Executive Functions have been delegated that does not prevent the discharge of the delegated functions by the person or body who delegated them or by the Leader who retains the authority to make any executive decision.

Cabinet Portfolio Scheme

- 11.7. The Portfolios must be contained within a Schedule which will be published on the Council's website, part of this Constitution and subject to review and updating by the Leader of the Council at their discretion.

Leader Delegation to Chief Executive

- 11.8. The Leader will set out specific additional delegations within a Schedule to the Chief Executive over and above those set out below in the Scheme of Delegation to Officers which will be published, part of the Constitution and subject to review and updating by the Leader of the Council at their discretion.

PART 3B

SCHEME OF DELEGATION TO OFFICERS

B. Scheme of delegation to Officers

This Part B sets out the Council's Scheme of Delegations to Officers.

1. Introduction and Interpretation

1.1. Unless the context requires otherwise, in this Scheme the terms below shall be construed as follows:

- 1.1.1. "Chief Executive" includes reference to the Head of Paid Service, if different;
- 1.1.2. "Chief Officer" means the Chief Executive together with all other officers who report directly to the Chief Executive and who form part of the corporate leadership team. Details of such officers is available upon request from the Monitoring Officer and is normally published on the Council's website;
- 1.1.3. "delegated power", "delegation" and "delegated" includes a power delegated or nominated to an Officer;
- 1.1.4. "Financial Powers" means the powers, duties and limitations set out in Appendix 1 – Corporate Schedule of Financial Delegations to the Financial Regulations – Part 5 of the Constitution;
- 1.1.5. "Financial Regulations" means the financial regulations as set out in Part 5 of this Constitution;
- 1.1.6. "operation" includes any operational or strategic related matter including:
 - a) authorising the acquisition of any asset or service; and
 - b) the management of land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture and appliances;
- 1.1.7. "Officer", shall include people employed, retained or appointed by the Council to advise and support the Council and its councillors. The term "Officers" in this Constitution unless the context otherwise requires includes all the people who operate in this capacity including contractors, consultants, agency staff and volunteers. Note that for Appendix 3 – Councillor and Officer indemnities, a different definition applies;
- 1.1.8. "Scheme" means this Officer Scheme of Delegations;
- 1.1.9. "Town and Country Planning Legislation means all legislation relating to any function of the Council concerning town and country planning including any such function arising under any of the following:
 - c) the Town and Country Planning Act 1990;
 - d) the Planning (Hazardous Substances) Act 1990;

- e) the Planning (Listed Buildings and Conservation Areas) Act 1990;
 - f) the Planning (Control of Advertisement) Regulations 1992;
 - g) the Hedgerows Regulations 1997;
 - h) the Anti-Social Behaviour Act 2003 (in so far as it relates to high hedges);
 - i) the Planning and Compulsory Purchase Act 2004;
 - j) the Planning Act 2008;
 - k) all of the Town and Country Planning (General Permitted Development) (England) Orders including for the avoidance of doubt the Town and Country Planning (General Permitted Development) (England) Orders of 2015;
 - l) all of the Town and Country Planning (Development Management Procedure) (England) Orders including for the avoidance of doubt the Town and Country Planning (Development Management Procedure) (England) Orders of 2015;
 - m) the Town and Country Planning Act 1971;
 - n) all the Housing and Planning Acts; and
 - o) any regulations, directions and/or other orders made pursuant to any of the above;
- 1.1.10. “undertake all action”, without prejudice to the generality of the phrase includes as necessary:
- a) undertaking any inspection, site visit and/or examination;
 - b) enter land, any premises and/or vehicle for the purposes of exercising any service and/or function;
 - c) giving of authority including in relation to determining and authorising the attendance of any person whether an Officer or otherwise;
 - d) preparing, signing, issuing and/or serving of any document including any direction, notice, licence, order, permission, permit, consent, approval, registration and/or certificate);
 - e) making any determination including a decision to approve, cancel, confirm, grant, make, modify, review, refuse, renew, replace, revoke, suspend, transfer, vary and/or withdraw any documentation referred to above together with the determination of any condition, obligation, limitation, restriction and/ or requirement considered necessary;
 - f) conducting any review and/or appeal and/or any assessment of a similar nature;

- g) exercising any relevant power relating to analysis, certification, checking (including checking of records whether electronic or otherwise), destruction, detention, purchasing, removal, retention, sampling and/or seizure;
- h) recording information through whatever medium including photographic and/or digitally;
- i) undertaking any associated procedural action;
- j) managing any assessment process including determination of the appropriate assessment to use and the scoring of any assessment; and
- k) exercising decision and/or discretion to determine the level of and/or whether to recover any cost incurred in relation to any action.

1.2. Reference in this Scheme to:

- 1.2.1. the Monitoring Officer and the Section 151 Officer includes when the Officer is unavailable, absent or the post is vacant any deputy appointed to act on their behalf;
- 1.2.2. any enactment, order, regulation or similar provision includes any replacement or re-enactment of it with or without modification;
- 1.2.3. any Officer post includes an interim of that post; and
- 1.2.4. “consulting with an Officer” includes consulting with any other person nominated by that Officer to deputise for them.

1.3. With the exception of the Chief Executive, unless otherwise expressly provided for in the delegation or the context otherwise requires, reference to a power delegated to a Chief Officer is only exercisable in relation to the service(s) for which the Chief Officer is responsible whether in whole or part.

1.4. Any provision in this Scheme requiring consultation with any Officer and/or Councillor may at any time be satisfied by that Officer or Councillor providing a written waiver on the need to consult whether in relation to a specific matter or generally and whether in relation to a specific Officer post or otherwise. Any such waiver may be made subject to any limitation and/or exception.

1.5. Irrespective of any other provision in the Constitution (express or implied) a power delegated to an Officer in this Scheme that overlaps with a power of any other body of the Council can also be exercised by the Officer provided that:

- 1.5.1. the delegation to the Officer does not expressly state otherwise; and/or
- 1.5.2. the Officer should normally seek the view of the Chair of the body on whether to exercise the delegation; in considering whether to seek

such a view matters for the officer to consider could include any issue of urgency.

- 11.9. Notwithstanding the provision in Article 14 paragraph 4.1 of Part 2 of the Constitution, a final decision on the meaning and interpretation of the Officer Scheme of Delegations will be made by the Monitoring Officer (or in their absence the Officer responsible for Legal Services) and their view is determinative. However, no delegation in this Scheme shall be interpreted as including any power that is prohibited by law from being delegated to an officer.

2. Cascade of powers

- 2.1. Save as provided for in Appendix 1 to this Scheme – RIPA, an Officer given any delegated power (whether expressly set out in this Scheme or otherwise) can nominate/authorise any other Officer(s) to exercise that power on their behalf provided that officer reports to or performs any function forming part of a service for which the nominating Officer has the whole or a partial responsibility:
- 2.1.1. through a local scheme of delegation (which identifies various standing delegations); and/or
 - 2.1.2. through a specific nomination in relation to an individual decision which must be evidenced in writing, dated and signed by the officer making the nomination.
- 2.2. However, where a person is nominated/authorised to exercise a delegation on behalf of someone else they cannot then delegate anyone else to exercise that power as well.
- 2.3. Some powers may be delegated to an Officer directly by a Committee, Sub-Committee or other relevant arrangement (e.g. via the leader in the case of executive powers). In such cases, unless expressly limited otherwise, it shall be assumed that such a delegation includes power for the Officer to delegate any other Officer(s) to also exercise that delegation in accordance with the provisions of this Scheme.
- 2.4. Where a power has been passed to an Officer the person or body making the delegation may at any time cancel that delegation and may in any event also exercise the power despite the delegation. Where an existing delegation is cancelled the person / body making the cancellation should normally seek to inform the delegated Officer of the cancellation.
- 2.5. Any Officer who delegates the authority to exercise a power to another Officer (whether through a local scheme of delegation or otherwise) should provide the Monitoring Officer with a copy of that delegation as soon as reasonably practicable after making the nomination; however, failure to provide the Monitoring Officer with a copy of the delegation will not invalidate it.

- 2.6. The provisions of this Scheme apply not just to the Officer post to whom a power is delegated but also any Officer delegated by them to exercise the power. An Officer making a delegation should seek to draw the provisions of this Scheme to the attention of the Officer to whom the delegation is made.

3. General provisions relating to the exercise of powers by an Officer

- 3.1. Powers in this Scheme are delegated to Officers by reference to their post title and therefore apply to whoever holds that post title at the time a power is exercised. An Officer post may be left vacant, combined and/or the title changed. For the purposes of this Scheme, reference to any post that is vacant, combined with any other post and/or has its name changed shall be construed as referring to the Officer post(s) which for the time being takes on the relevant responsibilities of the original post.
- 3.2. A power set out in one delegation in this Scheme may sometimes overlap with / duplicate another delegation in whole or part. In such a case each can be operated separate from the other and free of any restriction and/or limitation that specifically relates to the other delegation.
- 3.3. A power may be delegated to more than one Officer. The fact more than one Officer has been delegated / nominated the same power does not create any obligation for an Officer to consult with any of the other Officer(s) to whom the power is delegated.
- 3.4. Prior to exercising a power, an Officer should have regard to relevant matters relating to its exercise, including:
- 3.4.1. relevant provisions in the Constitution including the Financial Regulations and the Council Procedure Rules;
 - 3.4.2. any other relevant Council policies and procedures (compliance with some of which is mandatory);
 - 3.4.3. any related resolution / recommendation by or on behalf of the Council;
 - 3.4.4. the desirability of notifying the Leader / any relevant Cabinet Member (having regard to their respective portfolios) of any action which is likely to be contentious or politically sensitive. Where the Council acts as a lead authority or is part of a partnership jointly exercising functions, this could involve consulting with the appropriate Chair or partnership lead instead or in addition to the Leader / any relevant Cabinet Member;
 - 3.4.5. the need to take advice / seek the views of any other person (which might include another Officer or a Councillor) that would be appropriate;

- 3.4.6. ensuring the Monitoring Officer / Chief Financial Officer (as appropriate) are consulted / advised on any potential decision likely to give rise to governance/ financial probity issues;
 - 3.4.7. ensuring appropriate due diligence where this should be undertaken in relation to the exercise of a power;
 - 3.4.8. any risks in accordance with the Council's Risk Management Strategy;
 - 3.4.9. ensuring appropriate liaison / communication on cross service issues;
 - 3.4.10. the need to undertake appropriate consultation where required by legislative provision or it is identified as relevant to the exercise of a power; and
 - 3.4.11. any staffing, legal and financial implications including the need to secure value for money.
- 3.5. Where the proposed exercise of a power is one where the Leader ought to be consulted and the Leader is absent, unavailable or no Leader has been appointed then the Deputy Leader can be consulted. Similarly, in the absence of the Chair of a Committee the Vice-Chair can be consulted. In the absence of a Cabinet Member the Leader could be consulted as an alternative.
- 3.6. Nothing in this Scheme shall prevent an Officer from deciding not to exercise a power and referring it to some other body / Councillor who also has power to exercise it. In deciding whether to refer on a decision an Officer should in particular have regard to any view expressed by the Leader or Executive Member with whom they have liaised in relation to the proposed exercise of the power.
- 3.7. An officer making a delegated decision shall arrange to ensure that an appropriate record is kept and retained in accordance with the decision-making principles and procedures contained within this Constitution.

4. General limitations relating to the exercise of powers by an Officer

- 4.1. Unless a delegation expressly provides otherwise the limitations set out in the Financial Regulations and the Employment Powers apply to every delegation contained in this Scheme.

5. Regulation of Investigatory Powers

- 5.1. Appendix 1 of this Scheme contains provisions relating to the Council's policy under the Regulation of Investigatory Powers Act and the delegation of various powers in relation to it.

6. Proper Officer

- 6.1. Appendix 2 of this Scheme makes provision relating to the identification of various Proper Officers for the purposes of relevant legislative provisions.

7. Member and Officer Indemnities

- 7.1. Appendix 3 of this Scheme set out indemnity provisions adopted by the Council in relation to its Councillors and Officers.

Delegations to All Officers	
Ref	Delegation
1	To act as a witness: <ul style="list-style-type: none"> (a) on behalf of the Council in any proceedings in which the Council is directly involved; and/or (b) where so directed by a court, tribunal, hearing or other inquiry with power so to do; and/or (c) in any other circumstance with the prior written approval of the Monitoring Officer.
2	To undertake all action relevant to that Officer that is required by or identified in the Financial Regulations as applicable to that Officer.
3	To undertake all action relevant to any matter to which an Officer is given a role, power or activity pursuant to any provision set out in the Constitution including any of the appendices to this Scheme.

General Operational Delegation to the Chief Executive	
Ref	Power
4	To undertake all action relating to the operation of any of the Council's services including incurring expenditure from working balances and/or reserves provided that: <ul style="list-style-type: none"> (a) any such action will not result in the overall budget for any individual service being exceeded unless the Section 151 Officer confirms that any overspend can be offset against working balances and/or other service underspends; (b) the Section 151 Officer gives approval; and (c) where they consider it appropriate and feasible to do so, there has been prior consultation with any relevant Chief Officer(s).

General Operational Delegations to each Chief Officer excluding the Chief Executive	
5	To undertake all action relating to the operation of Council's services for which they are responsible in whole or part provided any such action will not result in the overall budgets for which the Chief Officer is responsible in whole or part being exceeded.
6	If at any time the Chief Executive is absent, unavailable or the post of Chief Executive is vacant to exercise any power whether specified in this Scheme or otherwise delegated to any other Officer unless expressly prohibited by law irrespective of whether it relates to a service for which the Chief Officer is responsible.

General Human Resource Delegations to each Chief Officer	
Ref	Power
7	To determine whether to appoint any Officer (excluding the posts of Chief Executive and any Chief Officer) within approved structures and budgets.
8	To exercise the day-to-day management of Officers including matters relating to: <ul style="list-style-type: none"> (a) health and safety; (b) any capability, disciplinary and/or dismissal issue; (c) any grievance issue; and/or (d) any other personnel related issue.

Specific delegations to the Chief Executive	
Ref	Power
9	To undertake all action related to the role of Head of Paid Service.
10	To exercise any power whether specified in this Scheme or otherwise delegated to any other Officer unless expressly prohibited by law.

Emergency	
11	In a situation that they consider to be an emergency, to undertake all action they consider necessary, including: <ul style="list-style-type: none"> (a) incurring expenditure from working balances and/or reserves, (b) to determine whether to take, defend and/or settle any legal proceedings; (c) to make a final determination whether to acquire and/or dispose of building and/or land, <p>subject to consultation with the s151 Officer to the extent they consider it appropriate and feasible, and to notifying any emergency action as soon as reasonable to the Leader. For the purposes of exercising this power, all restrictions and/or limitations in the Employment Powers and in the Financial Regulations including the Financial Powers and the Procurement and Contract Procedure Rules are deemed waived and any decision may be made regardless of whether it is a Key Decision (see Procedure Rules for publication of urgent key decision).</p>

Governance	
12	To determine appointments to any statutory panels.
13	To approve Councillor's attendance at any conference and the payment of any expense or allowance in accordance with the adopted scheme of member allowances as set out in this Constitution.
14	To summon a meeting of the Council.
15	To undertake all action in connection with the arrangement of civic and ceremonial functions.

Human Resource matters	
16	To deal with all matters relating to the paid employment of Council officers.
17	To determine any change to the whole or any part of the employee establishment / structure of the Council including power to incur expenditure subject to prior consultation with the Section 151 Officer.
18	To determine the composition of any panel required to consider any employee issue, subject to consultation with the Officer responsible for Human Resources.
19	To determine the grading and regrading of posts provided that funding for any associated costs is available.
Officer Designations	
20	To designate an Officer as an authorised officer to exercise the Council's powers under any statutory provisions, subject to any legal requirement that Council approval is required.
21	To undertake all action to ensure the effective delivery of the Council's emergency planning function subject to the prior consultation with Section 151 Officer to the extent it will result in expenditure from working balances or reserves.
Operational Decisions	
22	To publish notices as required on behalf of the Council under any legislation except where this is specifically delegated by this Scheme or reserved by law to another Chief Officer or other named Officer.
23	To undertake all action to comply with health and safety legislation including the power to incur expenditure from existing balances or reserves subject to the approval of the Section 151 Officer.
24	To the extent it is not covered by Appendix 2 of this Scheme to be the Proper Officer and the person authorised to carry out any function or action described in: <ul style="list-style-type: none"> (a) any regulations relating to referendums, petitions and/or directions; (b) the Criminal Procedure and Investigations Act 1996 relating to the appointment of Disclosure Officers; (c) any other legislative provision; and/or (d) the Constitution not otherwise specifically delegated to another Officer, including the power to appoint or nominate any other Officer to act.
25	To sign any Council document not otherwise covered by this Scheme.
26	To determine the content and be responsible for any publication scheme (including determining any charges) under freedom of information and/or data protection legislation.
27	Subject to prior consultation with at least one Executive Member, to determine whether to close any of the Council offices for reasons of efficiency around Christmas and New Year or any other bank holiday period.

Proper Officer	
29	To appoint any Officer to be a Proper Officer for the purposes of any function of the Council.

Delegation to each Chief Officer and Duty Gold and Silver Officers in relation to a declared emergency or major incident	
Ref	Power
30	<p>To undertake all action, including committing such resources and suspending any aspect of business as usual as they consider appropriate whether from a service for which they are responsible or otherwise, to meet what they consider to be the Council's responsibilities and duties in relation to a declared emergency or major incident provided that:</p> <ul style="list-style-type: none"> (a) any financial expenditure shall not exceed any relevant limit set out in the Council's Emergency Response Plan; (b) all decisions are made on best advice available to the decision maker at the time and on the basis that the decision is a reasonable one in the circumstances; (c) notification of any decision taken is given to the Leader, the Deputy Leader any relevant Executive Member, the Chief Executive, the Monitoring Officer and the Section 151 Officer as soon as reasonably practicable; and (d) a schedule of decisions is reported as soon as reasonably practicable to a meeting of Cabinet. <p>For the purposes of exercising this power, all restrictions and/or limitations in the Employment Powers and in the Financial Regulations including the Financial Powers and the Procurement and Contract Procedure Rules are deemed waived and any decision may be made regardless of whether it is a Key Decision (see Procedure Rules for publication of urgent key decision).</p>

Delegations to each Chief Officer	
Communications	
31	To determine whether to authorise the release of information or other documentation to the press, any member of the public or external body.
Complaints	
32	To undertake all action in connection with the preparation and issuing of any information and/or response to a complaint against the Council made pursuant to the Council's formal complaints procedure or Ombudsman complaint.
33	<p>To resolve a complaint, including the approval of compensation in respect of:</p> <ul style="list-style-type: none"> (a) any complaint made through the Council's complaint procedure; and/or

	(b) any finding of maladministration by the Local Government and Social Care Ombudsman, including the power to incur expenditure from working balances and /or reserves subject to prior approval of the Section 151 Officer.
34	Subject to prior consultation with the Monitoring Officer to settle any claim or potential claim made by or against the Council in a sum not exceeding £50,000 including power to authorise expenditure from working balances and/or reserves subject to the prior approval of the Section 151 Officer.
Financial	
Please refer to Part 5 (Financial Regulations) of the Constitution for responsibilities, powers and delegations	
Governance	
39	To sign off and/ or approve a report or item to go to any body of the Council and/or any other body of which the Council is part.
Operational Decision Making	
40	To undertake all action to give effect to any decision of or on behalf of the Council.
41	To instruct / appoint and/or authorise any external person (including any consultant) or body (excluding legal professionals) to undertake work and/or act for and/or on behalf of the Council in respect of any matter (including at any legal proceedings, tribunal, hearing, inquiry or similar body) relating to any work undertaken by any service for which the Chief Officer is responsible in whole or part and/or to which they are providing support.
42	To determine whether to enter and to enter into any contract or agreement for works, services and/or supplies, including all terms, provided that: <ul style="list-style-type: none"> (a) any expenditure incurred can be met from a relevant budget; and, (b) the process followed is in accordance with the Procurement & Contract Procedures.
43	To undertake all action relating to any matter arising in respect of any appeal, call-in, inquiry and/or hearing of whatever nature to which the Council is party including: <ul style="list-style-type: none"> (a) to determine any procedural issue and any response to a procedural issue relating to any such matter including the Council's preferred format and venue of any such matter where any discretion exists; and (b) to determine whether or not to defend the whole or any part of the proceedings / Council's reason(s) in respect of which the appeal etc is taking place.
44	To determine whether or not to support a bid by any organisation for any external grant/funding provided that any such support will not result in the overall budget for which the Chief Officer is responsible being exceeded.

45	To enter into an agreement with any voluntary agency, charity or public sector organisation, where the Council has or is proposing to offer financial and/or other assistance to that body, provided that no agreement shall commit the Council to utilise resources that are not available for this purpose and there is relevant insurance provision in place.
46	To determine the terms of and enter into agreements with any organisation to place staff at the disposal of that organisation.
47	To administer the supply of goods, works and/or services to any external person/body.
48	To undertake all action in connection with any application to the Council for a grant in respect of which they have been given a budget provided that any expenditure incurred can be met from that budget.
49	To determine whether and how to respond on behalf of the Council to any local, county, sub-regional, regional or national consultation on matters affecting the Council subject to prior consultation with an Executive Member where it relates to an Executive function.
50	To determine whether to approve (with or without modification) or refuse any draft plan and/or strategy for public consultation subject to prior consultation with an Executive Member (where it relates to an Executive Function) and to undertake all action associated with any such public consultation.
51	To determine whether to enforce and to take any steps to enforce the terms of any agreement, contract, licence, lease or any other legal instrument to which the Council is a party.
52	To: <ul style="list-style-type: none"> (a) make any planning application and/or any other application under any Town and Country Planning Legislation provided that in both cases: <ul style="list-style-type: none"> (i) there is prior consultation with the Chief Operations Officer; and (ii) no such application will result in the overall budgets for which the Chief Officer is responsible being exceeded; and /or (b) provide a consultation response to any application under any Town and Country Planning Legislation.
53	In respect of any application submitted to the Council to undertake all action in relation to: <ul style="list-style-type: none"> (a) its administration and processing; (b) its determination; and or (c) the administration, processing and determination of any matter consequent on any permission, consent, approval and/or other determination resulting from any such application.

54	<p>To undertake all action for the purpose of investigating and/or enforcing (including authorising any court proceedings) any:</p> <ul style="list-style-type: none"> (a) actual, perceived or potential breach of any statutory provision; and/or (b) consent, authorisation, permit, registration, certificate, license, notice, order, permission or other document of a similar nature (including any condition, obligation, restriction, limitation or any other provision) given, issued or made by the Council, <p>provided that court proceedings should only be authorised after prior consultation with the Monitoring Officer</p>
55	<p>To undertake any inspection of land and/or buildings and/or exercise any related powers of entry including power to undertake all action as a consequence of the inspection but excluding authorising the initiation of any formal court proceeding unless there has been prior consultation with the Monitoring Officer.</p>
56	<p>To undertake all action in connection with the issuing and serving of any notice for the purposes of securing information relating to any function of the Council, including any notice:</p> <ul style="list-style-type: none"> (a) under Local Government (Miscellaneous Provisions) Act 1976; and (b) relating to any town and country planning function of the Council.
57	<p>To issue any licence or control any registration of persons or premises on behalf of the Council under any legislation except where this is specifically reserved by law to a specific Chief Officer or other named Officer.</p>
58	<p>To authorise any Officer that they consider appropriate:</p> <ul style="list-style-type: none"> (a) to carry out any inspection and/or examination; (b) to carry out any action arising during and/or out of any inspection and/or examination (including analysis, certification, checking, destruction, detention, measurement, purchasing, sampling, seizure and/or testing); (c) to exercise any power of entry available to the Council; (d) to issue any document relating to an inspection and/or examination including any notice; (e) to serve any document; (f) to undertake any work in default and/or supervision or management of such work; (g) to undertake any enforcement activity; and/or (h) to seek a warrant, <p>provided that in all cases the Chief Officer believes that any cost associated with the authorisation can be met from within their existing budget and/or the prior approval of the Section 151 Officer is obtained.</p>

59	To appoint/authorise any Officer and any other person undertaking any task for or on behalf of the Council to be: (a) an inspector; (b) an authorised officer; and/or (c) an enforcement officer, including power to authorise any such Officer /person to undertake all action relevant to the performance of such a role in relation to any service and/or function of the Council.
60	To undertake all action in connection with any fixed penalty notice, including: (a) to determine any relevant content; and/or (b) to determine whether or not to issue a notice, but excluding authorising the initiation of any formal court proceedings.
61	Subject to prior consultation with the Monitoring Officer to determine whether to issue a caution of whatever nature as an alternative to undertaking any prosecution.
62	To authorise and take action to secure a warrant.
63	To monitor, store, archive and/or destroy Council documentation provided this accords with the Council's relevant document retention and destruction policies.
64	To undertake all action in connection with the receipt of any expression of interest in relation to the community right to challenge. This power includes the power to receive and validate any expression of interest, provided that: (a) in making a decision whether to accept or reject an expression of interest there has been prior consultation with appropriate Executive Members and applicable ward councillors; and (b) the expression of interest is reported to Full Council / in accordance with Executive arrangements within three months of receipt.
65	To undertake all action in connection with a request for the release of information pursuant to: (a) any freedom of information legislation; (b) any environmental information legislation; (c) any data subject access request; and/or, (d) any other legislation.
66	To undertake all action relating to the entering into of any short-term lease and/or letting arrangement in respect of any land or building for a term not exceeding 6 months including the agreement of any terms associated with such an arrangement provided that: (a) they consider it is necessary in relation to the discharge of a function; and (b) any cost associated with any such transaction can be met from within existing budgets for which the Chief Officer is responsible.
People Management	

67	To determine changes to the number and distribution of posts for which they are responsible subject to financial provision for the current and future years being available. Where changes are proposed to the Chief Officer structure a report to the Chief Executive will be required before any such changes are implemented. All other changes to structures remain delegated to Chief Officers.
68	To determine changes to the grading of posts taking account of job evaluation outcomes for posts covered by job evaluation schemes provided that funding for any associated existing and future cost is available and any such change does not conflict with the Employment Powers.
69	To determine whether to make an individual's post redundant, or agreeing to an individual's early retirement, subject to: <ul style="list-style-type: none"> (a) the approval of the relevant committee in respect of the award of discretionary payments in cases which involve the early introduction of pension benefit where this is required by any relevant HR policy; (b) funding associated with any redundancy payment being available; and (c) this does not conflict with the Employment Powers.
70	To determine whether to authorise and sign an identity card of, any Officer (including any inspector, authorised officer, enforcement officer and/or other person undertaking work for or on behalf of the Council) necessary for the proper performance of that Officer's duties.
RIPA	
71	To exercise the role of authorising officer and designated person as set out in Appendix 1.
Signing Documents	
72	To: <ul style="list-style-type: none"> (a) sign any document; and / or (b) affix and attest the Council seal to any order, deed or other document, to give effect to any decision of or on behalf of the Council.
Urgency	
73	In any case that they consider to be urgent, to undertake all action for the purposes of discharging any function and/or delivering any service (including power to authorise the seeking of an injunction / progressing an action for contempt), provided that: <ul style="list-style-type: none"> (a) there is prior consultation with the Monitoring Officer; (b) there is consultation with such Executive Member or Chair of an appropriate Committee as they consider is appropriate in the time available; and, (c) to the extent it will incur expenditure from working balances and/or reserves, there is the prior approval of the Section 151 Officer. For the purposes of exercising this power, all restrictions and/or limitations

	<p>in the Employment Powers and in the Financial Regulations including the Financial Powers and the Procurement and Contract Procedure Rules are deemed waived and any decision may be made regardless of whether it is a Key Decision.</p> <p>Any action taken in this way shall be reported to the next meeting of Cabinet and Full Council.</p>
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Specific delegations of particular relevance to the Section 151 Officer / Director - Finance

Please refer to Part 5 (Financial Regulations) of the Constitution for responsibilities, powers and delegations

Specific delegations of particular relevance to the Monitoring Officer / Director – Law and Governance

Ref	Delegation
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Councillor

108	In accordance with any Council scheme and/or policy (if any) to determine whether to authorise the payment of any member allowance and/or expense.
109	Subject to consultation with Chair of Council to determine whether to approve any expenditure on civic hospitality.
110	To authorise any Councillor attendance at a conference, session and/or workshop.

Governance

111	To undertake all action in connection with the provision of reasons and responses to representations in relation to the holding of private meetings.
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Legal

112	To authorise, institute, defend, appear in and settle any legal proceedings or possible legal proceedings (including any appeal, review of similar proceedings against any action or proceedings in any tribunal, inquiry, hearing or other forum of legal proceedings) by or on behalf of the Council, together with power to undertake all preliminary or further work as they consider appropriate.
113	To authorise any officer of the Council to appear in any court or tribunal.
114	To instruct/appoint and/or authorise any person (including counsel and/or any consultant) or body to undertake work and/or act for and/or on behalf of the Council in respect of any legal issue (including any legal proceedings, tribunals, hearings and/or inquiries) relating to the Council including whether to outsource any legal work.

115	Subject to such initial prior consultation with a person from the Estates Unit as they consider appropriate to undertake all action in respect of any trespass on Council owned land including action to secure the cessation of the trespass and/or to seek to prevent its recurrence.
116	To undertake all action in connection with the preparing and/or issuing of any: <ul style="list-style-type: none"> (a) licence, lease, transfer and/or, conveyance concerned with the acquisition and/or disposal of any interest in land or property; and/or (b) easement and/or wayleave, including in consultation with the Estates Unit, determining any rent level, fee and all other terms associated within any such document.
117	To undertake all action in connection with the preparing and/or issuing of any contract, notice, order, permit, certificate, requisition or other document including any: <ul style="list-style-type: none"> (a) byelaw; (b) contract relating to the supply of any good and/or service; (c) order for the control of drinking in public places and/or a public spaces protection order; (d) notice and/or order relating to any vehicle; (e) stop notice; (f) temporary stop notice; (g) road closure; and (h) application for late night shopping.
118	To undertake all action in connection the recovery of any actual or perceived proceeds of crime, whether under the powers of the Proceeds of Crime Act 2002 or otherwise, including any necessary preliminary and subsequent action to secure and then progress the outcome of any determination, provided that there is initial consultation with an Executive Member as to whether or not to pursue any related application.
119	In consultation with such Chief Officers as they consider appropriate (if any) to determine whether to accept or reject (and whether or not subject to conditions) any purchase notice served on the Council pursuant to any Town and Country Planning Legislation if a decision is required before the next normal meeting of a councillor body with power to determine such matters.
120	To determine whether to issue or withhold any consent or approval under the terms of any lease, conveyance or other document including power to determine whether or not to issue any certificate or other document in relation to the provisions of any planning obligation together with power to undertake all actions to give effect to and as a consequence of any determination.
Monitoring officer	
121	To exercise all statutory powers of the monitoring officer of the Council.

122	To determine whether to grant a dispensation in respect of any disclosable pecuniary interest or other registerable interest.
123	To: <ul style="list-style-type: none"> (a) dismiss any such complaint that is trivial or concerns conduct that would not be a breach of the relevant Council's code of conduct; and/or (b) to refer any complaint concerning a failure to disclose a disclosable pecuniary interest to the police without further reference.
Referendums	
124	To make arrangements for (including the holding of) any referendum.
Registers	
125	To determine any application to amend the register of common land and town and village greens (except applications to register or de-register land as common land and town and village greens).
Signing and Sealing	
126	To sign and issue any certificate confirming the Council's power to enter into a contract where this is legally required.

Specific Delegations of particular relevance to the Chief Operations Officer	
Ref	Power
General	
127	To undertake all action relating to: <ul style="list-style-type: none"> (a) the acquisition or disposal of any land or building; and/or (b) any grant and/or termination of any lease or licence for any land or building; (c) any other transaction associated with any land or building, provided that in all cases: <ul style="list-style-type: none"> (i) the sum of money associated with any such acquisition, disposal or other transaction (including termination) does not exceed £500,000; and (ii) all costs associated with any such transaction can be met from within a budget available for such purposes.
Highways / public rights of way / public access	
128	To undertake all action relating to the regulation of highways, public rights of way and/or public access including: <ul style="list-style-type: none"> (a) the processing, administration and determination of any application or request arising in relation to any such matter; and /or (b) the making of any order relating to any highway, public right of way and/ or public access in the area of the Council including any order under: <ul style="list-style-type: none"> (i) the Highways Act 1980; and/ or

	(ii) the Road Traffic Regulation Act 1984.
Licensing	
129	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Licensing Act 2003 including power to determine whether a representation is a “relevant representation” for the purposes of the Act, but excluding any matter whether by virtue of section 10 Licensing Act 2003 or otherwise cannot be discharged by an Officer.*
130	To undertake all action in connection with the submission of any scheme, details and/or other matter pursuant to any licence, notice, permission, consent, approval or other determination issued by or on behalf of the Council pursuant to the Licensing Act 2003 or the Gambling Act 2005.*
131	To prepare and issue reports on behalf on the Licensing Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*
132	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Gambling Act 2005 including power to determine whether a representation is a “relevant representation” for the purposes of the Act, but excluding any matter whether by virtue of section 154 Gambling Act 2005, section 10 Licensing Act 2003 (as it applies to the Gambling Act) or otherwise cannot be discharged by an Officer.*
<p>* Delegations to Officers in relation to the Licensing Act 2003 and the Gambling Act 2005 rest with the Licensing Committee.</p> <p>For the avoidance of doubt:</p> <p>(a) references to the Licensing Act 2003 and the Gambling Act 2005 include any regulations, directions and/or other orders made pursuant to either of them; and</p> <p>(b) all interpretation and other provisions set out in the Introduction and General provisions sections at the start of the Officer Scheme of Delegations shall apply equally to these delegations including powers relating to nomination.</p>	
Planning	
133	In undertake all action relating to any matter arising in relation to any Town and Country Planning Legislation including in respect of any application submitted to the Council under any Town and Country Planning Legislation power to undertake all action in relation to: <p>(a) the administering and processing of any such application including: <p>(i) any application submitted wholly or partly under section 73 and/or section 73A of the Town and Country Planning Act</p> </p>

	<p>1990;</p> <p>(ii) any application for listed building consent;</p> <p>(iii) any application for permission in principle and/or technical detail consent;</p> <p>(iv) any reserved matter application; and/or</p> <p>(v) any certificate of lawful use,</p> <p>(b) the determination of any such application including whether to require / impose any condition, obligation, limitation and/or any other restriction and/or requirement in respect thereof but excluding the determination of any such application that is expressly identified as being the responsibility of the Planning Committee in Part 3, Section 2 of the Constitution; and/or</p> <p>(c) the administration, processing and determination of any matter consequent on any permission, consent, approval and/or other determination arising from such an application including determining any information provided pursuant to any condition or obligation.</p>
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Specific Delegations of particular relevance to the Corporate Director – Children’s Services

Ref	Power
134	To be the director of children’s services for the purposes of exercising all functions identified in section 18 of the Children Act 2004 and any relevant regulations which must or may be made the responsibility of that post including power to undertake all action in relation not all such functions
135	To determine whether to approve any school governor appointment for which the Council has responsibility.

Specific delegations of particular relevance to the Shared Director of Public Health

Ref	Power
136	To be the statutory director of public health for the purposes of exercising all functions identified as being the responsibility of that post in section 73A of the National Health Service Act 2006 and any relevant regulations.
139	To determine any expenditure from the Public Health Grant.
140	In addition to the delegated powers above, the Shared Director of Public Health shall also have all delegated powers given to that post by Dorset Council.

Appendix 1 - Regulation of Investigatory Powers Act 2000 (RIPA)

1. Introduction

- 1.1. The Council maintains a RIPA policy that includes identification of Officers employed within the Council appointed to roles identified with that policy. Officers appointed to such roles have power to undertake all action ascribed to those roles in any relevant legislation and any policy adopted by the Council in relation to RIPA.
- 1.2. Notwithstanding any other provision in this Scheme an Officer who is identified in any relevant RIPA policy to authorise surveillance cannot nominate any other Officer to exercise the power on their behalf.

2. Delegations

- 2.1. Any Officer employed by the Council or any partner of the Council who is appointed to undertake the role of RIPA Officer on behalf of the Council shall have power to undertake all action to update the RIPA policy at any time to reflect changes to Officers appointed to roles within the RIPA policy.
- 2.2. In the absence of any Officer being identified in a RIPA policy to authorise surveillance the following Officers shall be able to exercise such a power to the extent identified.

<u>Post</u>	<u>Purpose of Authorisation</u>
Chief Executive	All purposes (including where there is a likelihood of acquiring confidential information)
Monitoring Officer	All purposes (including but only in the absence of the Chief Executive where there is a likelihood of acquiring confidential information)
Chief Operations Officer	All purposes for services for which they are wholly or partly responsible (but excluding where there is a likelihood of acquiring confidential information)

Appendix 2 - Proper Officer

1. Proper Officer Functions

- 1.1. Various legislative provisions provide for certain functions to be performed by a “Proper Officer”. The table below sets out Officers appointed as “Proper Officer” for the different identified purposes.
- 1.2. For the purposes of interpreting the table, where:
 - 1.2.1. more than one Officer is identified, then the first named Officer shall have primary responsibility to act as Proper Officer; however, the other named Officers may still act for and on behalf that person as Proper Officer including in particular when the first named Officer is absent or is for any other reason unable to perform the role at the appropriate time; and
 - 1.2.2. the legislation identifies the need to make proper arrangements the Officer identified shall have the primary responsibility for seeking to secure such arrangements.
- 1.3. In the absence of an Officer being identified as a Proper Officer for any specific provision then the Chief Executive shall be the Proper Officer in respect of that provision provided that, unless the law otherwise requires, the Chief Executive may at any time appoint another Officer to be the Proper Officer for the purpose of any function.
- 1.4. To the extent that any Officer is nominated or delegated the exercise any power relating to a Proper Officer function whether by way of express or by virtue of the exercise of any provision in the Constitution then that Officer shall be deemed to be appointed as a Proper Officer for the purposes of that function whether or not that Officer is also identified as being such a Proper Officer in the table below but subject as may be provided for in any such nomination or delegation.

Legislative provision	Function	Proper Officer
Registration Service Act 1953		
All	All Proper Officer purposes identified in the legislation	Director of Law and Governance; Chief Executive
Local Government Act 1972		
Section 13	Parish Meeting	Chief Executive
Section 83	Witness and receipt of Declaration of Acceptance of Officer	Chief Executive; Director of Law and Governance
Section 84	Resignation of mayor	Chief Executive

Legislative provision	Function	Proper Officer
Section 88	Arranging a Council meeting to appoint the Mayor	Chief Executive
Section 89	Notice of casual vacancy in office of councillor	Chief Executive; Director of Law and Governance
Section 100(B) (2)	Designation of reports "not for publication" to the press and public	Chief Executive All Tier 2 and Tier 3 officer posts
Section 100(B) (7)	Supply of copies of documents	Director of Law and Governance
Section 100(C)	Written summary of the proceedings at Committees and Sub-Committees	Director of Law and Governance
Section 100(D)	Background papers	Chief Executive All Tier 2 and Tier 3 officer posts
Section 100(F)	Exempt information	Chief Executive All Tier 2 and Tier 3 officer posts
Section 115	Receipt of money due from officers	Section 151 Officer
Section 137A	Provision of report or accounts	Section 151 Officer
Section 146	Declarations and certificates with regard to transfer of securities	Section 151 Officer
Section 151	Proper administration of the Council's financial affairs	Section 151 Officer
Section 191	Officer to whom an application under s1 of the Ordnance Survey Act 1841 will be sent	Chief Executive
Section 225	Deposit of documents	Chief Executive All Tier 2 officer posts
Section 229	Certification of photographic copies of documents	Director of Law and Governance; Chief Executive and all other Tier 2 officer posts
Section 234	Signing/ Authentication of Documents	Director of Law and Governance; All other Tier 2 officer posts
Section 236	Sending of byelaws	Director of Law and Governance;
Section 238	Certification of byelaws	Director of Law and Governance
Section 248	The roll of Freeman	Chief Executive; Director of Law and Governance
Schedule 12	Issues relating to Council meetings	Chief Executive;

Legislative provision	Function	Proper Officer
		Director of Law and Governance and any other person identified for such purpose in the Constitution
Schedule 14	Certification of resolution for legal proceedings	Director of Law and Governance
Local Government Act 1974		
Section 30	Receipt of Ombudsman reports	Director of Law and Governance; Chief Executive
Local Government (Miscellaneous Provisions) Act 1976		
Section 41(1)	Certify copies of evidence of resolutions and minutes of proceedings	Director of Law and Governance
Rent Agriculture Act 1976		
Schedule 4	Provision of certificate of alternative accommodation	Chief Executive and all Tier 2 officer posts
Rent Act 1977		
Schedule 15 Part (iv)	Provision of certificate of suitable alternative accommodation	Chief Executive and all Tier 2 officer posts
Representation of the People Act 1983		
All	All Proper Officer purposes identified in the legislation	Chief Executive
Public Health (Control of Disease) Act 1984		
All	All Proper Officer purposes identified in the legislation	Chief Operations Officer
Building Act 1984		
Section 78	Giving of notice and taking such steps as are necessary to remove danger in respect of any dangerous building or structure	Chief Operations Officer Director of Law and Governance
Local Government and Housing Act 1989		
Section 2	Deposit of list of politically restricted posts	Corporate Director - Resources
Local Government (Committees and Political Groups) Regulations 1990		
All	All Proper Officer purposes identified in the legislation	Chief Executive; Director of Law and Governance; Head of Democratic Services

Legislative provision	Function	Proper Officer
Local Authorities (Standing Orders) (England) Regulations 2001		
All	All Proper Officer purposes identified in the legislation	Chief Executive Corporate Director - Resources
Local (Principal Area) (England and Wales) Rules 2006		
All	All Proper Officer purposes identified in the legislation	Chief Executive; Director of Law and Governance; Head of Democratic Services
Localism Act 2011		
Section 33	Grant of dispensation	Officer appointed to the post of Monitoring Officer; Chief Executive

Appendix 3 - Councillor and Officer indemnities

1. Interpretation

1.1. For the purpose of these indemnities and undertaking:

- 1.1.1. "Criminal proceedings" includes any interview or investigation by the Police, and any proceedings before a criminal court in the United Kingdom;
- 1.1.2. "Councillor" means an elected councillor of the Council at the time of any neglect, act, error or omission;
- 1.1.3. "failing to act" / "failure to act" / "failure" (or any similar phrase) includes any failure to act and/or any omission;
- 1.1.4. "Officer" means a person employed by the Council at the time of the neglect, act, error or omission, but does not include a person undertaking work for the Council through an agency or a person performing a service under a contract with the Council for the provision of that service other than a contract of employment directly with the Council; and
- 1.1.5. in relation to a Councillor or Officer acting or failing to act "in their capacity as a Councillor or Officer of the Council" means any action and/or failure to act which:
 - a) was authorised by the Council; and/or
 - b) formed part of, or arose from any powers conferred, or duties placed, upon the Councillor or Officer, as a consequence of any function being exercised by that Councillor or Officer (whether or not when exercising that function they did so as a Councillor or Officer of the Council):
 - i. at the request of, or with the approval of the Council; and/or
 - ii. for the purposes of the Council,

including in either case:

- c) where the Councillor or Officer in question at the time when they acted and/or failed to act:
 - i. reasonably believed that the action, or failure to act, was within the powers of the Council; and/or
 - ii. where the action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the Council, or any

statement that certain steps had been taken and/or requirements fulfilled, the Councillor or Officer reasonably believed that the contents of that statement was true; and/or

- d) any action and/or omission beyond the power of the Councillor or Officer in question but only to the extent that the Councillor or Officer reasonably believed the act and/or omission was within their powers at the time when they acted.

- 1.2. These indemnities and undertakings shall apply during a Councillor's term of office or an Officer's employment by the Council, to any act or failure to act and shall continue to apply after the Councillor or Officer has ceased to be a Councillor or Officer of the Council.

2. Indemnity for loss or damage

- 2.1. Subject to the provisions in paragraph 3, the exclusions in paragraph 4 and to the terms in paragraph 5, the Council will indemnify all its Councillors and Officers against any loss or damage suffered by a Councillor or Officer (including any award of costs and/or damages against the Officer or Councillor), in relation to any action of and/or failure to act by the Councillor or Officer in question in their capacity as a Councillor or Officer of the Council.

3. Indemnity for civil and criminal proceedings

- 3.1. The Council will, subject to paragraphs 3.2, 3.3 and 3.4 and to the exclusions and terms in paragraphs 4 and 5, indemnify all its Councillors and Officers against the reasonable costs which they may incur in securing appropriate legal advice and representation in respect of any actual or prospective civil or criminal proceedings arising from their act or failure to act in their capacity as a Councillor or Officer of the Council.
- 3.2. The indemnity in paragraph 3.1 applies for the defence of defamation proceedings by a Councillor and Officer subject to the alleged statement being made in the Councillor's capacity as a Councillor of the Council or the Officer's capacity as an Officer of the Council; but not for the bringing of defamation proceedings.
- 3.3. The indemnity in paragraph 3.1 is subject to a condition that if the Councillor or Officer is convicted of a criminal offence in consequence of such proceedings and the conviction is not overturned on appeal, the Councillor or Officer shall reimburse the Council for any sums expended by the Council under this indemnity in relation to those criminal proceedings and the Councillor or Officer shall, if required by the Council, sign an agreement confirming this before the release of any money by the Council provided that for the avoidance of doubt that in such a case the indemnity will continue to apply in relation to any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.

- 3.4. Where an act or failure to act occurred not in relation to the discharge of any function or purported function of the Councillor or Officer as a Councillor or Officer of the Council but in their capacity or purported capacity as a councillor or officer of another organisation then the indemnity shall only apply where the Councillor or Officer was, at the time of the act or failure to act, a councillor or officer of that organisation as a result of:
- 3.4.1. their appointment by the Council; or
 - 3.4.2. their nomination to that organisation by the Council, or
 - 3.4.3. the Council formally accepting an invitation for a Councillor and/ or Officer to be appointed to that organisation,
- and in all such cases that organisation has not itself secured adequate insurance for the benefit of the Councillor or Officer that is available to and would cover the Councillor or Officer for the act or failure to act.

4. Exclusions

- 4.1. These indemnities will not include loss or damage directly or indirectly caused by or arising from:
- 4.1.1. any criminal offence (to the extent as provided for in paragraph 3.3 above), fraud or other deliberate wrongdoing or recklessness by the Councillor or Officer; and/or
 - 4.1.2. any act or failure to act by the Councillor or Officer otherwise than in their capacity as a Councillor or Officer (save where the Councillor or Officer is acting for another organisation as provided for in paragraph 3.4 above); and/or
 - 4.1.3. any motor vehicle claim in which an Officer or Councillor has used their own private vehicle on the Council's business; and/or
 - 4.1.4. an Officer defending or resisting any potential or actual disciplinary action taken by the Council against that Officer; and/or
 - 4.1.5. failure by the Councillor to comply with the Council's Code of Conduct for Councillors.

5. Terms

- 5.1. These indemnities will not apply if a Councillor or Officer, without the express permission of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim.
- 5.2. In the event that a Councillor or Officer is threatened with civil or criminal proceedings, the Councillor or Officer must as soon as reasonably practicable inform the Head of Paid Service and the Monitoring Officer and follow such reasonable instructions as may be given.
- 5.3. These indemnities shall not extend to any challenge or other claim against any decision of the Section 151 Officer and/or Monitoring Officer and/or the Council and/or the Council's insurers made pursuant to the provisions of these indemnities.

- 5.4. The indemnity will not automatically apply to any appeal or other challenge against the outcome of any claim or other proceedings unless in the opinion of the Monitoring Officer any such appeal or other challenge has a reasonable chance of success.
- 5.5. Where the Council arranges insurance to cover its liability under these indemnities references to the Council in these indemnities shall where appropriate include references to its insurer.
- 5.6. The Council or its insurers will be entitled to take over and conduct in the name of the Officer or Councillor the defence of any claim or other proceedings brought against the Officer or Councillor.
- 5.7. The Council undertakes not to sue (or join in action as co-defendant) an Officer or Councillor in respect of any negligent act or failure to act by the Officer or Councillor in their capacity as an Officer or Councillor subject to the following exceptions:
 - 5.7.1. any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the Officer or Councillor; or
 - 5.7.2. any act or failure by the Officer or Councillor otherwise than in their capacity as an Officer or Councillor of the Council (other than an act and/or failure to act where the Councillor or Officer was acting for another organisation as provided for in paragraph 3.4 above).
- 5.8. The above indemnities and undertaking shall be without prejudice to the right of the Council:
 - 5.8.1. to take action against the Councillor for a breach of the Code of Conduct for Councillors or the breach of any other locally adopted protocol or policy; or
 - 5.8.2. to take disciplinary action against an Officer in respect of any neglect, act, error or omission.

6. Co-opted Councillor

- 6.1. The above indemnities and undertakings may be extended to apply to any co-opted Councillor on a case-by-case basis if the Council so determines.

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PART 4
PROCEDURE RULES

PART 4A

ACCESS TO INFORMATION PROCEDURE RULES

A. Access to Information Procedure Rules

1. Interpretation

1.1. In these Procedure Rules:

- 1.1.1. references to 'the Council' means 'Full Council', unless otherwise stated;
- 1.1.2. references to 'committees' includes 'committees and boards' unless otherwise stated;
- 1.1.3. references to 'sub-committees' includes 'sub-committees, working groups, panels and forums' unless otherwise stated;
- 1.1.4. references to the serving of notice to 'Monitoring Officer' shall, unless otherwise stated, include notice to 'Democratic Services'; and
- 1.1.5. references to 'Rules' means these Procedure Rules, unless otherwise stated.
- 1.1.6. unless otherwise required by law, references to 'copies of documents being made available for for public inspection' means the publication online or sent electronically upon request.

2. Scope

These Rules apply to all meetings of the Council, its Committees and Sub-Committees and to public meetings of the Cabinet (together referred to as "meetings").

3. Additional Rights to Information

These Rules do not affect any other specific rights to information contained elsewhere in this Constitution or otherwise provided by law.

4. Rights to Attend and Report upon Meetings

- 4.1. Members of the public may attend all public meetings subject to the exceptions contained in these Rules.
- 4.2. Members of the press and public are also entitled to film, audio record and report on meetings of the Council, Committees and Cabinet, except in circumstances where the public have been excluded in accordance with this Constitution or as permitted by law. Any such filming, audio recording or reporting shall be in accordance with any guidelines published by the Council on its website or made available at the meeting.

5. Notice of Meetings

The Council shall ordinarily give at least five clear working days' notice of any meeting by publicising a copy of the official notice on the Council's website and at the Council's main office.

6. Agenda and Supporting Papers - Rights of Access

- 6.1. The Council shall ordinarily make copies of the agenda and supporting papers for non-confidential business open to the public available for inspection on the Council's website, at least five clear working days before the meeting.
- 6.2. Where an item is added to an agenda at a later date and the report is open to the public, a revised agenda will ordinarily be made available for inspection, together with any supporting papers, as soon as possible.
- 6.3. The Council will as far as possible, supply to any member of the public on request (and subject to payment to the Council of a charge for postage and any other costs), copies of any agenda and reports which are open to public inspection, and if the Monitoring Officer thinks fit, copies of any further documents supplied to Councillors relating to that item.

7. Access to Decision Records, Minutes, Agenda and Supporting Papers after a meeting

- 7.1. The Council will make electronically available, for a period of six years from the date of the meeting:
 - 7.1.1. the minutes of the meeting where, under these Rules or the Constitution, minutes are required to be made, excluding any part of the minutes relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed;
 - 7.1.2. the records of decisions taken, together with reasons by the Cabinet, excluding any part of the record relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed;
 - 7.1.3. where information relating to a decision is not considered in public, a summary of the proceedings to provide a reasonably fair and coherent record, excluding any information which is of a confidential or exempt nature; and
 - 7.1.4. reports relating to items which were considered when the public were entitled to be present.

8. Background Documents

- 8.1. Background Documents are those documents which relate to the subject matter of the report which in the opinion of the Monitoring Officer:
 - 8.1.1. relate to the subject matter of the item in question;
 - 8.1.2. disclose any facts or matters on which the report or an important part of it has been based; and
 - 8.1.3. has been relied upon to a material extent in preparing the agenda item.

- 8.2. The requirements in Rule 8.1 of this Part 4A do not apply to or include any published works or any document in whole or in part which would disclose confidential or exempt information.
- 8.3. Background Documents which have been made available for public inspection will continue to be available for a period of four years from the date the decision is made, including those made by an individual Councillor or Officer.

9. Definition of Confidential and Exempt Information

9.1. Confidential Information

Confidential Information means information supplied or given to the Council by a Government department on terms which forbid the disclosure of the information to the public or information which cannot be disclosed to the public by or under any enactment or by the order of a Court.

9.2. Exempt Information

Exempt Information means information falling within the following categories (subject to any qualification listed at Rule 9.3 of this Part 4A):

- 9.2.1. information relating to any individual;
- 9.2.2. information which is likely to reveal the identity of an individual;
- 9.2.3. information relating to the financial or business affairs of any particular person (including the authority holding that information);
- 9.2.4. information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority;
- 9.2.5. information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
- 9.2.6. information which reveals that the authority proposes:
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment; and
- 9.2.7. information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

9.3. Exempt Information – Qualifications

- 9.3.1. Information falling within the categories set out in Rule 9.2 of this Part 4A is not exempt information if it is required to be registered under:
 - a) the Companies Acts (as defined in Section 2 of the Companies Act 2006);

- b) the Friendly Societies Act 1974;
- c) the Friendly Societies Act 1992;
- d) the Co-operative and Community Benefit Societies Act 2014;
- e) the Building Societies Act 1986; or
- f) the Charities Act 2011.

9.3.2. Information is not exempt information if it relates to proposed development for which the Local Planning Authority may grant itself planning permission or permission in principle pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

9.3.3. Information which:

- a) falls within any of the descriptions referred to in Rule 9.2 of this Part 4A; and
- b) is not prevented from being exempt by the previous two qualifications is exempt information if having considered all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10. Exclusion of the Public from Meetings

10.1. Confidential Information – Requirement to Exclude

The public will be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the proceedings, that Confidential Information, as described in Rule 9.1 of this Part 4A will be disclosed.

10.2. Exempt Information – Discretion to Exclude

The public may be excluded from a meeting where it is likely that Exempt Information will be disclosed, as described in Rule 9.2 of this Part 4A.

11. No public right of access to agenda papers

The Monitoring Officer, where they consider it necessary, may refuse access by the public to any agenda or supporting papers which in their opinion relate to items during which, in accordance with Rule 7 above, the meeting is likely not to be open to the public. Any such papers will be clearly marked “Not for Publication” and will contain the category of information to be disclosed as set out in Rule 9.2 of this Part 4A. Similar provisions apply to the disclosures of documents related to decisions of the Council, including the Cabinet.

12. Application of these Rules to the Cabinet

Rules 13 to 22 of this Part 4A will apply only to the Cabinet and any Committees or Sub-Committees which it may establish from time to time.

13. Procedure before taking a Key Decision

13.1. Subject to Rule 15 (General Exception) or Rule 16 (Special Urgency) of this Part 4A, a Key Decision cannot be taken unless:

- 13.1.1. a notice ("the Forward Plan") has been published in connection with the matter in question and made available to the public;
- 13.1.2. at least 28 clear calendar days have elapsed since publication of the Forward Plan; and
- 13.1.3. where the decision is to be taken at a meeting of the Cabinet, including a Committee or Sub-Committee of the Cabinet, public notice of the meeting has been given under Rule 5 above.

14. The Forward Plan

14.1. The Forward Plan will be prepared on behalf of the Leader on a monthly basis to cover the 12-month period beginning with the first day of any month. The Forward Plan will be rolled forward and published each month to cover the 12-month period beginning again with the new date of publication. There will be instances where it is impracticable to include an item in the Forward Plan. In this case Rule 15 (General Exception) or Rule 16 (Special Urgency) of this Part 4A will apply.

14.2. The Forward Plan will contain such matters as the Leader has reason to believe will be Key Decisions to be taken by the Leader, the Cabinet, a Portfolio Holder, a Committee or Sub-Committee of the Cabinet, an Officer in the course of the discharge of a Cabinet function during the period covered by the Forward Plan.

14.3. The Forward Plan will describe in respect of each matter, the following particulars:

- 14.3.1. the matter relating to the decision to be made;
- 14.3.2. the name and title of the decision taker if an individual, or the name and details of the membership where the decision taker is a body;
- 14.3.3. the date on which, or the period within which, the decision will be taken;
- 14.3.4. the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- 14.3.5. the means by which any such consultation is proposed to be undertaken;

- 14.3.6. the steps any person might take to make representations to the Cabinet or decision taker about the matter before the decision is made, and the date by which those steps must be taken;
 - 14.3.7. a list of the documents to be submitted to the decision taker for consideration in relation to the matter;
 - 14.3.8. the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
 - 14.3.9. that other documents relevant to the matter may be submitted to the decision taker; and
 - 14.3.10. the procedure for requesting details of those documents (if any) as they become available.
- 14.4. Where in relation to any matter where the public may be excluded from a public meeting under Rule 10 of this Part 4A, or documents relating to the decision need not be disclosed to the public, the Forward Plan must contain the particulars of the matter, but may not contain any Confidential Information or Exempt Information.

15. General Exception for Key Decisions

- 15.1. If a matter which is likely to be a Key Decision has not been included in the Forward Plan then, subject to Rule 16 (Special Urgency) of this Part 4A, the decision may still be taken if the following apply:
- 15.1.1. the decision has to be taken by such a date that it is impracticable to defer the decision until it can be included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
 - 15.1.2. the Monitoring Officer has informed by way of Notice in writing the Chair of the Overview and Scrutiny Board, or if there is no such person, each member of that Board of the matter to which the decision is to be made;
 - 15.1.3. the Monitoring Officer has made copies of that Notice available to the public; and
 - 15.1.4. at least five clear working days have elapsed since the Monitoring Officer complied with their obligations under this paragraph.
- 15.2. Where such a decision is taken by the Cabinet, it must be taken in public subject to any requirements relating to the disclosure of Confidential or Exempt Information and the exclusion of the public.

16. Special Urgency for Key Decisions

- 16.1. If by virtue of the date by which a Key Decision must be taken, the requirements of Rule 15 (General Exception) of this Part 4A cannot be followed, then the decision can only be taken if the decision taker (in the case of an individual) or the Chair of the body taking the decision, obtains the

agreement of the Chair of the Overview and Scrutiny Board that the taking of the decision cannot be reasonably deferred.

- 16.2. If there is no Chair of the Overview and Scrutiny Board or if they are unable to act, then the agreement of the Chair of the Council, or in their absence the Vice-Chair of the Council will suffice.
- 16.3. In addition to the requirement to agree to the matter being dealt with as urgent business, the Chair of the Overview and Scrutiny Board, or the Chair or Vice-Chair of the Council if applicable, will be consulted on the subject matter of the decision itself and may comment on the proposed decision to be taken.

17. Report to Council

- 17.1. If the Overview and Scrutiny Board is of the opinion that a Key Decision has been taken which was not:

- 17.1.1. included in the Forward Plan;

- 17.1.2. the subject of the General Exception procedure under Rule 15 of this Part 4A;

- 17.1.3. the subject of an agreement with the Overview and Scrutiny Board Chair, or the Chair/Vice-Chair of the Council under Rule 16 of this Part 4A,

the Board may require the Cabinet to submit a report to Full Council within such reasonable time as the Board specifies.

- 17.2. In response to any requirement under Rule 17.1 of this Part 4A, the Cabinet must prepare a report for submission to the next available meeting of Full Council. However, if the next meeting of the Council is within 7 days of the resolution of the Board, then the report may be submitted to the subsequent meeting. The report to the Council must set out particulars of the decision, the individual or body taking the decision, and if the Cabinet is of the opinion that it was not a Key Decision, the reasons for that opinion.

18. Record of Decisions of the Cabinet

- 18.1. After any meeting of the Cabinet or any of its Committees or Sub-Committees, whether held in public or private, the Monitoring Officer or their nominee, or, where no officer was present, the person presiding at the meeting, will produce as soon as practicable an electronic record of every decision taken at that meeting. The record will include the following:

- 18.1.1. a record of the decision including the date it was made;

- 18.1.2. a record of the reasons for the decision;

- 18.1.3. details of any alternative options considered and rejected by the decision taker;

- 18.1.4. a record of any conflict of interest relating to the matter decided which is declared by any member of the body making the decision; and

- 18.1.5. in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

19. Cabinet Meetings relating to matters which are not Key Decisions

The Cabinet will decide whether meetings relating to matters which are not Key Decisions will be held in public or private.

20. Meeting of the Cabinet in Private

- 20.1. Where a meeting of the Cabinet, including a Committee or Sub-Committee of the Cabinet, is to be held in private under these Rules, at least 28 clear days before the meeting, the Cabinet shall make available at the Main Office of the Council a notice of its intention to hold a meeting in private giving reasons as to why the meeting is to be held in private.
- 20.2. At least five clear days before the meeting, the Cabinet must make available at the Main Office of the Council a further notice of its intention to hold a meeting in private containing: the reasons as to why the meeting is to be held in private; details any representations received by the Cabinet about why the meeting should be open to the public; and a statement of the Cabinet's response to any such representations.
- 20.3. All members of the Cabinet shall be entitled to be given five clear working days' notice of the meeting, whether or not they are summoned to attend, unless the meeting is convened at shorter notice on urgency grounds.
- 20.4. Copies of the notices required by Rule 20.1 and Rule 20.2 of this Part 4A shall be sent to the Chair of the Overview and Scrutiny Board.
- 20.5. Where the date by which a private meeting must be held makes compliance with Rules 17.1 and 17.2 of this Part 4A impracticable, the meeting may only be held in private where the Cabinet has obtained agreement from:
- 20.5.1. the Chair of the Overview and Scrutiny Board; or
 - 20.5.2. if there is no such person, or if the Chair of the Overview and Scrutiny Board is unable to act, the Chair of the Council; or
 - 20.5.3. where there is no Chair of either the Overview and Scrutiny Board or of the Council able to act, the Vice-Chair of the Council,
- that the meeting is urgent and cannot reasonably be deferred.

21. Attendance at private meetings of the Cabinet

Cabinet Members

- 21.1. Any member of the Cabinet may attend a private meeting of a Committee or Sub-Committee of the Cabinet whether or not they are members of that body unless the body determines otherwise.

- 21.2. Any Cabinet member who is not a member of such a Committee or Sub-Committee shall be entitled to speak with the consent of the person presiding but not to vote.

Officers

- 21.3. The Head of the Paid Service, the Section 151 Officer and the Monitoring Officer, or their nominees, are entitled to attend any meeting of the Cabinet. The Cabinet cannot meet unless the Monitoring Officer has been given reasonable notice that a meeting is to take place. This provision also applies to Committees and Sub-Committees of the Cabinet.
- 21.4. A private meeting of the Cabinet, including a Committee or Sub-Committee of the Cabinet, may only take place in the presence of the Monitoring Officer or their nominee, who shall have responsibility for recording and publicising any decisions.

22. Decisions by Portfolio Holders

- 22.1. Decisions made by individual Portfolio Holders must be taken in accordance with the procedure established by the Monitoring Officer which will provide for a written report template to be prepared by the relevant officer, and formal sign off by the Monitoring Officer and Section 151 Officer before the decision is made.
- 22.2. As soon as reasonably practicable after an executive decision has been taken by a Portfolio Holder, the written record of the decision must be published which should include the following:
- 22.2.1. the decision made including the date it was made;
 - 22.2.2. the reasons for the decision;
 - 22.2.3. details of any alternative options considered and rejected by the Portfolio Holder making the decision;
 - 22.2.4. a record of any conflict of interest relating to the matter decided which is declared by any member of the Cabinet who is consulted by the Portfolio Holder which relates to the decision;
 - 22.2.5. in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer;
 - 22.2.6. the financial and legal implications of the decision and confirmation that the decision has been considered by the Section 151 Officer and Monitoring Officer; and
 - 22.2.7. the consultation undertaken prior to the decision being made, including any consideration by the relevant Overview & Scrutiny Committee and Ward Councillors.
- 22.3. The provisions of Rules 7 (Access to Decision Records) and 8 (Background Documents) of this Part 4A will also apply to the making of decisions by Portfolio Holders. This does not require the disclosure of Exempt or Confidential Information or advice from a political assistant.

23. Record of Executive and Non-Executive decisions taken by Officers

- 23.1. As soon as reasonably practicable after an Officer has made a decision which is an Executive Decision a written record of the decision will be published which will include the following:
 - 23.1.1. the decision made and the date it was made;
 - 23.1.2. a record of the reasons for the decision;
 - 23.1.3. details of any alternative options considered and rejected by the Officer when making the decision;
 - 23.1.4. a record of any conflict of interest declared by any Cabinet member who is consulted by the Officer which relates to the decision;
 - 23.1.5. in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer;
 - 23.1.6. the financial and legal implications of the decision and confirmation that the decision has been considered by the Section 151 Officer and Monitoring Officer; and
 - 23.1.7. the consultation undertaken prior to the decision being made, including any consideration by the relevant Overview & Scrutiny Committee and Ward Councillors.
- 23.2. Any record prepared in accordance with Rule 23.1 of this Part 4A and any report considered by the Officer and relevant to the decision will be available for public inspection on the Council's website.
- 23.3. Rules 23.1 to 23.2 of this Part 4A apply to Major Operational Decisions made by Officers as defined by Article 12 of the Constitution. These rules do not apply to day to day administrative or operational decisions taken by Officers in connection with the discharge of functions.
- 23.4. When an Officer makes a Major Operational Decision the Monitoring Officer must be provided with a completed Delegated Record of Decision within two working days of the date of taking the decision together with a copy of any report upon which the decision was made.
- 23.5. The Monitoring Officer will keep a record of all such decisions made by Officers including any report upon which each decision was made and will ensure that the decision is recorded and published by the Council on its website.
- 23.6. As soon as reasonably practicable after an Officer has made a decision under an express delegation from Full Council, its Committees, Sub Committees or any Joint Committee in which the Council is involved or under a general delegation from one of these bodies where the effect of the decision is to grant a permission or licence, affect the rights of an individual or award a contract or incur expenditure, which in either case materially affects the Council's position, a written statement will be prepared including:
 - 23.6.1. a record of the decision including the date it was made;

- 23.6.2. a record of the reasons for the decision;
 - 23.6.3. details of any alternative options considered and rejected by the Officer when making the decision; and
 - 23.6.4. a record of the name of any Councillor or local government body who has declared an interest (for decisions taken under an express delegation).
- 23.7. Any record prepared in accordance with Rule 23.6 of this Part 4A together with any background papers considered by the Officer and relevant to the decision will be available for public inspection on the Council's website.
- 23.8. Rules 23.6 to 23.7 of this Part 4A do not apply to:
- 23.8.1. routine administrative and organisational decisions;
 - 23.8.2. decisions on operational matters such as day to day variations in services;
 - 23.8.3. decisions if the whole or part of the record contains Confidential or Exempt Information; or
 - 23.8.4. decisions that are already required to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

24. Access to documents - Overview and Scrutiny Board and Committees

Right to Copies of Documents

- 24.1. Subject to Rule 24.3 of this Part 4A, any member of the Overview and Scrutiny Board or Committees is entitled to copies of any document which is in the possession or control of the Leader, the Cabinet including its Committees and Sub-Committees, and which contains material relating to:
- 24.1.1. any business transacted at a public or private meeting of the Cabinet including any of its Committees and Sub-Committees;
 - 24.1.2. any decision taken by an individual member of the Cabinet; or
 - 24.1.3. any executive decision taken by an Officer in accordance with Part 3 of this Constitution.
- 24.2. Where a member of an Overview and Scrutiny Board or Committee (including its Sub-Committees) requests a document which falls within Rule 24.1 of this Part 4A the Leader must provide that document as soon as reasonably practicable and in any case no later than 10 clear working days after the Leader receives the request.
- 24.3. Subject to Rule 24.4 of this Part 4A the Chair, or in the absence of the Chair, the Vice-Chair of the Overview and Scrutiny Board is entitled to see papers in relation to private decisions of the Cabinet before the decision is made.

- 24.4. Overview and Scrutiny Committee members will be entitled to any such document or part of a document that contains Exempt or Confidential Information unless the Monitoring Officer determines that the information is not relevant to an action or decision they are reviewing or scrutinising or any review contained in any programme of work of the Overview and Scrutiny Board or Committees.

Limits on Right to Copies

- 24.5. Where the Leader so determines, a member of the Overview and Scrutiny Board or Committees will not be entitled to:

24.5.1. any document that is in draft form; or

24.5.2. the advice of a political advisor.

- 24.6. Where the Leader or Monitoring Officer determines that a member of the Overview and Scrutiny Board or Committees is not entitled to a copy of a document or part of any such document, under Rule 24.4 and Rule 24.1 of this Part 4A, the Leader or Monitoring Officer as applicable must provide the Overview and Scrutiny Board or relevant Committee with a written statement setting out their reasons for that decision.

25. Additional rights of access for Councillors

- 25.1. All Councillors will be entitled to inspect any document which is in the possession or under the control of the Leader and/or the Cabinet, including its Committees or Sub-Committees, and contains material relating to:

25.1.1. any business to be transacted at a public meeting;

25.1.2. any business previously transacted at a private meeting;

25.1.3. any decision made by a Portfolio Holder; or

25.1.4. an Executive decision by an Officer;

unless in the opinion of the Monitoring Officer it contains Confidential or Exempt Information or it contains the advice of a political advisor.

- 25.2. All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Leader or the Cabinet including its Committees and Sub-Committees which relates to any Key Decision unless Rule 24.4 of this Part 4A applies.

- 25.3. In relation to public meetings, where a document is required to be available for inspection by all Councillors under Rule 25.1 of this Part 4A it must be available for at least 5 clear working days before the meeting except where the meeting is convened at shorter notice or an item is added to an agenda at shorter notice in which case the document must be available for inspection when the meeting is convened or the item is added to the agenda.

- 25.4. In relation to private meetings, decisions made by a Portfolio Holder or Executive decisions made by an Officer, where a document is required to be available for inspection by all Councillors under Rule 25.1 of this Part 4A it must be available within 24 hours of the meeting concluding or where an Executive decision is made by a Portfolio Holder or Officer within 24 hours of the decision being made.
- 25.5. These rights are in addition to any other rights to access information provided by law the Councillors may have.

PART 4B

CABINET PROCEDURE RULES

B. Cabinet Procedure Rules

1. The Cabinet

The Cabinet consists of the Leader of the Council and up to 9 other Councillors appointed by the Leader, not being the Chair or Vice-Chair of the Council.

2. Application of the Cabinet Procedure Rules

These procedure rules shall apply to the exercise of all Cabinet decisions whether taken collectively or individually.

3. Frequency of Cabinet Meetings

The Cabinet will meet as indicated in the Council's Programme of Meetings. The Cabinet or the Leader may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it/they see fit. Locations of meetings will be published in the Calendar of Meetings.

4. Public and Private Cabinet Meetings

- 4.1. The Cabinet may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules set out at Part 4A in this Constitution.
- 4.2. Attendance by other Councillors and the public shall be in accordance with the Access to Information Procedure Rules set out at Part 4A in this Constitution, by invitation under Rule 4.3 of this Part 4B, or as set out Rule 7 of this Part 4B.
- 4.3. The Cabinet may invite any person considered appropriate to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to Confidential and/or Exempt Information on terms to be decided by the Monitoring Officer so as to ensure that the Access to Information Procedure Rules are observed.

5. Quorum at Cabinet Meetings

The quorum for meetings of the Cabinet is as set out in the Meeting Procedure Rules at Part 4D of this Constitution.

6. Decision Making Process

- 6.1. Cabinet decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Access to Information Procedure Rules set out at Part 4A in this Constitution,
- 6.2. Cabinet decisions shall not be implemented where the right of Call-In has been exercised until that Call-In process has been concluded, unless the urgency procedure set out at Rule 14 of Part 4C of this Constitution applies.
- 6.3. Records of Cabinet decisions must be confirmed at the next meeting.

- 6.4. In taking decisions, the Cabinet must satisfy itself that it has before it adequate and appropriate advice from its service, legal and financial advisers who shall be present at any meeting where a decision is being taken and that advice is taken into consideration in determining the matter. Where there is any doubt about whether the Cabinet has the legal power to make the decision or an issue of probity arises then advice must be obtained from the Monitoring Officer and the Section 151 Officer.

7. Conduct of Cabinet Meetings

Chair of Cabinet Meetings

- 7.1. The Leader will chair meetings of the Cabinet or in their absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the members present, may appoint one member of the Cabinet to preside.

Councillors attending and speaking at Cabinet Meetings

- 7.2. The Chair of the Overview and Scrutiny Board shall be entitled to attend any formal public meeting of the Cabinet and to speak to any matter on the agenda for that meeting.
- 7.3. Other Councillors not previously described above may also speak at such meetings with the permission of the Leader or person presiding in their absence.

Business to be conducted

- 7.4. The business to be transacted at meetings of the Cabinet will be set out in an agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules set out at Part 4A of this Constitution.
- 7.5. The Cabinet will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 7.6. The Cabinet is obliged to consider matters referred to it by the Overview and Scrutiny Board or Committees, or by the Full Council for consideration under the Overview and Scrutiny Procedure Rules set out at Part 4C of this Constitution.
- 7.7. The Access to Information Procedure Rules set out at Part 4A of this Constitution will apply to notice of meetings, agendas, and access to reports and background papers. Where matters are for decision, the agenda must stipulate those which are Key Decisions and those which are not, in accordance with the Access to Information Procedure Rules.

Agenda

- 7.8. The agenda may be supported by additional papers prepared by the Officers or by or on behalf of other bodies, subject to requirements about disclosure of Confidential or Exempt Information.

- 7.9. The Monitoring Officer or their nominated representative shall be responsible for preparing and distributing the Agenda for Cabinet meetings, attending meetings for the purpose of advising the Cabinet on matters within their area of responsibility and recording decisions as required under this Constitution.
- 7.10. Any member of the Cabinet may require the Monitoring Officer to place an item on the agenda for a stipulated meeting of the Cabinet.
- 7.11. The Monitoring Officer will ensure that any matters referred to the Cabinet by Full Council or the Council's Overview and Scrutiny Board or Committees are placed on the agenda for the next appropriate meeting of the Cabinet.
- 7.12. The Chief Executive, the Monitoring Officer and/or the Section 151 Officer can include an item for consideration on the agenda of a Cabinet Meeting. In pursuance of their statutory duties they can require that a Special Meeting of the Cabinet be convened.
- 7.13. Business cannot be conducted at formal meetings of the Cabinet unless it is included in the agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules set out at Part 4A of this Constitution must be complied with.

Questions

- 7.14. Questions, statements and petitions can be submitted by members of the public at meetings of the Cabinet in accordance with Rule 12 of Part 4D of this Constitution.

Key Decisions

- 7.15. The Cabinet will report to the Council as required under the Access to Information Procedure Rules set out at Part 4A of this Constitution on any matter which is classified as a Key Decision and is dealt with under special urgency procedures.

8. Voting at Cabinet Meetings

- 8.1. Voting at Cabinet meetings will be by a show of hands.
- 8.2. Any member may require, immediately after the vote is taken, that the record of decision of the meeting record how they voted or abstained.
- 8.3. Where there are equal votes cast, the Leader, or in their absence, the person presiding, will have a second and casting vote.
- 8.4. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by secret ballot conducted in accordance with Rule 18 of Part 4D of this Constitution.

9. Cabinet Committees/Sub-Committees

- 9.1. The Cabinet may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions.

- 9.2. In making such appointments, the Cabinet must specify the name of the Committee/Sub-Committee, its membership (including its Chair and, if appropriate, Vice-Chair) and the terms of reference of the body.

10. Motion under Procedure Rule 9 of Part 4D

A mover of a motion under Procedure Rule 9 of Part 4D of this Constitution which has been referred to the Cabinet for consideration must attend the meeting of the Cabinet when their motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and they will be sent a copy of the relevant papers.

11. Resolving disputes

In the case of any dispute during the proceedings of the Cabinet the relevant parts of this Constitution will apply and after considering the application of the relevant provisions, the person presiding at the meeting will rule on the issue in question and their ruling will be final.

12. Reserves/substitute members

There shall be no reserve or substitute members of the Cabinet.

13. Conflicts of Interest

13.1. Where the Leader or any Cabinet member has a conflict of interest, they will follow the requirements of the Council's Code of Conduct for Councillors.

13.2. If all (or a majority) of the members of the Cabinet present have a conflict of interest then consideration will be given to applying to the Monitoring Officer for a dispensation from the provisions of the Council's Code of Conduct for Councillors.

13.3. If the discharge of a Cabinet function has been delegated to another body or individual and a conflict of interest arises, then it will fall to the body or individual who delegated the matter to take the decision. Where that body or individual also has a conflict of interest then action set out in Rule 13.2 of this Part 4B shall be considered.

PART 4C

OVERVIEW AND SCRUTINY PROCEDURE RULES

C. Overview and Scrutiny Procedure Rules

1. How Overview and Scrutiny operates

- 1.1. Any Procedure Rule applying to a Committee shall also apply to the Overview and Scrutiny Board.
- 1.2. The Board and Committees will perform the functions as set out in Article 6 at Part 2 of this Constitution.
- 1.3. No Councillor may be involved in scrutinising a decision in which they have been directly involved. Where the relevant Overview and Scrutiny Committee has been engaged as part of the decision-making process of a decision subject to Call-In the Monitoring Officer shall have discretion to refer the consideration of the Call-In to another Overview and Scrutiny Committee.

2. Overview & Scrutiny Work Plan/s

- 2.1. The proposed work of the Overview and Scrutiny Committees will be set out in a Work Plan which shall consist of work aligned to the principles for the function, as set out in this Constitution.
- 2.2. Once any Work Plan has been approved, a copy will be published with the agenda for each meeting of the Overview and Scrutiny Committees and available to any Councillor on request.
- 2.3. The Overview and Scrutiny Board will maintain oversight of all Work Plans relating to the Overview and Scrutiny function. The purpose of this oversight is to ensure a balance of resource is available across the function and all overview and scrutiny work is adding value to the Council as a whole. The Overview and Scrutiny Board may comment on or make recommendations in relation to the Work Plans of other Overview and Scrutiny Committees as it sees appropriate.

3. Consultation and Suggestions

- 3.1. The Overview and Scrutiny Committees will consult with other parts of the Council as appropriate, including the Cabinet, on the preparation of any Work Plan. They should also take into account the resources, including Councillor availability, Officer and financial resources, available to support their proposals.
- 3.2. The Overview and Scrutiny Committees may take suggestions from a variety of sources to form their Work Plans. This may include suggestions from members of the public, Officers of the Council, Portfolio Holders, the Cabinet and Council, members of the Committee, and other Councillors who are not on the Committee.
- 3.3. All suggestions for Overview and Scrutiny work will be accompanied by:
 - 3.3.1. detail outlining the background to the issue suggested;
 - 3.3.2. the proposed method of undertaking the work;

- 3.3.3. likely timescale associated with undertaking the work; and
 - 3.3.4. the anticipated outcome and value to be added by the work proposed.
 - 3.3.5. No item of work shall join the work plan of any Overview and Scrutiny Committee without an assessment of this information.
- 3.4. Members of the public may make suggestions for Overview and Scrutiny work. Suggestions will be made in writing and accompanied by the detail outlined at Rule 3.3 of this Part 4C.
- 3.5. A facility will be made for members of the public to make suggestions for overview and scrutiny work on the Council's website. Suggestions will be considered by the relevant Overview and Scrutiny Committee. The Overview and Scrutiny Committees will maintain oversight of suggestions made by the public and will assess the value to be added by the work suggested when determining whether to exercise their powers in this respect. Any member of the public raising an item under this Rule shall be precluded from raising the matter again for a period of 12 months from the date it is considered by the Committee.

4. Requests

- 4.1. Where Portfolio Holders, the Cabinet or Council request that Overview and Scrutiny Committees undertake a specified piece of work, the relevant Overview and Scrutiny Committee shall respond to the request as soon as it is possible to do so.
- 4.2. The Committee will assess the value to be added by the work suggested when determining whether to exercise its powers in this respect. Where it chooses to exercise its powers in relation to the request, it will report back its findings and any recommendations to Cabinet and/or Full Council in accordance with Rule 11 of this Part 4C.
- 4.3. Where the Committee chooses not to exercise its powers in relation the request, it will provide reasons for this to the body that made the original request.
- 4.4. All Councillors have the right to suggest that an item be considered for Overview and Scrutiny provided that the item to which the suggestion is made must be relevant to the functions of the Overview and Scrutiny Committee. Councillors must make this suggestion in writing to the Scrutiny Officer who will arrange for the publication of the request on the next available agenda of the relevant Overview and Scrutiny Committee agenda. The request will be accompanied by the information as set out at 3.3 above. The Overview and Scrutiny Committee shall consider the request, assess the value to be added by the work proposed and determine whether the matter shall join the Work Plan. Where a decision is made by the Committee not to exercise its powers in relation to the matter the Committee must provide its decision to the Councillor making the request, giving reasons for this.

- 4.5. Any Councillor raising an item under Rule 4.4 of this Part 4C shall be precluded from raising the matter again for a period of 12 months from the date it is considered by the Committee.

5. Crime and Disorder Issues

The Overview and Scrutiny Board shall undertake Overview and Scrutiny of Crime and Disorder issues, as required by legislation, at least once a year.

6. Engagement with the Overview and Scrutiny Committee

- 6.1. Consideration will be given at the scoping stage as to how others, in addition to Councillors and Officers of the Council, may be engaged in the work of Overview and Scrutiny and the benefit that this engagement will bring to the work. This may include, but is not limited to, contribution from subject experts with relevant specialist knowledge and/or expertise; representatives of stakeholder groups and service users.
- 6.2. Overview and Scrutiny has a key role in the development of the Budget and Policies of the Council. The Overview and Scrutiny Committees may make proposals to the Cabinet or Full Council for development or review of key strategies, plans and policies to the extent that they relate to matters within the respective terms of reference for each Committee.

7. Commissioned Work

- 7.1. When considering additions to its Work Plan, the Overview and Scrutiny Committees may commission work to be undertaken outside of Committee meetings in accordance with Article 6 at Part 2 of this Constitution.
- 7.2. When commissioning work, the Committees will take into account the availability of resources as highlighted above.
- 7.3. Bodies commissioned by the Overview and Scrutiny Committees may have conferred upon them the power to act on behalf of the parent Committee in considering issues within the remit of the parent Committee and making recommendations directly to Portfolio Holders, Cabinet, Council or other bodies or people within the Council or externally as appropriate.

8. Rights of Overview and Scrutiny Committee members to information

- 8.1. The Overview and Scrutiny Committee will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation.
- 8.2. In addition to their rights as Councillors, members of the Overview and Scrutiny Committee have the additional right of access to documents, and to notice of meetings as set out in the Access to Information Procedure Rules set out at Part 4A of this Constitution.

- 8.3. Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committees as appropriate. Regular, informal dialogue between the two is considered good practice to ensure that the Overview and Scrutiny function can understand developing Cabinet priorities, discuss and assess the value that Overview and Scrutiny can provide and contribute in a timely way to policy development.

9. Councillors and Officers giving account

- 9.1. The Overview and Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function or matters which affect the Council's area or the inhabitants of that area. As well as reviewing documentation, in fulfilling its scrutiny role, it may require the Leader, any Portfolio Holder or Officer to attend before it to provide information in relation to matters within their remit. It is the duty of those persons to attend if so required.
- 9.2. Where any Councillor or Officer is required to attend the Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Scrutiny Officer, who will inform the Councillor or Officer in writing giving at least seven clear working days' notice of the meeting. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Overview and Scrutiny Committee will require the production of a report, then the Councillor or Officer concerned will be given reasonable notice to allow for its preparation.
- 9.3. Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, then the Committee shall consider, in consultation with the Councillor or Officer, an alternative date for attendance or whether another officer should attend in their place.
- 9.4. Officers should not be expected to enter, and should avoid being drawn into, discussions of politically contentious matters and any Officer input should be consistent with the requirements for political impartiality.
- 9.5. The requirements of any protocols on Councillor/Officer relationships and the Code of Conduct must be adhered to where an Officer is attending an Overview and Scrutiny Committee.

10. Attendance by others

- 10.1. With reasonable notice, the Overview and Scrutiny Committees may invite individuals other than those referred to in Rule 9 of this Part 4C to address it, to discuss issues of local concern and/or answer questions.
- 10.2. Where the Overview and Scrutiny Committees conduct investigations (for example with a view to policy development), the Committee may ask individuals to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:

- 10.2.1. the investigation is to be conducted fairly and all members of the Committee will be given the opportunity to ask questions of attendees, and to contribute and speak;
- 10.2.2. those assisting the Committee by giving evidence will be treated with respect and courtesy; and
- 10.2.3. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

11. Reports from the Overview and Scrutiny Committee

- 11.1. The Overview and Scrutiny Committees will report on findings of their work to Cabinet and Full Council, as appropriate according to the matter under review and recommendations being made.
- 11.2. Once recommendations have been formed, the Overview and Scrutiny Committee will submit a formal report for consideration by the Cabinet, or where the Leader has delegated decision-making to a Portfolio Holder, the Portfolio Holder (if the proposals relate to an Executive Function and are consistent with the existing Budget and Policy Framework); or to Full Council as appropriate (if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- 11.3. Where recommendations have been submitted, Full Council or the Cabinet shall consider the report of the Overview and Scrutiny Committee within two months (or the next available meeting in the case of the Council). A response will be provided to the Overview and Scrutiny Committee indicating what action, if any, the Cabinet or Full Council proposes to take.
- 11.4. Where the Overview and Scrutiny Committee submits recommendations for consideration by a Portfolio Holder, the Portfolio Holder must consider the report and respond in writing to the Overview and Scrutiny Committee within two months of receiving it indicating what action, if any, the Portfolio Holder proposes to take. The Portfolio Holder must also attend a future meeting of the Overview and Scrutiny Committee to present their response.

12. Where the Decision Maker is an External, non-Council Organisation

- 12.1. Where that organisation has a statutory duty to respond to the Committee, a written response shall be requested within the timescale required or, if mutually agreed, by another set deadline so the response can be placed on the agenda of the next scheduled meeting of the Committee, if appropriate.
- 12.2. Where that organisation does not have a statutory duty to respond to the Committee, a written response shall be invited within 2 months.
- 12.3. Where scrutiny is being undertaken in relation to the Council's statutory Health or Crime and Disorder Scrutiny functions this will be done in accordance with the relevant legislation and statutory guidance.

13. Joint Committees

Joint Overview and Scrutiny Committees may be established with other councils to provide for effective Overview and Scrutiny of a particular matter. This includes making provision for joint Overview and Scrutiny Committees relating to Health, and to Crime and Disorder, as permitted under legislation.

14. Call-In

14.1. All requests for Call-In shall be considered by the Overview and Scrutiny Board.

14.2. Call-In is the exercise of Overview and Scrutiny's statutory power to review an Executive decision which has been made but not carried out. Call-In should only be used in exceptional circumstances. This Rule shall apply to a decision of the Cabinet, the Leader, Portfolio Holder or a Key Decision made by an Officer and there are reasonable grounds that one of the following is applicable:

14.2.1. the decision was not made in accordance with the principles of decision-making set out in Article 12 of this Constitution;

14.2.2. the decision was neither published in accordance with the requirements for the Cabinet Forward Plan and not subject to the 'general exception' or 'special urgency procedures' set out in this Constitution; or

14.2.3. the decision is not in accordance with the Key Policy Framework or Budget.

14.3. When a decision is made by the Cabinet, a member of the Cabinet, or a Committee or Sub-Committee of the Cabinet, or a Key Decision is made by an Officer with delegated authority from the Cabinet, the decision shall be published, by electronic means, and shall be made available for inspection normally within 2 clear working days of being made. All Councillors will be sent an electronic record of all such decisions within the same timescale.

14.4. Subject to any urgency provisions a decision taken and to which Rule 14.3 of this Part 4C refers will not come into force, and may not be implemented, until the expiry of 5 clear working days after the decision was made, recorded and published in accordance with Rule 14.3 of this Part 4C.

14.5. Where a decision referred to in Rule 14.3 of this Part 4C has been made, any three or more members of the Overview and Scrutiny Board, or alternatively 10 Councillors who are not members of the Cabinet, may submit a Call-In notice, in writing, within the period specified in Rule 14.4 of this Part 4C, to the Monitoring Officer or their nominated representative. Voting education members of an Overview and Scrutiny Committee may only sign a Call-In request when the matter relates to an education function. Where the notice is valid, the decision cannot be implemented until the procedures in this section have been followed. The Monitoring Officer will consider the Call-In request and confirm its validity or otherwise.

14.6. A valid Call-In request must comply with the following:

14.6.1. have the correct number of signatures; and

14.6.2. give reasons for the Call-In. The reasons must set out the grounds upon which the Call-In is based with reference to Rule 14.2 of this Part 4C and the evidence to support the grounds. Reasons must be legitimate and not designed to create an obstacle to or delay the proper transaction of business nor should they be vexatious, repetitive or improper in any other way.

14.7. Where, as a result of a corporate electronic system failure or planned shutdown, the issuing of or access to decisions is prevented; or the submission of a Call-In notice by electronic means in accordance with the Council's Call-In provisions is prevented, the periods for notification or submission shall be extended by the period of delay, provided that period is in excess of four hours. When, in the opinion of the Monitoring Officer, the period of delay is likely to extend beyond two clear working days, they shall agree with the Chair of the Overview and Scrutiny Board, alternative arrangements to avoid any delay in implementing Cabinet decisions not subject to Call-In.

14.8. The decision subject to Call-In will be referred to the first available meeting of the relevant Overview and Scrutiny Board, or to a specially convened meeting of the Board should the Chair of the Board consider this to be appropriate in the circumstances.

14.9. The Board, having considered the matter, may decide to offer no advice and in which case the decision may be implemented immediately. Where advice is offered, the Cabinet will reconsider the decision in light of the advice of the Board.

14.10. Where a matter is considered and advice is offered by the Overview and Scrutiny Board, its advice will be submitted to the Cabinet for a decision to be made on the matter. The Cabinet shall consider the advice, but shall not be bound to accept it in whole or in part. It shall have sole discretion to decide on any further action to be taken in relation to the decisions in question, including confirming, with or without amendment, the original decision or deferment pending further consideration, or making a different decision. There are no further rights to enable a Councillor to submit a Call-In notice. The decision may then be implemented.

14.11. Once the Overview and Scrutiny Board has decided to offer advice or not to offer advice, no further Call-In notices may be served in respect of that matter subject to the decision in question. This does not prevent the matter being scrutinised further by an Overview and Scrutiny Committee after the decision has been implemented in accordance with these Rules.

14.12. A submitted Call-In notice can only be withdrawn with the written consent of sufficient of the signatories such as to reduce the number of signatories to below the relevant threshold set out in Rule 14.5 of this Part 4C.

14.13. The Call-In facility does not apply to the determination of a Motion under Procedure Rule 9 of Part 4D (Notices of Motion).

15. Call-In and Urgency

15.1. The Call-In procedure set out above shall not apply where the decision being taken by the Cabinet, the Leader, Portfolio Holder or an Officer is urgent.

15.2. A decision will be urgent if any delay, caused by the Call-In process, would be likely to seriously prejudice the Council's or the public's interests.

15.3. The Chair of the Overview and Scrutiny Board or, in their absence, the Vice-Chair or in their absence the Chair of the Council must agree that the decision should be treated as urgent, and that the Call-In procedure should not apply.

15.4. In the absence of the Chair of the Council, the Vice-Chair's consent shall be required. In the absence of all of the above Councillors, the Chief Executive's, or their nominee's, consent shall be required.

16. Councillor Call for Action

16.1. Any Councillor may submit a Councillor Call for Action.

16.2. The Councillor Call for Action is intended to be a process of last resort and therefore a Councillor must demonstrate that reasonable steps have been taken to resolve the matter including a response from the relevant Portfolio Holder and the Chief Executive.

16.3. The Councillor Call for Action will be placed on the next available agenda of the Overview and Scrutiny Board.

16.4. It is for the Overview and Scrutiny Board to determine how it wishes to respond to the Councillor Call for Action and, in the case of refusal to undertake a review, then reasons must be provided.

17. The Party Whip

The use of the Party Whip is incompatible with the role of Overview and Scrutiny and shall not be used.

18. Procedure at Overview and Scrutiny Meetings

18.1. Matters to be considered will be set out in an agenda, together with appropriate and relevant supporting papers.

18.2. The Overview and Scrutiny meeting shall consider the following business:

18.2.1. record of the last meeting;

18.2.2. declarations of interest;

18.2.3. public items;

- 18.2.4. consideration of any matter referred to the Committee by Full Council or by the Cabinet;
- 18.2.5. consideration of any matter referred to the Committee for advice in relation to Call-In of a decision;
- 18.2.6. responses of the Cabinet on reports of the Overview and Scrutiny meeting;
- 18.2.7. the business otherwise set out on the agenda for the meeting; and
- 18.2.8. the Overview and Scrutiny meeting's Work Plan, including requests for items of scrutiny from Councillors in accordance with the procedure set out in this Constitution.

ChairChair

PART 4D

MEETING PROCEDURE RULES

D. Meeting Procedure Rules

1. Schedule of meetings

1.1. Full Council will determine the annual schedule of meetings for the Council, Cabinet, Committees and Sub-Committees, including the date, time and location. Where practicably possible, the month of August should be avoided when scheduling meetings, briefings, workshops, training and extraordinary meetings. There will be a general presumption against alterations to the date, time and venue for meetings.

1.2. An Extraordinary Meeting of the Council can be called by the Chair, or five Councillors can ask the Chair, in writing, to call an Extraordinary Meeting. If the Chair does not agree, then those Councillors can call the meeting by giving written notice to the Monitoring Officer. The Monitoring Officer, in consultation with the Chair, may also call an Extraordinary Meeting.

1.3. When it is necessary to alter the date, time and/or location of the Cabinet, a committee or sub-committee meeting, or to arrange a special meeting of the Cabinet, a committee or sub-committee, the Monitoring Officer or appropriate Democratic Services Officer will consult the Leader/Chair of the relevant Cabinet, Committee or Sub-Committee before any action is taken. The Leader/Chair of the Cabinet, Committee or Sub-Committee will then determine the matter.

2. Election of Chair and Vice-Chair

2.1. At the Annual Meeting, the Council will elect its Chair and Vice-Chair.

2.2. At the first meeting of a committee or sub-committee following the annual meeting of the Council, the committee or sub-committee will elect its Chair and Vice-Chair.

2.3. The Chair, or in their absence the Vice-Chair (who will have the same powers and duties as the Chair), will preside at meetings. Where both the Chair and Vice-Chair are absent, the meeting will appoint another Councillor, other than a member of the Cabinet, to chair the meeting, who will have the same powers and duties as the Chair.

2.4. The Chair of the relevant meeting for the preceding year, or in their absence the Vice-Chair, shall preside over the election of Chair. In the absence of both the preceding Chair and Vice-Chair for a committee or sub-committee, the Chair of the Council, or in their absence the Vice-Chair of the Council, shall preside over the election of Chair. Where both the Chair and Vice-Chair of the Council are absent, the membership shall agree, prior to the commencement of the formal meeting, another Councillor from the membership to preside over the election of Chair. The person presiding over the election of Chair shall be entitled to a casting vote in the event of an equality of votes.

3. Records of Attendance

The Monitoring Officer will keep a record of Councillors attending any meeting of the Council, the Cabinet, any Committee, or Sub-Committee.

4. Quorum

- 4.1. No business shall be dealt with at the Council meeting if there are fewer than one quarter of Councillors who are members of that body present at the meeting. Where the meeting has started, and the number of Councillors present is fewer than one quarter of the number of Councillors, the Chair will adjourn the meeting. Where the Chair does not give a date and/or time for the consideration of the remaining business, all business not completed will be considered at the next meeting.
- 4.2. The quorum of a meeting of the Council's Committees and Sub-Committees will be one third of the number of voting members or three voting members, whichever is the greater, except for the Cabinet which will be three to include the Leader or in their absence, the Deputy Leader. The quorum for the Childrens Services Overview and Scrutiny Committee shall be one third of members of the Committee excluding the voting co-optees.

Council

Cabinet,
committees and
sub-committees

5. Order of business

Business shall be dealt with in the order in which it is set out in the agenda unless the Chair or the meeting decides otherwise.

6. Urgent Business

- 6.1. Business cannot be dealt with at a meeting unless it is included in the agenda and made available for public inspection at least five clear working days before the meeting or, where the meeting is convened at short notice, from the time the meeting is convened.
- 6.2. The Chair of the meeting may agree to deal with an item of business at the meeting if, in their opinion, the matter is urgent given the circumstances requiring a decision. The Chair's ruling and the reasons for urgency will be recorded in the minutes of the meeting.

Council,
committees and
sub-committees

7. Confirmation of Minutes

- 7.1. Minutes of the last meeting must be confirmed at the next ordinary meeting.
- 7.2. Only matters relating to the accuracy of the minutes can be raised, which must be done by way of a motion which is proposed, seconded and voted upon. Where no issues are raised, or after the motion has been dealt with, the Chair shall sign the minutes.
- 7.3. The minutes of any Sub-Committee must be submitted to the next meeting of the parent Committee by the Sub-Committee Chair.

Cabinet,
committees and
sub-committees

Local
Government Act
1972, Schedule
12, Part 1, (S.4)

Local
Government Act
1972, (S.100B)

7.4. Councillors may ask a question or comment on any minute. The Chair of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.

Cabinet,
committees and
sub-committees

7.5. Where a Councillor has a question or comment on an Exempt or Confidential minute, the question or comment must be given in writing to the Monitoring Officer or their nominee at least one hour before the start of the meeting.

7.6. Any question about the accuracy of any minute of a body must be considered and determined by that body at its next meeting.

8. Matters for decision by the Council

Council

8.1. All matters for decision by the Council (except any urgent items) shall be included with the Agenda.

8.2. When the item is reached on the Agenda, the Leader, the relevant Portfolio Holder or the Chair of the relevant Committee will, where appropriate, move the recommendation or advice of the Cabinet or Committee, or endorsement of a Cabinet or a Committee decision. Another Councillor may second the motion and may reserve the right to speak until later in the debate.

8.3. The Chair cannot ask the Council to agree to withdraw a recommendation of the Cabinet or a Committee unless new and relevant information has become available after the decision of the body concerned. The information must be disclosed to the Council.

9. Notices of Motion

Council

9.1. A notice of motion must relate to matters for which the Council has responsibility or which affect its area.

9.2. The procedures and arrangements for submitting and dealing with notices of motion are as follows.

Procedure

9.3. Notice of every motion (other than a motion which under Procedure Rule 10 of this Part 4D may be moved without notice) shall be given in writing, signed by the Councillors giving the notice, and delivered, at least seven clear working days before the next meeting of the Council, to the office of the Monitoring Officer by whom it shall be dated, in the order in which it is received. Such Notice can be provided electronically.

Motions to be set out in Agenda

9.4. The agenda for every ordinary meeting of the Council will set out all motions of which notice has been duly given, unless the Councillor giving the notice has intimated in writing, when giving it, that they proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the summons according to whether they relate to Cabinet or non-Cabinet functions but otherwise in the order in which they have been received.

Withdrawal of Motion which is before the Council

- 9.5. Where a notice of motion is before the Council having been formally moved and seconded and the mover wishes subsequently to withdraw it, with the consent of the seconder, may do so in writing and with the consent of the Chair of the Council again in writing.

Motions not moved

- 9.6. If a motion set out in the agenda is not moved either by a Councillor who gave notice of it or by some other Councillor on their behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Dealing with the Motion

- 9.7. Subject to Rule 9.8 of this Part 4D there is a presumption that the motion will be debated and dealt with at the Council meeting to which it is submitted and there shall be no automatic referral to another body of the Council.

Automatic reference to the Cabinet – Cabinet Function

- 9.8. If the subject of any motion of which notice has been duly given comes solely within the powers, duties and responsibilities of the Cabinet, it shall, when it has been moved and seconded, stand referred to the Cabinet to determine. The mover on formally moving the motion has the right to speak to the motion. The seconder may also speak to the motion. The Chair will allow a period of fifteen minutes for a debate on any such notices of motion. This period shall include any speeches made by the mover and seconder of the motion in question. At the end of the debate if sooner or upon the expiration of the fifteen minutes, the appropriate Cabinet member shall have an opportunity to respond. No speeches including the response shall exceed ~~five~~ three minutes. No amendments to the motion may be moved. The motion will then stand referred to the Cabinet.
- 9.9. There are no rights of “Call-In” or “reference to the Council” where the Cabinet has discharged a motion submitted under this Procedure Rule.

Mover of a Motion: Attendance at Committee and Sub-Committee

- 9.10. Where a motion has been referred from the Council to a Committee or Sub-Committee for consideration and report, the mover of the motion must attend the meeting and explain the motion.
- 9.11. The mover of the motion will be advised of the date and time of the meeting at which the matter is to be considered and they will be sent a copy of the relevant papers.

10. Motions moved without notice

- 10.1. Only the following motions and amendments can be moved at a meeting without notice:

- 10.1.1. appointment of a Chair of the meeting at which the motion is made;
- 10.1.2. motions relating to the accuracy of the minutes;
- 10.1.3. that an item of business specified in the summons should have precedence;
- 10.1.4. reference to the Council, a Committee, Sub-Committee, or the Cabinet for consideration or reconsideration;
- 10.1.5. appointment of or appointment to Committees, Sub-Committees, or the Cabinet occasioned by an item mentioned in the summons to the meeting;
- 10.1.6. receipt of Records of Decisions and Minutes of Committees and Sub-Committees;
- 10.1.7. adoption of recommendations of the Cabinet, Committees and Sub-Committees and any consequent resolutions;
- 10.1.8. that leave is given to withdraw a motion;
- 10.1.9. receipt of reports of officers and any consequent resolutions;
- 10.1.10. extending the time limit for speeches;
- 10.1.11. amendment to motions;
- 10.1.12. that the meeting proceed to the next business;
- 10.1.13. that the question be now put;
- 10.1.14. that the debate be now adjourned;
- 10.1.15. that the meeting do now adjourn;
- 10.1.16. suspending Procedure Rules, in accordance with Procedure Rule 20 of this Part 4D;
- 10.1.17. motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public;
- 10.1.18. that a Councillor named under Procedure Rule 24 of this Part 4D should not be heard further;
- 10.1.19. by the Chair under Procedure Rule 24 of this Part 4D, that a Councillor do leave the meeting; and
- 10.1.20. giving consent of the Council where consent of the Council is required by these Procedure Rules.

11. General Questions by Councillors at Council meetings

- 11.1. A Councillor may ask the Chair, the Leader, a Portfolio Holder or the Chair of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.
- 11.2. Questions must be sent in writing to the Monitoring Officer or their nominated representative at least five clear working days before the meeting. In calculating

the period the date of the meeting and the date of submission of the question are not included in the calculation.

- 11.3. The Chair may agree to take urgent questions where they consider that it has not been possible for a Councillor to give the required notice, provided that a copy of the question is given to the Monitoring Officer before the meeting starts.
- 11.4. A question will be rejected by the Chair in consultation with the Monitoring Officer where it:
 - 11.4.1. does not relate to a matter for which the Council has a responsibility, or which affects the Council's administrative area;
 - 11.4.2. is defamatory, frivolous, offensive, vexatious, unlawful, solely or mainly rhetorical or otherwise improper;
 - 11.4.3. requires the disclosure of Confidential or Exempt Information as defined by the Access to Information Procedure Rules;
 - 11.4.4. names or identifies individual service users, Officers or members of staff of partner agencies;
 - 11.4.5. is considered to be inappropriate for the particular meeting; or
 - 11.4.6. duplicates a question that has been asked within the preceding six months.
- 11.5. A Councillor may ask no more than two questions at any meeting, but the Councillor may not ask their second question until other Councillors, if any, have asked their first questions, subject to the Chair's discretion.
- 11.6. Subject to Rule 11.5 of this Part 4D, questions will be asked in the order of receipt and answered without discussion. In replying, the Councillor answering the question will use their reasonable endeavours to address the matters raised in the question. The Councillor to whom the question is addressed may decline to answer any question or may: reply direct, refer the question to another appropriate Councillor to respond, reply by reference to a publication, reply by written answer with a copy to such other Councillors as the Council agrees, or refer the question to an appropriate Committee or to the Cabinet.
- 11.7. Following the answer to each question, the questioner may ask a supplementary question which relates to the initial answer. A reply may not be given if the question is: not related to the initial answer; is unduly lengthy; or is inappropriate. The Councillor answering the supplementary question will decide whether or not to reply.
- 11.8. Where a question submitted under this Rule relates to a matter that appears on the Agenda for that meeting, the question shall be put and answered in accordance with this Procedure Rule, at the start of the consideration of that matter, and the time taken to deal with such questions will not form part of the 30 minutes set aside for General Questions.
- 11.9. The time allowed for Councillors to ask questions under this Rule will be a maximum of 30 minutes but is otherwise a matter for the discretion of the Chair

who, in exercising his discretion, will have regard to the business to be transacted at the meeting and the objective of ensuring that the meeting is managed efficiently.

12. Public participation at meetings

- 12.1. The following procedures enable members of the public to submit questions, make statements and present petitions at ordinary meetings of the Council, Cabinet, Committees and Sub-Committees.
- 12.2. The time for questions, statements and petitions from members of the public shall normally commence immediately after the item 'Declarations of Interest' on the agenda for the meeting and shall be restricted to a total of 15 minutes, although, at the discretion of the Chair of the Council or the Chair of the meeting, this time may be extended. Where a question to which an answer is to be given is not reached within the time limit, a written answer shall be provided to the questioner within two working days of the meeting and a copy e-mailed to all Councillors.
- 12.3. This procedure does not apply to Planning Committee, Licensing Committee or Appeals Committee. Separate protocols establish the arrangements for public representations at Planning and Licensing Committees. Such protocols are reviewed and approved by the respective committee, included within Part 6 of the Constitution and published on the website.

Council,
Cabinet,
Committees and
Sub-Committees
(except
Planning,
Licensing and
Appeals
committees)
unless otherwise
stated

Public Questions

- 12.4. Members of the public may ask questions at meetings of the Full Council, Cabinet, Committees and Sub-Committees of the Council. The protocol for questions is as follows:
 - 12.4.1. subject to the requirements of this Protocol, a member of the public who lives or works in the area of the Council may submit a written question to the Leader of the Council, a Portfolio Holder or the Chair of the Council or of a Committee of the Council;
 - 12.4.2. a person wishing to ask a question shall submit the question in writing which must be received by the Monitoring Officer or their nominated representative four clear working days before the meeting at which it is to be asked. The person's name and address must be included. In calculating this period the date of the meeting and date of submission are to be excluded;
 - 12.4.3. a question at Council shall relate to Council business, shall not exceed 100 words in length and shall be so framed as to elicit information rather than make a statement;
 - 12.4.4. a question at a Committee, Sub-Committee or at the Cabinet shall relate to an item on the agenda of the meeting at which the question is asked and shall not exceed 100 words in length;
 - 12.4.5. at Full Council no member of the public may ask more than four questions in any one Municipal Year;

Council

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- 12.4.6. questions shall be provided to Councillors electronically prior to the commencement of the meeting and hard copies made available for members of the public attending the meeting. No discussion shall be allowed upon questions or answers;
- 12.4.7. the person asking the question may attend the meeting to read out their question or nominate another person to read out the question on their behalf, and to hear the answer. If someone is unable to attend and fails to nominate someone to attend on their behalf, the question will not be read out, but will be responded to by way of written answer;
- 12.4.8. if questions are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Council would be likely to consider in the absence of the press and public, the Chair shall have the right to rule the question out of order;
- 12.4.9. in exceptional cases members of the public who do not live or work in the administrative area of the Council but who are directly affected by a decision or potential decision of the Council can submit a question in accordance with the above protocol. In such cases, the Monitoring Officer will determine the validity or otherwise of the question in consultation with the appropriate Chair.

Public Statements

12.5. Members of the public may make statements at meetings of the Full Council, Cabinet, Committees and Sub-Committees of the Council. The protocol for statements is as follows:

- 12.5.1. subject to the requirements of this protocol, a member of the public who lives or works in the area of the Council may submit a written statement to the Council, Cabinet, Committee or a Sub-Committee of the Council;
- 12.5.2. a person wishing to make a statement under this protocol shall submit the statement in writing which must be received by the Monitoring Officer or their nominated representative by midday the day before the meeting at which it is to be raised. The person's name and address must be included;
- 12.5.3. a statement at Council shall relate to Council business and shall not exceed 100 words in length. At Full Council no member of the public may submit more than four statements in any one Municipal Year;
- 12.5.4. a statement at Committee, Sub-Committee or Cabinet shall relate to an item on the agenda of the meeting at which the statement is made and shall not exceed 100 words in length;
- 12.5.5. statements shall be printed in order of receipt and circulated electronically to Councillors prior to the commencement of the meeting and hard copies made available for members of the

Council

Cabinet,
Committees and
Sub-Committees

public attending the meeting. No discussion shall be allowed upon statements;

- 12.5.6. the person making the statement shall normally attend the meeting to read out their statement. However, persons may, if they prefer, ask for an officer of the Council to read out their statement;
- 12.5.7. if statements are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Council would be likely to consider in the absence of the press and public, the Chair shall have the right to rule the statement out of order;
- 12.5.8. in exceptional cases, members of the public who do not live or work in the administrative area of the Council but who are directly affected by a decision or potential decision of the Council can submit a statement in accordance with the above protocol. In such cases, the Monitoring Officer will determine the validity or otherwise of the statement in consultation with the appropriate Chair;

Petitions

12.6. Anyone who lives, works or studies in the Council's area may sign or organise a petition and trigger a response. This includes anyone under the age of 18. This petition scheme explains the rules that the Council will apply to any petition it receives.

12.7. Petitions submitted to the Council under this scheme must:

- 12.7.1. include a clear and concise statement covering the subject of the petition;
- 12.7.2. state what lawful action the petitioners wish the Council to take;
- 12.7.3. be signed by at least 20 people supporting the petition;
- 12.7.4. include the name and address (in a legible format) and signature of any person supporting the petition together with their connection with the Council's area (i.e., lives, works or studies); and
- 12.7.5. contact details, including name, address, telephone number (and where possible, an e-mail address) of the petition organiser.

12.8. The petition organiser is the person the Council will contact to explain how it will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website.

12.9. An electronic petition system is available on the Council's website.

12.10. If a petition does not include all of the information required by this scheme it may not be accepted by the Monitoring Officer. In that case, the Council will write to the petition organiser to explain the reasons why.

Petitions not included in this scheme

- 12.11. The Council will not take action on any petition which the Monitoring Officer considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in the acknowledgement of the petition.
- 12.12. This petition scheme does not apply to:
- 12.12.1. any petition which is not about a matter for which the Council has a responsibility, or which affects its area;
 - 12.12.2. any petition relating to a planning or licensing application or decision (which will be referred by the Monitoring Officer to the relevant officer/committee so that it can be considered in accordance with arrangements that the relevant committee has agreed);
 - 12.12.3. a statutory petition (for example requesting a referendum);
 - 12.12.4. a petition that is related to confidential staffing matters; or
 - 12.12.5. a petition relating to a matter where there is already an existing recourse to a review or right of appeal, such as council tax banding and non-domestic rates, where other procedures apply.
- 12.13. In addition, any petition on the same or similar topic as one that the Council has received and dealt with in the previous six months is excluded.
- 12.14. Details of petitions affecting particular wards that have been excluded will be sent to the Councillors representing those wards.
- 12.15. In exceptional cases, members of the public who do not live, work or study in the Council's area but who are, nevertheless, affected by a decision or potential decision of the Council can submit a petition in accordance with this scheme and the Monitoring Officer will determine the relevance of such a petition in consultation with the Chair of Council or with the Chair of the appropriate Committee.

Guidelines for submitting a petition

- 12.16. Petitions can be submitted in paper format or electronically through the Council's e-petition portal.
- 12.17. Paper petitions can be submitted to the Monitoring Officer at the main office of the Council.
- 12.18. The Council will accept e-petitions hosted by third parties which meet the requirements of this scheme, in particular those required by Rule 12.7 of this Part 4D.
- 12.19. If the appropriate threshold is met, petitions can also be presented to a meeting of the Council or its Committees or to the Cabinet. Where the threshold is met the petition organiser should contact the Monitoring Officer at least 10 working days before the meeting.

How the Council will respond to a petition

12.20. The Council will acknowledge receipt of a petition within 10 working days setting out what the Council plans to do with the petition. The acknowledgment will let the petition organiser know what the Council plans to do with the petition and when they can expect to hear from the Council again. The petition will be published on the Council's website, except in cases where this would be inappropriate. Where the subject matter of the petition affects particular wards, the Councillors representing those wards will be notified of the receipt of the petition.

12.21. If paragraph 3.3 applies to the petition, then the Council's acknowledgement will include details of any previous petition on the same topic. If the Council is still considering a petition on the same or similar topic, the acknowledgement will tell the petition organiser that the new petition has been amalgamated with the first petition.

12.22. The Council's response to a petition will depend on what a petition asks for, but may include one or more of the following:

- 12.22.1. taking the action requested in the petition;
- 12.22.2. considering the petition at a meeting of the Council or Cabinet;
- 12.22.3. holding an inquiry into the matter;
- 12.22.4. holding a public meeting;
- 12.22.5. holding a meeting with petitioners or the petition organiser;
- 12.22.6. undertaking research into the matter;
- 12.22.7. writing to the petition organiser setting out the Council's views about the request in the petition;
- 12.22.8. referring the petition to an Overview and Scrutiny Committee or another Committee of the Council for consideration;
- 12.22.9. referring the petition, in the first instance, to another formal body of the Council where the subject matter of the petition falls within the scope of the terms of reference of that body.

12.23. The Council's response may also depend on the number of people who have signed the petition. The table below sets out the thresholds:

Number of signatories	Response
20 – 49	Response from relevant director / service head (treated as standard correspondence)
50 – 1,999	Response from relevant Cabinet member
2,000 +	Referred for debate at a meeting of Full Council

12.24. If the Council is able to do what a petition asks, the acknowledgement to the petition organiser may confirm that the Council has taken the action requested and the petition will be closed.

12.25. Where the petition is referred to the relevant Cabinet member for a response, the petition organiser will be invited to make a written statement in support of the petition (if one has not already been included in the petition).

12.26. If the petition has enough signatures to be referred to trigger a debate at a meeting of the Full Council, then the acknowledgment will confirm this and inform the petition organiser when and where the relevant meeting will take place. The Council will try to consider the petition at its next meeting, although on some occasions this may not be possible, and consideration will then take place at the following meeting.

Council

12.27. Where the petition is referred to the Full Council, the petition organiser (or any person authorised by them) will, if they so wish, be given a period not exceeding three minutes to present the petition at the meeting and unless the petition is referred to the Overview and Scrutiny Committee or another Committee or sub-committee for consideration without debate; the petition will be debated by members. Members may ask questions of the petition organiser. The petition organiser (or any person authorised by them) will be granted a right of reply for a further period not exceeding three minutes at the end of the debate and before a final decision or vote is taken.

Council

13. Rules of Debate

Motions and Amendments

13.1. No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chair, motions or amendments shall be put in writing and handed to the Chair before they are further discussed or put to the meeting.

13.2. At meetings other than those of the Full Council, the Chair of that meeting may, at their discretion, allow a motion or amendment to be put which is not in writing, provided that the Chair has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions submitted under Procedure Rule 9 of this Part 4D.

Cabinet,
committees and
sub-committees

Secunder's Speech

13.3. When seconding a motion or amendment a Councillor may advise the Chair that they will reserve their right to speak until a later period in the debate.

Only One Councillor to Stand at a Time

13.4. When speaking at the Council meeting a Councillor shall stand and address the Chair. While a Councillor is speaking the other Councillors will remain seated, unless rising on a point of order or in personal explanation.

Council

Content and Length of Speeches, Questions and Responses to Questions

13.5. A Councillor will confine their speech to the question under discussion, a personal explanation or a point of order. Except as indicated below, in the case of speeches made by Councillors when the Council is agreeing a budget, or where the Council, Committee or Sub-Committee otherwise agrees, no speech, question or response to a question will exceed three minutes.

13.6. In advance of the meeting at which the Council is due to agree a budget, the Council's Political Groups may agree a protocol which makes provision for a limited number of speeches to be made on behalf of each Political Group, and which exceed the three minute limitation contained in these Rules. The Chair will have discretion as to how such a protocol will be implemented at the meeting and, where no agreement can be reached between the Political Groups, whether and (if so) how any extension of the three minute limitation might be permitted to operate.

Council

When a Councillor may speak again

13.7. At the Council meeting a Councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

Council

- 13.7.1. to speak once on an amendment moved by another Councillor;
- 13.7.2. if the motion has been amended since they last spoke, to move a further amendment;
- 13.7.3. if their first speech was on an amendment moved by another Councillor, to speak on the main issue, whether or not the amendment on which they spoke was carried;
- 13.7.4. in exercise of a right of reply;
- 13.7.5. on a point of order referring to the specific Procedure Rule;
- 13.7.6. by way of personal explanation; or
- 13.7.7. to move one of the motions specified in Rule 13.16 of this Part 4D when the procedure in those paragraphs shall be followed.

13.8. At Cabinet, Committees or Sub-Committees Councillors may, at the discretion of the Chair, speak more than once.

Cabinet,
committees and
sub-committees

Amendments to Motions

13.9. An amendment must be relevant to the motion and shall propose to do one of the following:

- 13.9.1. to leave out words;
- 13.9.2. to leave out words and add others; and/or
- 13.9.3. to insert or add words,

but such amendment shall not have the effect of negating the motion before the Council.

Number of Amendments

13.10. Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.

Status of Amendments

13.11. If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

Alterations to Motions or Amendments

13.12. A Councillor may alter a motion or amendment of which they have given notice and may also, with the consent of the seconder, alter a motion or amendment which they have moved. In both cases, the consent of the Council (the Committee or Sub-Committee) is required. There should be no discussion on whether consent should or should not be given.

Withdrawal of Motion

13.13. A motion or amendment may be withdrawn by the mover provided the seconder and the meeting, without discussion, agree. Once the mover has asked for permission to withdraw, there should be no further discussion, unless the meeting refuses to agree to the request.

Right of Reply

13.14. The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote.

13.15. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it. The mover of the amendment shall have the right of reply to the debate on their amendment immediately before the mover of the original motion.

Closure Motions

13.16. A Councillor may move, without comment, at the conclusion of a speech of another Councillor, "That the meeting proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the meeting do now adjourn". When one of these Motions has been seconded the Chair shall proceed as follows:

- 13.16.1. on a motion to proceed to next business - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business;

- 13.16.2. on a motion that the question be now put - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall put to the vote the closure motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote; and
- 13.16.3. on a motion to adjourn the debate or the meeting - if in their opinion the matter before the meeting has been insufficiently discussed on that occasion they shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

Points of Order

13.17. A Councillor may rise on a Point of Order and shall be entitled to be heard immediately. A Point of Order shall relate only to an alleged breach of a Procedure Rule or statutory provision and the Councillor shall specify the Procedure Rule or statutory provision and the way in which they consider it has been breached. The ruling of the Chair of the meeting on a Point of Order shall not be open to discussion and shall be final.

Personal Explanation

13.18. A Councillor may rise in Personal Explanation and shall be entitled to be heard immediately. A Personal Explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood in the current debate. The ruling of the Chair of the meeting on a Personal Explanation shall not be open to discussion and shall be final.

Respect for the Chair

13.19. At the Council meeting whenever the Chair rises during a debate a Councillor then standing shall sit down and the Council shall be silent.

Council

13.20. In Committee or Sub-Committee meetings, whenever the Chair rises from their seat, the Councillors should remain in their seats and the Committee or Sub-Committee shall be silent.

Committees and sub-committees

14. Rescission of earlier resolution

14.1. Subject to Rule 14.2 of this Part 4D, at a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.

Council

14.2. Such a motion may be moved if:

- 14.2.1. It is recommended by the Cabinet or a Committee
- 14.2.2. Notice of such motion has been given under Rule 9 of this Part 4D and signed by at least one quarter of Councillors.

15. Requests by Councillors for items of business to be included on agendas of a Committee or Sub-Committee

- 15.1. This Rule does not apply to special meetings of Committees and Sub-Committees or to the Cabinet.
- 15.2. A Councillor may, by notice given to the Monitoring Officer or their nominated representative no later than ten clear working days before the appropriate meeting, request that an item of business be included on the agenda of a Committee or Sub-Committee.
- 15.3. A Councillor may not give notice of more than one item of business for any one meeting. The notice shall state the nature of the business and shall include the signature of that Councillor.
- 15.4. This procedure shall not apply where the item of business, if agreed, would have the effect of rescinding or amending any resolution passed by a Committee or Sub-Committee of the Council within the preceding 12 months.
- 15.5. Items arising from such notices shall appear on the agenda at the end of the Part 1 or 2 business (public and non-public business).
- 15.6. This procedure will apply to Councillors exercising their rights under The Local Government Act 2000 as amended by Section 9FC of the Localism Act 2011, to request that an item be included on the Agenda of the Overview and Scrutiny Board or an Overview and Scrutiny Committee where the item is within the remit of that particular body. It should be read in conjunction with the Overview and Scrutiny Procedure Rules set out in Part 4C of this Constitution. The restrictions in Rule 15.3 of this Part 4D on the number of items shall not apply.

16. Disclosure of Confidential/Exempt Matters

- 16.1. No Councillor shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been made available to the public or the press by or on behalf of the Council, the Cabinet, a Committee or Sub-Committee.
- 16.2. No Councillor shall disclose to any person other than a Councillor any matter arising during the proceedings of the Council, the Cabinet, any Committee, or Sub-Committee and which comes to their knowledge by virtue of their office as a Councillor where such disclosure would prejudice the interest of the Council or would be contrary to law.
- 16.3. No Councillor shall disclose to any person any decision or proceedings of that body except when one of the following applies (provided that nothing in this paragraph shall authorise disclosure which would contravene Rule 16.1 or Rule 16.2 of this Part 4D):
- 16.3.1. a report on the matter has been circulated to the Council by that body;

- 16.3.2. the decision has become public knowledge; or
- 16.3.3. the matter comes within the powers of that body and a final decision has been made upon it.

17. Voting

- 17.1. Voting will be by a show of hands or where practical and the means are available to those present, by electronic means. Where there is a clear majority in favour of a proposal the person presiding will ask if any Councillor wishes to vote against or abstain from a proposal.
- 17.2. When a Councillor asks for a recorded vote to be taken, and one quarter of Councillors present support the request, the vote will be recorded to show whether each Councillor voted for or against the motion or abstained.
- 17.3. A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 17.4. A Councillor may require, after a vote is completed, that the minutes of the meeting record how they voted or abstained.
- 17.5. Where there are equal votes cast for a motion or amendment the Chair or the person presiding will have a second or casting vote.

18. Offices and Appointments

- 18.1. A secret ballot will be held to elect the Chair and Vice-Chair of the Council, Committees and Sub-Committees, or Councillors to any office or position where more than one person is nominated.
- 18.2. If a secret ballot is held and no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.
- 18.3. The Chair, or person presiding, will have a second or casting vote where the votes are equal.

19. Variation and revocation of Procedure Rules

Any motion under Procedure Rule 9 (Motions on Notice) of this Part 4D, to vary or revoke these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Council

20. Suspension of Procedure Rules

- 20.1. Any of the Procedure Rules may be suspended to the extent permitted within the Rules and the law in respect of any business at a meeting of the Council, Cabinet, a Committee or Sub-Committee where its suspension is moved.
- 20.2. A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 10 of this Part 4D) unless there shall be present at least

one-half of the Members of the Council or that Committee or Sub-Committee respectively. The extent and duration of the suspension will be proportionate to the result to be achieved taking into account the purposes of the Constitution set out in Article 1.

21. Interpretation of Procedure Rules

The ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

22. Substitute Members

22.1. A Political Group may, by notice to the Monitoring Officer or their nominated representative, appoint a substitute member from within its Group for a meeting of a Committee or Sub-Committee.

22.2. Members of the Cabinet shall not be nominated as substitutes for any Overview and Scrutiny Committee or Regulatory Committee.

22.3. Where a Political Group intends to vary its representation on a Committee or Sub-Committee, the Group Leader (or their nominated representative) shall inform the Monitoring Officer or their nominee prior to the meeting, and the Substitute Member shall inform the Chair at the beginning of the meeting. The outgoing member shall cease to be the Political Group's representative on that Committee or Sub-Committee for the duration of that meeting or any adjournment of it, and that substitute Councillor shall become the representative on the Committee or Sub-Committee for the same period. At the end of the meeting, the outgoing member shall resume their representation on the Committee or Sub-Committee in question.

22.4. On receipt of a Notice under this Procedure Rule the Monitoring Officer shall, at the meeting (prior to the commencement of the main business) inform the Committee or Sub-Committee.

22.5. For the avoidance of doubt, there are no substitute arrangements in respect of the Cabinet.

23. Attendance of Councillors at Committees and Sub-Committees of which they are not members

23.1. Notwithstanding their rights as a member of the public, a Councillor may attend any meeting of a Committee or Sub-Committee to which they have not been appointed, for the purposes of performing their duties as a Councillor, including when Exempt or Confidential business is transacted subject to the provisions of the Access to Information Rules.

23.2. A Councillor will be provided with access to a copy of the agenda and relevant papers when they arrive at the meeting, subject to the Access to Information Rules set out at Part 4A of this Constitution.

Committees and
sub-committees

Committees and
sub-committees

23.3. The Councillor has no right to vote but may speak with the consent of the Chair of the meeting.

24. Disorderly conduct by Councillors

24.1. If at a meeting any Councillor, in the opinion of the person presiding, misconducts themselves in any way, the person presiding shall warn them. If the misconduct continues, the person presiding or any other Councillor may move "That the Councillor be not further heard". The motion, if seconded, shall be put and determined without discussion.

24.2. If the Councillor continues the misconduct after a motion under the Rule 24.1 of this Part 4D has been carried, the person presiding may: either move "That the Councillor do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.

24.3. In the event of general disturbance by Councillors at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding, will have the power to adjourn the meeting.

25. Disturbance by members of the Public

If a member of the public interrupts the proceedings at any meeting the person presiding shall warn them. If they continue, the person presiding shall order their removal from the meeting. In cases of general disturbance in any part of the meeting room open to the public, the person presiding shall order that part to be cleared.

26. Submission of Notices by Councillors – Electronic Means

A Councillor may communicate, by electronic means, any notice under any of the Council's Procedural Rules to initiate any process or procedure provided it is clear that the notice has been originated by that Councillor.

27. Overview and Scrutiny Board/Committees/Sub-Committees

In applying these Rules to the Overview and Scrutiny Board, Overview and Scrutiny Committees and Sub-Committees, regard shall be had to the Overview and Scrutiny Procedure Rules which are contained in Part 4C of this Constitution.

28. Protocol for the Establishment and Running of Combined In-person and Virtual Attendance Meetings during the Covid-19 Response Period

Introduction

28.1. This Procedure Rule provides the means and guidance for the conduct of combined in-person and virtual attendance meetings of the Council and its committees.

28.2. The Procedure Rules should be read in conjunction with the Standing Orders and Procedure Rules within the Council's Constitution.

Notice of Meetings

28.3. The Proper Officer will give the requisite notice to the public of the time of the meeting, and the Agenda, together with details of how to view the meeting via the following web site (<https://democracy.bcpccouncil.gov.uk/>)

28.4. Councillors will be notified of a remote meeting by email and all agenda papers will be available on the Council's website.

28.5. The 'place' at which the meeting is held may be a Council building or may, subject to applicable legislation, be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be a number of these combined. The meeting may also be held in a meeting room or Chamber with a proportion of the membership and any participating public additionally attending remotely.

Access to Meetings

28.6. Non-voting participatory Councillors will be encouraged to use any video conferencing facilities provided by the Council to attend a meeting remotely. If this is not possible, attendance may be through an audio link or by some other electronic means.

28.7. In the interests of general public health and notwithstanding the legal rights for public attendance, remote access for members of the public and councillors who are not attending to participate in the meeting together with press facilities, will be provided through webcasting.

28.8. It is important to note that the public accessing the meeting by remote means, as described in 28.7, is different from the public attending to exercise a right to speak. A technological failure removing the ability for the public to access the meeting by remote means may render the meeting incapable of proceeding.

Management of Remote Participation

28.9. Any Councillor participating in a meeting remotely must, when they are speaking, be able to be heard (and ideally seen) by all other Councillors in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Councillors participating.

28.10. In addition, a remote participant must be able to be heard by, and in turn hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.

28.11. The Chair will normally confirm at the outset and at any reconvening of a meeting that they can see and hear all participating members (this is unlikely to be practical for a meeting of the Full Council). Any Councillor participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.

- 28.12. The attendance of those Councillors at the meeting will be recorded by the Democratic Services Officer.
- 28.13. The normal quorum requirements for meetings as set out in the Constitution will also apply to a remote meeting.
- 28.14. In the event of any apparent failure of the video, telephone or conferencing connection, the person presiding should immediately determine if the meeting is still quorate:
- 28.14.1. if it is, then the business of the meeting will continue; or
 - 28.14.2. if there is no quorum, then the meeting shall adjourn for a period specified by the person presiding to allow the connection to be re-established.
- 28.15. If the meeting was due to determine an urgent matter or one which is time limited and it has not been possible to continue because of technical difficulties, the Chief Executive, in consultation with the Monitoring Officer and where appropriate/possible the relevant cabinet member, shall explore such other means of taking the decision as may be permitted by the Council's constitution.
- 28.16. Should any aspect of an individual's remote participation fail, the person presiding may call a short adjournment of up to five minutes to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative (this is unlikely to be practical for a meeting of the Full Council). If the connection is not restored within that time, the meeting shall continue to deal with the business whilst this happens providing the meeting remains quorate and the public are able to hear.
- 28.17. In the event of connection failure, the Councillor(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Councillor(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item(s) of business. If the connection is successfully re-established, then the Councillor(s) will be deemed to have returned at the point of re-establishment.
- 28.18. Etiquette at the meeting is referred to further below.

Remote Attendance by the Public

- 28.19. Any member of the public who has been given permission by the Chair to address a meeting in accordance with the Constitution must meet the same criteria as Councillors. Members of the public attending a meeting remotely must, when they are speaking, be able to be heard (and ideally seen) by Councillors in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other members participating.
- 28.20. Access to the meeting will be determined in accordance with the Meeting Procedure Rules set out at Part 4D of this Constitution. In such instances, an invitation to participate in the remote technology will be sent out.

- 28.21. Members of the public who have been given permission by the Chair to address a meeting may read out their question or written statement, of which prior notice will have been given, when invited to do so by the Chair.
- 28.22. As an alternative, members of the public who wish to address the meeting may submit a written statement that can be read out by the Chair at the appropriate time.
- 28.23. The Democratic Services Officer or meeting facilitator (see below) should be able to mute the member of the public once they have spoken, and remove them from the remote meeting on the instruction of the Chair, in order to maintain the good administration of the meeting or to retain order.
- 28.24. A breakdown of the technology should not disadvantage the member of the public in remote attendance wherever possible.

Meeting Procedures

- 28.25. A meeting facilitator, who may be the Democratic Services Officer but preferably in addition to, will control the video, telephone or conferencing technology employed for remote access and attendance and to administer the public and member interaction, engagement and connections on the instruction of the Chair.
- 28.26. The Council will endeavour to put in place a technological solution that will enable Councillors participating in meetings remotely to indicate their wish to speak via this solution, replacing the physical practices or rules concerning raising one's hand or standing to be recognised or expressing a desire to speak.
- 28.27. It will greatly assist the meeting if those Councillors who wish to speak on a particular item could indicate their wish to speak to the Chair and to the Democratic Services Officer in advance of the start of the meeting where possible. Political groups are encouraged to co-ordinate this activity where possible, particularly in respect of Council and other meetings likely to result in a high number of requests to speak. This is particularly important if Councillors are unable to participate via video conference.
- 28.28. The Chair will follow the Rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches.
- 28.29. At the beginning of the meeting, the Chair will explain the protocol for Councillor and public participation and the rules of debate. The Chair's ruling during the debate will be final.
- 28.30. Councillors are asked to adhere to the following etiquette during remote attendance at a meeting:
- 28.30.1. members of the committee or body in question are asked to join the meeting no later than fifteen minutes before the start to allow themselves and Democratic Services the opportunity to test the equipment and verify identity;

- 28.30.2. any camera (video feed) should show a non-descript background or a virtual background and Councillors should be careful to not allow exempt or confidential papers to be seen in the video-feed;
 - 28.30.3. Councillors must take care to type their name on joining the meeting in full, i.e. "Cllr Joanne Smith" (where the technological solution employed by the authority enables this);
 - 28.30.4. all Councillors must have their microphones muted when not talking;
 - 28.30.5. rather than raising one's hand or rising to be recognised or to speak, Councillors should avail themselves of the remote process for requesting to be heard;
 - 28.30.6. Councillors will only speak when invited to by the Chair;
 - 28.30.7. only one person may speak at any one time;
 - 28.30.8. Councillors should turn on the microphone and also the video-feed (if available) then state their name before speaking; and
 - 28.30.9. when referring to a specific report, page, or slide, mention the report, page, or slide so that all Councillors have a clear understanding of what is being discussed at all times.
- 28.31. Where members of the public are exercising speaking rights at the meeting via remote attendance, the Chair will, as part of their introduction, explain the procedure for their participation. Members of the public must adhere to this procedure otherwise they may be excluded from the meeting.
- 28.32. When the Chair is satisfied that there has been sufficient debate and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed the Chair will progress to a decision. Unless a Recorded Vote is called, the method of voting will be at the Chair's discretion and will be by one of the following methods:
- 28.32.1. a vote by electronic means; or
 - 28.32.2. an officer calling out the name of each Councillor present with:
 - a) Councillors stating 'for', 'against', or 'abstain' to indicate their vote when their name is called; or
 - b) the Democratic Services Officer clearly stating the result of the vote and the Chair then moving onto the next agenda item.
 - 28.32.3. by the general assent of the meeting.
- 28.33. Details of how Councillors voted will not be minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chair will ask Councillors in turn to signify verbally whether or not they support that request.

Declarations of Interest

28.34. Any Councillor participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Democratic Services Officer who will invite the relevant Councillor by link, email or telephone, to re-join the meeting at the appropriate time.

Exclusion of Public and Press

28.35. There are times when Council meetings are not open to the public, when confidential, or “exempt” issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Where the technology is available, the Democratic Services Officer or meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.

28.36. Each Councillor in remote attendance must ensure and confirm that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

28.37. Any Councillor in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of the Council’s Code of Conduct.

Public Access to Meeting Documentation following the meeting

28.38. Members of the public may access minutes, decisions and other relevant documents through the following website <https://democracy.bcpccouncil.gov.uk>. Requests for access to the list of background papers and other relevant documents should be by email to the relevant officers.

Part 4D

PART 4E

OFFICER EMPLOYMENT PROCEDURE RULES

E. Officer Employment Procedure Rules

1. General

- 1.1. Officers within the Council are employed, appointed, designated or engaged on behalf of the whole Council and not by parts of the Council or individuals.
- 1.2. Generally, (except for certain Senior Officer appointments) the function of appointment and dismissal of, and taking disciplinary action against, an Officer of the Council must be discharged on behalf of the Council by the Head of the Paid Service or by an Officer nominated by them.
- 1.3. The Head of HR & OD will ensure that the provisions of these Rules are reflected, as appropriate, in application forms or in any accompanying detailed procedures for each post, following advertisement.

2. Recruitment and Appointment of Officers

- 2.1. Subject to the provisions of these Procedures, the recruitment, employment, appointment, designation and engagement of all Officers will be conducted in accordance with the law and the Council's policies and procedures.

Declarations of Relationships

- 2.2. Any candidate for any designation or appointment with the Council who knows that they are related to a Councillor or Officer of the Council shall, when making application, disclose, in writing, that relationship to the Head of Human Resources and Organisational Design ("Director of HR & OD").
- 2.3. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal.
- 2.4. Every Councillor and Officer of the Council shall disclose to the Head of HR & OD any relationship known to them to exist between them and any person they know is a candidate for a designation or appointment by the Council.
- 2.5. Persons shall be deemed to be related to a candidate or Officer if they are a spouse, partner (i.e. member of a couple living together), parent, parent-in-law, grandparent, child, stepchild, adopted child, grandchild, child of partner, brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of the preceding persons.
- 2.6. In the case of a dispute under Rule 2.5 of this Part 4E about the status of a relationship in relation to an appointment, the Head of HR& OD will rule and such ruling will be applied.

Seeking Support for Appointment

- 2.7. Any candidate for designation or appointment who directly or indirectly seeks the support of a Councillor or Officer of the Council in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal.
- 2.8. A Councillor shall not solicit for any person in respect of any designation or appointment with the Council but may give a written testimonial of a candidate's ability, experience or character.

3. Responsibility for Human Resources Matters

Subject to any matters reserved to the Council, the Cabinet is responsible for the development of Corporate Human Resources policies; determining and monitoring such policies; and the operational implementation of those policies, including the development of practices and procedures to support them.

4. Appointment of Head of the Paid Service, Chief Officers (Tier 2 Appointments), Monitoring Officer and Section 151 Officer

- 4.1. The appointment to the above posts will be made by Full Council following a process arranged by the Head of HR & OD as set out below.
- 4.2. Where the Council proposes to appoint to one of the posts above, the Head of HR & OD will oversee the arrangements for filling the vacancy in consultation with the Leader of the Council. The Head of HR & OD will make arrangements which will include convening a member panel which will not be a formal Committee of the Council, but will contain relevant members and include at least one opposition member and at least one member of the Cabinet.
- 4.3. The Head of HR & OD shall, in consultation with the member panel they have convened:
 - 4.3.1. draw up a statement specifying the duties of the Officer post and any qualifications or guidelines to be sought in the person to be appointed;
 - 4.3.2. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - 4.3.3. make arrangements for a copy of the statement mentioned above to be sent to any person on request; and
 - 4.3.4. where a post has been advertised as required above, the member panel, Head of HR & OD and any other person the Head of HR & OD considers appropriate to support the process will select from the applications a short list of qualified candidates and will then interview those included in the shortlist.
- 4.4. Following the interview of candidates, the panel will come to a view as to the most suitable person for the position.

- 4.5. The Panel must advise the Head of HR & OD of:
- 4.5.1. the name of the person in question; and
 - 4.5.2. any other particulars which the Panel consider are relevant to the appointment.
- 4.6. Within two clear working days of interview the Head of HR & OD will notify each member of the Cabinet of:
- 4.6.1. the name of the person and any other information they consider relevant to the appointment; and
 - 4.6.2. the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Head of HR & OD; such period shall not exceed five clear working days.
- 4.7. A recommendation to Full Council must wait until:
- 4.7.1. the Leader has, within the period of the notice under paragraph 4.6 above, notified the Head of HR & OD that neither they nor any member of the Cabinet has any objection to the making of the offer; or
 - 4.7.2. the period of the notice under paragraph 4.6 above has expired without objection; or
 - 4.7.3. the Head of HR & OD is satisfied that any objection received from the Leader within the notice period is not material or is not well founded. In this regard, where necessary, the advice of the Monitoring Officer should be sought.
- 4.8. Where following the above procedure there are no objections to the proposed appointment or any objections are not upheld, the Head of HR & OD will recommend that person for appointment at the next meeting of the Full Council or at a specially convened meeting of the Council. If the Council approve the recommendation, then a formal offer of appointment can be made.
- 4.9. Where following the interviews the Head of HR & OD in consultation with the panel are of the view that there is no suitable candidate, they will re-advertise the post.
- 4.10. Where Full Council does not approve the recommendation, it shall indicate how it wishes to proceed.

5. Dismissal of Head of Paid Service, Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers

- 5.1. The requirements of the Local Authorities (Standing Orders)(England) Regulations 2001 (“the Regulations”) will be followed in respect of those posts which fall within the definitions of Head of Paid Service, Statutory Chief Officer, Non-Statutory Chief Officer and Deputy Chief Officer.

5.2. In regard in particular to the dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer the Council by way of this paragraph formally adopts the statutory procedure as set out in Regulation 6 and Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001.

6. Appointments/dismissal of other Officers

Where any appointments are made to positions other than those referred to in paragraph 5 above, or where such persons are dismissed, these shall be the responsibility of the Head of Paid Service, or another Officer to whom they have delegated that responsibility.

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PART 6

CODE OF CONDUCT AND PROTOCOLS

The following schedules contain Codes and Protocols which have been adopted by the Council.

Full Council is required to adopt Schedule 1 (Code of Conduct for Councillors), Schedule 2 (Protocol for Councillor / Officer Relations) and Schedule 3 (Local Code of Best Practice relating to Planning Matters).

The remaining Protocols are adopted by their respective committees or bodies but are included within this Part 6 of the Constitution for completeness and ease of reference.

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CODE OF CONDUCT FOR COUNCILLORS

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

INTRODUCTION

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

DEFINITIONS

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- (a) is a member of any committee or sub-committee of the authority, or;
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

PURPOSE OF THE CODE OF CONDUCT

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

GENERAL PRINCIPLES OF COUNCILLOR CONDUCT

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

APPLICATION OF THE CODE OF CONDUCT

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

STANDARDS OF COUNCILLOR CONDUCT

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

GENERAL CONDUCT

1. Respect

As a councillor:

- 1.1. I treat other councillors and members of the public with respect.**
- 1.2. I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow

councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. BULLYING, HARASSMENT AND DISCRIMINATION

As a councillor:

- 2.1. I do not bully any person.**
- 2.2. I do not harass any person.**
- 2.3. I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. IMPARTIALITY OF OFFICERS OF THE COUNCIL

As a councillor:

- 3.1. I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. CONFIDENTIALITY AND ACCESS TO INFORMATION

As a councillor:

4.1. I do not disclose information:

- (a) given to me in confidence by anyone**
- (b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - (i) I have received the consent of a person authorised to give it;**
 - (ii) I am required by law to do so;**
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - (iv) the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2. I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3. I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. DISREPUTE

As a councillor:

5.1. I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary

members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. USE OF POSITION

As a councillor:

6.1. I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. USE OF LOCAL AUTHORITY RESOURCES AND FACILITIES

As a councillor:

7.1. I do not misuse council resources.

7.2. I will, when using the resources of the local authority or authorising their use by others:

- (a) act in accordance with the local authority's requirements; and**
- (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should

be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. COMPLYING WITH THE CODE OF CONDUCT

As a Councillor:

- 8.1. I undertake Code of Conduct training provided by my local authority.**
- 8.2. I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

PROTECTING YOUR REPUTATION AND THE REPUTATION OF THE LOCAL AUTHORITY

9. Interests

As a councillor:

- 9.1. I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. GIFTS AND HOSPITALITY

As a councillor:

- 10.1. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but

otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non- Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a known financial interest or well-being of a friend, relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Subject	Description
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

'director' includes a member of the committee of management of an industrial and provident society.

'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

<p>You must register as an Other Registerable Interest:</p> <ul style="list-style-type: none"> (a) any unpaid directorships (b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority (c) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) <p>of which you are a member or in a position of general control or management</p>
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ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS

1. INTRODUCTION

- 1.1. The Council is required to adopt arrangements to deal with complaints that councillors have breached the Code of Conduct.

2. PROCESS

- Complaint received by Monitoring Officer.
- Upon receipt of a complaint under the Code of Conduct the Monitoring Officer (or their nominee) should undertake an initial assessment and may:-
 - (a) reject the complaint on the grounds that it falls outside the scope of a valid Code of Conduct complaint;
 - (b) determine that there is no breach of the Code and no further action should be taken; or
 - (c) where considered appropriate, enter into an early preliminary and informal dialogue with the complainant and the Councillor complained of, and agree a speedy informal resolution of the complaint
 - (d) refer the complaint to the Chair of Standards Committee for consideration in accordance with the procedure set out below.
- Types of informal resolution referred to in (c) above might include:
 - (a) An explanation by the subject Councillor of the circumstances surrounding the complaint;
 - (b) An apology from the subject Councillor;
 - (c) Agreement from the subject Councillor to attend relevant training or to take part in a mentoring process or, where the complainant is also a Councillor, an agreement to participate in mediation involving the appropriate Political Group Leaders;
 - (d) Offering to engage in a process of mediation or conciliation between the subject Councillor and the complainant;
 - (e) Correcting an entry in a register;
 - (f) Any other action capable of resolving the complaint.
- Where, in the opinion of the Monitoring Officer, the subject Councillor has appropriately addressed the matters raised there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the complainant and the subject Councillor of this decision.

- If mediation is unsuccessful, the Monitoring Officer will provide details of the complaint formally to the Councillor and seek an initial response. The Councillor will be advised of the right to speak to the Independent Person (IP).
- The Councillor, within five working days or longer at the discretion of the Monitoring Officer, should then provide an initial response to the complaint.
- The Chair of the Standards Committee in consultation with Councillors of the Standards Committee and the Monitoring Officer will then decide whether:
 - There is no breach of the Code and no further action should be taken; or
 - There is a potential breach of the Code and informal resolution is appropriate, to include for example mediation, training, apology, advice; or
 - There is a potential breach of the Code and the Monitoring Officer should undertake or commission an investigation into the complaint with a view to a report then being considered by the Standards Committee.
- The Councillor and complainant will be kept informed and will be notified of the outcome of the initial consideration by the Chair and members of the Committee.
- Where there is no further action to be taken, or the matter is dealt with by informal resolution, the Monitoring Officer shall report on such outcomes by way of an update report to the Standards Committee which will retain oversight of the arrangements.
- Where the matter is considered at a meeting of the Standards Committee further to an investigation, this will be at a formal meeting of the Committee subject to the relevant Procedure Rules contained in Part 4 of this Constitution.

3. CRITERIA TO BE USED IN DETERMINING THAT NO FURTHER ACTION SHOULD BE TAKEN

- 3.1. A complaint may be dismissed as requiring no further action at the initial assessment stage where the Chair, in consultation with councillors of the Standards Committee, the Independent Persons and the Monitoring Officer considers that:-
- (a) the person complained about is no longer a member of the relevant local authority; or
 - (b) the matter being complained about happened more than 12 months before the complaint was received; or
 - (c) the matter or issue being complained about came to the complainant's notice more than 6 months before the complaint was received; or

- (d) insufficient information has been submitted at the outset to demonstrate that there has been a prima facie breach of the Code; or
- (e) the complaint is based essentially on hearsay evidence and is not supported at the outset by detailed and verifiable supporting evidence; or
- (f) the complaint does not relate to behaviour in the member's official capacity as a councillor; or
- (g) the matter complained about is so trivial that it would not be in the public interest or proportionate to pursue it further; or
- (h) the complaint appears to be vexatious, politically motivated, tit-for-tat or made by a persistent complainant; or
- (i) the conduct complained about has already been the subject of investigation or enquiry by another public body; or
- (j) the same, or substantially the same, issue has been the subject of a previous Code of Conduct allegation, and there is nothing further to be gained; or
- (k) the complaint was made anonymously; or
- (l) the complainant has requested that their identity as complainant be withheld from the member, and it is considered that the matter cannot reasonably be taken further in these circumstances; or
- (m) the councillor has already apologised for the action that was the subject of the complaint, and this is considered sufficient to dispose of the complaint; or
- (n) the complaint is essentially against the action of the Council as a whole and cannot properly be directed against an individual councillor(s).

PROTOCOL FOR COUNCILLOR/OFFICER RELATIONS

1. INTRODUCTION

- 1.1. This Protocol governs relations between Councillors and Officers.
- 1.2. Its purpose is to assist the smooth running of the work of the Council by:
 - promoting trust, openness, fairness and honesty by setting out some ground rules;
 - defining roles so as to:
 - be clear about responsibilities – who does what
 - avoid conflict, and
 - prevent duplication or omission
- 1.3. This Protocol applies to Councillors, Co-opted Members, and Officers. Unless the context indicates otherwise, Officer means a person employed by the Council, a person engaged directly by the Council to provide services or employed by an organisation that has contracted with the Council.
- 1.4. The Standards Committee will review the content and operation of this Protocol from time to time. Any Councillors or Officer suggestions for changes to it should be passed to the Monitoring Officer or Chief Executive who will bring them forward to the Standards Committee.
- 1.5. Councillors and Officers must follow this Protocol at all times.
- 1.6. Breaches of this Protocol by a Councillor may result in a complaint to the Council's Standards Committee.
- 1.7. Breaches by an Officer may lead to disciplinary action.

2. THE RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 2.1. A recognition of, and respect for, the respective roles and responsibilities of Officers and Councillors is vital and mutual trust, respect and courtesy is key.

Councillors should:

1. respect Officers' professional integrity;
2. not involve Officers in any criticism of the position or conduct of other Councillors or Officers which is, or could be construed as being, of a personal or party political nature;
3. not apply pressure on Officers to:
 - (a) change their professional opinion or advice
 - (b) do anything which they are not empowered to do or which is against an Officer's professional judgment

- (c) take any action which the officer considers to be unlawful or illegal or which could amount to maladministration or breach any relevant Codes of Conduct, including professional codes of conduct
- 4. not do anything that compromises, or which is likely to compromise, the impartiality of Officers or those who work for or on behalf of the Council;
- 5. in seeking advice and support, have due regard to the seniority of the Officer with whom they are dealing;
- 6. not purport to exercise line management control over an Officer or issue any formal instruction to an Officer;
- 7. not disclose at a meeting open to the press and public, by comment to the media or by any other means to any person outside the Council, personal or confidential information which relates to a Council employee, past or present, except with that employee's consent;
- 8. not comment publicly on individual staff issues or perceived capability of individual staff. This does not prevent Councillors from exercising their legitimate right to hold Officers to account at relevant Council meetings;
- 9. ensure that all communication between them and Officers, including written communication, does not bring the Council into disrepute, or lead to the breakdown of mutual trust, respect and courtesy in Officer/Councillor relations;
- 10. endeavour to give timely responses to enquiries from Officers;
- 11. avoid personal close familiarity with Officers.

Officers should:

- 1. respect the political perspective of Councillors;
- 2. co-operate with all reasonable requests from Councillors and endeavour to give timely responses to enquiries from Councillors;
- 3. not seek to take advantage of Councillors or to cause them embarrassment or difficulties in the performance of their roles;
- 4. not act to frustrate the proper political objectives of Councillors;
- 5. not seek to influence a Councillor to make a decision in their favour;
- 6. not discuss with a Councillor personal matters concerning themselves or another individual Officer. This does not prevent Officers raising on a personal basis and in their own time a matter with their Ward Councillor;
- 7. not make claims or allegations to Councillors about other Officers;
- 8. maintain confidentiality;
- 9. perform their duties effectively, efficiently and with political neutrality;
- 10. behave in a professional and courteous manner;
- 11. be helpful to Councillors and understand and respect their roles, workload and pressures;
- 12. avoid personal close familiarity with Councillors;

13. report to their manager, the Monitoring Officer or the Chief Executive should a Councillor put pressure on them to deal with a matter outside Council procedure or policy;
 14. comply with the current Codes and Protocols applicable to Officers;
- 2.2. All Councillors have the same rights and obligations in relationships with Officers and should be treated equally. Where a political group forms the majority Administration it is recognised that the relationship between Officers, particularly Senior Officers, and the Administration will differ from that with opposition groups. Officers must ensure that, even when they are predominantly supporting the Leader and Cabinet Portfolio Holders, that their political neutrality is not comprised.
 - 2.3. Councillors and Officers must be particularly aware of the image of the Council at meetings open to the public and should treat each other with respect and courtesy regardless of an individual's personal, political or professional views. Meetings require a degree of formality to be adopted, both in the conduct of business and in the manner in which participants are addressed in order to maintain public confidence.
 - 2.4. Councillors may make written/oral representations to the relevant Senior Officer about issues raised by Officers with them as their ward Councillor, but the Councillor must:
 - avoid getting inappropriately involved in, for example, the internal office management, discipline and/or other employment related issues, because of actions of the Councillor(s) may be held to be the actions of the Council, as an "employer";
 - avoid taking a proactive part to represent or in any other way advocate on behalf of any such Officer in any staffing issues or disciplinary procedures brought by the Council against any such Officer.

3. OFFICER ADVICE TO POLITICAL GROUPS AND OTHER MEETINGS

Officer Advice to Political Groups

- 3.1. Officers serve the Council as a whole and not exclusively any Political Group, combination of Groups or individual Councillor. Officers must treat Political Groups and individual Councillors in a fair and even handed manner.
- 3.2. There is statutory recognition of Political Groups. It is common practice for such Groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant formal Council body. Officers may on occasions be called upon to support and contribute to such deliberations by Political Groups but must at all times maintain a stance which is politically impartial. The support provided by Officers may range from a briefing meeting with a Chairman or Cabinet Portfolio Holder before a meeting, to a presentation to a Political Group meeting.
- 3.3. Any advice given to a Political Group or Councillor will be treated with the strictest of confidence by the Officers concerned and not be accessible to any

other Political Group(s). Factual information upon which any advice is based will be available to all Political Groups.

- 3.4. When Officer attendance is requested for Political Group meetings:
1. the request to attend a Political Group meeting must be made through the Chief Executive or appropriate Senior Officer (Director or above);
 2. such a request can only be made in relation to Council business not Party policies or business;
 3. at the meeting Officers will:-
 - (a) provide relevant information and advice on Council business only and not on matters which are purely of a party political nature and must at all times do so in a way which is politically impartial;
 - (b) normally leave during the deliberations of the Political Group on the issue – to avoid any appearance of impropriety or misunderstanding;
 - (c) respect the confidentiality of any Political Group discussion at which they are present; Councillors must not do anything which compromises or is likely to compromise Officers' impartiality. This must not prevent an Officer providing feedback to other Senior Officers as appropriate.
- 3.5. The duration of an Officer's attendance at a Political Group meeting will be at the discretion of the Group, but an Officer may leave at any time if they feel it is no longer appropriate to be there.
- 3.6. An Officer accepting an invitation to the meeting of one Political Group must not decline an invitation to advise another Group about the same matter. They must give substantially the same advice to each.
- 3.7. An Officer must be given the opportunity of verifying comments and advice attributed to them in any written record of a Political Group meeting.
- 3.8. No Councillor will refer in public or at meetings of the Council to advice or information given by Officers to a Political Group meeting.
- 3.9. Political Group meetings perform an important part in the preliminaries to Council decision-making. However, they are not formal decision-making bodies of the Council and are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not rank as Council decisions.
- 3.10. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- 3.11. The principles of this section apply to informal meetings of Cabinet.

Officer Advice to Other Meetings

- 3.12. Officers are available to attend meetings called under the arrangements set out in the Constitution and as specified in this Protocol. Other meetings such as area/community forums, public meetings, local meetings, consultations

arranged by Councillors are not official business meetings of the Council. Officers will not attend such other meetings unless authorised/agreed by the relevant Senior Officer.

4. LOCAL WARD ISSUES

- 4.1. To enable them to carry out their Ward role effectively, Councillors need to be fully informed about matters affecting their Ward. Senior Officers must ensure that all relevant staff are aware of the requirement to keep Ward Councillors informed, thus allowing Councillors to contribute to the decision-making process and develop their representative role.
- 4.2. This requirement is particularly important:
 - during the early stages of policy development, where practicable;
 - in relation to major or sensitive operational matters;
 - whenever any form of public consultation exercise is undertaken;
 - during an Overview and Scrutiny process.
- 4.3. When a public meeting is organised by Officers to consider a local issue, all the Councillors representing the Wards affected must be invited to attend the meeting. Similarly, when Officers undertake any form of consultation on a local issue, the Ward Councillors should be notified at the start of the exercise.
- 4.4. If Ward Councillors intend to arrange a public meeting on a matter concerning some aspect of the Council's work, they can invite a relevant Officer to attend if they so wish. Provided that the meeting has not been arranged on a party political basis an Officer may attend but is not obliged to do so and the meeting may be held in Council-owned premises.
- 4.5. Officers will not be able to attend such meetings in the immediate run-up to Council elections.
- 4.6. Officers must never be asked to attend Ward or Constituency Political Party meetings.
- 4.7. In seeking to deal with residents' queries or concerns, Councillors must not seek to place Officers under undue pressure to deal with their query in a way which circumvents the usual Council procedures. Officers may not be able to carry out the work required by Councillors in the requested timescale and may need to seek instructions from their managers. Corporate Customer response times apply.
- 4.8. If any of the Members of Parliament (MPs) are involved in a local issue, Officers may invite the MP, in addition to the Ward Councillors. If Officers consider this is not appropriate for any reason they may meet the MP separately.

5. CORRESPONDENCE INCLUDING EMAILS

- 5.1. Official correspondence written on behalf of the Council must normally be in the name of the relevant Officer rather than in the name of a Councillor. It may be appropriate in some circumstances, for example representations to a

Government Minister for letters to appear in the name of the appropriate Councillor, for example, the Leader – but this should be only in exceptional circumstances. Letters that, for example, set up meetings, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.

- 5.2. The Chairman may correspond in their own name.
- 5.3. Correspondence which creates legally enforceable obligations or gives instructions on behalf of the Council must never be sent in the name of a Councillor.

6. IF THINGS SHOULD GO WRONG

- 6.1. Councillors or Officers with questions about the implementation or interpretation of this Protocol should seek guidance from the Monitoring Officer.
- 6.2. If Councillors believe that an Officer has breached this Protocol or have concerns about the conduct, behaviour, or performance/capability of an Officer they should raise the matter direct with that Officer's manager or Director; where the Officer concerned is a Director the matter should be raised with the Chief Executive; and when the Officer is the Chief Executive, with the Monitoring Officer.
- 6.3. In all cases, the Officers with whom the concerns have been raised will report back to the Councillor concerned, giving as much information as they can as to the conclusions they have reached.
- 6.4. This procedure is only appropriate where their issues arise in the Councillor's capacity as a Member of the Council, rather than as a service user or individual affected by the Council's decision. In such cases their concerns should be dealt with in accordance with the Council's complaints procedure.
- 6.5. If Officers are concerned about the conduct of a Councillor they should raise the matter with their Manager or Director as appropriate. The Manager will discuss the matter with their Director, who will seek to resolve it to the Officer's satisfaction, in consultation with the Monitoring Officer, where appropriate. The aim of these discussions is to resolve the matter by conciliation, rather than by more formal means. Nevertheless, it must be recognised that Officers, like any members of the public, may make an allegation of a breach of the Code of Conduct for Councillors and can also use the procedures set out in the Council's Bullying and Harassment policy.
- 6.6. Where the concerns are about potential unlawful conduct of an Officer or Councillor, the Whistleblowing Policy or other Council policies may be relevant.

For further advice, please contact the Monitoring Officer, BCP Civic Centre, Bourne Avenue, Bournemouth BH2 6DY

Local Code of Best Practice relating to Planning Matters

1. Introduction

- 1.1. Bournemouth Christchurch and Poole (BCP) Council's Code of Conduct for Councillors provides guidance for elected Councillors about the high ethical standards expected of all those in public service. The Code of Conduct for Councillors is reproduced in Part 6 of the Council's Constitution.
- 1.2. The Council through its Planning Committee makes decisions on certain planning related applications as set out in the Constitution. The principles for making planning decisions are laid down in local and national planning policy, development plans and legislation. The Planning and Compulsory Purchase Act 2004 in conjunction with the Town and Country Planning Act 1990 requires decisions to be made in accordance with relevant adopted Plans unless there are material planning reasons not to do so. In many instances, it is necessary in making decisions to exercise a level of judgement on the issues. This can involve balancing conflicting elements and taking account of relevant replies to consultations with interested parties and representations made by the public.
- 1.3. This Local code of best practice for councillors and officers relating to planning matters applies to every councillor irrespective of whether or not they are a member of the Planning Committee. It also applies to all officers. It is supplemental to, and should be read in conjunction with, the Code of Conduct for Councillors.
- 1.4. The content of this Local code addresses various issues involved in decision making. The processes and procedures that it identifies should help ensure that the public have confidence that planning decisions are made in an impartial, open, transparent and fair manner, taking account of all the relevant information.

2. General conduct of councillors and officers

- 2.1. Councillors and officers have different but complementary roles. This Code generally relates to all councillors but where it is more focused towards councillors appointed to the Planning Committee this is identified.
- 2.2. Councillors have a wide variety of roles and responsibilities. These include:
 - 2.2.1 being appointed to committees including Cabinet on which they make decisions relevant to a wide variety of different Council functions;
 - 2.2.2 playing an important part in community engagement; and
 - 2.2.3 being appointed to external bodies as trustees or directors.
- 2.3. Seven principles of public life have been identified as applying to all councillors and officers. These principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Further details of these principles are set out in the Code of Conduct for Councillors.

- 2.4. The Protocol for Councillor/Officer relations is a further document concerned with matters of conduct. It applies to both Councillors and Officers. A copy of it is reproduced in Part 6 of the Constitution.
- 2.5. Planning Officers must adhere to the Royal Town Planning Institute's Code of Conduct. Other specialist officers must comply with the requirements for conduct stipulated by their appropriate professional bodies. All Council staff must also comply with any relevant code of conduct for BCP Council employees.

3. The Planning application process

Pre-application discussions and meetings

- 3.1. If a Councillor appointed to the Planning Committee intends to vote on a planning application and is involved in any communication or discussion with any member of the public they should:
 - 3.1.1 remain impartial;
 - 3.1.2 recognise that their role on Planning Committee is not one of negotiator; and
 - 3.1.3 seek to avoid discussion on any detail relating to the application unless an officer is present.

Lobbying of Councillors / Discussions with Officers

- 3.2. Lobbying is a normal part of the planning process. It can occur in a variety of different situations ranging from seeking to secure the allocation of a site in a Local Plan to a particular planning application. It can involve councillors with many different roles from those involved in decisions relating to the use of management of Council land to councillors on the Planning Committee who determine applications.
- 3.3. The early engagement of councillors in planning issues relating to a potential planning application can be a positive contributor to helping ensure the sustainable development of the area that meets the need of the community.
- 3.4. In some circumstances, meetings or presentations may be arranged in advance of a related planning decision being made by councillors. To avoid the perception that councillors may have predetermined any decision or fettered their discretion in such circumstances:
 - 3.4.1 there should always be an officer present at a planning related meeting or presentation arranged by officers with a record of the meeting taken including notes of issues raised and any advice given by officers. These should be kept on a relevant file.
 - 3.4.2 officers should normally seek to make clear in advance and / or at the start of any such meeting or presentation that no part of any discussion will bind the Council and any view expressed is provisional;

- 3.4.3 The nature of some meetings and presentations may provide a legitimate reason as to why it would need to be confidential. A record of the reason(s) for such confidentiality should be noted on the relevant file and notes relating to any non-confidential elements should be clearly identifiable.
- 3.5. Depending upon the nature of their work, officers may well also find themselves being approached by members of the public with regard to various planning decisions. In the case of Planning Officers for example, such approaches may be made by a wide range of parties with an interest in the matter including the applicant, agent, consultee, a supporter or an objector. Whenever this occurs, an officer should always consider the nature and likely content of any discussion and reflect on whether it is appropriate to make a note of what was discussed including, as part of any note, recording express details of the advice given / outcomes of any negotiation. In many cases, to try and avoid disagreement going forward, seeking to agree a note of such matters with the other attendees may well be a sensible way forward.

Lobbying of Councillors appointed to the Planning Committee

- 3.6. Councillors on the Planning Committee are also likely to find themselves in various situations where members of the public including developers and other councillors seek to engage them on matters relating to a specific planning application. The general principles set out in clause 3.1 above are applicable to any circumstance when this might occur.
- 3.7. In addition, councillors appointed to the Planning Committee who intend to participate as a member of that Planning Committee in relation to an item should have regard to the following in relation to any such circumstance:
- 3.7.1 avoid saying anything that could give an indication that they have already made up his/her mind on an application and is no longer open to considering its merits;
 - 3.7.2 if any opinion is expressed, then make clear that it is a preliminary view only and a final decision will only be made when all relevant factual information is available at the time of the Planning Committee meeting. However, generally seek to limit any opinion to matters relating to procedure only;
 - 3.7.3 pass any written (including electronic) correspondence relating to a planning application of which the councillor is the main addressee (for an e-mail addressed to all members of the Planning Committee this will be the Chairman of the Planning Committee), as soon as reasonably practicable to the case officer dealing with that application for recording on the file and as appropriate forwarding to other members on the Planning Committee;
 - 3.7.4 especially take care if invited to attend any meeting or presentation relating to an application not arranged by officers and in particular considering seeking advice from the Monitoring Officer before deciding whether to attend a meeting that appears to be for the purpose of lobbying; and

- 3.7.5 consider whether any contact (including any meeting) relating to a planning application other than one arranged by officers might be seen as significant and if so, disclose such contact at the relevant Planning Committee meeting in advance of a decision being taken.

Lobbying by councillors

- 3.8. As part of a councillor's role in representing their communities, ward councillors are likely to become involved in the decision making process relating to planning applications.
- 3.9. To the extent this involves a councillor discussing any individual planning related application with an officer, it can be very easy for the impression to be given that a councillor is using their position to influence progress relating to the matter. It is important that any such discussions are therefore open and transparent. Consequently, officers may well seek to take a note of any such communication.
- 3.10. A ward councillor who is not taking part in the determination of a planning application at Planning Committee can make representations on behalf of their ward, may attend Planning Committee and with the agreement of the Chairman of Planning Committee, address the Planning Committee in accordance with the Protocol on Public Speaking at Planning Committee. Any representations should relate to the planning merits of the application. When making representations as a ward councillor, the councillor should aim to make clear whether the opinion expressed is the view of the councillor or their constituents.
- 3.11. Councillors should avoid lobbying members of the Planning Committee and exerting undue pressure on planning officers in relation to any particular application.

4. Determining a Planning Application including Predetermination

- 4.1. Many decisions on planning applications and other related matters are delegated to officers. Details of such delegations are set out in Part 3 of the Constitution.
- 4.2. Other applications not delegated to officers are determined by councillors sitting on Planning Committee. Every application considered by Planning Committee will be accompanied by a report that has been produced by Officers. Copies of committee reports are available for consideration in accordance with the Council's Access to Information Rules. These are produced in Part 4 of the Constitution.

Predetermination

- 4.3. Every planning application should be determined having regard to all planning considerations that are relevant to it.
- 4.4. In the case of decisions by Planning Committee, the point in time when all relevant information will be available is the meeting of the Planning Committee at which an application is to be determined. Every councillor on the Planning

Committee should make their decision only after full consideration of the accompanying Officer report including its recommendation and having regard to all applicable information and discussion that takes place at the committee meeting.

- 4.5. If, prior to voting on a decision, a councillor on the Planning Committee fully commits themselves to a particular view on a planning application such that their mind is no longer open to considering the merits of the case that councillor should not take part in the item as a member of the Planning Committee.
- 4.6. This does not mean that a councillor cannot hold strong views about an application. In other words, a councillor can be predisposed towards a matter under discussion; however, that is not the same as having a closed mind.
- 4.7. In some cases, a councillor, including a member of the Planning Committee, may decide in advance of a Planning Committee meeting that they wish to commit themselves to a particular planning decision and seek to speak for or against it. This is not uncommon in the case of Ward Councillors. Councillors, including ward councillors, may request the opportunity to speak at a Planning Committee meeting. A member of the Planning Committee should make clear in advance of a meeting if this circumstance applies to them. In such a case, the member of the Planning Committee should also make their position clear at the start of the meeting, must not take part in discussion of the item as a member of the Planning Committee and must not vote on the item.

Membership of another local authority

- 4.8. Some councillors who sit on Planning Committee may also be members of another tier of local government. Such councillors should have regard to the guidance on interests contained in this Code and the Councillor Code of Conduct. In particular, if those councillors take part in any debate on a development proposal at a Parish/Town Council meeting, they should consider adopting a practice at the time of such participation of making clear that the views they express are based on information available at that time and as a consequence their views might change in the light of further information that becomes available prior to a determination by the Planning Committee.
- 4.9. If in doubt, councillors are recommended to seek further advice from the Monitoring Officer.

Political Group Meetings

- 4.10. As the point in time at which all information on a planning application will be available to councillors on a Planning Committee will be at the actual meeting of that committee, political group meetings in advance of the Planning Committee should not be used to determine how councillors should vote.
- 4.11. Further, since every planning application should be determined on its merits, the use of a party whip is not appropriate to seek to compel a member of the Planning Committee to vote in any particular way.

Applications by the Council or in respect of Council-owned land

- 4.12. Any application submitted by the Council or involving land forming part of the red line area of a planning application which is owned by the Council shall be determined by the Planning Committee.

Applications by Councillors and Officers

- 4.13. It is perfectly legitimate for a councillor or an officer to submit a planning application. However, to avoid any perceptions of impropriety the following should be applied to any such application.

4.13.1 Every application identified as submitted by or on behalf of a councillor or their spouse or civil partner in respect on any property (including land) in which they have a financial interest shall as provided for in Section 2, Part 3 of the Constitution be referred to the Planning Committee.

4.13.2 Every application identified as submitted by or on behalf of an officer working for the Council within its Planning Section or generally at Tier 3 or above at the time that the application is submitted or their spouse or civil partner shall as provided for in Section 2, Part 3 of the Constitution also be referred to the Planning Committee for determination.

4.13.3 An application from a councillor or officer will usually be identified as part of the registration process. However, councillors and officers to whom either of the two paragraphs above apply are encouraged to draw the fact that such an application has been submitted to the attention of both the Head of Planning (or any other Officer nominated by them) in writing and also the relevant case officer within twenty one days of the date of the application being submitted.

4.13.4 If an application is submitted by someone other than a councillor but relates to property (including land) in which the councillor has a legal interest, the councillor is also encouraged to provide such notification as identified above. This is in addition to any duty of disclosure the councillor may have for the purposes of the Councillor Code of Conduct. For the purpose of this code, the phrase "legal interest" means a legal interest registered at HM Land Registry in the name of the councillor.

4.13.5 No councillor or officer who submits or has a planning application submitted on behalf of themselves, their spouse or their civil partner should take part in handling the application on behalf of the Council or seek to use their position to influence the decision relating to that application. Councillors and officers should also be mindful of the need to consider potential conflicts arising in respect of applications by other family members and friends. If in doubt, advice should be sought from the Monitoring Officer.

4.13.6 No councillor or officer who acts as an agent for any person pursuing a planning matter with the Council should take part in handling the

application on behalf of the Council or seek to use their position to influence the decision relating to that application.

4.13.7 In considering the extent to which they can engage in any part of the process relating to a planning application including the consideration of that application at Planning Committee, a councillor should always have regard to the requirements of the Member Code of Conduct.

4.13.8 Where a councillor frequently declares an interest and therefore is unable to take part in the proper consideration of planning matters referred to the Planning Committee, the relevant political group should review the presence of that councillor on the Planning Committee with a view to replacing them with another councillor whose interests would not prevent them considering and deciding planning issues referred to the Committee.

Fraud Corruption and Bribery

4.14. The Council, the Head of Paid Service and all its senior officers have a zero-tolerance commitment to issues of bribery and corruption.

4.15. Every councillor should inform the Monitoring Officer and every officer should report to their line manager or their Head of Service if any offer is made to them in relation to the exercise of any aspect of the Council's planning functions. Officers should also report to their line manager and councillors advise the Monitoring Officer of any matter that indicates a possible incidence of fraud, corruption or bribery.

Considering all relevant information

4.16. It is important that every councillor's decision takes account of all relevant planning considerations including any relevant representations and consultation responses. Any councillor who is absent during any part of the Planning Committee's consideration of an application should not take any further part in the discussions on the application or vote on that application.

Site Visits

4.17. Site visits will be arranged and managed in accordance with the protocol agreed by the BCP Planning Committee.

Decisions contrary to an officer recommendation

4.18. If a councillor wishes to put forward a motion that a matter is dealt with contrary to an officer recommendation, that councillor should identify their reason(s) for refusal or approval including by reference to relevant Development Plan policies. In the case of a motion to approve, the councillor should also be aware that officers may seek clarification of any particular conditions / planning obligation that the councillor might wish to have imposed.

5. Training

- 5.1. As part of their induction programme, all new councillors will be expected to attend training sessions that are made available to them for the purposes of providing an introduction to the planning system. Where the Head of Planning identifies it as necessary, additional training sessions will also be made available to councillors appointed to the Planning Committee. Examples of this might include the introduction of new significant legislation. Councillors on Planning Committee are expected to make all reasonable efforts to attend such training. A councillor who is unable to attend such training will normally be expected to seek advice as to whether such training or information on its content can be made available to them separately. Democratic Services Unit will aim to keep a record of councillor attendance at training. Details of any councillor who fails to engage in planning training that is made available will be drawn to the attention of the relevant group leader.

Planning Committee - Site Visit Protocol

1. Purpose of the site visit

- 1.1. It is presumed that members of the Planning Committee will have familiarised themselves with the location and context of an application to be considered, in so far as this can be done from adjacent roads and public spaces and the relevant officer report to the Planning Committee.
- 1.2. In exceptional cases (such as the impact of the proposal is difficult to visualize from the plans and any supporting material, including photographs, as being unable to see the site from a public vantage point, or that there are other substantial benefits in carrying out a site visit), members of the Committee may suggest that the Planning Committee visit the site, or adjoining sites if relevant.

2. How decisions on a site visit are reached

- 2.1. Where prior to the Committee, and following release of the Planning Committee agenda papers, members of the Committee consider that exceptionally a site visit of the Planning Committee is necessary such requests should be made to Democratic Services prior to Chairman's briefing. At the briefing the Chairman, in consultation with officers, will consider whether this exceptional case is made, or alternatively seek further visual information from the officers to support the Committee in the absence of a formal Planning Committee site visit.
- 2.2. Where a site visit has not occurred prior to the Planning Committee meeting members of the Planning Committee can during the debate seek to adjourn or defer the decision on any given application until a site visit of the Planning Committee is arranged. In these cases, members of the Planning Committee will need to clearly set out firstly why a site visit is considered necessary when this was not identified prior to the Planning Committee meeting and secondly whether an adjournment or deferral can allow for officers to source additional information that would negate the need for a site visit.
- 2.3. The site visit by members of the Planning Committee forms part of the Planning Committee process, allowing Planning Committee members to view the site and where appropriate adjoining properties.

3. Arranging the Visit

- 3.1. Where a site visit has been agreed to be undertaken following the Chairman's briefing this will be arranged to precede the Planning Committee and a schedule for the visit will be agreed between the Chairman and officers. This will identify the timetable for the meeting and invited attendees.
- 3.2. Planning Services will then notify the applicant or their agent of the time and date of the proposed site visit and seek their authority for Members of the Planning Committee, Ward Councillors and officers to visit the site, where this cannot be achieved from a public point of access. Where the application site is on private land, the applicant or agent will be requested to be in attendance only to facilitate access.
- 3.3. All members of the Planning Committee will be invited to attend the site visit.

- 3.4. On occasion, officers of other services such as Transportation Services will be invited to attend a site visit to clarify factual matters.
- 3.5. Councillors have no right of entry to private land except by permission of the owner and they should not enter a private site until all are present and an officer has made contact on the site visit with the landowner/operator/applicant.
- 3.6. In the unlikely event that the landowner will not give permission to enter a private site, the site will have to be viewed from the public highway or from other adjacent land with the owner's permission.
- 3.7. Where the Planning Committee adjourn or defer the decision on the application until a site visit is arranged any visit will be organised immediately prior to the next Planning Committee in accordance with the above criteria.

4. Conduct of the Visit

- 4.1. The purpose of the site visit is to enable members of the Planning Committee to familiarise themselves with the site and its surroundings in order to understand the issues more clearly when considering the application at the Planning Committee. It is presumed that members of the Planning Committee will have familiarised themselves prior to the site visit with the location and context of an application to be considered, in so far as this can be done from adjacent roads and public spaces and the relevant officer report to the Planning Committee.
- 4.2. Whilst it may be necessary for an applicant or his agent to be present on the site (e.g. to provide access or for safety reasons), discussions with the applicant or their agent or any third party (including Ward Councillors and other Councillors) should be avoided and they will be advised that lobbying of members of the Planning Committee is unacceptable. Presentations by applicants will not be permitted.
- 4.3. As the site visit is part of the process of the Planning Committee considering an application, it is chaired by the Chairman and formally opened and closed. This will provide clarity as to when the site visit has formally commenced. Until the Chairman closes the site visit this protocol and procedures will be adhered to.
- 4.4. At the request of the Chairman, the planning officer will describe the application to the assembled Councillors and display appropriate plans or drawings of the proposal. (It is expected that Councillors will already be familiar with the planning officer's report) The planning officer will indicate matters of fact in relation to the proposal and surrounding land, which will be material once the proposal, is debated.
- 4.5. Questions from Planning Committee members should be addressed to the planning officer and be of a factual nature, for example distances to adjoining or objectors' properties or the landscape features to be retained. If during the site visit it is necessary to seek information from the applicant or agent, at the discretion of the Chairman an officer will undertake this.
- 4.6. At no time during the site visit should Councillors debate or comment on the planning merits or otherwise of a proposal.

- 4.7. The role of the Ward Councillors (if not a member of the Planning Committee) will be limited to drawing attention to features of the site that he/she considers relevant to the committee in understanding the site, its surroundings and the proposal. The Councillors will not be permitted to make representations on the merits or otherwise of the application.
- 4.8. If members of the public attend the site visit they can only be allowed on the land with the permission of the land owner. Presentation or lobbying by members of the public will not be permitted.

5. General

- 5.1. Members of the Planning Committee should keep together, and it is essential that they should not allow themselves to be lobbied by anyone or enter into a discussion about the application or express any opinion about the application.
- 5.2. Members of the Planning Committee should ensure that they have seen all aspects of the site suggested by the accompanying officer or the Chairman during the visit.
- 5.3. The Planning Committee will not make any formal decision at the site visit and no individual member of the Planning Committee should express a view of the merits of the application during the site visit.
- 5.4. The application will usually be one of the first items on the Agenda of the following Planning Committee meeting where the merits of the application will be debated.
- 5.5. Where it is considered that a site visit is necessary it is essential that all members of the Planning Committee are present and where members of the Planning Committee are unable to attend the site visit they will be unable to take part in the debate or vote on the application.
- 5.6. The decision of the Chairman, (in consultation with the planning officer where appropriate), on all matters concerning site visit protocol is final.

6. Record of the Visit

- 6.1. A record of the visit will be made by an officer and retained on the planning application file. The record will include the timetable for the meeting, attendees and what was viewed on site.

7. Notes:

- 7.1. Officers will identify relevant health and safety issues for all site visits. All health and safety instructions, as issued by the site owner/operator must be strictly followed.
- 7.2. Where appropriate, protective clothing e.g. high visibility jackets, hard hats will be provided for Councillors on arrival at the site. Councillors should, however, be aware of the need to wear appropriate footwear.
- 7.3. In the interests of sustainability and highway safety, car-sharing will be available, and members are encouraged to make use of this.

- 7.4. If a Councillor attending the site visit has special access requirements or wishes the Committee to visit other addresses (eg. an objector's home), early notification to the case officer will allow arrangements to be made.

Adopted by the Planning Committee on 30 May 2019

Licensing Committee and Sub Committee – Protocol for Public Speaking

1. Introduction

- 1.1. The following protocol for public speaking shall apply in respect of hearings under the Licensing Act 2003, the Gambling Act 2005, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).
- 1.2. This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3.3 of the Council's Constitution.
 1. The Chair welcomes everyone to the hearing, identifies all parties present and makes introductions.
 2. Matters of general housekeeping are dealt with, eg location of fire exits and toilets, fire alarms, notification that the hearing may be recorded, reminder to switch mobile phones to silent.
 3. All persons who have given notice of their intention to speak are identified.
 4. Identify if any person who wishes to withdraw a representation or wishes not to speak
 5. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A. All parties confirm agreement or make representations on procedure proposed.
 6. Licensing Officer's report is presented.
 7. Parties present their representations in the order agreed.
 8. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any addition information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.
 9. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties, will be allowed to ask questions through the Chair.
 10. Following representations, the parties will be given the opportunity to sum up. Party who spoke first to go last.
 11. Members will deliberate in private with the clerk and legal representative as appropriate present.

12. The decision will be taken by the Committee and that decision delivered by the Chair to all parties at the conclusion of the hearing as appropriate. A written decision notice will be issued following the hearing in accordance with the regulations.
13. The Legal Adviser will advise the parties of any right of appeal as appropriate.

2. General points

- The hearing may be adjourned at any time at the discretion of the Members
 - Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing
 - Licensing Hearings are held in public. However, the Chair may exclude members of the public (including a party to the Hearing) from all or part of a Hearing where it considers the public interest in doing so, outweighs the public interest in the Hearing.
 - The Chair may exclude any person from a hearing for being disruptive.
 - Meetings of the Licensing Committee in public session are audio recorded by the Council for subsequent publication on its website. The meeting may also be audio recorded and/or filmed for live or subsequent broadcast by members of the public and media representatives.
 - The hearing will take the form of a discussion.
 - Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
 - Any further information to support an application or a representation must be submitted at least 5 working days prior to the Hearing. Any submissions submitted less than 24 hours before the hearing must be agreed by all parties at the Hearing, before it can be considered
 - If a party has informed the Authority that he does not intend to attend, or be represented at the hearing, or has failed to advise whether he intends to attend or not, the hearing may proceed in his absence
- 2.2. For other matters in Part 3.3 of the Council's Constitution which are the responsibility of the Licensing Committee, the procedures set out in Appendix 6 of the Council's Constitution in relation to public questions, statements and petitions shall apply.
 - 2.3. This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.

- 2.4. The Council's Constitution can be accessed using the following link:
<https://democracy.bcpccouncil.gov.uk/ieListDocuments.aspx?CId=151&MId=3671&Ver=4&Info=1>
- 2.5. For further information please contact democraticservices@bcpcouncil.gov.uk

Proposed procedure and order of speaking for Licensing Act 2003 hearings

- The Licensing Officer/Other Council Officer presents report
- Applicant will make their Application
- Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first
- Responsible Authorities and Other Persons will make their representations.
- Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first).
- Sub-Committee will deliberate in private with Legal Adviser and Clerk present. Councillors new to Licensing may observe but will not take part in the decision making)
- Sub-Committee will return, and the Chair will announce the decision if appropriate (a written decision notice will be issued following the hearing in accordance with the regulations).
- The Legal Adviser will advise parties of any right of appeal as appropriate.

Licensing Committee and Sub Committee - Protocol for Public Representation at Virtual Meetings

1. Introduction

- 1.1. The existing protocol for public speaking has been adapted to apply in respect of virtual hearings under the Licensing Act 2003, the Gambling Act 2005, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).
- 1.2. It has been amended in accordance with Article 16 of the Council's Constitution: Covid-19 Interim Decision Making Arrangements, and the requirements of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.
- 1.3. This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3.3 of the Council's Constitution.
 1. The Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, principles for managing formal skype meetings.
 2. The Chair identifies all parties present and makes introductions.
 3. Matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent.
 4. All persons who have given notice of their intention to speak are identified.
 5. Identify if any person who wishes to withdraw a representation or wishes not to speak
 6. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A. All parties confirm agreement or make representations on procedure proposed.
 7. Licensing Officer's report is presented.
 8. Parties present their representations in the order agreed.
 9. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any addition information should be limited to the grounds of their representation(s). For example, if they are objecting on

the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.

10. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties, will be allowed to ask questions through the Chair.
11. Following representations, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
12. Members will deliberate in private with the clerk and legal representative as appropriate present.
13. The decision will be taken by the Committee and notification of the decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
14. The Legal Advisor will advise the parties of any right of appeal as appropriate at the conclusion of the hearing.

2. General points

- The hearing may be adjourned at any time at the discretion of the Members
- Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing
- The Sub Committee may decide to conduct all or part of a hearing in non public session where it considers the public interest in doing so, outweighs the public interest in the hearing.
- The Chair may exclude any person from a hearing for being disruptive.
- Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- The hearing will take the form of a discussion.
- Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- Any further information to support an application or a representation must be submitted at least 5 working days prior to the Hearing. Any submissions submitted less than 24 hours before the hearing must be agreed by all parties at the Hearing, before it can be considered
- If a party has informed the Authority that he does not intend to participate, or be represented at the hearing, or has failed to advise whether he intends to participate or not, the hearing may proceed in his absence

- 2.2. For other matters in Part 3.3 of the Council's Constitution which are the responsibility of the Licensing Committee, the procedures set out in Appendix 6 of the Council's Constitution in relation to public questions, statements and petitions as amended by Article 16: Covid-19 Interim Decision Making Arrangements and the provisions in The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 shall apply.
- 2.3. This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.
- 2.4. The Council's Constitution can be accessed using the following link: <https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>
- 2.5. For further information please contact democraticservices@bcpccouncil.gov.uk

Proposed procedure and order of speaking for virtual hearings

- The Licensing Officer/Other Council Officer presents report
- Applicant will make their Application
- Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first
- Responsible Authorities and Other Persons will make their representations.
- Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
- Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
- Notification of the Sub Committee's decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
- The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the hearing.

Licensing Committee and Sub-Committee - Site Visit Protocol

1. When this Protocol applies

- 1.1. The protocol applies to the Licensing Committee and its Sub Committees in undertaking the functions set out in Part 3 of the Council's Constitution: <https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>
- 1.2. (Note: The term 'Sub-Committee' is used throughout the protocol for ease of reading, the protocol applies to any Committee or Sub-Committee arranged to consider a matter)

2. Purpose of the site visit

- 2.1. Site visits are generally unnecessary and should only be required in exceptional circumstances, as a fact-finding exercise where a visit would provide substantial benefit in the consideration of an application, and where one or more of the following criteria are met:
 - The impact of an application is difficult to visualise from the information provided in the report and any supporting material.
 - The internal layout of a premises is difficult to assess from the information provided in the report and any supporting material.
 - Where relevant factors cannot be fully ascertained from any supporting information or the plans submitted to the Licensing Officer and available at the hearing, to members' satisfaction.
 - Site Inspections by the sub-committee can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to the decision.
- 2.2. Visual material in the form of photographs or video presentation should be requested in the first instance as this may overcome the need for a site visit.

3. Requesting and agreeing a site visit

- 3.1. Where prior to the meeting, and following publication of the agenda and reports, a member of a Sub-Committee considers that exceptionally a site visit is necessary they should first contact the Licensing Officer to discuss their concerns to see if additional information can be requested from parties to address the issues raised. Following this, if the member still considers a site visit is necessary they should submit the request in writing to the Licensing Officer and explain the exceptional circumstances. The Licensing Officer shall consult with the other members of the Sub-Committee to seek their agreement (unanimous or majority decision required).
- 3.2. The Licensing Officer may also recommend that a Sub-Committee undertake a site visit by exception prior to the hearing. The Licensing Officer shall consult

the members of the Sub Committee to explain the exceptional circumstances and seek their agreement (unanimous or majority decision required).

- 3.3. Should a Sub-Committee agree that a site visit is justified the reasons for this should be recorded and conveyed in writing by the Licensing Officer to all parties.
- 3.4. Members of a Sub-Committee may adjourn or defer consideration of an application at a hearing in exceptional circumstances to undertake a site visit. Members should be mindful of the delay caused and should give reasons why the site visit is now considered necessary when it was not identified as needed prior to the meeting. Consideration should also be given to whether an adjournment or deferral can allow officers to source additional information that would overcome the need for a site visit.

4. Arranging the Visit

- 4.1. The date and time of a site visit shall be agreed in consultation with Members of a Sub-Committee and the landowner/operator/applicant as appropriate.
- 4.2. All parties will be notified of the date and time of the site visit by the Licensing Officer.
- 4.3. The Licensing Officer will liaise with the landowner/operator/applicant to make arrangements for the Sub-Committee to view the premises as required, where this cannot be done from a public point of access.
- 4.4. Members of the Sub-Committee and other parties have no right of entry to private land except by permission of the owner and they should not enter a private site until all are present and a Licensing Officer has made contact on site with the landowner/operator/ applicant. In the unlikely event that the permission is not given to enter a private site, the site will have to be viewed from the public highway or from other adjacent land with the owner's permission.

5. Conduct of the Visit

- 5.1. The Sub-Committee shall conduct the visit as a group and should avoid being separated at any time. The Sub-Committee shall be accompanied by a Licensing Officer at all times.
- 5.2. The Licensing Officer shall provide an introductory briefing, outlining the purpose of the site visit, which is to establish matters of fact relating only to the reasons given for the visit being necessary. It should be made clear that formal consideration and determination of the application shall take place at the appropriate hearing.
- 5.3. Questions from members of the Sub-Committee should be addressed to the Licensing Officer and be of a factual nature. If during the site visit it is necessary to seek information from the applicant or other party present, this should be done through the Licensing Officer who will undertake this and provide a response.

- 5.4. At no time during the site visit should the Sub-Committee debate or comment on the merits or otherwise of an application, or be drawn into discussions with the applicant or any other party.
- 5.5. No representations from the applicant or any other party shall be received on the site visit. All parties will be advised that lobbying of members of the Sub-Committee is not permitted.
- 5.6. Members of the Sub-Committee shall not accept any refreshments on the premises or any other form of hospitality or gift.
- 5.7. All members of the Sub-Committee hearing the application are required to attend the visit to be able to participate at the formal hearing.

6. Record of the Visit

- 6.1. A record of the visit will be made, to include details of attendees, what was viewed, questions asked, and responses provided. This information shall be repeated at the subsequent hearing if required for the benefit of any party not present at the site visit.

7. General

- 7.1. The Licensing Officer will identify relevant health and safety issues for all site visits. All health and safety instructions, as issued by the site owner/operator must be strictly followed.
- 7.2. Where appropriate, protective clothing e.g. high visibility jackets, hard hats will be provided on arrival at the site. Members of the Sub-Committee should wear appropriate clothing and footwear.
- 7.3. Members of the Sub-Committee are responsible for making their own travelling arrangements to and from site visits and are encouraged to do so by car share or other sustainable means.
- 7.4. If anyone attending the site visit has special access requirements the Licensing Officer should be notified at the earliest opportunity to allow arrangements to be made.

Adopted by the Licensing Committee on 18 December 2019

AUDIT AND GOVERNANCE COMMITTEE



Report subject	Process for the appointment of external auditors 2023/24 to 2027/28
Meeting date	2 December 2021
Status	Public Report
Executive summary	<p>This report sets out proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24.</p> <p>The report concludes that the sector-wide procurement conducted by Public Sector Audit Appointments (PSAA) will produce better outcomes and will be less burdensome for the Council than a procurement undertaken locally because:</p> <ul style="list-style-type: none"> • collective procurement reduces costs for the sector, for individual authorities and ultimately the taxpayer compared to a multiplicity of smaller local procurements; • if it does not use the national appointment arrangements, the Council will need to establish its own auditor panel with an independent chair and independent members to oversee a local auditor procurement and ongoing management of an audit contract; • it is the best opportunity to secure the appointment of a qualified, registered auditor - there are only nine accredited local audit firms, and a local procurement would be drawing from the same limited supply of auditor resources as PSAA's national procurement; and • supporting the sector-led body offers the best way of to ensuring there is a continuing and sustainable public audit market into the medium and long term. <p>If the Council wishes to take advantage of the national auditor appointment arrangements, it is required under the local audit regulations to make the decision at full Council. The opt-in period starts on 22 September 2021 and closes on 11 March 2022. To opt into the national scheme from 2023/24, the Council needs to return completed opt-in documents to PSAA by 11 March 2022.</p> <p>The Chief Internal Auditor's recommended approach is to opt into the national auditor appointment scheme which is endorsed by the Chief Executive, Chief Finance Officer and Monitoring Officer. It is also the LGA's view that the national framework remains the best option for councils.</p>

Recommendations	<p>It is RECOMMENDED that:</p> <p>The Audit & Governance Committee recommends that Council approves the decision to accept Public Sector Audit Appointments' (PSAA's) invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.</p>
Reason for recommendations	For Audit & Governance Committee to determine if opting into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023 is in the best interest of BCP Council and to make recommendations to Council accordingly.
Portfolio Holder(s):	Cllr Drew Mellor, Leader of the Council
Corporate Director	Graham Farrant, Chief Executive
Report Authors	<p>Nigel Stannard Head of Audit & Management Assurance ☎01202 128784 ✉ nigel.stannard@bcpCouncil.gov.uk</p>
Wards	Council-wide
Classification	For Recommendation Decision

Background

1. The current auditor appointment arrangements cover the period up to and including the audit of the 2022/23 accounts. The Council (or more correctly legacy Councils) opted into the 'appointing person' national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA) for the period covering the accounts 2018/19 to 2022/23
2. PSAA is now undertaking a procurement for the next appointing period, covering audits for 2023/24 to 2027/28. During Autumn 2021 all local government bodies need to make important decisions about their external audit arrangements from 2023/24. They have options to arrange their own procurement and make the appointment themselves or in conjunction with other bodies, or they can join and take advantage of the national collective scheme administered by PSAA.

Procurement of External Audit for the period 2023/24 to 2027/28

3. Under the Local Government Audit & Accountability Act 2014 ("the Act"), the Council is required to appoint an auditor to audit its accounts for each financial year. The Council has three options:
 - To appoint its own auditor, which requires it to follow the procedure set out in the Act.
 - To act jointly with other authorities to procure an auditor following the procedures in the Act.

- To opt into the national auditor appointment scheme administered by a body designated by the Secretary of State as the 'appointing person'. The body currently designated for this role is PSAA.
4. In order to opt into the national scheme, a council must make a decision at a meeting of the Full Council.

The Appointed Auditor

5. The auditor appointed at the end of the procurement process will undertake the statutory audit of accounts and Best Value assessment of the Council in each financial year, in accordance with all relevant codes of practice and guidance. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.
6. The auditor must act independently of the Council and the main purpose of the procurement legislation is to ensure that the appointed auditor is sufficiently qualified and independent.
7. The auditor must be registered to undertake local audits by the Financial Reporting Council (FRC) and employ authorised Key Audit Partners to oversee the work. As the report below sets out there is currently a shortage of registered firms and Key Audit Partners.
8. Auditors are regulated by the FRC, which will be replaced by a new body with wider powers, the Audit, Reporting and Governance Authority (ARGA) during the course of the next audit contract.
9. Councils therefore have very limited influence over the nature of the audit services they are procuring, the nature and quality of which are determined or overseen by third parties.

Appointment by the Council itself or jointly

10. The Council may elect to appoint its own external auditor under the Act, which would require the Council to:
 - Establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council/Authority's external audit.
 - Manage the contract for its duration, overseen by the Auditor Panel.
11. Alternatively, the Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.

The national auditor appointment scheme

12. PSAA is specified as the 'appointing person' for principal local government under the provisions of the Act and the Local Audit (Appointing Person) Regulations 2015. PSAA let five-year audit services contracts in 2017 for the first appointing period, covering audits of the accounts from 2018/19 to 2022/23. It is now undertaking the work needed to invite eligible bodies to opt in for the next appointing period, from the

2023/24 audit onwards, and to complete a procurement for audit services. PSAA is a not-for-profit organisation whose costs are around 4% of the scheme with any surplus distributed back to scheme members.

13. In summary the national opt-in scheme provides the following:

- the appointment of a suitably qualified audit firm to conduct audits for each of the five financial years commencing 1 April 2023;
- appointing the same auditor to other opted-in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints;
- managing the procurement process to ensure both quality and price criteria are satisfied. PSAA has sought views from the sector to help inform its detailed procurement strategy;
- ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period;
- minimising the scheme management costs and returning any surpluses to scheme members;
- consulting with authorities on auditor appointments, giving the Council the opportunity to influence which auditor is appointed;
- consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity, and audit risk; and
- ongoing contract and performance management of the contracts once these have been let.

Pressures in the current local audit market and delays in issuing opinions

14. Much has changed in the local audit market since audit contracts were last awarded in 2017. At that time the audit market was relatively stable, there had been few changes in audit requirements, and local audit fees had been reducing over a long period. 98% of those bodies eligible opted into the national scheme and attracted very competitive bids from audit firms. The resulting audit contracts took effect from 1 April 2018.

15. During 2018 a series of financial crises and failures in the private sector year led to questioning about the role of auditors and the focus and value of their work. Four independent reviews were commissioned by Government: Sir John Kingman's review of the Financial Reporting Council (FRC), the audit regulator; the Competition and Markets Authority review of the audit market; Sir Donald Brydon's review of the quality and effectiveness of audit; and Sir Tony Redmond's review of local authority financial reporting and external audit. The recommendations are now under consideration by Government, with the clear implication that significant reforms will follow. A new audit regulator (ARGA) is to be established, and arrangements for system leadership in local audit are to be introduced. Further change will follow as other recommendations are implemented.

16. The Kingman review has led to an urgent drive for the FRC to deliver rapid, measurable improvements in audit quality. This has created a major pressure for audit firms to ensure full compliance with regulatory requirements and expectations in every audit they undertake. By the time firms were conducting 2018/19 local audits during 2019, the measures they were putting in place to respond to a more focused regulator were clearly visible. To deliver the necessary improvements in audit quality, firms were requiring their audit teams to undertake additional work to gain deeper levels of assurance. However, additional work requires more time, posing a threat to the firms' ability to complete all their audits by the target date for

publication of audited accounts. The growing scale of the challenge is illustrated by the latest figures with only 9% of local government bodies having had audits completed by the target publishing date, compared to 45% for 2019/2020 audits and 57% for 2018/2019 audits.

17. Delayed opinions are not the only consequence of the FRC's drive to improve audit quality. Additional audit work must also be paid for. As a result, many more fee variation claims have been needed than in prior years.
18. This situation has been accentuated by growing auditor recruitment and retention challenges, the complexity of local government financial statements and increasing levels of technical challenges as bodies explore innovative ways of developing new or enhanced income streams to help fund services for local people. These challenges have increased in subsequent audit years, with Covid-19 creating further significant pressure for finance and audit teams.
19. None of these problems is unique to local government audit. Similar challenges have played out in other sectors, where increased fees and disappointing responses to tender invitations have been experienced during the past two years.
20. The PSAA procurement approach has been designed to assist with addressing these concerns by:
 - ensuring that the procurement exercise brings fees into line with the audit work
 - encouraging companies to bid for an appropriate size of work using an increase in the total number of lots and a reduction in size of the largest lots
 - the inclusion of one or two lots specifically targeted at encouraging new entrants such as through joint arrangements with experienced suppliers
 - promoting audit quality through the adoption of an 80% quality:20% price weighting compared to the previous 50%:50% split.

The invitation

21. PSAA is now inviting the Council to opt in for the second appointing period, for 2023/24 to 2027/28, along with all other eligible authorities. Based on the level of opt-ins it will enter into contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's/Authority's auditor. Details relating to PSAA's invitation are provided in Appendix A to this report.

The next audit procurement

22. The prices submitted by bidders through the procurement will be the key determinant of the value of audit fees paid by opted-in bodies. PSAA will:
 - seek to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies;
 - continue to pool scheme costs and charge fees to opted-in bodies in accordance with the published fee scale as amended following consultations with scheme members and other interested parties (pooling means that everyone within the scheme will benefit from the prices secured via a competitive procurement process – a key tenet of the national collective scheme);
 - continue to minimise its own costs, around 4% of scheme costs, and as a not-for-profit company will return any surplus funds to scheme members. In 2019 it returned a total £3.5million to relevant bodies and in 2021 a further £5.6million was returned.
23. PSAA will seek to encourage market sustainability in its procurement. Firms will be able to bid for a variety of differently sized contracts so that they can match their available resources and risk appetite to the contract for which they bid. They will be

required to meet appropriate quality standards and to reflect realistic market prices in their tenders, informed by the scale fees and the supporting information provided about each audit. Where regulatory changes are in train which affect the amount of audit work suppliers must undertake, firms will be informed as to which developments should be priced into their bids.

24. The scope of a local audit is fixed. It is determined by the Code of Audit Practice (currently published by the National Audit Office)¹, the format of the financial statements (specified by CIPFA/LASAAC) and the application of auditing standards regulated by the FRC. These factors apply to all local audits irrespective of whether an eligible body decides to opt into PSAA's national scheme or chooses to make its own separate arrangements. The requirements are mandatory; they shape the work auditors undertake and have a bearing on the actual fees required.
25. There are currently nine audit providers eligible to audit local authorities and other relevant bodies under local audit legislation. This means that a local procurement exercise would seek tenders from the same firms as the national procurement exercise, subject to the need to manage any local independence issues. Local firms cannot be invited to bid. Local procurements must deliver the same audit scope and requirements as a national procurement, reflecting the auditor's statutory responsibilities.

Assessment of options and officer recommendation

26. If the Council did not opt in there would be a need to establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council's external audit.
27. Alternatively, the Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.
28. These would be more resource-intensive processes to implement for the Council, and without the bulk buying power of the sector-led procurement would be likely to result in a more costly service. It would also be more difficult to manage quality and independence requirements through a local appointment process. The Council is unable to influence the scope of the audit and the regulatory regime inhibits the Council's ability to affect quality.
29. The Council and its auditor panel would need to maintain ongoing oversight of the contract. Local contract management cannot, however, influence the scope or delivery of an audit.
30. The national offer provides the appointment of an independent auditor with limited administrative cost to the Council. By joining the scheme, the Council would be acting with other Councils to optimise the opportunity to influence the market that a national procurement provides.
31. The recommended approach is therefore to opt into the national auditor appointment scheme. This is the recommendation of the Council's Chief Internal Auditor and is

¹ MHCLG's Spring statement proposes that overarching responsibility for Code will in due course transfer to the system leader, namely ARGA, the new regulator being established to replace the FRC.

endorsed by the Chief Executive, Chief Finance Officer and Monitoring Officer. It is also the LGA's view that the national framework remains the best option for councils (full letter attached at Appendix B)

The way forward

32. Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by a meeting of the Council (meeting as a whole), except where the authority is a corporation sole.
33. The Council then needs to respond formally to PSAA's invitation in the form specified by PSAA by the close of the opt-in period (11 March 2022).
34. PSAA will commence the formal procurement process in early February 2022. It expects to award contracts in August 2022 and will then consult with authorities on the appointment of auditors so that it can make appointments by the statutory deadline of 31 December 2022.

Options Appraisal

35. An assessment of options is included in the **Assessment of options and officer recommendation** section of this report above.

Summary of financial implications

36. There is a risk that current external audit fee levels could increase when the current contracts end. It is clear that the scope of audit has increased, requiring more audit work. There are also concerns about capacity and sustainability in the local audit market.
37. Opting into a national scheme provides maximum opportunity to ensure fees are as realistic as possible, while ensuring the quality of audit is maintained, by entering into a large scale collective procurement arrangement.
38. If the national scheme is not used some additional resource may be needed to establish an auditor panel and conduct a local procurement. Until a procurement exercise is completed it is not possible to state what, if any, additional resource may be required for audit fees from 2023/24.

Summary of legal implications

39. Section 7 of the Local Audit and Accountability Act 2014 requires a relevant Council to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year.
40. Section 8 governs the procedure for appointment including that the Council must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 provides that where a relevant Council is a local Council operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the Council under those arrangements.
41. Section 12 makes provision for the failure to appoint a local auditor. The Council must immediately inform the Secretary of State, who may direct the Council to appoint the auditor named in the direction or appoint a local auditor on behalf of the Council/Authority.
42. Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a sector-led body to become the

appointing person. In July 2016 the Secretary of State specified PSAA as the appointing person.

Summary of human resources implications

43. There are no direct human resource implications from this report.

Summary of sustainability impact

44. There are no direct sustainability impact implications from this report.

Summary of public health implications

45. There are no public health implications from this report.

Summary of equality implications

46. There are no direct equality implications from this report.

Summary of risk assessment

47. The principal risks are that the Council/Authority:

- fails to appoint an auditor in accordance with the requirements and timing specified in local audit legislation; or
- does not achieve value for money in the appointment process.

48. These risks are considered best mitigated by opting into the sector-led approach through PSAA.

Background papers

None

Appendices

Appendix A – PSAA Invitation Letter

Appendix B – Letter from Local Government Association

22 September 2021

To: Mr Farrant, Chief Executive
Bournemouth, Christchurch and Poole Council

Copied to: Mr Richens, S151 Officer
Councillor Beesley, Chair of Audit Committee or equivalent

Dear Mr Farrant,

Invitation to opt into the national scheme for auditor appointments from April 2023

I want to ensure that you are aware the external auditor for the audit of your accounts for 2023/24 has to be appointed before the end of December 2022. That may seem a long way away but, as your organisation has a choice about how to make that appointment, your decision-making process needs to begin soon.

We are pleased that the Secretary of State has confirmed PSAA in the role of the appointing person for eligible principal bodies for the period commencing April 2023. Joining PSAA's national scheme for auditor appointments is one of the choices available to your organisation.

In June 2021 we issued a draft prospectus and invited your views and comments on our early thinking on the development of the national scheme for the next period. Feedback from the sector has been extremely helpful and has enabled us to refine our proposals which are now set out in the [scheme prospectus](#) and our [procurement strategy](#). Both documents can be downloaded from our website which also contains a range of useful information that you may find helpful.

The national scheme timetable for appointing auditors from 2023/24 means we now need to issue a formal invitation to you to opt into these arrangements. In order to meet the requirements of the relevant regulations, we also attach a form of acceptance of our invitation which you must use if your organisation decides to join the national scheme. We have specified the five consecutive financial years beginning 1 April 2023 as the compulsory appointing period for the purposes of the regulations which govern the national scheme.

Given the very challenging local audit market, we believe that eligible bodies will be best served by opting to join the scheme and have attached a short summary of why we believe that is the best solution both for individual bodies and the sector as a whole.

I would like to highlight three matters to you:

1. if you opt to join the national scheme, we need to receive your formal acceptance of this invitation by Friday 11 March 2022;

2. the relevant regulations require that, except for a body that is a corporation sole (e.g. a police and crime commissioner), the decision to accept our invitation and to opt in must be made by the members of the authority meeting as a whole e.g. Full Council or equivalent. We appreciate this will need to be built into your decision-making timetable. We have deliberately set a generous timescale for bodies to make opt in decisions (24 weeks compared to the statutory minimum of 8 weeks) to ensure that all eligible bodies have sufficient time to comply with this requirement; and
3. if you decide not to accept the invitation to opt in by the closing date, you may subsequently make a request to opt in, but only after 1 April 2023. We are required to consider such requests and agree to them unless there are reasonable grounds for their refusal. PSAA must consider a request as the appointing person in accordance with the Regulations. The Regulations allow us to recover our reasonable costs for making arrangements to appoint a local auditor in these circumstances, for example if we need to embark on a further procurement or enter into further discussions with our contracted firms.

If you have any other questions not covered by our information, do not hesitate to contact us by email at ap2@psaa.co.uk. We also publish answers to [frequently asked questions](#) on our website.

If you would like to discuss a particular issue with us, please send an email also to ap2@psaa.co.uk, and we will respond to you.

Yours sincerely

Tony Crawley
Chief Executive

Encl: Summary of the national scheme

Why accepting the national scheme opt-in invitation is the best solution

Public Sector Audit Appointments Limited (PSAA)

We are a not-for-profit, independent company limited by guarantee incorporated by the Local Government Association in August 2014.

We have the support of the LGA, which in 2014 worked to secure the option for principal local government and police bodies to appoint auditors through a dedicated sector-led national body.

We have the support of Government; MHCLG's Spring statement confirmed our appointment because of our "strong technical expertise and the proactive work they have done to help to identify improvements that can be made to the process".

We are an active member of the new Local Audit Liaison Committee, chaired by MHCLG and attended by key local audit stakeholders, enabling us to feed in body and audit perspectives to decisions about changes to the local audit framework, and the need to address timeliness through actions across the system.

We conduct research to raise awareness of local audit issues, and work with MHCLG and other stakeholders to enable changes arising from Sir Tony Redmond's review, such as more flexible fee setting and a timelier basis to set scale fees.

We have established an advisory panel, which meets three times per year. Its membership is drawn from relevant representative groups of local government and police bodies, to act as a sounding board for our scheme and to enable us to hear your views on the design and operation of the scheme.

The national scheme for appointing local auditors

In July 2016, the Secretary of State specified PSAA as an appointing person for principal local government and police bodies for audits from 2018/19, under the provisions of the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. Acting in accordance with this role PSAA is responsible for appointing an auditor and setting scales of fees for relevant principal authorities that have chosen to opt into its national scheme. 98% of eligible bodies made the choice to opt-in for the five-year period commencing in April 2018.

We will appoint an auditor for all opted-in bodies for each of the five financial years beginning from 1 April 2023.

We aim for all opted-in bodies to receive an audit service of the required quality at a realistic market price and to support the drive towards a long term competitive and more sustainable market for local audit. The focus of our quality assessment will include resourcing capacity and capability including sector knowledge, and client relationship management and communication.

What the appointing person scheme from 2023 will offer

We believe that a sector-led, collaborative, national scheme stands out as the best option for all eligible bodies, offering the best value for money and assuring the independence of the auditor appointment.

The national scheme from 2023 will build on the range of benefits already available for members:

- transparent and independent auditor appointment via a third party;
- the best opportunity to secure the appointment of a qualified, registered auditor;
- appointment, if possible, of the same auditors to bodies involved in significant collaboration/joint working initiatives, if the parties believe that it will enhance efficiency;
- on-going management of any independence issues which may arise;
- access to a specialist PSAA team with significant experience of working within the context of the relevant regulations to appoint auditors, managing contracts with audit firms, and setting and determining audit fees;
- a value for money offer based on minimising PSAA costs and distribution of any surpluses to scheme members - in 2019 we returned a total £3.5million to relevant bodies and more recently we announced a further distribution of £5.6m in August 2021;
- collective efficiency savings for the sector through undertaking one major procurement as opposed to a multiplicity of smaller procurements;
- avoids the necessity for local bodies to establish an auditor panel and undertake an auditor procurement, enabling time and resources to be deployed on other pressing priorities;
- updates from PSAA to Section 151 officers and Audit Committee Chairs on a range of local audit related matters to inform and support effective auditor-audited body relationships; and
- concerted efforts to work with other stakeholders to develop a more sustainable local audit market.

We are committed to keep developing our scheme, taking into account feedback from scheme members, suppliers and other stakeholders, and learning from the collective post-2018 experience. This work is ongoing, and we have taken a number of initiatives to improve the operation of the scheme for the benefit of all parties.

Importantly we have listened to your feedback to our recent consultation, and our response is reflected in [the scheme prospectus](#).

Opting in

The closing date for opting in is 11 March 2022. We have allowed more than the minimum eight-week notice period required, because the formal approval process for most eligible bodies is a decision made by the members of the authority meeting as a whole [Full Council or equivalent], except police and crime commissioners who are able to make their own decision.

We will confirm receipt of all opt-in notices. A full list of eligible bodies that opt in will be published on our website. Once we have received an opt-in notice, we will write to you to request information on any joint working arrangements relevant to your auditor appointment, and any potential independence matters which may need to be taken into consideration when appointing your auditor.

Local Government Reorganisation

We are aware that reorganisations in the local government areas of Cumbria, Somerset, and North Yorkshire were announced in July 2021. Subject to parliamentary approval shadow elections will take place in May 2022 for the new Councils to become established from 1 April 2023. Newly established local government bodies have the right to opt into PSAA's scheme under Regulation 10 of the Appointing Person Regulations 2015. These Regulations also set out that a local government body that ceases to exist is automatically removed from the scheme.

If for any reason there is any uncertainty that reorganisations will take place or meet the current timetable, we would suggest that the current eligible bodies confirm their acceptance to opt in to avoid the requirement to have to make local arrangements should the reorganisation be delayed.

Next Steps

We expect to formally commence the procurement of audit services in early February 2022. At that time our procurement documentation will be available for opted-in bodies to view through our e-tendering platform.

Our recent webinars to support our consultation proved to be popular, and we will be running a series of webinars covering specific areas of our work and our progress to prepare for the second appointing period. Details can be found on [our website](#) and in [the scheme prospectus](#).

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From the Chairman of the Association
Cllr James Jamieson



**To: Mayors/Leaders/Chief Executives/Chief Finance Officers
of English Principal Councils**

23 September 2021

Dear Graham Farrant,

Retender of External Audit Contracts

I am writing because your council must shortly make a decision whether to opt into the national arrangement for the procurement of external audit or procure external audit for itself, and to set out the LGA's view on that decision.

In most councils this matter will be considered first in detail by the Audit Committee. You will therefore no doubt wish to pass on a copy of this letter and the more detailed attachment to the colleague who chairs the relevant committee.

Legislation requires a resolution of Full Council if a local authority wishes to opt into the national arrangement. The practical deadline for this decision is 11th March 2022. As this is a decision for the Full Council, I wanted to ensure that you had sight of the letter that has been sent to audit and finance colleagues and that you are aware of the crucial issues to be considered.

The way external audit has operated over the last couple of years has been extremely disappointing. This has led to many audits being delayed and dozens of audits remain uncompleted from 2019/20. Dealing with these issues is not a quick or easy fix.

Nevertheless, the LGA's view is that the national framework remains the best option for councils. There are many reasons for favouring the national arrangements and we think those reasons have become more compelling since 2016/17 when councils were last asked to make this choice.

We believe that in a suppliers' market it is imperative that councils act together to have the best chance of influencing the market and for nationally coordinated efforts to improve the supply side of the market to be effective.

The information attached goes into more detail about the background to this decision. My officers will be happy to answer any questions you may have. Please contact Alan Finch (alan.finch@local.gov.uk) if you have any issues you would like to raise.

Yours sincerely

Cllr James Jamieson
Chairman

cc: Chief Executive
Chief Finance Officer

RETENDER OF EXTERNAL AUDIT CONTRACTS

Information from the LGA for those charged with governance

The process for retendering for external audit in local authorities in England, for contracts due to start from 2023/24, is now underway and shortly the council will need to decide whether to procure its own external auditor or opt into the national procurement framework.

Legislation requires a resolution of Full Council if a local authority wishes to opt into the national arrangement. The deadline for this decision is the 11th March 2022. If the council doesn't make such a decision, the legislation assumes that the council will procure its own external audit, with all the extra work and administration that comes with it.

The national framework remains the best option councils can choose. There are many reasons for favouring the national arrangements and we think those reasons have become more compelling since 2016/17 when councils were last asked to make this choice.

The way external audit has operated over the last couple of years has been extremely disappointing. A lack of capacity in the audit market has been exacerbated by increased requirements placed on external auditors by the audit regulator. There is also a limited number of firms in the market and too few qualified auditors employed by those firms. This has led to a situation where many audits have been delayed and dozens of audit opinions remain outstanding from 2019/20 and 2020/21. Auditors have also been asking for additional fees to pay for extra work.

As the client in the contract, a council has little influence over what it is procuring. The nature and scope of the audit is determined by codes of practice and guidance and the regulation of the audit market is undertaken by a third party, currently the Financial Reporting Council. Essentially, councils find themselves operating in what amounts to a suppliers' market and the client's interest is at risk of being ignored unless we act together.

Everyone, even existing suppliers, agrees that the supply side of the market needs to be expanded, which includes encouraging bids from challenger firms. Public Sector Audit Appointments Ltd (PSAA), the body nominated by the Government to run the national arrangements, has suggested various ways this could be done, but these initiatives are much more likely to be successful if a large number councils sign up to the national scheme.

It is therefore vital that councils coordinate their efforts to ensure that the client voice is heard loud and clear. The best way of doing this across the country is to sign up to the national arrangement.

To summarise, the same arguments apply as at the time of the last procurement:

- A council procuring its own auditor or procuring through a joint arrangement means setting up an Audit Panel with an independent chair to oversee the procurement and running of the contract.
- The procurement process is an administrative burden on council staff already struggling for capacity. Contract management is an ongoing burden.
- Procuring through the appointing person (PSAA) makes it easier for councils to demonstrate independence of process.
- Procuring for yourself provides no obvious benefits:
 - The service being procured is defined by statute and by accounting and auditing codes
 - Possible suppliers are limited to the small pool of registered firms with accredited Key Audit Partners (KAP).
 - Since the last procurement it is now more obvious than ever that we are in a 'suppliers' market' in which the audit firms hold most of the levers.

- PSAA has now built up considerable expertise and has been working hard to address the issue that have arisen with the contracts over the last couple of years:
 - PSAA has the experience of the first national contract. The Government's selection of PSAA as the appointing person for a second cycle reflects MHCLG's confidence in them as an organisation.
 - PSAA has commissioned high quality research to understand the nature of the audit market.
 - It has worked very closely with MHCLG to enable the government to consult on changes to the fees setting arrangements to deal better with variations at national and local level, hopefully resulting in more flexible and appropriate Regulations later this year

Councils need to consider their options. we have therefore attached a list of Frequently Asked Questions relating to this issue which we hope will be useful to you in reaching this important decision.

When the LGA set up PSAA in 2015, we did so with the interests of the local government sector in mind. We continue to believe that the national arrangement is the best way for councils to influence a particularly difficult market.

If you have any questions on these issues please contact Alan Finch, Principal Adviser (Finance) (alan.finch@local.gov.uk).

PROCUREMENT OF EXTERNAL AUDIT from financial year 2023/24

FREQUENTLY ASKED QUESTIONS

“Were prices set too low in the current contract?”

It is clear that firms did submit bids that reflected what seemed at the time to be very stable market conditions. Unfortunately, a series of financial collapses in the private sector have since created a very different climate and resulted in a whole series of new regulatory pressures. It is very likely that firms thought they could make savings as a result of the new timetable, essentially finishing the accounts audits by the end of July each year. Of course, that is not what has happened.

The Government opened up the market principally on the argument that costs would reduce, and views were mixed in the sector when the first contract was being let. Some councils wanted more savings and some were worried about reduced standards.

“Has the current contract helped cause these issues?”

Since the current contract is based around the Code of Audit Practice and the local government accounting code, this is unlikely. The first year of the new contract coincided with the introduction of new standards and with the emergence of some difficult audit issues such as the [McCloud judgement](#) (a legal case which affected the valuation of pension liabilities). The second year was affected by COVID-19. This laid bare the lack of capacity in the supplier side of the market and led to considerable delays. It is hard to see how the contract could have pre-empted this, but now we are clearer about the level of uncertainty in the system, the next contract can adjust for it.

“If we let our own contract, could we have more influence over auditors?”

No. The auditors are required to be independent and are bound by the Codes and need to deliver them in line with the regulator's expectations or face action under the regulatory framework.

As far as delays in audits is concerned, auditors are required to allocate resources according to risk and councils that procure for themselves will find themselves in the same queue as those within the national arrangement.

“If we let our own contract, can we get the auditors to prioritise our audit over others?”

Very unlikely. Auditors are running at full capacity and have to deploy resources according to their assessment of audit risks in accordance with professional standards. It is very unlikely that auditors could give preference to some clients rather than others even if they wanted to.

“Didn’t we used to get more from our auditors?”

Yes we did. For example, auditors were often prepared to provide training to audit committees on a pro-bono basis. The fact that they used to be with us for most of the year meant officers could develop professional working relationships with auditors and they understood us better, within the boundaries required of their independent status. Auditors no longer have the capacity to do extra work and the light shone on audit independence in other sectors of the economy has reinforced the rules on the way auditors and councils work together.

“Under the national framework we have had to negotiate our own fee variations. Will that continue to be the case?”

Unfortunately, virtually all councils have had to engage in discussions with auditors about fee variations linked to new regulatory requirements and, of course, the challenges of COVID-19. SAA has worked hard with MHCLG to enable the recent consultation on changes to the fee setting regime, and the resulting regulatory change will bring scope for more issues to be settled at a national level in future.

“Can we band together in joint procurements to get most of the benefits of not going it alone?”

We understand that this is lawful. However, joint procurement partners would not be part of PSAA’s efforts on behalf of the sector to increase the number of firms competing in the market, which will therefore be less likely to succeed.

At best, joint procurement spreads the pain of procuring over a larger number of councils and at worst it introduces a new layer of bureaucracy, because someone is going to have to take the lead and bring all the members of the consortium along. It’s not altogether clear to us why a joint procurement would be better than the national contract, especially as the consortium would then have to manage the contract throughout its life (for example, the implications of changes of audit scope).



CABINET



Report subject	Quarter Two Budget Monitoring 2021/22
Meeting date	15 December 2021
Status	Public Report
Executive summary	<p>This report includes 2021/22 budget monitoring information as at the end of September 2021. The projected outturn for the revenue account can be balanced by allocating a further £4.2 million from the Covid pressures grant tranche 5.</p> <p>The projection for the 2021/22 revenue account is an overspend of £10.2 million within services and the transformation programme. The application of largely one-off central resources can balance this position, including the release into the revenue account of further Covid pressures grant tranche 5, leaving £4.0 million available to support Covid pressures next year.</p> <p>The updated 2021/22 projections for reserve movements, the capital programme and housing revenue account (HRA) are also included.</p>
Recommendations	<p>It is RECOMMENDED that Cabinet:</p> <ol style="list-style-type: none"> 1. Agree the £0.84 million allocation from the contain outbreak management fund (COMF) for additional adult social care expenditure as set out in paragraph 70 and appendix A3. 2. Request that Council delegates the final decisions in spending the COMF allocations for winter planning to the director of public health in consultation with the chief executive, and leader of the council as urgent decisions may be required as considered in paragraph 72. 3. Request that Council approve the use of £4.2 million of the Covid pressures grant to support the net unavoidable pressures within services as set out in paragraph 67. 4. Request Council approve the capital virement to accept new grant funding as set out in paragraph 94.
Reason for recommendations	To comply with accounting codes of practice and best practice which requires councils to regularly monitor the annual budget position. To comply with the council's financial regulations regarding budget virements.

Portfolio Holder(s):	Councillor Drew Mellor, Leader, Finance & Transformation
Corporate Director	Graham Farrant, Chief Executive
Report Authors	Adam Richens, Chief Finance Officer and S.151 Officer Adam.richens@bcpcouncil.gov.uk
Wards	Council-wide
Classification	For Decision

Background

1. In February 2021 Council agreed the annual general fund net revenue budget of £241 million, a capital programme of £125 million and the net use of reserves of £41 million. Budgets were also agreed for the housing revenue account (HRA).
2. At quarter one the projected revenue budget overspend was £12.6 million within services due to one off Covid pressure (£3 million), on-going Covid pressures (£5.5 million) and ongoing service pressures (£4.1 million).
3. This was offset by central savings and one off surpluses within the 2021/22 accounts of £5 million, reducing the net projected overspend to £7.6 million.
4. This position included full delivery of the budgeted £7.5 million transformation savings target for 2021/22 of which £2.4 million had been confirmed as delivered.

Revenue budget monitoring - September 2021

5. The quarter two projection for the 2021/22 revenue budget outturn is an overspend of £10.2 million within services and transformation. The reasons can be summarised as follows:
 1. £3.0 m Covid pressures potentially one-off in nature
 2. £5.1 m Ongoing Covid related pressures
 3. £3.5 m Ongoing service pressures
 4. (£2.7m) Ongoing carparking income recovery (but still below pre Covid)
 5. (£2.4m) Grants received to replace base budget or overspend
 6. £3.7 m Transformation programme net savings shortfall
6. There is an interest saving of £0.6 million outside of services. The resulting net overspend can be offset by the application of the following resources that naturally fall as one-off surpluses with the 2021/22 accounts:
 - £2.9 m Refinancing of the capital programme resources (2020/21 outturn)
 - £1.4 m Extra sales, fees and charges grant income confirmed for 2020/21
 - £0.5 m Extra sales fees and charges grant income estimated for 2021/22
 - £0.4 m Dividend from the local authority trading company (Tricuro)
 - £0.2 m Net other changes
 - £4.2 m Drawdown of Covid pressures grant tranche 5 (leaving £4.0 million for transfer to earmarked reserves)

7. A summary of the revenue outturn position as projected at the end of quarter two is shown in the table below. This includes the proposed use of the covid pressures grant to balance the budget due to unavoidable net pressures, with the remaining level of grant that would be transferred to reserves shown as a surplus at the bottom of the table.

Figure 1: General Fund – Summary projected outturn as at 31 March 2022

Directorate	Working Budget	Forecast Outturn	Forecast Variance
Adult Social Care	209,431	227,866	18,436
	(94,086)	(111,096)	(17,010)
Adult Social Care Total	115,345	116,771	1,426
Children's Services (excl. DSG)	81,300	91,924	10,623
	(12,051)	(13,426)	(1,375)
Children's Services Total	69,250	78,498	9,248
Operations	165,556	168,546	2,990
	(95,284)	(102,906)	(7,622)
Environment & Community Total	70,272	65,640	(4,632)
Resources & Chief Executive Office	151,214	152,436	1,222
	(111,909)	(112,693)	(785)
Resources & Chief Executive Office Total	39,306	39,743	438
Net Cost of Services	294,172	300,652	6,480
Transformation (including target savings)	22,015	25,705	3,690
	(23,590)	(23,590)	0
Transformation Total	(1,575)	2,115	3,690
Net Position	292,597	302,767	10,170
Covid Pressures Grant Committed	(1,700)	(1,700)	0
Release of Residual Covid Grants Tranche 5	0	(8,193)	(8,193)
Refinancing of Capital Expenditure	0	(2,900)	(2,900)
Sales, fees and charges compensation 2021/22	(1,649)	(2,149)	(500)
Reserves use Covid Sales, Fees and Charges	0	(1,402)	(1,402)
Other Corporate Items	(289,249)	(290,462)	(1,213)
Total Budget	(0)	(4,038)	(4,038)

8. The overspend at service level has reduced from £12.6 million at quarter one to £6.5 million at quarter two. This is largely due to place operations which has moved into a £4.6 million budget surplus, compared with a projected overspend

of £0.3 million at quarter one. The improvement is from increased income, particularly car parking and seafront, and reduced costs of waste disposal.

9. This improved position in place operations has been partially offset by recognising the delay in achieving the target transformation savings this year along with the reprofile of related expenditure, with a net £3.7 million budget shortfall now reflected. There may be some further savings in the transformation programme in the second half of the year from staff restructuring underway and activity to reduce expenditure through enhanced commissioning activity.
10. The approach continues to be the management of the financial position by expecting services to deliver within the envelope of their original 2021/22 budget as far as possible. However, for children's services there is recognition that further budget support is needed from measures to improve the service. The projected overspend compared with quarter one has reduce by £0.4 million due to the award of government grant to support unbudgeted improvement activity. In addition, for adult social care (ASC) services there are unavoidable market pressures related to the Covid hospital discharge scheme arrangements with processes also requiring additional staff resources. ASC during quarter two has reduced its projected overspend by £0.6 million largely from additional income.
11. The mitigation strategy to balance the budget proposed in this report is to drawdown further allocations of £4.2 million from the tranche 5 covid pressures grant to support net overall budget pressures. This is in addition to the specific allocations to services already made of £1.7 million from this grant for expenditure related to the pandemic. This leaves a balance of £4.0 million available from the £9.9 million grant to carry forward into next year. This is the surplus showing in the above table which would be transferred into reserves.
12. The detail of projected variances is included in Appendix A1. A general fund summary forecast outturn is included in Appendix A2.

Summary of 2021/22 projected outturn by directorate

13. The following paragraphs summarise the projected 2021/22 budget position for each directorate.

Adult Social Care - net overspend £1.4 million (1.2%)

14. The ASC overspend has reduced by £0.6 million overall compared with quarter one. Covid pressures on care costs have increased alongside growth in other care service demands over quarter two. There is offset from additional income from the NHS and client contributions with new savings reported from employee vacancies.
15. The highest contributor to the overspend is related to extra Covid costs, with £1.5 million from higher cost care packages due to the hospital discharge scheme introduced by the government during the pandemic. Residential care costs continue to be above budget because of market forces and home care packages of increasing size. Not all clients can recover and regain independence within the 4 weeks of leaving hospital, as specified in national guidance, because of capacity shortages in NHS therapy services. Packages of care that are picked up to be funded by BCP after the 4 week NHS funded period will be larger and of higher cost because patients are discharged earlier, more dependent, and often without the recovery services they need. Although the hospital discharge scheme

is due to end on 31 March 2022, it is likely that higher market costs and higher hospital discharge demand will continue from Covid infections and the enduring impact of the pandemic on the health and social care system

16. The additional committed cost of managing the hospital discharge scheme this year is anticipated to be £0.16 million with the existing level of progress being made. However, this is not sufficient to adequately manage the scheme processes. The forecast includes the recruitment of additional staff to administer the scheme and catch up with the backlog of cases accumulated during the pandemic with this further cost of £0.4 million funded by tranche 5 of the Covid pressures grant to complete all process after the end of the scheme.
17. Not directly linked to Covid, is a £0.8 million projected overspend in packages of care mainly due to demands from older people. The projections for older people remain volatile as costs continue to increase. Residential fees are now 3% above budget, 10% higher than the same time last year and 16.6% higher than pre-pandemic.
18. The medium term financial plan is being updated to allow for the level of exceptional increase in residential fees and additional demand for both care home placements and larger home care packages following hospital discharge
19. The £0.5 million projected additional refunds from the NHS for clients eligible for continuing health care (CHC) are due to more people with learning disabilities being found to be CHC eligible. As the backlog for CHC applications, which accumulated due to a pause in NHS CHC activity during the pandemic, begins to be cleared, the overall impact of these refunds will become more apparent.
20. There is £0.2 million over recovery projected for service user contributions.
21. Projected employee savings of £0.1 million are projected from vacancies which have not been filled due to workforce shortages.
22. The shortage of home care workforce capacity is leading to a higher number of residential care placements and more people waiting for domiciliary care to become available, adding uncertainty to the projections

Workforce capacity and winter plan fund

23. On the 4 November the council was notified of the provisional allocation of £1.183 million workforce capacity fund for the winter plan as announced on 25 October. The detail is as follows:
 - a. This grant must only be used to deliver measures that address local workforce capacity pressures in adult social care between 21 October 2021 and 31 March 2022 through recruitment and retention activity. Councils are expected to work closely with their provider partners to think innovatively about the measures they put in place individually and collectively, including passporting funding directly to providers where appropriate. It will be important to retain existing staff capacity as well as encourage new and returning entrants.
 - b. It is paid in two instalments, 60% (£0.71 million in November 2021 and 40% (£0.473 million) in January 2022.
24. The funding should be spent only on time-limited activity during the 21 October 2021 to 31 March 2022. If a local authority chooses to make payments to providers, where possible, they should endeavour to passport funds as early as

possible during the grant period to ensure providers have time to use the resources to maximum effect. Due to the short timescale to deployment the chief executive will make an urgent decision to accept the grant and agree the spending plan in consultation with the portfolio holder for ASC.

25. There are prescriptive and discretionary elements to the fund. Due to the short timescale to deployment the chief executive will make an urgent decision to accept the grant and agree the spending plan in consultation with the portfolio holder for ASC.

Infection control grant round 3 fund

26. On 21 October the Department of Health and Social Care (DHSC) published the guidance and allocation of round 3 of the Infection Control Fund. It comprises three distinct allocations of funding for infection prevention and control, vaccines, and testing. The fund is split in two categories
 - a. A mandatory allocation of £2.672m strictly prescribed by the grant conditions to be distributed to care providers within 20 days of receipt. The fund is paid in two instalments, 60% (£1.603 million) in November 2021 and 40% (£1.069 million) in January 2022. The council has no discretion over the method of distribution.
 - b. A discretionary allocation of £1.093 million which will require specific approval. This element is also paid in two instalments, 60% (£0.656 million) in November and the remaining 40% (£0.437 million) in January 2022.
27. As for the workforce capacity fund, due to the need to allocate funding quickly the chief executive will make an urgent decision to accept the grant and agree the spending plan in consultation with the portfolio holder for ASC.

Children's Services - net overspend £9.2 million (13.4%)

28. The overall forecast position has reduced by £0.4 million reflecting the award of funding from the Department of Education for service improvement in children's social care, with activity already underway and included in the projected overspend at quarter one.
29. The projected overspend relating to the cost of care has decreased from quarter one of £4.3 million to £3.7 million for quarter two. This includes new placements made but more than offset by successful reunifications home for some children together with other demand strategies relating to placement costs. There are still clear national, regional, and local cost pressures that reflect increased demand for all placement types, specifically for children with very complex needs, and with rising costs for individual packages but these pressures continue to be scrutinised and managed at pace.
30. The other area of significant pressure is staffing. This has increased since quarter one and the total forecast variance is now £5.2 million net of government grant (57% of the overspend). There continues to be considerable market difficulties in the recruitment of permanent workers causing the continued and increased use of higher cost agency staff against established posts within social care.
31. In addition to the agency use against established posts there are several extra agency social workers over establishment to cover current levels of increased demand. The planned reduction of these over establishment agency staff has

commenced with the service identifying a number of agency staff to end from the end of November onwards to reduce the overspend. A proportion of this reduction is already reflected in the current forecast variance.

32. The recruitment and retention strategy has been refreshed along with the campaign. Two specialist recruitment agencies are working with the council to enhance our impact within this extremely competitive market which reflects the national challenge for the recruitment of experienced social workers.
33. Within the staffing overspend is the cost of commissioned teams to carry out essential work to ensure appropriate timescales are met for the assessment of cases with the highest safeguarding risks. This has been necessary to prevent significant service deterioration due to a trebling of the statutory requirement, a high element of which can be directly traced to higher post-Covid demand levels.
34. There is also an element of non-achievement of the budget allowance for a level of vacancies in establishment posts as prompt recruitment in front line services continues to be essential to maintain service stability and improvements. In addition, savings have not been realised due to the delay corporately in restructuring business support functions and system support teams across the council.
35. There is a forecast £1 million pressure for special education needs (SEN) transport. This budget is traditionally volatile and challenging to project as it is demand led and impacted by numerous variables outside of the control of the council. Despite an increase in the budget from last year, there is further demand from the rising caseload of education, health, and care plans (EHCPs), from pupils with medical conditions and from those with challenging behaviour. The impact of places created locally in satellite special schools to cope with the rising EHCP demand has increased the number of journeys.
36. Other variances include the additional cost in the SEN team of legal support for work on tribunals of £0.1 million.
37. A saving of £1 million has been agreed by Council from the quarter one monitoring report by switching the family investment fund budget to the contain outbreak management fund (COMF) ring-fenced grant.

Place Operations – net underspend £4.6m (6.6%)

38. The overall position for operations for quarter two is a net underspend of £4.6 million which is 6.6% of the £70 million net budget. Parking and waste services account for much of the total, but there are also significant contributions from seafront services and telecare. Although a significant net underspend, there are some service pressures within place operations.
39. Covid pressures within environment services are income losses greater than allowed for in the budget. The projection includes a budget shortfall for cremations income of £0.8 million, due to reduced demand for services.
40. In addition, the reduction in trade waste income experienced last year from periods of lockdown and reduced commercial activity is on-going, the forecast is little changed from June.
41. The cost of emergency accommodation placements, principally within local hotels and B&B accommodation, is currently expected to be managed from a combination of in-year revenue budget resource allocation, government grant allocations and one-

off utilisation of £0.35 million from the contain outbreak management fund (COMF). Next year's budget will likely recognise a £0.35 million budget pressure as COMF funding will no longer be available. The current forecast will continue to be reviewed as it is highly dependent on estimated numbers, which are subject to change.

42. Communities have been allocated additional grants in year of £0.950 million to support vulnerable residents in self-isolation and this has released eligible expenditure from the COMF.
43. Several smaller pressures across the services are anticipated at £0.1 million.
44. The main changes from the June report are in business-as-usual areas, although some surpluses are in services where income expectations had been reduced in the budget for 2021/22 because of the Covid pandemic.
45. Parking services are anticipating a net overachievement against budget of £2.7million. This is a significant improvement but is still much lower than would have been anticipated in a pre-pandemic year. The MTFP has been updated to reflect a delayed return to income budget levels pre-Covid as town centre carparks have not recovered well. Members are due to consider winter seasonal parking and travel offers and any agreed above those given in previous years will impact the current forecast.
46. Concessionary fares are forecasted to underspend by £0.3 million. The council continues to support bus travel across the conurbation and are compensating the two local bus companies in line with government guidance. The historic trend of reduced bus use has been reflected in maintaining pre Covid funding levels and this has brought down the amounts expected to be paid for the year.
47. Communities are forecasting an overspend of £0.2 million in respect of the community safety service review. Staff costs are overspent by £0.2 million due to budgeted restructuring delays from the smarter structures project. There is also an additional £0.1 million pressure in relation to potential costs associated with community centres.
48. Environment are forecasting a net saving of £1.5 million in residual waste collection and disposal. The increase from June is mainly down to improving recycle prices, and the re-tendering of waste contracts costing less than anticipated. The take up of the garden waste service is performing well with a forecast surplus of £0.5 million. The estimated income for drop kerbs is consistent with June's position.
49. There are budget pressures within environment services. The forecast position regarding greenspace, concessions and trading has worsened due to the inclusion of a bad debt provision in relation to a sporting concession. The pressure in respect of arboriculture works remains. The highways operational cost pressures include preparations for the winter service. There is also an estimated overspend of £0.3 million on the cost of the council's fleet because of increased fuel prices and parts for older fleet vehicles.
50. Now the summer season is mostly over it is possible to forecast with some certainty the position for seafront services. Seafront operations and trading, most notably catering, has been especially successful over the summer period, and is expected to achieve a position ahead of budget by £0.4 million, Beach hut income is also estimated to be ahead of budget by £0.2 million.
51. Telecare net income continues to forecast £0.3 million additional income to budget. Neighbourhood Services (comprising net income from garages and photovoltaic

panels) continues to project an overall £0.1 million improved position to budget. In-year Housing Delivery spend to support the 5-year Council Newbuild Housing & Acquisitions Strategy (CHNAS) is forecast to be £0.1 million lower than budget.

52. Libraries expect an underspend against staffing budgets of £0.1 million due to vacancies within the service. Smaller savings and pressures across the services are anticipated in the region a net underspend of £0.1 million.

Resources & Chief Executive Office - net overspend £0.4 million (1%)

53. The combined position for both the resources and chief executive office is a net overspend of £0.4 million down from £0.6 million presented for the June update.
54. The largest ongoing Covid pressures is the loss of income in relation to council tax and business rates summons income. During lockdown courts were closed and although operating now there is backlog in court dates for the council which impedes the process of raising summons to taxpayers. This represents a total pressure of £0.4 million.

Transformation Savings

55. Transformation savings of £7.5 million have been built into the budget for 2021/22. At the end of quarter two £5.1 million of savings have not yet been identified for delivery and have been factored into the projected overspend for the year along with related expenditure reductions of £1.4 million.
56. The corporate smarter structures project should deliver some savings towards the residual target and work is underway to confirm the level of savings this year and the MTFP impact of a full financial year.
57. The third party spend project has indicated initial areas for savings opportunities and the deliverability and timing of these will be established during the next phase of work. Most of the potential savings identified will take some time to deliver with the benefit in future years.

Central Items - net surplus £14.2 million

58. This includes a forecast underspend on interest payable of £0.6 million due to having higher cash balances than anticipated meaning the requirement for short term borrowing has been reduced. It also includes an expect one off dividend payment from Tricuro of £0.4 million.
59. Set out in the financial outturn report 2020/21 presented to Cabinet on 23 June 2021 there were a series of actions undertaken by the finance team to release revenue resources earmarked for capital to support the 2021/22 budgetary position. The total amount released is £2.9 million with the decision made at Council in September when the outturn report was considered.
60. Government compensation for lost sales, fees, and charges (SFC) during 2020/21 outturn totalled £12.6 million. After meeting the first 5% loss of income in full, losses above this level are funded by government at 75%. The outturn figure was based on an estimate where there remained some ambiguity in the calculation. Therefore, a risk factor was transferred to reserves of £1.4 million in case an amount needed to be repaid to government. Now the scheme for 2020/21 has concluded this amount can be released back into revenue for 2021/22.

61. The SFC scheme is continuing for the first quarter of 2021/22, and the initial estimate of the grant is ahead of the £1.6 million budget by £0.5 million.
62. The balance of central items is the further use of the Covid pressures grant tranche 5 to underpin the overspend within services.

Covid pressures grant 2021/22 - £9.9 million

63. Tranche five of the Covid pressures grant was allocated to councils to manage the extra costs from the pandemic. Funding is not ring fenced and it is for the council to decide how to support services. The government note that it is expected to be spent on the same priority areas as last year. These are: adult social care, children's services, public health services, household waste services, shielding the clinically extremely vulnerable, homelessness and rough sleeping, domestic abuse, managing excess deaths, and support for re-opening the country.
64. The 2021/22 budget allocated £1.03 million from the grant to support specific service pressures. In other service areas, such as where demand was already rising before the pandemic and the specific impact not easy to quantify, allocations were expected to be made during the year with the use of the grant brought into the projected outturn at the same time.
65. Since the budget was set in February new allocations were agreed for resort management and summer resilience and some originally budgeted expenditure agreed to be funded instead by the contain outbreak management fund (COMF). The amount left uncommitted at the end of quarter one was £8.35 million.
66. The updated quarter two position includes funding returned from unspent summer resilience allocations with a portion repurposed for winter resilience, plus new allocations to increase ASC staffing to manage the hospital discharge scheme.
67. It is **recommended that Council approve a further £4.2 million is used to balance the net overspends** projected across all budgets at quarter two. The then unallocated balance of £4.0 million would be added to reserves. A summary of the tranche 5 funding is in the table below:

Figure 2: 2021/22 Covid Pressures Grant Tranche 5

Allocations	£000's
Total Grant 2021/22	(9,893)
Budgeted amount not transferred to the COMF	350
Post budget allocations - resort management / summer resilience	1,193
Unallocated balance of tranche five at quarter one	(8,350)
Summer resilience under spend	(335)
Winter resilience allocation	53
Adult social care additional staffing for hospital discharge scheme	439
Grant released into the revenue account at quarter two	(8,193)

Contain Outbreak Management Fund (COMF)

68. The unspent COMF from 2020/21 has been carried forward and amalgamated with the previously separate test and trace grant. The amounts brought into 2020/21 as uncommitted are £1.8 million for the original COMF and £0.97 million for the test and trace grant. The director of public health has authority to commit expenditure within normal delegated limits and has committed further expenditure in 2021/22. In addition, Council in November approved that the £1 million family investment fund should be paid for from the COMF instead of charged to the base revenue budget.
69. During the quarter two budget monitoring process any approved COMF budgets no longer required have been returned to the fund with the balance of unallocated COMF from 2020/21 £2 million.
70. It is proposed that **additional adult social care expenditure** of £0.84 million is approved to support care providers and the wider system with pressures related to Covid 19. This includes supporting efficient and safe hospital discharges, monitoring infection status, supporting the booster programme, other plans to protect public health and provide additional brokerage capacity. The details are included in Appendix A3. This expenditure meets the criteria of the COMF and is supported by the director of public health. As it is a virement less than £1 million but greater than £0.5 million it requires the **approval of Cabinet**.
71. The 2021/22 COMF allocation of £2.553 million is currently held in contingency for winter planning. The director of public health has identified that continuing the interventions under the local outbreak plan may require contingency spending of up to £1.176 million. The details are included in Appendix A4. This is based on the updated contain [framework](#) published in October as part of the government's Autumn and Winter Plan launched by the new UK Health Security Agency (UKHSA). It sets out how national, regional, and local partners should continue to work with each other, the public, businesses, and other partners in their communities to prevent, manage and contain outbreaks.
72. The updated framework applies to the autumn and winter period and will be reviewed and updated as necessary in spring 2022. **As all contingency spending may be required at short notice it is proposed that the decision is delegated to the director of public health in consultation with the chief executive and leader of the council.**

Reserves monitoring 2021/22

73. Earmarked reserves have been set aside for specific purposes and these were reconsidered in June 2020 in the light of the new financial environment and need to fund the transformation programme which is fundamental to delivering savings at scale.
74. Councils nationwide received significant Covid related grants during 2020/21 which have artificially increased all reserve holdings. Grants received in relation to business rates have particularly obscured the true reserve position due to the intricacies of collection fund accounting. The Council received £40.4 million for business rates in 2020/21 which will be paid back to the collection fund in 2021/22. In addition, £18.5 million was carried over from specific grants to be applied to pandemic spend.

75. Figure 3 below summarises the projected movement in reserves during the current financial year but without making any assumptions about how the estimated surplus for the year is applied. This is considered further in the MTFP update report on the meeting agenda.

Figure 3: Summary of projected movements in reserves

	Balance 1	Balance 31	Movement
	April 2021	March 2022	
	£m	£m	£m
Un-earmarked reserves	15.3	15.3	0.0
Earmarked reserves*	153.8	43.1	(110.7)
Total reserves	169.1	58.4	(110.7)

*These reserves do not include revenue reserves earmarked for capital or school balances. They do include:

- £60.1 million specifically in relation to Covid.
- £30.1 million to support the 2021/22 budget and £2.1 million towards the 2022/23 budget.

The main **movement** on other earmarked reserves during the year are as follow:

Financial Resilience Reserves

- a) £25,106k **Refinancing of the Capital Programme Reserve – phase 1**
As per the approved 2021/22 budget reserve to be fully draw down
- b) £4,748k **Refinancing of the Capital Programme Reserve – phase 2**
As per the approved 2021/22 budget reserve to be fully draw down
- c) £4,432k **MTFP Mitigation Reserve**
As per approved Cabinet report £3.4m to support accelerated regeneration, £0.3m for SEND, £0.2m for Climate Change and £0.5m Clean Green Safe

Transition and Transformation Reserves

- d) £10,188k **Transformation Mitigation Reserve**
Drawn down as per the approved 2021/22 budget
- e) £2,000k **Transformation – Contribution from outside General Fund**
Drawn down as per the approved 2021/22 budget

Government Grants

- f) £40,409k **Covid 19 NNDR Section 31 Grants**
Monies received in 2020/21 to offset collection fund deficit payable in 2021/22
- g) £1,402k **Covid 19 Sales, Fees and Charges Grant 2020/21**
Draw down of risk factor previously set aside in the outturn for 2020/21

h) £15,004k

Other Covid 19 Grants

Assumed spend of all Covid related grants except in relation to Council Tax and NNDR

Dedicated Schools Grant (DSG) 2021/22

76. The 2021/22 budgeted high needs funding shortfall is £10.8 million, reducing to £9.7 million after a £1.1 million (0.5%) transfer of funding from the school block. Other DSG blocks have been set with balanced budgets with no surplus available to reduce the overall funding gap.
77. This budget is being monitored through the High Needs Block Deficit Recovery Board. The report to the Board in October reflecting the quarter two position indicated an overspend of £1.3 million, resulting in an annual funding gap for 2021/22 of £11 million. The most significant budget variance is the level of placements made in the independent and non-maintained special schools. The budget was set based on the target to reduce these placements but there is no indication yet that this can be achieved.
78. As always, the forecast is based on assumptions for future caseload and placements with now more confidence in data quality with additional resources in place in the services to improve record keeping and query resolution timescales.
79. The accumulated deficit is expected to increase from £7.8 million at 1 April 2021 to £18.6 million by the end of the year as shown in the table below:

Figure 4: Summary position for dedicated schools grant

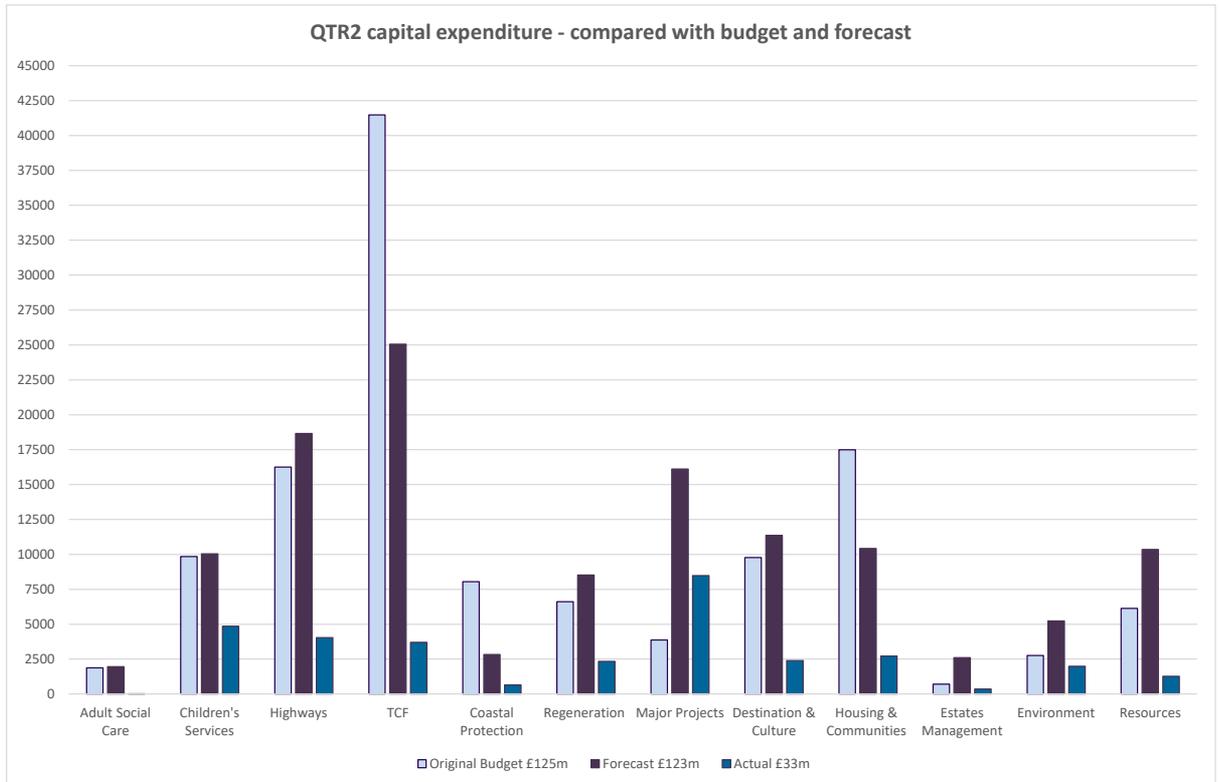
Dedicated Schools Grant	£m
Accumulated deficit 1 April 2021	7.8
Budgeted high needs shortfall 2021/22	9.7
Projected in-year over spend on high needs	1.3
Projected in-year savings on other blocks	(0.2)
Projected accumulated deficit 31 March 2022	18.6

Capital budget monitoring

80. This section covers the council's budgeted capital investment programme (CIP) in respect of general fund capital expenditure only. Housing Revenue Account (HRA) related capital spend is reported separately within this report.
81. The original capital investment programme (CIP) budget approved by Council in February 2021 was £124.8 million. Amendments to the programme since include new approved schemes, increases to existing scheme budgets, reprofiling of approved capital budget to later years as well as the carry forward of unspent capital budget brought forward from 2020/21. These changes have resulted in a revised budgeted capital programme as at end of September of £123.1 million.
82. The capital programme excludes the £50 million from the Futures Infrastructure Fund and £10 million SEND infrastructure loans until such time as specific capital projects to utilise this funding are approved and included within the CIP.

83. Figure 5 below reflects first half year spend against the latest full year forecast and original budget.

Figure 5: Capital Budget Monitoring as at 30 September 2021



84. At £32.8 million, actual capital expenditure to date at end of September is 27% of the full year forecast of £123.1 million. Covid-19 and Brexit continue to have significant impact on market conditions. This includes increases in raw materials prices, construction cost increases, and labour and material supply chain issues. This has impacted on delivery of the capital programme in various ways. There have been increases in tendered prices compared with original estimates across capital projects, reduced capacity to undertake works to planned timeline because of labour shortages and in some cases fewer than expected responses for tendered works. Some cost increases can be absorbed within risk / contingency allowance within approved capital budgets. Other price variations will require capital budget increases –to be funded from either BCP funds (for example S.106 / community infrastructure levy (CIL), external grant or additional prudential borrowing.

85. Project managers will, as with every year, be encouraged to review scheme progress on an ongoing basis throughout the year and advise where there are significant revisions. Based on this information reprofiling will continue to be undertaken where necessary to reflect these changes within the CIP.

Financial risks in the capital investment programme (CIP)

86. Salix Funding – grant £2.5 million

The CIP includes £2.5 million of Salix government grant funded capital works that are required to complete within a specified timeframe. The council is working with Salix to extend original planned programme timeline to 31 March 2022 at the earliest. Failure to deliver within the agreed revised timeframes would require the council to underwrite the costs of any expenditure incurred after the agreed deadline. The potential risk exposure to the council is estimated to be £0.6 million. However, Salix have indicated that they would accept committed spend to be set off against the grant funding. Other risk mitigation options being explored include the potential to swap prudential borrowing on other energy improvement capital schemes for Salix funding, provided the alternative schemes meet Salix funding eligibility requirements. Legal Services are also providing support around the interpretation of grant conditions as stipulated in the Salix agreement letters, and the position is being kept under review.

87. Transforming Cities Fund £11.5 million

The Council was awarded TCF grant to deliver a strategic programme of highway improvements to better facilitate sustainable means of travel across the conurbation. The TCF grant was awarded on the assumption that £11.5 million of third-party contributions from bus companies would form part of the local contribution requirement. This consisted of bus operator investment in new vehicles, engine upgrades and investments in new routes. Discussions are ongoing with bus operators to confirm the ongoing availability of this funding. The council is reviewing what additional local contributions could be attributable to the TCF Programme to mitigate the potential impact. This issue has already been raised with the DfT. At this stage there is no indication from the DfT that this would impact on the overall TCF grant award.

88. Princess Road £0.5 million

The CIP includes development of private rented sector housing and hostel accommodation within the general fund. The capital budget benefits from £0.5 million of Homes England grant funding, provided the key milestone of completing foundations (piling) works to blocks C and D by 31 March 2022 is achieved. Whilst the tender process for build works has now completed, and preferred bidder selected, the timescale to achieve this milestone remains very tight.

89. Fleet Replacement

In September 2021 council approved the 3 year fleet replacement plan (FRP). Post Covid market conditions have resulted in significant additional lead-in times for new vehicle orders, which has meant that the majority of vehicles originally planned to be replaced in 2021/22 are not likely to be received until 2022/23. The profile of planned capital spend for 2021/22 and resulting annual borrowing repayments has been adjusted within the MTFP accordingly. There is also financial risk that further capital budget could be required to deliver the FRP in full. This is because trade discounts originally assumed within FRP vehicle replacement costs may not be available to the same extent in the current market. This position will continue to be monitored.

90. Inflationary Financial Pressures

Some schemes are expected to come under inflationary financial pressures, with ten projects having increases less than £0.5 million with a total value of £2.4 million and four projects expected to have larger increases. Of these, the increase for the Princess Road housing development project was approved by Council in November. Other projects, such as the Bistro redevelopment project, which is still at planning stage, are not yet certain enough to come forward for additional funding.

Capital investment programme – financing.

91. The CIP has been adjusted to incorporate capital refinancing adjustments approved by Council in September.
92. There has been a marked move towards greater use of prudential borrowing to fund capital spend. The council's projected capital financing requirement (CFR) for 31 March 2022 is £536.6 million. This includes allowance for all capital projects approved within the capital programme (including HRA), the £50 million Futures Infrastructure Fund and £10 million SEND infrastructure fund. Based on benchmarking with other local authorities, there is capacity to further increase the level of borrowing taken out (CFR) without becoming an outlier, provided borrowing remains affordable and annual borrowing repayments (principal and interest) can be repaid.

Capital budget virements and acceptance of capital grants 2021/22

93. In accordance with the council's financial regulations the following rules associated with capital virements and acceptance of grants apply (after advice from the Chief Finance Officer):
 - Acceptance of grants greater than £100,000 and up to £1 million require Cabinet approval
 - Virements over £1 million require prior Council approval.
 - Virements over £500,000 and up to £1 million require prior Cabinet approval.
 - Corporate Directors can approve virements over £100,000 up to £500,000.
 - Service Directors can approve virements up to £100,000.
94. The following capital virement to accept new grant requires **Council approval**, as it is above £1 million:

Directorate: Operations

Purpose: Accept further £1.6 million of Towns Fund (MHCLG) grant

MHCLG have awarded and paid over to the council a total sum of £2.7 million this year from the Towns Fund grant allocation. An amount of £1.1 million of this was accepted by Council in November. This funding will be used to help develop businesses cases for each of the proposed Towns Fund schemes within the programme and to fund project delivery. Additional Towns Fund capital grant could be secured pending MHCLG approval of the individual scheme business cases.

Housing revenue account (HRA) monitoring

95. The HRA is a separate account within the council that ring-fences the income and expenditure associated with the council's housing stock. The HRA does not therefore directly impact on the council's wider general fund budget.
96. Within the HRA the council operates two separate neighbourhood accounts. The Bournemouth account comprises 5,100 tenanted properties and is directly managed in-house by the council. The Poole account comprises 4,517 tenanted properties and is managed by Poole Housing Partnership (PHP). PHP operate as an arm's length management organisation (ALMO) in line with a management agreement with the council.
97. Appendix C1 provides the detail of revenue budget monitoring across both neighbourhood accounts and Appendix C2 provides the same for capital budget monitoring across both neighbourhood accounts.

Bournemouth and Poole Neighbourhoods - Revenue account

98. Budgeted income from rents (dwelling rents and non-dwelling rents) across both neighbourhoods is broadly in line with budget. Bournemouth neighbourhood forecasts additional £0.2 million recharges of housing development team staff costs to the HRA capital programme. This reflects growth in the team and appropriate recognition of resources required to deliver capital schemes. There is no significant variance to budget in either HRA neighbourhood on other income. Repairs and maintenance spend in the Bournemouth neighbourhood HRA is forecast to be £0.2 million under budget. This arises from vacant posts within the grounds maintenance service. Forecast supervision and management staff costs for the Bournemouth neighbourhood are also forecast to be £0.5 million under budget this financial year. Poole neighbourhood HRA will now also incur an additional £0.2 million (to budget) interest cost on PWLB loans, as part of a Public Works Loans Board (PWLB) loan swap between the general fund and HRA.
99. The overall impact of quarter two revenue budget variances is that the combined forecast annual contribution to new build capital programmes of £6.0 million (£5.5 million budgeted). This consists specifically of £2.7 million contribution from the Bournemouth neighbourhood and £3.3 million from the Poole neighbourhood.

Bournemouth and Poole Neighbourhoods - Capital programme

100. Work on major capital projects across both neighbourhoods continues – including Sterte Court and Project Admiral in the Poole neighbourhood, and Moorside Road, Luckham Road / Charminster Way and Ibbertson Way in the Bournemouth neighbourhood. Both neighbourhood capital programmes have required (and are likely to require further) approval of additional capital budget to deliver approved schemes. This is a result of inflationary pressures on materials and labour – the impact of Covid / Brexit on the market. Longer lead in times for goods, materials and services have also had an impact on timelines for capital project delivery, with significant capital spend not now expected until the second half of the year, (for example, Moorside Road, Luckham Road in the Bournemouth neighbourhood) and further capital spend now reprofiled into 2022/23 (for example, Craven Court and Herbert Avenue).
101. In quarter one there was reduced property access arising from Covid related restrictions, and this impacted delivery of the kitchen and bathroom replacement

programmes across both neighbourhoods. The position was significantly improved over quarter two with the backlog of works reduced.

102. As a result of Covid, as with the general fund, the HRA capital programmes for each neighbourhood have evolved significantly since originally approved by Council in February 2021.

Financial risks in the HRA capital programme

103. The Wilkinson Drive capital budget within the Bournemouth neighbourhood was approved by council on the basis that 13 new housing units would be developed. As a result of design revisions required as part of the planning application process (permission obtained September 2021), the number of new units to be developed has reduced from 13 to 11. The capital budget, however, is maintained at original approved levels. This is a reflection of inflationary market pressures, which have resulted in the build cost per m² increasing from £2,441/m² to £2,712/m². The revised build price has been verified by the council's employers agent as market comparable. In addition, the funding profile of approved capital budget has been modified to increase the level of RTB and reduce the level of prudential borrowing allocated to the scheme.
104. There is potential delay to one other capital scheme within the Bournemouth neighbourhood starting on site this financial year due to a potential leasehold access issue. This position will continue to be monitored over the next quarter.

Scenarios

105. Services consider previous and current year trends in estimating budget requirements over the remainder of the financial year with the most likely scenario taken forward in year-end financial projections.

Summary of financial implications

106. This is a financial report with budget implications a key feature of the above paragraphs.

Summary of legal implications

107. The recommendation in this report are to ensure the council remains financially viable over 2021/22 with an improved prospect of balancing future year budgets.

Summary of human resources implications

108. There are no human resources implications from the recommendations in this report other than additional staffing related to grant funding within ASC.

Summary of sustainability impact

109. There are no sustainability impacts from the recommendations in this report.

Summary of public health implications

110. The council is seeking to maintain appropriate services for the vulnerable as well as improve the sustainability of services important for the wellbeing of all residents.

111. The proposed allocation from the contain outbreak management fund earmarked reserve will continue support for the well-being of our residents during the on-going pandemic.

Summary of equality implications

112. Budget holders are managing their budgets with due regard to equalities issues.

Summary of risk assessment

113. There remains significant uncertainty in the length and depth of impact from the Covid-19 pandemic over the autumn and winter of 2021/22 and this may impact on the year end projections in this report.
114. Budget recovery meetings are taking place to review the financial position of children's services, but it is unlikely that expenditure can be reduced to the extent needed to balance the budget in the current year with on-going pressures expected over the medium term. There is no evidence yet that demand for the service or costs of provision are reducing. Significant concerns remain therefore for the in-year financial position and the future sustainability of the council.

Background papers

Cabinet papers:

February 2021 – papers for budget 2021/22

[http://ced-pri-cms-02.ced.local/ieListDocuments.aspx?CId=285&MId=4260&Ver=4&\\$LO\\$=1](http://ced-pri-cms-02.ced.local/ieListDocuments.aspx?CId=285&MId=4260&Ver=4&LO=1)

29 September 2021 – 2021/22 quarter one budget monitoring report

[http://ced-pri-cms-02.ced.local/ieListDocuments.aspx?CId=285&MId=4836&Ver=4&\\$LO\\$=1](http://ced-pri-cms-02.ced.local/ieListDocuments.aspx?CId=285&MId=4836&Ver=4&LO=1)

Appendices

- Appendix A1 Projected variances greater than £100,000 for 2021/22
- Appendix A2 Revenue summary position 2021/22
- Appendix A3 Adult Social Care proposed allocation from the 2020/21 COMF
- Appendix A4 Public Health Contingency Allocations from the 2021/22 COMF
- Appendix B Schedule of forecast movement in reserves for 2021/22
- Appendix C1 Summary of HRA revenue budget monitoring for 2021/22
- Appendix C2 Summary of HRA capital budget monitoring 2021/22

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Appendix A1: 2021/22 - Budget Variances Greater than £100,000

Adult Social Care & Public Health

Budget	Explanation	June Variance 2021/22 £000s	Sept Variance 2021/22 £000s	Change Variance 2021/22 £000s
Covid Pressures				
Care packages	Increased cost of packages of care as a result of legacy hospital discharge arrangements during the pandemic.	1,100	1,482	382
Employees	Additional resources to manage the discharge to assess scheme at existing pace	316	161	(155)
Other Pressures and Savings				
Care packages	Demand for care above budget and increasing residential fees.	748	835	87
CHC	Continuing Health Care refunds	0	(450)	(450)
Client Contributions	Client contribution surplus	0	(216)	(216)
Employees	Employee savings due to vacancies	0	(127)	(127)
Tricuro main contract	Savings in the provision of services delivered by Tricuro.	(202)	(202)	0
Other	Other miscellaneous variances	37	(57)	(94)
Total Adult Social Care & Public Health		1,999	1,426	(573)

Children's Services

Budget	Explanation	June Variance 2021/22 £000s	Sept Variance 2021/22 £000s	Change Variance 2021/22 £000s
Covid Pressures				
Care Packages	Social Care high-cost care placements and associated expenditure	4,372	3,760	(612)
Employees	Agency - international recruitment	350	350	0
Employees	Innovate contract - additional social workers	940	940	0
Other Pressures and Savings				
Employees	Social care staffing pressures - high use of social work agency and interim staff for service improvement net of DfE grant of £0.4 million	1,637	2,073	436
Employees	Quality & performance team staffing pressures for service improvement	335	335	0
Employees	Director of Education other staffing including vacancy budget allowance not achieved due to prompt recruitment	300	250	(50)
Employees	SEND additional staff following inspection and pressures in team	380	511	131
Employees	Business support (£0.4 million) and case management system team (£0.7 million) from delayed staff restructuring	1,055	1,005	(50)
Transport	SEND and Mainstream	1,080	1,080	0
Other	SEND legal costs from tribunals and other payments	121	116	(5)
Other	Other smaller miscellaneous items	83	(172)	(255)
Other	Family investment fund - alternative funding method (contain outbreak management fund)	(1,000)	(1,000)	0
Total Children's Services		9,653	9,248	(405)

Place Operations

Budget	Explanation	June Variance 2021/22 £000s	Sept Variance 2021/22 £000s	Change Variance 2021/22 £000s
Covid Pressures				
Environment - Bereavement	Reduced demand impacting cremation income	741	794	53
Environment - Waste	Reduced demand impacting cremation income	406	429	23
Environment	Sports & leisure facilities lost income	100	0	(100)
Housing	Emergency accommodation placements	350	0	(350)
Communities - grant	Self-isolation support already budgeted within the COMF	(478)	(950)	(472)
	Other Items Below £100k.	117	128	11
Other Pressures and Savings				
Communities	Regulatory services delayed restructure largely to next year	208	259	51
Communities	Community Safety service delayed restructure	0	233	233
Communities	Community Engagement	0	110	110
Environment	Fleet Costs	0	277	277
Environment	Greenspace income pressures concessionaires and trading activities	186	281	95
Environment	Arboriculture contract pressure	169	179	10
Environment	Highways Operational cost pressures	147	111	(36)
Environment	Tonnages and disposal price below budget	(761)	(1,510)	(749)
Environment	Drop kerb income	(247)	(266)	(19)
Environment	Additional subscriptions garden waste	(145)	(468)	(323)
Transport & Engineering	Parking Services	0	(2,672)	(2,672)
Transport & Engineering	Concessionary Fares	0	(350)	(350)
Housing	Telecare income (identified at 2020/21 outturn)	(300)	(342)	(42)
Housing	Garages & photovoltaic income (identified at 2020/21 outturn)	(130)	(100)	30
Destination & Culture	Seafront - Beach huts	0	(189)	(189)
Destination & Culture	Seafront - Operations & Trading	0	(404)	(404)
Destination & Culture	Libraries - underspend on staffing due to vacancies	(190)	(101)	89
	Other Items Below £100k.	158	(81)	(239)
Total Operations		331	(4,632)	(4,963)

Resources & Chief Executive Office & Transformation

Budget	Explanation	June Variance 2021/22 £000s	Sept Variance 2021/22 £000s	Change Variance 2021/22 £000s
Covid Pressures				
Tax Collection	Reduction in court summons income from Council Tax and NNDR	281	421	140
Other Pressures and Savings				
Various	Other Items Below £100k (including £80k for Consultant Director - Childrens Services offsetting savings in other areas)	292	17	(275)
Transformation Savings	Shortfall in Transformation savings target of £7.5m	0	5,090	5,090
Transformation Expenditure	Reprofile of Transformation planned for 2021/22	0	(1,400)	(1,400)
Total Resources & Chief Executive Office & Transformation		573	4,128	3,555

Central Items

Budget	Explanation	June Variance 2021/22 £000s	Sept Variance 2021/22 £000s	Change Variance 2021/22 £000s
Covid Pressures				
Covid Pressures Grant	Release of more Covid 19 grant by using COMF (different presentation at quarter 2)	(513)	0	513
Covid Pressures Grant	Release of residual Covid 19 grant (after further net allocations in quarter 2)	(8,350)	(8,193)	157
Reserves	Release of sales, fees and charges grant reserve 2020/21	(1,402)	(1,402)	0
Covid Pressures Grant	Release of sales, fees and charges grant 2021/22	0	(500)	(500)
Other Pressures and Savings				
Dividend Income	Expected amount to be received from Tricuro dividend	0	(387)	(387)
Interest on borrowings	Higher cash balance than anticipated coming into the year with requirement for short term borrowing reduced.	(171)	(626)	(455)
Release of provision	Release of part of previous provision in relation to dilapidation works on Council Assets	0	(200)	(200)
Capital Programme	Decision taken in the 20/21 outturn report to release a further £2.9 million from capital resources and replace with borrowing	(2,900)	(2,900)	0
Reserves Contribution	Contribution to reserves for the uncommitted Covid pressures tranche 5 grant.	8,350	0	(8,350)
Total Corporate Items		(4,986)	(14,208)	(9,222)
Total	All Services and Central items	7,570	(4,038)	(11,608)



BCP Council - General Fund Summary 30 September 2021

Directorate	Revenue	Working Budget £'000	Forecast Outturn £'000	Forecast Variance £'000
Adult Social Care	Expenditure Total	209,431	227,866	18,436
	Income Total	(94,086)	(111,096)	(17,010)
Adult Social Care Total		115,345	116,771	1,426
Children's Services (excl DSG)	Expenditure Total	81,300	91,924	10,623
	Income Total	(12,051)	(13,426)	(1,375)
Children's Services Total		69,250	78,498	9,248
Operations	Expenditure Total	165,556	168,546	2,990
	Income Total	(95,284)	(102,906)	(7,622)
Operations Total		70,272	65,640	(4,632)
Resources & Chief Executive Office	Expenditure Total	151,214	152,436	1,222
	Income Total	(111,909)	(112,693)	(785)
Resources Total		39,306	39,743	438
Transformation (inc target savings)	Expenditure Total	22,015	25,705	3,690
	Income Total	(23,590)	(23,590)	0
Transformation Total		(1,575)	2,115	3,690
Total Net Cost of Service		292,597	302,767	10,170
Corporate Items				
Provision for repayment (MRP)		11,802	11,802	0
Pensions		5,163	5,163	0
Interest on borrowings		3,181	2,555	(626)
Contingency		2,053	2,053	0
Contingency for pay award		3,101	3,101	0
Movement to reserves		688	688	0
Levies (Environment Agency / Fisheries)		599	599	0
Apprentice Levy		565	565	0
Revenue expenditure on surplus assets		171	171	0
Corporate Items	Expenditure Total	27,323	26,697	(626)
Corporate Items				
Investment property income		(6,194)	(6,194)	0
Income from HRA		(949)	(949)	0
Other Grant Income		(504)	(504)	0
Interest on cash investments		(45)	(45)	0
Dividend Income		(100)	(487)	(387)
Refinancing of Capital Programme		(25,078)	(25,078)	0
Refinancing of Capital Expenditure - 20/21 outturn decision		0	(2,900)	(2,900)
Review of inherited resources		(4,738)	(4,738)	0
Movement from reserves - S31 NNDR Grant - offsets NNDR Deficit below		(39,512)	(39,512)	0
Movement from reserves - Council Tax / NNDR Losses Grant		(1,021)	(1,021)	0
Movement from reserves - Covid Sales, Fees and Charges		0	(1,402)	(1,402)
Release of provision		0	(200)	(200)
Corporate Items	Income Total	(78,141)	(83,030)	(4,889)
Net Budget Requirement		241,779	246,433	4,655
Funding				
Council Tax Income		(214,541)	(214,541)	0
Business Rates Income		(56,375)	(56,375)	0
Revenue support grant		(3,022)	(3,022)	0
New Homes Bonus Grant		(2,563)	(2,563)	0
Collection Fund Deficit Distribution (Council Tax)		2,027	2,027	0
Collection Fund Deficit Distribution (NNDR)		40,322	40,322	0
LCTS Grant 2021/22		(3,833)	(3,833)	0
Lower Tier Service Grant 2021/22		(445)	(445)	0
Sales, fees and charges compensation 2021/22		(1,649)	(2,149)	(500)
Top Slice Covid Pressures Grant 2021/22		(1,700)	(1,700)	0
Release of Residual Covid Grants Tranche 5		0	(8,193)	(8,193)
Total Funding		(241,779)	(250,472)	(8,693)
Net Position		(0)	(4,038)	(4,038)

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COMF Grant - ASC Requested Allocation

Area		Activity	Criteria	Evidence	Budget
LTC/D	Compliance - NHS Capacity Tracker	Resources to support ASC provider compliance and completion of NHS Capacity Tracker including recording, promoting, and collating feedback from engagement events, arranging targeted support workshops, addressing issues and non-completion, providing general advice and support. Funding to allow extension of current post until 31.03.2022. This is temporarily funded under the Infection Control Funding. Cap on administration recharge from ICF and uncertainty about extension of fund after current round ends on 30.9.21 means the funding for this post will not be continued.	Targeted interventions	Monitoring of infection status and vaccine take up as reported via NCT, liaising with providers to explore and address pressures that are reported.	£20,000
			Targeted interventions	Support communication and co-ordination required for any further booster programme.	
SIT	Health protection/ improvement	Dedicated resource to support ASC providers in relation to service delivery including enquiries and issues related to testing, vaccination and infections and reinfections.	Targeted interventions	To allow the continuation of officer time to monitor and oversee existing mailboxes, providing advice, support, and guidance. Funding would allow continuation of existing temporary staff contracts to be extended for a 6 month period	£40,000

Area		Activity	Criteria	Evidence	Budget
Brokerage	Health Protection/ Improvement	Resources to support and facilitate faster hospital discharges and the analytics of flow and demand to inform future commissioning of short-term services needed to meet the increased demand related to the covid pandemic. 3 x additional temporary staff would be secured within 4 weeks and deployed until 31.03.2022 to increase resilience in existing resource.	Targeted interventions	Additional resources to enable prompt hospital discharge and admission avoidance, ensuring acute resources available to support Covid and System pressures. Mitigating risks of further exposure to Covid / infection, of which number of Covid positive patients in hospital is growing.	£100,000
LTC	Health Protection/ Improvement	To operate a Trusted Assessor 12-month Pilot which would support and facilitate faster hospital discharges. This pilot will be based on similar schemes in the country that have delivered good outcomes and achieved speedier discharges for the Home First model.	Targeted interventions	2 full time workers to be linked with each acute in BCP. Release Provider resources to facilitate faster discharges and reduce post discharge issues (seeking a way to use funding over 2022/23 to achieve a full year).	£200,000
Disabilities	Health Protection/Emergency Response	Additional resource whilst existing emergency accommodation for people with a learning disability, autism and/or mental health continues to manage at reduced capacity to ensure infection control measures are adhered to and where containment of infections further reduce access to existing provision.	Targeted interventions	Maintaining pre-covid capacity for emergency placements for vulnerable clients with LD, autism and mental health who are at risk of homelessness/require safe and appropriately supported temporary accommodation	£200,000

Area		Activity	Criteria	Evidence	Budget
Disabilities	Maintaining Market Capacity/Health protection.	To provide additional staffing resources to support the safe access and exit from day services as part of safeguarding clients with LD and/or Autism against potential covid infection.	Targeted interventions	Maintaining financial viability of the day services marketplace by supporting cost of staggered entry and exit to reduce contact between vulnerable clients.	£100,000
LTC/D	Health Protection/Improvement	Support and advise Care Providers on the new and possible extension of ruling regarding vaccinations of social care workforce.	Targeted interventions	Support the uptake of vaccines for social care workforce. Providers are reporting the significant impact this will have on care delivery. The care market is already facing increased pressures and requires support to incentivise its workforce to have the vaccine. Other systems are offering payment incentives to encourage a better uptake. This approach will aim to reduce the impact on the social care market, improve vaccine rates and reduce infections.	£200,000
				TOTAL	£840,000

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Appendix A4: COMF 2021/22 - Detail on the continued interventions requiring contingency funding under the local outbreak management plan

BCP Council has provided an effective response to COVID-19 through the Our Dorset Health Protection Board, Local Outbreak Engagement Board, and Local Outbreak Management Plan (LOMP).

The LOMP is now being updated following publication of the Government's Autumn and Winter Plan, and the refreshed Contain framework – now called Local Engagement and Response Framework (Contain is no longer being used).

The following paragraphs set out the main interventions under the local outbreak management plan that will continue to be required under the plans, along with provisional estimates for contingency spend required to continue provision. Please note that this is subject to change at short notice and is also dependent in some cases on the local employment market.

1. Test, Trace, Isolate - local tracing partnerships will continue through autumn and winter. The team currently contact traces around half of the cases and is funded until December 2021. If the service were to continue until March 2022 and pick up increasing cases, estimate is an additional £226,000 in total. Note recruitment challenge if no certainty of funding beyond March 2022.
2. Asymptomatic (lateral flow) testing including community testing continues until December 31st under a separate funding agreement with the Department of Health and Social Care. There are ongoing project management costs for Councils in requiring a single point of contact for liaison about testing sites. Recommended contingency of £50,000.
3. Local outbreak response will continue with clear local authority and DPH responsibility. Public Health operates a day response team, that has needed additional short term capacity from interims with health protection skills from time to time. Recommendation is to set aside contingency for interim roles of £100,000.
4. Additional support to regulatory services / businesses to manage COVID safely and help clear backlog of growing food hygiene inspections and non-COVID work - £50,000.
5. Support for enduring transmission / Enhanced response if needed through rapid community swabbing. Currently undertaken by Dorset Healthcare. Recommend additional contingency of £100,000.
6. Surge testing of COVID variants of concern - covered by previous COMF allocations – reconciliation underway to see how much has been spent and whether future allocation required.
7. Communications - several COMF bids underway but recommend setting aside contingency of £100,000 in case urgent door drop was required again, similar to last winter.
8. Possible implementation of Plan B - LA role in compliance and enforcement of face coverings, COVID certification unclear but could be approximately £100,000 per council.
9. Local support to assist people with COVID certificate queries – £200,000 to cover possible additional support via customer services in each Council.
10. Employer lateral flow testing costs focused on employees least likely to undertake testing independently of £250,000 to provide 12 bi-weekly tests for 1,000 employees over the period.

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Appendix B - BCP Council - Earmarked Reserves

Detail	31/03/21 Actual Balances £000's	Estimated movement £000's	31/03/22 Estimated Balances £000's
(A) - Financial Resilience Reserves	(53,114)	34,336	(18,778)
(B) - Transition and Transformation Reserves	(16,334)	12,373	(3,961)
(C) - Asset Investment Strategy Rent, Renewals and Repairs	(2,215)	0	(2,215)
(D) - Insurance Reserve	(3,500)	0	(3,500)
(E) - Held in Partnership for External Organisations	(3,685)	2,129	(1,556)
(F) - Required by Statute or Legislation	(547)	(145)	(692)
(G) - Planning Related	(1,064)	500	(564)
(H) - Government Grants	(8,619)	2,696	(5,923)
(I) - Maintenance	(1,452)	577	(875)
(J) - ICT Development & Improvement	(1,009)	400	(609)
(K) - Corporate Priorities & Improvements	(2,096)	394	(1,702)
Sub Total Earmarked Reserve Balance	(93,635)	53,260	(40,375)
(Hi) - Government Grants (Covid)	(18,448)	16,406	(2,042)
(Hii) - NNDR Covid Grants	(40,409)	40,409	0
(Ki) - Covid recovery resources	(1,318)	613	(705)
Sub Total Covid Earmarked Reserve Balance	(60,175)	57,428	(2,747)
Total Earmarked Reserve Balance	(153,810)	110,688	(43,122)

(A) - Financial Resilience Reserves

	31/03/21 Actual £000's	Estimated Movement £000's	31/03/22 Estimated £000's
Designed to provide the Council with the ability to manage any emerging issues recognising the Council has been operating for two financial years, of which one was significantly impacted by Covid. Includes reserves to enable the management of the MTFP and resources which provide mitigation against the pandemic relating expenditure.			
Refinancing of the Capital Programme Reserve - step 1	(25,106)	25,106	0
MTFP Mitigation Reserve	(13,228)	4,432	(8,796)
Covid 19 Financial Resilience Reserve	(9,982)	0	(9,982)
Financial Services Capacity system development	(50)	50	0
Refinancing of the Capital Programme Reserve - step 2	(4,748)	4,748	0
Financial Resilience Reserves	(53,114)	34,336	(18,778)

(B) - Transition and Transformation Reserves

	31/03/21 Actual £000's	Estimated Movement £000's	31/03/22 Estimated £000's
Purpose: Resources set aside to support the one-off change costs of associated with creating the new council and meeting the Councils costs associated with the transformation programme.			
Transformation mitigation Reserve	(14,149)	10,188	(3,961)
Contribution from outside the General Fund towards transformation	(2,000)	2,000	0
BCP Programme Resources Pay & Reward Strategy	(185)	185	0
Transition and Transformation Reserves	(16,334)	12,373	(3,961)

(C) - Asset Investment Strategy Rent, Renewals and Repairs

	31/03/21 Actual £000's	Estimated Movement £000's	31/03/22 Estimated £000's
Purpose: Resources set a side as part of the process of managing annual fluctuations in the rent, landlord repairs and costs associated with the councils commercial property acquisitions as set out in the Non Treasury Asset Investment Strategy.			
Asset Investment Strategy Rent, Renewals and Repairs	(2,215)	0	(2,215)

(D) - Insurance Reserve

	31/03/21 Actual £000's	Estimated Movement £000's	31/03/22 Estimated £000's
Purpose: Reserve to enable the annual fluctuations in the amounts of excesses payable to be funded without creating an in-year pressures on the services. Subject to ongoing review by an independent third party.			
Insurance Reserve	(3,500)	0	(3,500)

(E) - Held in Partnership for External Organisations

	31/03/21 Actual £000's	Estimated Movement £000's	31/03/22 Estimated £000's
Purpose: Amounts held in trust on behalf of partners or external third party organisations.			
Dorset Waste Partnership	(202)	30	(172)
Dorset Adult Learning Service	(564)	57	(507)
Stour Valley and Poole Partnership	(1,055)	1,055	0
CCG Emotional Wellbeing and Mental Health	(408)	250	(158)
Local Economic Partnership	(1)	0	(1)
Flippers Nursery	(89)	0	(89)
Adult Safeguarding Board	(44)	42	(2)
Dorset Youth Offending Service Partnership	(409)	100	(309)
Music and Arts Education Partnership	(348)	75	(273)
Youth Programme	(50)	50	0
Bournemouth 2026 - West Howe Bid	(45)	0	(45)
Better Care Fund	(270)	270	0
Brain in hand (Sec 256 with Health)	(74)	74	0
Charter Trustees	(126)	126	0
Held in Partnership for External Organisations	(3,685)	2,129	(1,556)

(F) - Required by Statute or Legislation

	31/03/21 Actual £000's	Estimated Movement £000's	31/03/22 Estimated £000's
Purpose: Amounts which the council is required to hold as a reserve in line with current accounting practice or legislative requirements.			
Building Regulation Account	(128)	0	(128)
Bournemouth Library Private Finance Initiative (PFI)	(538)	(145)	(683)
Carbon Trust	119	0	119
Required by Statute or Legislation	(547)	(145)	(692)

(G) - Planning Related

	31/03/21 Actual £000's	Estimated Movement £000's	31/03/22 Estimated £000's
Purpose: Reserves designed to support planning processes and associated planning activity where expenditure is not incurred on an even annual basis.			
Local Development Plan Reserve	(644)	140	(504)
Planning Hearing and Enforcement Reserve	(123)	100	(23)
Other Planning Related Reserves	(297)	260	(37)
Planning Related	(1,064)	500	(564)

(H) - Government Grants

	31/03/21 Actual £000's	Estimated Movement £000's	31/03/22 Estimated £000's
Purpose: Amounts which the council is required to hold as a reserve in line with specific grant conditions.			
Government Grants	(8,619)	2,696	(5,923)
COVID 19 Government Grants	(18,448)	16,406	(2,042)
NNDR Covid Grants	(40,409)	40,409	0
Total Unspent Grants	(67,476)	59,511	(7,965)

(I) - Maintenance

	31/03/21 Actual £000's	Estimated Movement £000's	31/03/22 Estimated £000's
Purpose: Reserves and sinking funds designed to support maintenance investments in specific services or assets.			
Corporate Maintenance Fund	(251)	251	0
Other Maintenance Related Reserves	(1,201)	326	(875)
Maintenance	(1,452)	577	(875)

(J) - ICT Development & Improvement

	31/03/21 Actual £000's	Estimated Movement £000's	31/03/22 Estimated £000's
Purpose: Resources set aside to meet various ICT improvement projects			
ICT Development & Improvement	(1,009)	400	(609)

(K) -Corporate Priorities & Improvements

	31/03/21 Actual £000's	Estimated Movement £000's	31/03/22 Estimated £000's
Purpose: Amounts set a side to deliver various priorities, some of which will be of a historical natured inherited from the predecessor authorities.			
Capital Feasibility and Small Works Fund	(107)	67	(40)
Local Elections Reserve	(357)	(170)	(527)
Other Corporate Priorities & Improvements	(1,632)	497	(1,135)
Covid recovery resources	(1,318)	613	(705)
Corporate Priorities & Improvements	(3,414)	1,007	(2,407)

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Appendix C1

HRA Bournemouth Neighbourhood - Revenue Account 2021/22

	Full year budget £000	YTD budget £000	YTD actuals £000	Full year forecast £000	Full year variance £000
Income					
Dwelling rents	(22,879)	(11,440)	(11,446)	(22,879)	0
Non-dwelling rents	(149)	(75)	(80)	(149)	0
Charges for services and facilities	(747)	(374)	(594)	(922)	(175)
Contributions to expenditure	(60)	(30)	(75)	(95)	(35)
Other income	0	0	0	0	0
Total income	(23,835)	(11,917)	(12,194)	(24,045)	(210)
Expenditure					
Repairs and Maintenance	5,782	2,726	3,005	5,590	(192)
Supervision and Management	6,381	2,055	1,910	5,908	(473)
Rent, rates, taxes and other charges	220	110	96	240	20
Bad or doubtful debts	188	0	0	188	0
Capital financing costs (debt management costs)	75	0	0	75	0
Depreciation	6,878	0	0	6,878	0
Net interest payable	2,487	1,100	1,078	2,444	(43)
Total expenditure	22,011	5,991	6,089	21,323	(688)
Net operating (surplus) / deficit	(1,824)	(5,926)	(6,105)	(2,722)	(898)
Appropriations to reserves					
Contributions to new builds	1,824	0	0	2,722	898
Transfer to/from HRA reserve	0	0	0	0	0
Total appropriations	1,824	0	0	2,722	898
(Surplus) / deficit	0	(5,926)	(6,105)	0	(0)

HRA Poole Neighbourhood - Revenue Account 2021/22

	Full year budget £000	YTD budget £000	YTD actuals £000	Full year forecast £000	Full year variance £000
Income					
Dwelling rents	(20,357)	(10,993)	(11,042)	(20,376)	(19)
Non-dwelling rents	(43)	(23)	(17)	(37)	6
Charges for services and facilities	(1,390)	(716)	(665)	(1,387)	3
Contributions to expenditure	(54)	0	0	(54)	0
Other income	(273)	(86)	(68)	(272)	1
Total income	(22,117)	(11,818)	(11,792)	(22,126)	(9)
Expenditure					
Repairs and Maintenance	4,031	1,836	1,837	4,031	0
Supervision and Management	6,235	2,577	2,592	6,321	86
Rent, rates, taxes and other charges	162	11	12	162	0
Bad or doubtful debts	197	0	0	197	0
Capital financing costs (debt management costs)	107	0	0	107	0
Depreciation	4,665	0	0	4,665	0
Net interest payable	3,072	1,589	1,277	3,359	287
Total expenditure	18,469	6,013	5,718	18,842	373
Net operating (surplus) / deficit	(3,648)	(5,805)	(6,074)	(3,285)	364
Appropriations to reserves					
Contributions to new builds	3,642	0	0	3,279	(364)
Transfer to/from HRA reserve	6	0	0	6	0
Total appropriations	3,648	0	0	3,285	(364)
(Surplus) / deficit	0	(5,805)	(6,074)	0	0

Appendix C1

HRA Bournemouth Neighbourhood - Capital programme 2021/22

	Original estimate £000	Budget adjustment £000	Forecast spend £000	YTD spend £000	Budget remaining £000
Major projects - construction					
Moorside Road	2,873	(873)	2,000	636	1,364
Templeman House	2,750	(2,084)	666	23	643
Craven Court	1,750	(1,750)	0	0	0
Duck Lane Phase 2	1,600	(1,250)	350	5	345
Wilkinson Drive	1,450	(901)	549	5	544
Cabbage Patch Car Park	1,400	(900)	500	0	500
Northbourne Day Centre	1,388	(738)	650	0	650
Luckham Road/Charminster Road	1,212	(60)	1,152	693	459
Princess Road	750	0	750	0	750
Mountbatten Gardens	433	(107)	326	6	320
Ibbertson Way	264	(145)	119	119	0
Clifford Road Garages	117	(41)	76	1	75
Major projects - feasibility					
Constitution Hill	130	(50)	80	0	80
Barrow Drive Garages	99	(99)	0	0	0
Heart of West Howe SRT	60	(40)	20	0	20
31 Alma rd	30	0	30	2	28
Chesildene Drive Play Area	0	10	10	7	3
Godshill Close	0	1	1	1	0
Beaufort Park/Cranleigh road	0	20	20	0	20
Urgent Feasibility works	40	30	70	34	36
Other					
Purchase and Repair - generic code	1,324	(324)	1,000	187	813
Capitalised salary costs	0	420	420	357	63
sub-total major projects	17,670	(8,881)	8,789	2,076	6,713

Planned maintenance					
External standard doors	350	0	350	18	332
Fire safety programmes	600	0	600	59	541
Kitchen replacement programme	850	0	850	373	477
Heating & hot water systems	650		650	15	635
Bathrooms	900	0	900	343	557
Building envelope	0	0	0	0	0
Electrical and lighting works	150	0	150	51	99
Door entry system	50	0	50	12	38
Structural repairs and works	35	0	35	10	25
Lift improvements & replacements	140	0	140	77	63
Outbuildings (inc garages)	65	0	65	0	65
Asbestos	0	0	0	0	0
Insulation / Energy conservation / Environment	110	0	110	32	78
Windows	1,000	0	1,000	495	505
Building external works	665	0	665	193	472
Boundaries, communal areas, hardscapes, etc	0	0	0	0	0
Roofing	300	0	300	44	256
Bedroom extensions	200	0	200	0	200
Plastering	0	0	0	0	0
Housing & Health Safety Cat 1 & 2	0	0	0	0	0
Disabled adaptations	550	0	550	391	159
Minor works	145	0	145	21	124
Sheltered sites	0	0	0	0	0
Contingency	350	0	350	0	350
Capitalised salaries	336	0	336	0	336
sub-total planned maintenance	7,446	0	7,446	2,134	5,312

total capital programme	25,116	(8,881)	16,235	4,210	12,025
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Percentage capital programme spend to date

26%

HRA Poole Neighbourhood - Capital programme 2021/22

	Original budget £000	Budget adjustment £000	Forecast spend £000	YTD spend £000	Budget remaining £000
Major projects - construction					
Cladding	3,079	172	3,251	956	2,295
New Build - Infill Projects	1,100	(1,000)	100	0	100
New Build - Extra Care	0	0	0	0	0
New Build - Montacute	0	0	0	1	(1)
Old Town Tower Block Works	13,552	1,703	15,255	4,913	10,342
Herbert Avenue Modular	2,335	(2,305)	30	0	30
Cynthia House	2,175	(500)	1,675	177	1,498
Sprinkler Installations	213	(33)	180	125	55
Hillborne School Development	75	65	140	40	100
Moorview Garages Development	0	0	0	0	0
Egmont Road	0	0	0	5	(5)
Sopers/Cavan Crescent Development	0	0	0	0	(0)
58 Denmark Lane Works	0	0	0	0	0
Other					
Small Projects/Acquisitions	1,500	1,294	2,794	1,888	906
New computer system	250	0	250	39	211
sub-total major projects	24,279	(605)	23,675	8,144	15,530

Planned maintenance					
External standard doors	172	0	172	63	109
Fire safety programmes	481	77	558	224	333
Kitchen replacement programme	863	0	863	379	484
Heating & hot water systems	1,219	0	1,219	452	767
Bathrooms	272	0	272	78	194
Building envelope	318	0	318	102	216
Electrical and lighting works	405	110	515	250	265
Door entry system	27	0	27	7	20
Structural repairs and works	8	0	8	2	6
Lift improvements & replacements	18	0	18	0	18
Outbuildings (inc garages)	45	(20)	25	8	17
Asbestos	95	0	95	55	40
Insulation / Energy conservation / Environment	155	(55)	100	12	88
Windows	637	0	637	97	540
Building external works	290	(289)	1	1	0
Boundaries, communal areas, hardscapes, etc	150	(55)	95	41	54
Roofing	305	0	305	181	124
Bedroom extensions	0	0	0	0	0
Plastering	79	0	79	28	51
Housing & Health Safety Cat 1 & 2	138	(88)	50	12	38
Disabled adaptations	360	(10)	350	99	251
Various programmes (under £100k)	154	96	250	151	99
Sheltered sites	100	0	100	7	93
Contingency	250	(250)	0	0	0
Capitalised salaries	611	0	611	306	305
sub-total planned maintenance	7,151	(484)	6,667	2,555	4,112

total capital programme	31,430	(1,089)	30,342	10,699	19,643
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Percentage capital programme spend to date

35%

CABINET



Report subject	Concessionary Fares Bus Operator Reimbursement
Meeting date	15 December 2021
Status	Public Report
Executive summary	To seek approval to continue to maintain statutory concessionary travel reimbursement payments to local bus service operators at pre-COVID levels in line with government expectations. To note the government's implementation of a concessionary travel recovery strategy at the start of the next financial year (2022/23) which will facilitate Travel Concession Authorities (TCAs) to return to making payments to meet the actual patronage levels.
Recommendations	<p>It is RECOMMENDED that:</p> <p>(a) For the current 2021/22 scheme year Cabinet recommends to Council support for the continued concessionary travel reimbursement of bus operators at the adjusted pre-COVID levels with an expected saving of £350k.</p> <p>(b) Cabinet acknowledges the government's published Covid-19 Recovery Guidance for the start of the next financial year (2022/23) and recommends to Council that concessionary travel reimbursement payments and associated budget allocation to bus operators are adjusted in accordance with the guidance.</p>
Reason for recommendations	The COVID-19 pandemic continues to impact on bus travel including concessionary passenger journeys. The recovery has been slower than expected and journeys undertaken remain at between 60 and 70 per cent of pre-COVID levels. Government guidance continues to be for Travel Concession Authorities to maintain concessionary travel reimbursement at adjusted pre-COVID levels in support of vital local bus service providers so that they can continue to play a central role in our community after the pandemic.

	<p>Without this reimbursement there would be a substantial loss of bus services across the BCP area. This would have the greatest impact on young people, older people and families from lower income households, disabled people and women. All these groups rely more on bus services than the general population.</p> <p>A phased move towards reimbursement again being based on concessionary journeys alone is recommended by government through its Covid-19 Recovery Guidance. This is intended to get bus services back on a healthy path to recovery.</p>
Portfolio Holder(s):	Councillor Mike Greene, Portfolio Holder for Sustainability and Transport
Corporate Director	Kate Ryan, Chief Operations Officer
Contributors	John McVey, Sustainable Transport Policy Manager Richard Pincroft, Head of Transportation including Sustainable Travel
Wards	All BCP Council Wards
Classification	For Decision

Background

1. The Council, as a Travel Concession Authority (TCA), is required to reimburse operators of eligible local bus services for journeys undertaken by passengers holding English National Concessionary Travel Scheme (ENCTS) bus passes. Bus passes are issued to permanent residents who meet either the age criteria (currently pensionable age for women) or the disability criteria (based on DfT Guidelines). This is a statutory requirement.
2. The objective is to reimburse bus operators so they are 'no better or worse off' than they would be if the scheme didn't exist. In practice this is compensating them for the revenue lost from passengers who would have travelled even if no concession existed (the lost fares revenue) and for the costs sustained by carrying the extra passengers (generated trips) as a result the concessionary fare scheme.
3. Payment is based on the number of concessionary journeys undertaken on each service per month as well as the average fare paid by adult non-concessionary passengers. Journey numbers fluctuate seasonally and are impacted by the weather. The amount paid is reduced by a 'generation factor' to take account of the generated trips.
4. Prior to the formation of the new Council, external transport specialist consultants were employed to recommend an appropriate concessionary fares bus operator

reimbursement rate. This was the subject of an LGR BCP Programme Decision Record in November 2018 which was approved. BCP bus operator reimbursement in 2019/20 amounted to £8.13m. The budget for the current year, 2021/22 is £8.02m.

5. Since March 2020 COVID-19 has had a significant impact on bus travel, particularly following government advice to avoid using public transport. Bus use initially dropped to around 10-15% of pre-COVID levels. It has since recovered but remains at around 60-70%.
6. Throughout 2020/21 the Department for Transport (DfT) urged local authorities to continue to pay bus operators for concessionary fares at pre-COVID levels. Public Procurement Notices PPN 02/20 and PPN 04/20 were used to justify concessionary fares payments to bus operators and in March 2021 a Statutory Instrument was laid to temporarily change the legislation to allow pre-COVID concessionary payments to continue.
7. The DfT published guidance in November 2020 for TCAs on pre-COVID concessionary payments which suggested taking into account the current local bus service mileage operated as well as the general decline in concessionary travel that had commenced prior to the pandemic. Locally, an average decline in concessionary patronage of 1.96% per annum has been calculated for the years just prior to the pandemic.
8. In the light of this the BCP Council resolved to approve the 2020/21 reimbursement of bus operators based on adjusted pre-COVID levels and for 2021/22 endorsed the formation of a Recovery Partnership with the bus operators to seek a local solution to bus service provision and funding arrangements to include concessionary fares reimbursement.
9. As with most areas across the UK, the local recovery from the pandemic has been much slower than anticipated and this is reflected in the number of bus passenger journeys being undertaken. Throughout this period the bus operators have received financial support from the government in the form of Coronavirus Bus Service Support Grant (CBSSG). This was replaced from September 2021 by the Bus Recovery Grant (BRG).
10. In August 2021 the DfT wrote to all Travel Concession Authorities asking them to continue to contribute towards the successful working partnerships created between operators and authorities during the pandemic, by maintaining concessionary fare payments to operators at pre-COVID levels, until the end of the current financial year. The letter also said that the budget agreed with HM Treasury for bus recovery funding (BRG) has been calculated on the basis that these concessionary reimbursement payments at pre-COVID levels continue to be made.
11. The DfT letter went on to explain that government aims to implement a concessionary travel recovery strategy at the start of the next financial year (2022/23). This will allow TCAs to return from paying out concessionary

payments at pre-COVID levels, back down to making these payments to meet with actual patronage levels, at a rate that will not adversely affect other funding streams or bus services across the country.

12. Covid-19 Recovery Guidance was subsequently published on 29 October 2021 (Appendix 4). The guidance sets out the importance of continuing support for bus operators but at a gradually reducing rate whilst patronage levels improve. The proposal is, from 6 April 2022, to pay bus operators at 90% of the pre-Covid reimbursement level and then reduce this by 5% every two months. This pattern would continue until payments match reimbursement based on actual journeys undertaken. The point when this happens will depend on how quickly concessionary patronage recovers to pre-pandemic levels.

Table 1: Table showing the scale down of LTA pre-Covid concessionary reimbursement payments

Month	% scale down of LTA pre-Covid concessionary payment
06 April 2022	90%
01 May 2022	90%
01 June 2022	85%
01 July 2022	85%
01 August 2022	80%
01 September 2022	80%
01 October 2022	75%
01 November 2022	75%
01 December 2022	70%
01 January 2023	70%
01 February 2023	65%
01 March 2023	65%

13. Members are asked to support the continued application of the adjusted pre-COVID reimbursement arrangements for the remainder of the current financial year and to support payments from 6 April 2022 to be in line with the government's Covid-19 Recovery Guidance and illustrated in Table 1. To receive these levels of payment, the bus operators are expected to operate a minimum 90% service level (BCP bus operators are currently operating over 90%).

Reimbursement for the current 2021/22 year in line with DfT guidance is at adjusted pre-COVID levels as follows:

- Reimbursements based on 2019/20 but reduced by 1.96% for each of the subsequent two years to account for the assumed reduction in journey numbers.
- Reimbursement further adjusted to reflect percentage of services operated (currently at or close to 100% of pre-COVID levels).

Applying these adjustments results in a forecast outturn of £7.67m which is below the current year's budget of £8.02m (£350k underspend).

Estimated saving in 2021/22: **£350k**

14. The alternative option would be to reimburse operators based only on the numbers of concessionary passengers carried = £5m (estimate). Although this would produce an estimated saving of £3m, it would not be in accordance with government guidance, result in significant loss of bus services and put the bus operators' business at serious risk of collapse. It is therefore **not recommended**.
15. In March 2021 the government published Bus Back Better, a national bus strategy for England. The strategy supports close partnership working between Local Transport Authorities and bus operators and encourages the formation of statutory Enhanced Partnerships if not already committed to franchising. BCP Council is currently working towards a negotiated Enhanced Partnership with a commencement date of 1 April 2022.

Summary of financial implications

16. Total bus operator reimbursement in 2019/20 was **£8.13m**.
17. The bus operator reimbursement 2021/22 budget is **£8.02m**.
18. Reimbursement for 2021/22 at adjusted pre-Covid levels would be **£7.67m**, producing a saving against budget of **£350k**.
19. A yet to be determined saving is expected in 2022/23 dependent on how quickly concessionary patronage recovers. Once reimbursement returns to being based on actual journeys undertaken, it will be necessary to review the reimbursement rates applied to ensure these are still applicable.

Summary of legal implications

20. The Transport Act 2000, as amended by the Concessionary Travel Act 2007, and the Mandatory Travel Concession (England) Regulations 2011, provides a statutory basis for free off-peak travel for older and disabled people (resident in England outside London) on all local buses anywhere in England from 0930 until 2300 on weekdays and all day at weekends and on Bank Holidays.
21. Bus passengers are subsidised for concessionary travel via the bus operator and under normal circumstances there is no subsidy paid to the service providers. Any bus operator accepting an ENCTS pass for travel should be left 'no better off and no worse off' as a result. The operators are reimbursed by the TCA for revenue forgone and additional costs incurred such as extra resources to meet increased demand from passholders and administrative costs. There is no legal requirement to reimburse more than is sufficient to cover the revenue foregone and additional costs associated with the concessionary passengers carried.

Summary of human resources implications

22. The bus operators are major employers in the BCP area. Significant reductions in concessionary travel funding will result in service loss and possible business collapse.

Summary of environmental impact

23. In its Decarbonising Transport Plan, the government set out its vision for a net zero transport system which will benefit us all. In the plan, public transport and active travel will be the natural first choice for our daily activities. We will use our cars less and be able to rely on a convenient, cost-effective and coherent public transport network. The bus is the most efficient user by vehicles of road space and a vital part of an environmentally friendly local sustainable transport system. Actions taken by the council that negatively impact on bus service provision will make it more difficult to achieve this vision and would also be contrary to the Council's own 2030 zero carbon commitment.

24. A Decision Impact Assessment ID308 (Appendix 3).

Summary of public health implications

25. Urban traffic speeds are falling by on average 2% every year, causing NOx emissions to rise. Diesel cars are the single biggest contributor to NOx levels, responsible for 41% of all NOx emissions from road transport. Buses are amongst the cleanest vehicles on our roads with many now achieving Euro VI emissions standards.

Summary of equality implications

26. An Equalities Impact Assessment Screening has been undertaken (Appendix 2).

Summary of risk assessment

27. None identified.

Background papers

1. [Department for Transport Supplementary Concessionary Travel Reimbursement Guidance \(20.11.2020\)](#)
2. [Bus Back Better - A National Bus Strategy for England](#)
3. [Decarbonising Transport Plan \(2020\)](#)

Appendices

- 1 – Department for Transport letter (05.08.2021)
- 2 – Equalities Impact Assessment Screening
- 3 – Decision Impact Assessment ID308
- 4 – Covid-19 Recovery Guidance



Department
for Transport

Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Tel: 0300 330 3000

Web Site: www.gov.uk/dft

5 August 2021

To: Commercial Bus Operators
Local Transport Authorities/Travel Concession Authorities

Cc: Senior Traffic Commissioner, Richard Turfitt
Office of the Traffic Commissioner

Dear colleagues,

Bus Funding: Update for commercial operators and Local Transport Authorities/Travel Concession Authorities

Thank you for your combined efforts in ensuring the provision of local bus services during the pandemic.

The Coronavirus Bus Service Support Grant ('CBSSG') has provided support to the sector at unprecedented levels, however, the success of this scheme has been dependent on operators and authorities working together to meet the challenges presented in their local areas. A key element of this has been through operators maintaining high service levels throughout the pandemic, despite the fall in patronage. In turn, Local Transport Authorities (designated as Travel Concession Authorities ('TCAs')) have provided additional funding to bus operators through maintaining concessionary fares funding at pre-Covid levels despite the fall in travel from pass holders. This spirit of close cooperation has been widespread and we hope to see these close partnerships between operators and authorities continue in the long-term.

As you will be aware from recent communications, the Department for Transport has triggered the 8-week notice period for CBSSG, formally signalling the end of the scheme. Operators and LTAs will not be able to claim CBSSG beyond 31st August 2021, and the scheme is now closed to new applicants.

DfT has committed to continue providing unprecedented financial support to the sector through the announcement of the £226.5m Recovery Funding package, which will be made available from 1 September 2021 until the end of the current financial year. This has been designed to address the immediate financial challenges facing the sector. To enable this, however, DfT is asking operators to maintain high service levels and for TCAs to continue to pay concessionary fare payments to operators at pre-Covid levels, until the end of the current financial year.

Further details, including the Terms and Conditions for Recovery Funding will be shared in August.

In the longer term, the government has ambitious plans for transforming the sector, as set out within the National Bus Strategy. However, this can only be achieved once the recovery of the sector has been secured, which in turn, can only be accomplished through the continuation of the close working partnerships formed between operators and authorities.

Recovery funding and Maintaining service levels

With the removal of national restrictions, DfT is asking operators to continue their key contribution to these partnerships, through maintaining high service levels. CBSSG has funded up to 100% of pre-Covid services, and we have estimated that the Recovery Funding secured will be sufficient for funding services at up to 100% of pre-Covid levels. We are closely monitoring patronage to ensure the increase in patronage levels meet our forecasts, as the economy reopens.

Operators and LTAs should note that recovery funding will not be paid out based on bringing all operators to break-even level like CBSSG, but that it will instead be allocated on a formula basis. However, at the start of the scheme we will look to provide operators with some certainty around the level of funding they will be receiving over the course of the scheme subject to their compliance with our terms and conditions. To this end, we expect to provide a calculator to help operators estimate how much funding they could receive through the scheme shortly. LTAs will receive at least the same proportion of funding under Recovery Funding as they did through LTA CBSSG.

The coming weeks and months will be a critical period for attracting new and returning passengers back onto bus. Given the announcement of Recovery Funding, we are clear that high service levels should be maintained. Additionally, as part of the Recovery Funding Terms and Conditions, we are looking to incorporate a minimum service level of 90% of a pre-Covid mileage baseline which operators and LTAs will work together to set, DfT will provide further guidance on this. Operators will have to deliver this minimum service level in order to receive Recovery Funding. We recognise that exceptional circumstances, such as driver shortages, may also require a temporary reduction in service levels, and Recovery Funding will allow for this flexibility, whilst still encouraging operators to maintain high service levels.

In light of the government's objective in the National Bus Strategy to make bus services more frequent and more reliable, we expect that all service level changes made are in the interests of passengers and take into account the need to ensure a sustainable recovery of the bus sector. We do not expect to see widespread service level reductions but do support authorities and operators in considering how the pandemic has changed travel patterns and demand when consulting on local networks.

To support this, and given the continued uncertainty around patronage recovery, DfT plans to weight payments of our recovery funding so that at the start of the scheme operators receive a greater share of their total funding allocation, in order to give operators confidence and time to work with local authorities to adapt to any changes to patronage and travel patterns. We also plan to weight funding to provide greater financial support to those operators who maintain the highest levels of mileage.

Maintaining statutory concessionary travel reimbursement payments at pre-COVID levels

To that end, DfT is also asking TCAs to continue to contribute towards the successful working partnerships created between operators and authorities, by maintaining

concessionary fare payments to operators at pre-Covid levels, until the end of the current financial year. The budget agreed with HM Treasury for bus recovery funding has been calculated on the basis that these concessionary reimbursement payments at pre-Covid levels continue to be made.

At the same time, we also remind both operators and TCAs that within the Concessionary Travel Supplementary Guidance (20 November 2020), we suggested TCAs match pre-Covid concessionary payments to the level of service they are receiving from an operator. This will allow TCAs to make savings where operators have reduced service levels, given the pressures that are being faced currently.

This funding, combined with Recovery Funding from DfT, and the maintenance of high service levels from bus operators, will combine to ensure the continued operation of local bus services. As there is a fixed amount of recovery funding and allocations to operators and LTAs will assume continued concessionary fare payments at pre-Covid levels, DfT is unable to provide any additional funding to areas that reduce concessionary fare payments and any funding shortfall and impact on services as a result of reductions in concessionary travel payments, other than those set out above, will need to be absorbed locally.

Concessionary Travel Recovery

We recognise that concessionary reimbursement payments are an essential part of bus funding, while also being a significant share of wider local authority funding. We therefore aim to implement a concessionary travel recovery strategy at the start of the next financial year (2022/23). This will allow TCAs to return from paying out concessionary payments at pre-Covid levels, back down to paying out these payments to meet with actual patronage levels, at a rate that will not adversely affect other funding streams or bus services across the country.

It is therefore expected that DfT will continue to ask TCAs to pay out some percentage of pre-Covid concessionary payments for part of the next financial year, although not at the full rate. In March 2021, we laid an SI to temporarily change the legislation to allow pre-Covid concessionary payments to continue. This SI allows TCAs to, in principle, pay concessionary fares funding to operators at a higher level than due through actual journeys by pass-holders.

It is therefore likely that DfT would need to lay a further Statutory Instrument, to achieve the continued provision of enabling TCAs to, in principle, make pre-Covid level payments, during the new proposed recovery period of concessionary travel.

Concessionary travel reimbursement Call for Evidence

Throughout engagement with TCAs and bus operators, we have heard that the previous principles for reimbursement, including the reimbursement calculator, may no longer be fit for purpose in the current form, due to the impact of Covid-19 on travel patterns. Additionally, it was also requested that we look to review the appeals process, to ensure that stakeholders' expectations of the system continue to be met. We have listened to these views, and in response we launched a closed, industry and local authority only, call for evidence on 27 July 2021.

This exercise provides both TCAs and bus operators with the opportunity to contribute to DfT's proposed concessionary travel recovery strategy. It also invites them to set out their

views on how DfT's reimbursement guidance, reimbursement calculator and appeals process may need to be improved, particularly when interacting with the proposed recovery strategy, and also how these areas can further support the close working partnerships developed between operators and authorities.

This exercise will run for a period of 8 weeks, until 22 September 2021. Following analysis of the feedback, DfT will aim to issue Recovery Guidance, detailing the agreed concessionary travel recovery strategy, alongside any updated reimbursement guidance, in time for TCA's preparation of their new schemes for the next financial year.

You can respond to this call to evidence using the online form, which can be accessed using the following link: <https://www.smartsurvey.co.uk/s/0ESISQ/>. If you require a copy of the *consultation: call for evidence* document, please email concessionaryfares@dft.gov.uk.

Bus Service Operators Grant (BSOG)

As part of the response to mitigate the impact of the pandemic on the sector, DfT committed to paying BSOG to operators at pre-Covid levels. This has helped to provide certainty by maintaining an important revenue stream.

In line with the ending of CBSSG, BSOG will return to being paid at actual levels from 1 September 2021, including the Low Carbon Emission Bus (LCEB) incentive and the Automatic Vehicle Location (AVL) uplift payments. We hope this will provide an added incentive for operators to maintain services and their close working relationships with authorities.

Thank you once again for your efforts in supporting services in your area.

We are happy to answer your questions on the above. Please email the team at CBSSG@dft.gov.uk.

Yours faithfully,



Matthew Crane
Deputy Director, Bus Recovery, Local Transport, Department for Transport

Equality Impact Assessment: Conversation Screening Tool

What is being reviewed?	Concessionary Fares Bus Operator Re-imburement
What changes are being made?	The proposal is to continue to maintain statutory concessionary travel reimbursement payments to local bus service operators at pre-COVID levels in line with government expectations. This is not a change to the current arrangements. The change would come if approval was not granted when there could be an impact on the numbers of services operated.
Service Unit:	Transport and Engineering
Participants in the conversation:	John McVey – Sustainable Transport Policy Manager Richard Barnes - Strategic Public Transport Manager Karen Fry - Senior Passenger Transport Co-ordinator
Conversation date/s:	07.10.2021; 12.10.2021; 26.10.2021
Do you know your current or potential client base? Who are the key stakeholders?	Bus passengers. Bus operators.
Do different groups have different needs or experiences?	<p>A reduction in bus services could result from a decision not to maintain concessionary fares reimbursement payments at the adjusted pre-Covid levels. This would affect the groups that the Equality Act is intended to protect based on the profile of bus passengers.</p> <ul style="list-style-type: none"> • Age - Travel by bus is higher at both ends of the age categories (those aged 16-24 and those aged 65 and over). • Disability - People with a disability are significantly more likely to travel by bus regularly compared to those without a disability. • Race – people from ‘Other white backgrounds’ are significantly more likely to travel regularly by bus compared to white British people. • Sexual Orientation - travel by bus is significantly higher for ‘All other sexual orientations’ compared to heterosexuals. • Religion ‘All other religions’ travel by bus to a greater extent than Christians and people with no religion. • Deprivation - correlation between deprivation and frequent use of travel by bus with respondents living in the most deprived areas significantly more likely to frequently travel by bus compared to those in less deprived areas.
Will this change affect any service users?	Any reduction in bus services has potential to impact on all users of bus services.

What are the benefits or positive impacts of the change on current or potential users?	All bus users but in particular those in the groups listed above benefit from bus services being available. Buses provide access to essential services and facilities; education; employment; social contact and leisure.
What are the negative impacts of the change on current or potential users?	A reduction in bus services could result from a decision not to maintain concessionary fares reimbursement payments at the adjusted pre-Covid levels. All bus users, but in particular those in the groups listed above, benefit from bus services being available.
Will the change affect employees?	Employees who rely on local bus services could be impacted by any reductions. This could impact journeys to work if not working remotely as well as other journeys.
Will the change affect the wider community?	All people who use buses could be impacted.
What mitigating actions are planned or already in place for those negatively affected by this change?	The recommendation to Council is to continue to reimburse bus operators at adjusted pre-Covid levels in line with government guidance. This will still generate a financial saving against the agreed budget.
Summary of Equality Implications:	<p>If Council accepts the recommendation to continue to reimburse bus operators at an adjusted pre-Covid level in line with government guidance, then there is no impact on bus passengers. However, should the amount of reimbursement be significantly reduced, there is potential for the bus operators to withdraw services as they would no longer be commercially viable. This would impact on all bus passengers but particularly on older people, young people, people with a disability and those unable to afford a car.</p> <p>Any loss of bus services is likely to affect travel to work, education, retail, healthcare and leisure, involving businesses, schools, higher education, shops, hospitals and the hospitality industry. For residents that have the alternative of private vehicles an increase in car use will have adverse environmental impacts and increase congestion. Many residents in the BCP Council area do not have access to cars – in several of our Council wards almost 50% of households do not have a car available.</p> <p>Bus use is particularly common for younger people aged 17-20; older people aged over 70; for women and girls; and most ethnic minority groups and people on lower incomes (National Audit Office - Improving local bus services outside London, 2/10/20)</p>

Proposal Title: Concessionary Travel Bus Operator Reimbursement

This is an interim report for a DIA that has been requested but yet to be completed.

If there is a RAG (coloured circle) that has not had its dependent field selected yet, it will appear as a white circle.

Impact Summary

Climate Change & Energy	Green - Only positive impacts identified	
Communities & Culture	Green - Only positive impacts identified	
Waste & Resource Use	Green - Only positive impacts identified	
Economy	Green - Only positive impacts identified	
Health & Wellbeing	Green - Only positive impacts identified	
Learning & Skills	Green - Only positive impacts identified	
Natural Environment	Yes	
Sustainable Procurement		
Transport & Accessibility	Green - Only positive impacts identified	

Answers provided indicate that the score for the carbon footprint of the proposal is: **4**

Which is a rating of: **Low**



Proposal Title: Concessionary Travel Bus Operator ReimbursementProposal ID: **308**Proposal Title: **Concessionary Travel Bus Operator Reimbursement**Type of Proposal: **Policy**

Brief description:

To continue to reimburse bus operators for concessionary travel in 2021/22 at an adjusted pre-Covid rate in accordance with government guidance. To reimburse bus operators in 2022/23 in line with the proposed government concessionary travel recovery strategy. This will protect bus passengers for service reductions and help ensure bus operators remain in business.

Proposer's Name: **John McVey**Proposer's Directorate: **Regeneration & Economy**Proposer's Service Unit: **Growth & Infrastructure**Estimated cost (£): **Above OJEU threshold**If known, the cost amount (£): **7.67m**

Ward(s) Affected (if applicable):

All Wards

Sustainable Development Goals (SDGs) supported by the proposal:

3. Good Health and Well Being 11. Sustainable Cities and Communities 13. Climate Action

Proposal Title: Concessionary Travel Bus Operator Reimbursement

Climate Change & Energy

Is the proposal likely to have any impacts (positive or negative) on addressing the causes and effects of climate change? **Yes**

If the answer was No, then the explanation is below (in this case there are no answers to subsequent questions in this section):

- 1) Has the proposal accounted for the potential impacts of climate change, e.g. flooding, storms or heatwaves? **Yes**
- 2) Does it assist reducing CO2 and other Green House Gas (GHG) emissions? E.g. reduction in energy or transport use, or waste produced. **Yes**
- 3) Will it increase energy efficiency (e.g. increased efficiency standards / better design / improved construction technologies / choice of materials) and/or reduce energy consumption? **Yes**
- 4) Will it increase the amount of energy obtained from renewable and low carbon sources? **Don't know even though may be relevant**

How was the overall impact of the proposal on its ability to positively address the cause and effects of climate change rated?

Green - Only positive impacts identified



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

The continued operation of bus services will help reduce the number of journeys being undertaken by less sustainable motor cars.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

N/A

Proposal Title: Concessionary Travel Bus Operator Reimbursement

Communities & Culture

Is the proposal likely to impact (positively or negatively) on the development of safe, vibrant, inclusive and engaged communities? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it help maintain and expand vibrant voluntary and community organisations? **Yes**
- 2) Will it promote a safe community environment? **Partially**
- 3) Will it promote and develop cultural activities? **Partially**

How would the overall impact of the proposal on the development of safe, vibrant, inclusive and engaged communities be rated?

Green - Only positive impacts identified



Reasoning for the answer (details of impacts including evidence and knowledge gaps):

The continuation of bus services has a significant community benefit enabling residents to get out and about and engage with others. Bus services are also beneficial to local economies.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

Proposal Title: Concessionary Travel Bus Operator Reimbursement

Waste & Resource Use

Is the proposal likely to have any impacts (positive or negative) on waste resource use or production and consumption? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it prevent waste or promote the reduction, re-use, recycling or recovery of materials? **Partially**
- 2) Will it use sustainable production methods or reduce the need for resources? **Partially**
- 3) Will it manage the extraction and use of raw materials in ways that minimise depletion and cause no serious environmental damage? **Partially**
- 4) Will it help to reduce the amount of water abstracted and / or used? **No**

How would the overall impact of the proposal on the sustainable production and consumption of natural resources be rated?

Green - Only positive impacts identified



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

A fully loaded double decker bus can remove up 74 cars from the road. Euro VI buses are cleaner than Euro 6 engined cars.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

Proposal Title: Concessionary Travel Bus Operator Reimbursement

Economy

Is the proposal likely to impact (positively or negatively) on the area's ability to support, maintain and grow a sustainable, diverse and thriving economy? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will the proposal encourage local business creation and / or growth?
Yes
- 2) Will the proposal enable local jobs to be created or retained?
Yes
- 3) Will the proposal promote sustainable business practices?
Partially

How would the overall impact of the proposal on it's potential to support and maintain a sustainable, diverse and thriving economy be rated?

Green - Only positive impacts identified



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

Buses support the local economy. The local bus companies are also major employers in their own right.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

N/A

Proposal Title: Concessionary Travel Bus Operator Reimbursement

Health & Wellbeing

Is the proposal likely to impact (positively or negatively) on the creation of a inclusive and healthy social and physical environmental for all? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will the proposal contribute to improving the health and wellbeing of residents or staff?
Yes
- 2) Will the proposal contribute to reducing inequalities?
Yes
- 3) Will the proposal contribute to a healthier and more sustainable physical environment for residents or staff?
Partially

How would the overall impact of the proposal on the creation of a fair and healthy social and physical environmental for all be rated?

Green - Only positive impacts identified



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

Buses are available for all to use. 20% of households on average (and almost 50% in some wards) do not have access to private transport and rely on buses for everyday activities. They are also good for physical health as a walk is required to/from the bus stop and buses are less polluting per passenger mile than cars.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

N/A

Proposal Title: Concessionary Travel Bus Operator Reimbursement

Learning & Skills

Is the proposal likely to impact (positively or negatively) on a culture of ongoing engagement and excellence in learning and skills? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it provide and/or improve opportunities for formal learning?
Yes
- 2) Will it provide and/or improve community learning and development?
Yes
- 3) Will it provide and/or improve opportunities for apprenticeships and other skill based learning?
Yes

How would the overall impact of the proposal on the encouragement of learning and skills be rated?

Green - Only positive impacts identified



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

Buses provide access to learning.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

N/A

Proposal Title: Concessionary Travel Bus Operator Reimbursement

Natural Environment

Is the proposal likely to impact (positively or negatively) on the protection or enhancement of local biodiversity or the access to and quality of natural environments?

Yes

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it help protect and improve biodiversity i.e. habitats or species (including designated and non-designated)? **Not Relevant**
- 2) Will it improve access to and connectivity of local green spaces whilst protecting and enhancing them? **Yes**
- 3) Will it help protect and enhance the landscape quality and character?
Don't know even though may be relevant
- 4) Will it help to protect and enhance the quality of the area's air, water and land?
Partially

How would the overall impact of your proposal on the protection and enhancement of natural environments be rated?

Green - Only positive impacts identified



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

Buses provide a means for all to get out and about and access our greenspace.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

N/A

Proposal Title: Concessionary Travel Bus Operator Reimbursement

Sustainable Procurement

Does your proposal involve the procurement of goods, services or works? **No**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

Concessionary travel bus operator reimbursement does not require a procurement process.

Has or is it intended that the Strategic Procurement team be consulted?

If the Strategic Procurement team was not consulted, then the explanation for this is:

- 1) Do the Government Buying Standards (GBS) apply to goods and/or services that are planned to be bought?
- 2) Has sustainable resource use (e.g. energy & water consumption, waste streams, minerals use) been considered for whole life-cycle of the product/service/work?
- 3) Has the issue of carbon reduction (e.g. energy sources, transport issues) and adaptation (e.g. resilience against extreme weather events) been considered in the supply chain?
- 4) Is the product/service fairly traded i.e. ensures good working conditions, social benefits e.g. Fairtrade or similar standards?
Proc_Fairtrade
- 5) Has the lotting strategy been optimised to improve prospects for local suppliers and SMEs?
- 6) If aspects of the requirement are unsustainable then is continued improvement factored into your contract with KPIs, and will this be monitored?

How is the overall impact of your proposal on procurement which supports sustainable resource use, environmental protection and progressive labour standards been rated?



The reasoning for the answer (details of impacts including evidence and knowledge gaps):



Proposal Title: Concessionary Travel Bus Operator Reimbursement

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

Proposal Title: Concessionary Travel Bus Operator Reimbursement

Transport & Accessibility

Is the proposal likely to have any impacts (positive or negative) on the provision of sustainable, accessible, affordable and safe transport services - improving links to jobs, schools, health and other services? **Yes**

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it support and encourage the provision of sustainable and accessible modes of transport (including walking, cycling, bus, trains and low emission vehicles)?
Yes
- 2) Will it reduce the distances needed to travel to access work, leisure and other services? **No**
- 3) Will it encourage affordable and safe transport options?
Yes

How would the overall impact of your proposal on the provision of sustainable, accessible, affordable and safe transport services be rated?

Green - Only positive impacts identified



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

Buses form key part of the local sustainable transport network.

Details of proposed mitigation and monitoring (inc. timescales, responsible officers, related business plans etc):



Department
for Transport

Covid-19 Recovery Guidance

Concessionary Fares Funding

Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Please contact the team at concessionaryfares@dft.gov.uk if you have any queries on this guidance.

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Introduction

DfT remains grateful to those authorities that have continued to maintain reimbursement payments at pre-Covid levels, and those operators who are continuing to provide high service levels. The success of the Coronavirus Bus Service Support Grant ('CBSSG') provided by DfT has been dependent upon operators and authorities working together to meet the challenges presented in their local areas.

This spirit of co-operation between Local Transport Authorities (LTAs) and bus operators is echoed within the National Bus Strategy '*Bus Back Better*', published 15 March 2021, by the introduction of Enhanced Partnerships. These new Franchising partnerships depend upon this close collaborative approach continuing in the long run. The collaboration between LTAs and bus operators during the pandemic has demonstrated that this is possible, and this will assist in meeting the goals contained within the National Bus Strategy to deliver an ambitious vision for the bus sector.

However, we do recognise that concessionary reimbursement payments are an essential part of bus funding, while also being a significant share of wider local authority funding. LTAs therefore require a clear transition plan to allow them to return from paying out concessionary payments at pre-Covid levels, back down to paying out these payments to meet with actual concessionary patronage levels. Throughout engagement with LTAs and bus operators, we have heard that any transition plan must balance out the needs of bus operators against those of LTAs. We have also heard that the principles for reimbursement, including the reimbursement calculator, may no longer be fit for purpose in the current form due to the impact of Covid-19 on travel patterns. We have listened to these views and launched a closed, industry only, *Consultation: Call for Evidence* on 27 July 2021, which closed on 22 September 2021.

This exercise provided both LTAs and bus operators with the opportunity to contribute to DfT's proposed concessionary travel recovery strategy. It also invited them to set out their views on how DfT's reimbursement guidance, reimbursement calculator and appeals process may need to be improved, and how these areas can further support the close working partnerships developed between operators and authorities. DfT is grateful to all those who took the time to respond to this call for evidence.

Guidance to Section 151 Financial Officers

Concessionary travel reimbursement budgets

Funding for concessionary fares is included in the annual Local Government Finance Settlement (LGFS), and councils' core spending power rose by over £3 billion in 2021-22.

As part of this year's Spending Review, we have again worked closely with the Department for Levelling Up, Housing and Communities (formerly the Ministry of Housing, Communities

and Local Government) in order to ensure local government's funding requirements have been considered in the round, which includes funding for concessionary fares.

Importance of maintaining statutory concessionary travel reimbursement payments at pre-Covid levels until the end of 2021/22 financial year

A key element of the collaborative approach between LTAs and bus operators has been through LTAs providing additional funding to operators by maintaining concessionary fares funding at pre-Covid levels, despite the fall in passholder patronage. This has, in turn, allowed operators to maintain high service levels throughout the pandemic.

DfT has committed to continue to provide unprecedented financial support to the sector, through the £226.5 million Bus Recovery Grant (BRG), which was made available 1 September 2021 until the end of the current financial year ('the Recovery Period'). This has been designed to address the immediate financial challenges facing the sector. The success of this, however, is again dependent upon the spirit of close cooperation between operators and LTAs. More specifically, it is reliant on operators continuing to maintain high service levels, and therefore **we are asking LTAs to continue to pay concessionary fare payments to operators at pre-Covid levels, at least until the end of this current financial year.**

DfT expects that any LTA in receipt of LTA BRG will comply with the Department's ask of maintaining concessionary fares funding to bus operators at pre-Covid levels, until the end of this financial year, as detailed in the Memorandum of Understanding entered into between relevant LTAs and DfT.

Subsidy Control

In providing reimbursements to operators, LTAs will need to take account of and comply with subsidy control rules. LTAs will need to keep the current position under review as the circumstances evolve.

Approaches to calculating pre-Covid levels

In line with feedback from LTAs, DfT has not prescribed an approach for LTAs to calculate pre-Covid level reimbursement payments to operators. DfT instead confirmed that the term 'pre-Covid levels' should be agreed between LTAs and bus operators.

By LTAs and operators agreeing funding, routes and service levels between themselves, they are also essentially defining what pre-Covid levels mean locally. DfT applied this logic for the duration of the provision of funding pursuant to the Covid-19 Bus Services Support Grant (CBSSG), and continue this logic throughout the Bus Recovery Grant period (until the end of this financial year 2021/22) and the Concessionary Travel Recovery period (beginning next financial year 2022/23).

Within the Concessionary Travel Supplementary Guidance (20 November 2020), we suggested LTAs may consider several principles when developing their methodology to calculating pre-Covid reimbursement payments:

1. **Seasonality of services** – (some authorities have adopted approaches to cover this, for example, averaging two lower winter and two higher summer payment methods)
2. **Decline in concessionary patronage** - (total concessionary bus journeys fell by 2.5% in England in 2018/19, however, this may vary across local areas)
3. **Decline in patronage as a whole**
4. **Operators may have ceased trading/some services**
5. **Operators may have started trading/new services**
6. **Operators may have varied their services to increase/decrease the frequency/length of journey**

LTAs may also take into consideration any other factor they consider to be significantly relevant in calculating pre-Covid level payments, however, the above six principles should create the framework for producing the methodology required. How this funding is calculated should be determined by the LTA, and DfT does not have a preferred methodology for this.

We remind LTAs that proposal (6) allows LTAs to match pre-Covid concessionary payments to the level of service they are receiving from an operator. This will allow LTAs to make savings where operators have reduced service levels, given the pressures that are being faced locally.

However, until the end of this financial year, operators are required to provide a minimum service level of 90% of pre-Covid mileage baseline, to receive BRG. Whilst we recognise that exceptional circumstances, such a driver shortage, may require temporary reductions in service levels, **we therefore expect that LTAs following proposal (6) do not drop their pre-Covid concessionary payments below 90% to a specific operator before the end of this financial year, should that operator be in receipt of BRG and maintaining at least 90% service levels.**

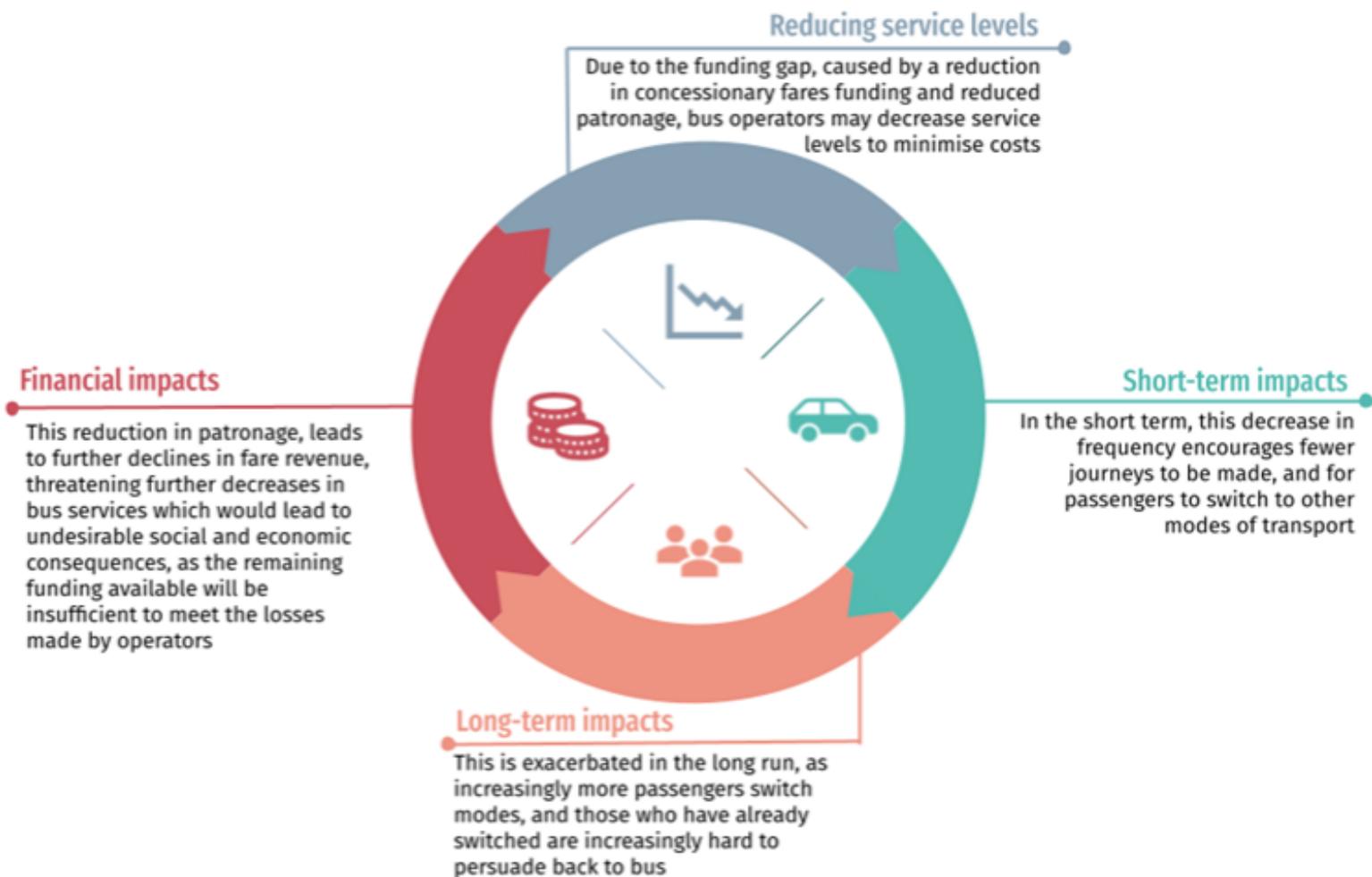
The 'Concessionary Travel Recovery period' will begin at the start of next financial year (2022/23), of which the detailed approach is contained further within this document. The Concessionary Travel Recovery period will begin at this time to avoid the potential impacts which may occur if the pre-Covid concessionary payments are cut too early. Additionally, we were grateful to find that the *Consultation: Call for Evidence* responses indicated most LTAs would continue to pay out concessionary payments at pre-Covid levels, at least until the end of the financial year. DfT are also aware that due to current engagements with additional National Bus Strategy requests, LTAs and operators may have limited resources and we therefore want to avoid putting stakeholders under unnecessary pressure to attempt to implement a recovery strategy mid-way through this current financial year.

Impact of cutting pre-Covid concessionary travel reimbursement payments early

The National Bus Strategy reaffirmed the importance of the bus sector in connecting communities, providing access to jobs, services, opportunities, and boosting economic growth and inclusion. The Strategy also highlighted the ambitious plans to better support the delivery of the Government's key objectives, such as levelling up and decarbonisation, by enabling the provision of better bus services off existing main bus routes, improving the connectivity of isolated rural communities and those with infrequent and unreliable services. The investment and changes to how the bus sector works will aim to drive improvements for passengers.

Analysis indicates that it may take some years for patronage to recover to pre-Covid levels, due to the constant decline in demand for bus services in recent years. This means that any deficit in concessionary fares funding could lead to long-term economic scarring that would have a significant impact in demand and service levels, in both the short and long term. This directly contrasts the positive cycle of growing patronage and service levels that the Strategy wishes to create.

This negative cycle follows the following steps:-



1. Reducing service levels to improve commercial viability

- There is a risk that bus operators may be forced to reduce costs quickly. Operators have indicated to DfT that the first cost they would look to reduce would be through a reduction in service levels. It is understood that many service level reductions could be made on routes in areas the Government wishes to level up. This would have a significant impact on the ability of Government in achieving its ambitions through the National Bus Strategy of levelling up and protecting bus services.

2. Short-term impacts of reduced service levels

- This will cause significant disbenefits to passengers, who may find that their travel options have been substantially reduced, or in some cases removed. This could lead to passengers accepting the reduction and continuing to travel by bus, choosing to make the trip by an alternative mode, or choosing not to make the trip at all. Evidence suggests that this reduction in service levels could lead to a modal shift to cars, which directly contradicts the environmental aims of the National Bus Strategy, and the Government's wider objectives of achieving net zero by 2050.

3. Long-term impact of reduced services on patronage

- Long-term, passengers are more likely to switch away from bus travel, and evidence indicates that once consumers have made this change away from bus, it becomes more difficult to encourage them to return to buses in the long-term, particularly if they are now travelling by car. This is likely to lead to increased traffic congestion, damaging the economic recovery from Covid-19 and causing an increased pollution risk.

4. Financial impact of reduced bus demand

- In the short term, a reduction in patronage levels could cause fare revenues to further decline, which reduces the savings made by operators cutting service levels. Evidence indicates that, in the long run, the impact of a short term decrease in service levels on patronage and fare revenue may cause a significant funding gap. This funding gap may push operators to choose whether to absorb the losses in the short term if they expect patronage to return, or to permanently reduce services if they do not expect patronage to recover.
- Analysis indicates that it could take a number of years for patronage to recover to pre-Covid levels. Smaller operators may not be able to absorb these losses, and therefore may leave the market by default, as has been the pattern in recent years following reductions in demand. For instance, the number of bus operators fell by almost 20% between 2013 and 2016. This means that operators are unlikely to decide to maintain high service levels at a loss. This would effectively create a cycle of shrinking patronage and operators having to cut services.

Minimising service disruption

DfT committed to providing £226.5m by way of BRG, to continue to fund the bus sector, and to minimise service disruption to avoid the long-term economic scarring effect detailed above. This assistance is also required at a local level, through the close co-operation of LTAs, by continuing concessionary fares payments at pre-Covid levels, and of bus operators, by maintaining high service levels. Maintaining concessionary fares funding at pre-Covid levels is a fundamental component of ensuring that the bus sector remains viable, allowing it to sustainably recover from Covid-19, and to assist in achieving the National Bus Strategy ambition of a more frequent and reliable service.

Should an LTA prematurely stop paying out concessionary fares funding at pre-Covid levels, it would risk undermining the £2 billion of CBSSG and £226.5 of BRG provided by DfT, and recovery attempts made by those same LTAs and operators to maintain service levels throughout the pandemic and recovery period.

Additionally, as detailed in the above section, cutting pre-Covid concessionary fares funding would also likely have a significant impact on the National Bus Strategy ambition to transform the bus sector. This is because we would likely see a consequential reduction in bus services and increase in ticket fares caused by any LTA's cuts to pre-Covid concessionary fares funding. As a result, the impact of the £3 billion committed by the Prime Minister to achieve the economic and environmental objectives of the National Bus Strategy would not be felt immediately. This is because it is likely this funding would need to be spent on attempting to recover the bus industry to pre-pandemic levels of profitability, rather than its intended transformational purpose. Consequently, the likely reduction in service levels and impact on bus patronage caused by the lack of pre-Covid concessionary fares funding could mean the implementation of the Strategy will be much less effective.

Concessionary Travel Recovery Strategy

DfT are grateful that the majority of LTAs who responded to the *Consultation: Call for Evidence* confirmed they had budgeted to continue to pay out concessionary payments at pre-Covid levels until the end of the financial year and would continue with this approach because of this.

The objective of the concessionary travel recovery strategy is to provide LTAs with a cost-effective way of reducing their pre-Covid concessionary payments whilst avoiding any sudden widespread reduction in these payments. This is because any sudden reduction could lead to a significant impact on operator service levels, and consequently to an effect on demand levels. We want to ensure that any reduction in pre-Covid concessionary payments is done at a rate that will not adversely affect other funding streams, the viability of the bus market, or impact the objectives and ambitions of the National Bus Strategy as detailed above.

Within the *Call for Evidence* feedback, there was a clear divide between LTAs and operators when asked about the timings for the recovery strategy. The final below concessionary travel recovery approach has been developed through the consideration of both LTA and operator feedback, estimation of operator forecast patronage levels and the cost effectiveness for LTAs.

Timing

The Concessionary Travel Recovery Period will commence on 06 April 2022 and will officially end on 05 April 2023.

LTAs will be unable to provide pre-Covid levels of concessionary reimbursement payments after this date, due to the expiration of the temporary Statutory Instrument which officials are considering extending to achieve the continued provision of enabling LTAs, in principle, to make pre-Covid level payments, during the Concessionary Travel Recovery Period. This is

discussed in more detail below – see Mandatory Travel Concession (England) Regulations 2021.

Approach

From 06 April 2022, DfT will introduce a phased approach for the transition back down to actual concessionary patronage levels. DfT will ask LTAs to steadily reduce their pre-Covid concessionary payments to operators in accordance with the below table.

Table 1: Table showing the scale down of LTA pre-Covid concessionary reimbursement payments

Month	% scale down of LTA pre-Covid concessionary payment
06 April 2022	90%
01 May 2022	90%
01 June 2022	85%
01 July 2022	85%
01 August 2022	80%
01 September 2022	80%
01 October 2022	75%
01 November 2022	75%
01 December 2022	70%
01 January 2023	70%
01 February 2023	65%
01 March 2023	65%

From **06 April 2022**, DfT suggests those LTAs who have continued to pay out concessionary fare payments at 100% of pre-Covid levels, should lower these payments to **90% of pre-Covid levels**.

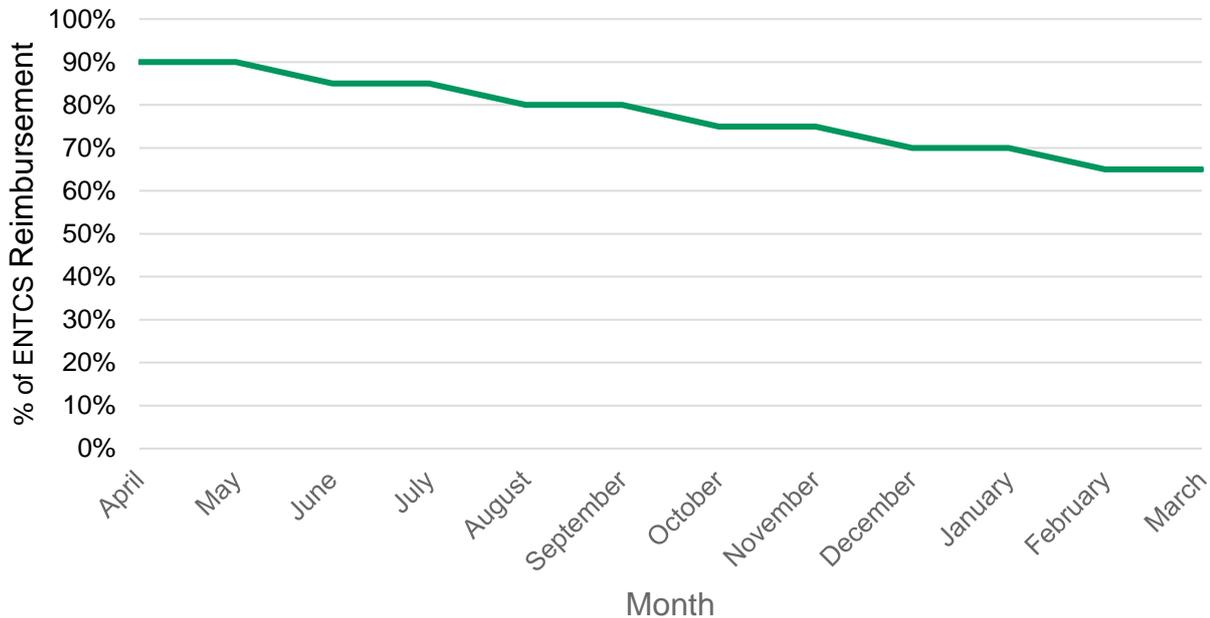
One condition of BRG, which is currently scheduled to end on 05 April 2022, is that an operator should be providing a minimum of 90% of pre-Covid service levels. This 10% initial reduction at the start of the concessionary travel recovery period will provide those LTAs who have continued to pay out at 100% of pre-Covid concessionary payments, despite a decrease in operator's service levels, with an immediate funding reduction.

Those LTAs who have already lowered their payments to 90% of pre-Covid levels or lower, should not reduce the amount they are paying out to operators.

From **01 June 2022**, LTAs who continue to pay out concessionary fare payments at 90% of pre-Covid levels should then lower their concessionary fare payments to **85% of pre-Covid levels**. Again, LTAs who's pre-Covid level payments are below 85% should not reduce the amount they are paying out to operators.

This approach should continue, with **LTAs lowering their concessionary fare payments by 5% at the start of August, October, December 2022, and February 2023**. However, when taking into account current patronage levels and average forecast patronage levels, it is expected that concessionary reimbursement payments will revert to actual patronage levels by the end of 2022, if not before.

Graph 1: Graph showing the scale down of LTA pre-Covid concessionary reimbursement payments



Throughout the Concessionary Travel Recovery Period, DfT will provide clear and early direction on the amount of pre-Covid concessionary fare payments we are asking an LTA to pay out to an operator each month, in accordance with the above. During this period, DfT may be required to amend the percentage of pre-Covid concessionary fare payments LTAs are making to operators. In the event of further Covid-19 restrictions being put in place, for example, this percentage may have the potential to increase.

In accordance with regional variations and to take account of local flexibility and circumstances, during the Concessionary Travel Recovery Period an LTA may choose to continue to pay out a higher rate of pre-Covid concessionary payments, than the percentage suggested by DfT. However, LTAs are reminded that they will be unable to continue to pay out concessionary payments at pre-Covid levels from 06 April 2022, due to the expiration of the temporary Statutory Instrument on 05 April 2022.

Reasoning

This approach is slower than the initial proposed recovery strategy, of a reduction of 5% every month, as contained within the *Consultation: Call for Evidence*.

After careful consideration of stakeholder feedback, a reduction in 5% every other month will provide operators with further additional support for longer whilst patronage is still repressed. This means the approach is less likely to impact on service and demand levels, aligning with the National Bus Strategy objectives of delivering a better bus service of growing networks and improving routes. However, this approach also aims to balance out operators' needs against the needs of LTAs, as it still enables LTAs to reduce their concessionary reimbursement payments throughout the next financial year, allowing them to create savings whilst providing a slow and steady transition back to actuals.

This method also provides operators across the country with a consistent transition approach, as they are likely to cover various LTAs. Should LTAs approach the recovery phase differently, this would have the potential to result in local capability and consistency issues. We therefore urge LTAs to reduce their concessionary payments in line with the above recovery approach.

Example

Whilst in receipt of BRG, **Operator (A)** has reduced their service levels to 90% of pre-Covid service levels. During the BRG period, and following DfT Guidance, **LTA (A)** took the decision to reduce concessionary reimbursement payments to 90% of pre-Covid levels, to match with the operator's service levels.

The Concessionary Travel Recovery period begins on 06 April 2022, and DfT suggests LTAs who continue to pay out at 100% of pre-Covid level concessionary payments should lower their payments to 90% of pre-Covid levels. **LTA (A)** should not change their level of payment and should continue to pay out at 90% of pre-Covid levels.

From 01 June 2022, DfT suggests LTAs who continue to pay out at 90% or above of pre-Covid levels should lower their payments to 85% of pre-Covid levels. Although **Operator (A)** continues to provide 90% of service levels, **LTA (A)** may lower their pre-Covid concessionary payments in line with DfT guidance, to 85% of pre-Covid levels.

LTA (A) may then continue to lower their pre-Covid concessionary payments in line with DfT guidance, until their payments re-align with actual patronage levels.

Alternatively, should local circumstances require it, **LTA (A)** may continue to pay out concessionary payments at a higher pre-Covid level than DfT suggests. However, **LTA (A)** should ensure their concessionary payments have re-aligned with concessionary patronage prior to 06 April 2023.

Appeals during the Concessionary Travel Recovery Period

Bus operators should financially be "no better and no worse off". However, as a result of TCAs providing concessionary fare reimbursement payments at pre-Covid levels, it can be argued that bus operators are "better off" in this respect.

Although legislation allows operators to appeal, DfT continues to encourage operators to take a pragmatic approach to such appeals while LTAs continue to provide funding at pre-Covid levels throughout the Concessionary Travel Recovery Period, particularly in light of the slower recovery strategy than originally proposed.

DfT expects operators to be in regular engagement with their LTA, particularly with the introduction of Enhanced Partnerships which depend upon this close collaborative approach. Any issues connected to the operation of services should therefore be discussed and resolved between the operator and the LTA. Operators should note that if LTAs are incurring time and money dealing with appeals which do not have any real prospect of success, this could affect the ability of the LTA to continue to provide funding in accordance with current and future recovery levels.

Mandatory Travel Concession (England) Regulations 2021

LTAs previously had concerns that paying out concessionary fares at pre-Covid levels was not compatible with the provisions of the Mandatory Travel Concession (England) Regulations 2011. In response to these concerns, DfT secured the necessary agreement across Government and laid a Statutory Instrument (SI) in March 2021 to temporarily change the legislation (Regulation 6(a) of the Mandatory Travel Concession (England) Regulations 2011) to temporarily remove the requirement that travel concession arrangements should aim not to leave an operator financially better off as a result of providing a concession. The Mandatory Travel Concession (England) Regulations 2021 therefore allow LTAs, in principle, to pay concessionary fares funding to operators at a higher level than due through actual journeys by pass-holders (although, as noted above, LTAs will need to take account of and comply with subsidy control rules in making such payments).

This amendment will cease to have effect at the end of the 2021/22 financial year. Accordingly, officials are now exploring laying a further temporary SI to achieve the continued provision of enabling LTAs, in principle, to make pre-Covid level payments, during the Concessionary Travel Recovery Period.

Consultation: Call for Evidence Response

Reimbursement Guidance and Calculator

The majority of respondents to the *Consultation: Call for Evidence* agreed that the Reimbursement Guidance and Calculator require updating, and regularly. There was specific focus on the need to update these due to the age of the demand data (2005/06) which respondents cite as no longer appropriate due to the impact of Covid-19 on travel patterns and the general increase in bus fares since 2005/06. However, the lack of in-depth technical feedback to these areas of the *Consultation: Call for Evidence* suggests the Reimbursement Guidance and Calculator needs to be simplified and made more accessible for smaller operators. This was echoed within the responses.

Strong feedback also stated that although it was clear travel patterns had been and are still severely impacted by Covid-19, it was unclear on what precise effect these changes will have on the reimbursement data and inputs. Although we have considered whether we can update the inputs into the Calculator to account for changes in travel patterns post-Covid, it is apparent that any changes may significantly impact the reimbursement outcomes and the LTA funding requirement. This was echoed by LTA feedback which expressed the need to delay this update to allow for proper consideration of post-Covid travel patterns.

The annual updated Reimbursement Guidance and Calculator will therefore be published shortly. There are no material changes in either for this year, as further extensive research will be required to update them.

Applications to the Secretary of State- 'appeals process'

Although under half of respondents agreed the appeals process requires improvement, 50% of respondents did not express a view. Responses indicated that notable areas for

improvement included introducing and setting stricter timeframes to deal with an appeal to reduce administrative burdens, and, as with the Reimbursement Guidance, ensuring the guidance is clear. Respondents also indicated that various sections of the Reimbursement Guidance, such as guidance on Peak Vehicle Requirements, should provide further clarity, to alleviate the need for an appeal in the first instance.

However, respondents also expressed the view that the recovery strategy should take precedence over any update to the appeals process. DfT therefore aims to review the appeals process alongside the extensive review of the Reimbursement Guidance, to enable us to address stakeholder concerns simultaneously.

Should you have any queries, please contact the team at concessionaryfares@dft.gov.uk.

CABINET



Report subject	Housing scheme at Herbert Avenue, POOLE.
Meeting date	15 December 2021
Status	Public Report
Executive summary	<p>The Herbert Ave scheme is also known as site 10 (of 24) that is in the Council New build Housing and Acquisition Strategy (CNHAS) Programme approved by Cabinet on the 29th September 2021.</p> <p>At that time officers were undertaking a new construction tender process for Herbert Ave and therefore it could not be incorporated within the CNHAS paper.</p> <p>The decision by the preferred bidder from the original 2019 procurement process, not to execute the agreement offered to them by withdrawing in January 2021 - has determined the need to engage the marketplace again.</p> <p>The results from this new 2021 procurement activity generates the necessity for a revised Cabinet approval in respect of an increase in said construction costs - from that which was approved previously.</p> <p>This paper therefore brings forward the recommendation for the award of a contract to the new preferred bidder for the delivery of critical works at Herbert Ave.</p> <p>These works will deliver the construction of 24 new temporary accommodation units for families, relieving to a significant degree, the existing Bed and Breakfast reliance.</p> <p>They will be built using Passive House design principles which the planning approval requires, to ensure they provide high levels of thermal efficiency and minimise the need for expensive space heating systems.</p> <p>The report also provides the background to the market procurement constraints that have previously impacted on the delivery of this development project and presents the evaluation outcome of the recent competitive market procurement exercise for the selection of preferred bidder and award of contract for the construction of the temporary accommodation buildings.</p>

Recommendations	<p>It is RECOMMENDED that:</p> <ol style="list-style-type: none"> 1. Cabinet support the proposed £3.486m temporary accommodation scheme budget required to deliver the development for progression to Council for subsequent approval request: <ol style="list-style-type: none"> a. Cabinet supports the increase in previously approved budget of £ 2.508m (Cabinet Oct 2018) plus sum of £0.28m (ODR approval June 2020) By a further £0.698m. (As detailed under paragraph 54 of the report) b. Approve the financial strategy for the scheme as set out in paragraphs 33 to 47 with specific approval for: <ol style="list-style-type: none"> i) £2.440m of prudential borrowing to be repaid over 50 years used to finance the Housing Revenue Account (HRA). ii) The capping of rental income to Affordable Rent levels and Local Housing Allowance. c. To award the contract for the construction of the new temporary accommodation development to the preferred bidder.
Reason for recommendations	To enable the proposed temporary accommodation scheme to progress with the agreed funding arrangements through to construction and subsequent completion to deliver the wide range of benefits to the Council and local communities.
Portfolio Holder(s):	Cllr Karen Rampton, Portfolio Holder for People and Homes
Corporate Director	Kate Ryan, Chief Operating Officer
Contributors	<p>Su Spence, Chief Executive (PHP) Trevor Roffe, Head of Asset Development (PHP) David Hood, Asset Development Manager (PHP)</p>
Wards	Alderney & Borne Valley:
Classification	For Recommendation

Background

Housing Market Context

1. The council has a statutory duty to support households that are at threat of homelessness. These requirements are enshrined in the Housing (Homeless Persons) Act 1977, Housing Act 1996, and the Homelessness Act 2002, with enhanced duties placed on local councils by the Homelessness Reduction Act 2017. In the main the council will seek to support households to access alternative forms of accommodation when threatened with homelessness and this is supported through various methods. If a household cannot find alternative means of housing and becomes homeless then the council has a statutory duty to provide interim accommodation if they meet certain criteria.
2. The Council currently manages circa 270 units of temporary accommodation within its portfolio, some of which is costly and not suitable for future use. The council continues to rely on B&B & hotels to provide interim accommodation which is also costly and inappropriate. The Council is currently accommodating 135 households in B&B, although this is reducing, we require more good quality temporary accommodation where people can be supported away from homelessness and receive the help they need to move to a settled home.
3. The delivery of these new temporary accommodation units at Herbert Ave will play a significant role in reducing the council reliance on expensive B&B accommodation in-line with its approach to providing more housing led-solutions.

The site and previous procurement history

4. An 'Open market' procurement exercise was carried out in the summer of 2019 to seek fixed price tender bids from contractors using various Modern Methods of Construction (MMC, sometimes known as modular). Four compliant tender bids were received from contractors using either timber panelised systems or full modular systems manufactured off-site in a factory.
5. Following the procurement evaluation exercise a provisional contract award was made to the preferred bidder, a Finnish based company. This reflected that the innovation in modular build was occurring across Europe and to be able to access and secure this cost effective and design preferred approach payments for off-site manufacturing via an Escrow were required. Due diligence to establish this approach was required and soon ran into concerns and delays relating to the impact of Brexit and then the Covid pandemic. The impact of both meant that the contractor confirmed that they were not able to deliver against the bid submitted in 2019 and withdrew in January 2021.

Recent procurement exercise and evaluation Outcome

6. As the temporary accommodation development remains a priority and a new procurement approach has been completed considering current market conditions. This includes recognition that the construction market has become much more volatile around labour capacity constraints, and particularly material supply delays and cost increases. To manage this volatility the tender scope was widened out to encourage competitive contractor bids for all forms of construction methodology – not just MMC.

7. The procurement exercise took place over the summer and 4 tenders were submitted.
8. Following a compliance review of the quality evaluation scores and tender process report, the quality / price outcomes were combined into the evaluation matrix. The combined matrix scores show:
 - a. Contractor A in first place as the preferred bidder
 - b. Contractor D in second place
 - c. Contractor C in third place
 - d. Contractor B in fourth place

Council's direct delivery of new homes

9. BCP Council and Poole Housing Partnership have well established Housing Development Teams who are well placed to help deliver the future pipeline of in-house residential new-build developments. Both teams work closely together to meet council priorities and have been involved in the approach to this project.
10. This proposed scheme will follow many others which have been successfully delivered over previous years and there is a pipeline of many additional sites going forwards to help address our housing needs locally.

Site background information

11. The site is owned by BCP within the Housing Revenue Account (HRA) and is a brownfield site and comprises of an area to the front of the site currently laid to tarmac with an area to green space to the rear.
12. The site was last used as a community centre which closed some years ago. The building which stood on the site has since been demolished.

Proposed scheme

13. The proposed development is to provide a total of 24 apartments over two floors. This development would be capable of housing 24 households, circa 94 persons. Subject to consents, the proposed commencement date is January 2022 with the scheme ideally due to be completed in March 2023.
14. It is recommended that the site is developed by the preferred bidder to provide a residential scheme comprising the following: -
 - Affordable Rent (24 homes)
15. This tenure mix has been developed after consideration of numerous factors including the need for financial viability and return, housing demands, site specifics and the need to ensure a sustainable community. The Council's Neighbourhood Management team and the Housing Options and Partnerships team have been closely involved in the development of this scheme to help ensure that it adequately meets housing needs and is designed in such a way to be sustainable and to enable good quality housing management.

16. As noted earlier, the need for Council housing, including affordable rented housing, is high across BCP.
17. The scheme will provide self-contained temporary homes comprising of 1 x one, two and three bed accessible apartments, 1 x one bed apartment and 20 x two bed apartments. Tenancies will be non-secure homeless tenancies.
18. The proposed layout is determined by the shape of the site, location of trees, access, and the existing character of the surrounding area. The proposed building is in line with the building line of the existing building. All parking is proposed to be along the side of the building, thus enabling some landscaped amenity space to the rear of the site.
19. The scheme will provide 12 car parking spaces and 3 disabled car parking spaces, which is considered appropriate given the nature of the housing units to be provided, the unallocated provision, the proximity to the town centre and excellent transport links. External cycle parking is to be provided
20. The scheme was granted planning permission in May 2020.

Environmental build standards- formal DIA assessment from para 62

21. The development will provide a highly energy efficient scheme. It will help address the 2019 BCP Council declared Climate and Ecological Emergency and future proof the new homes against the 2025 Future Homes Standard for housing. The development will contribute to the Council's commitment to achieving a net zero carbon emission target.
22. The tendered approach will build to the principles of the Passivhaus standards. This standard offers the benefit of very low carbon heating requirements and world leading levels of energy efficiency by not relying on fossil fuel heating systems. Passivhaus Principles will be followed rather than full accreditation, which will help generate carbon savings.
23. The fabric first approach which the Passivhaus standard follows for construction, minimises the need for expensive space heating systems. This will help to support those residents that have become homeless not having to budget for expensive heating bills. A saving of up to 75% on energy bills is possible, (From the Passivhaus Trust).
24. The minimal heating requirements and use of electric heat pumps for hot water generation means that expensive retrofitting, or replacement of fossil fuel heating systems will be avoided in the future. Plus the reduced energy demand from the electric hot water heat pump system will meet the Councils planning policy (PP37) requirement.
25. The scheme will be measured in terms of sustainability through carbon savings – key measures have been included in the report under paragraphs 31 and 51. Full details of the carbon reduction figures are available from the Carbon Reduction Statement produced by Energycount (Sustainability and energy Consultants).
26. The lifetime cost of the proposed development is £175 per tCO₂. This fits well below the BEIS guidance of under £500/tCO₂

Summary of key benefits

27. The following summarises the key benefits of the proposed scheme: -

- Relieving to a significant degree, the existing Bed and Breakfast reliance.
- Maximise the Council's land assets to bring about financial gains, as well as delivering the Council's housing aspirations.
- Provide much needed additional homes to meet unmet housing demands and housing needs within the BCP Poole Neighbourhood area.
- Provision of 24 self-contained homes to help address the challenging Local Plan housing targets and help meet local housing demands.
- Utilisation of £1.046m Right to Buy receipts to help fund the scheme. If these are not spent within 3 years of receipt, they cannot be used locally and need to be returned to central government.
- The scheme will bring improvements to the area with the provision of good quality and well managed temporary housing and wider environmental improvements.
- It will deliver high levels of sustainability in terms of design.
- It will generate employment during the construction phase to help grow the local economy.

Development Feasibility Work already undertaken

28. During the design and pre-construction phase, various consultants have been appointed and several surveys completed to help develop the scheme through the planning approval stage and out to competitive market procurement. This has also included some early ecology enabling work on the site.

29. The financial commitment to date (including design, surveys, planning and procurement exercises) is £91k. This is included within total project outlay of £3.486m below.

Financial overview

30. Appendix one, sets out the proposed financial profile of the scheme for the Housing Revenue Account (HRA).

**Appendix 1 – Herbert Ave Temporary Housing Development:
HRA Income and Expenditure**

		Housing Revenue Account
		24
		50
		Affordable Rented £000s
Scheme Costs		
Works budget tender cost		2,923
Build & oncost contingency	5%	146
Fees & Other Costs		195
Interest (during Build Phase)		72
Land Acquisition costs		150
Total Scheme Cost		3,486
Scheme Funding		
Homes England Grant - TBC Affordable Housing Grant		
Homes England Grant - Accelerated Construction		
Affordable Housing s106 Contributions		
Sales - Shared Ownership		
Housing Revenue Account		
- Capital Funding - 1 for 1 Right to Buy Receipts		1,046
- S106 Contributions		
Prudential Borrowing - additional borrowing		2,440
Total Scheme Funding		3,486
Net Cost		0

31. **Build cost** of £2.923 million is based on the preferred bidder's tender price submission. There is also an additional build contingency of 5%, circa £146k. These total costs equate to £2221 per sqm.

32. **Fees and other costs** of £195k allow for all the site investigation surveys, reports, pre-construction design/planning, and procurement work. The actual cost incurred to-date is £91k.

33. The total scheme costs are estimated to be £3.486m profiled over the planned 14 month period as the construction moves ahead. £1.046m of the capital outlay will be funded from Right to Buy (RTB) receipts, representing 30% of the total capital outlay. The

remaining £2.440m of capital outlay is proposed to be funded from Prudential borrowing through the HRA. The interest charge expected to be levied against this prudential borrowing during this phase is £72k. The financial appraisal model used to risk assess the project has demonstrated that the scheme can afford repayment of the borrowing costs incurred from this Loan.

34. Estimated long term cash flows presented in Appendix one forecast net annual cash surplus from first year of completion. This is after provision has been made for both capital and interest repayments as well as management, maintenance and major repair costs, and an adjustment to the rental income to cover void costs. Any potential capital growth has been ignored for the purposes of this modelling. Over the 50-year scheme life, cumulative cash surpluses of £9.772m are forecast.
35. Appendix one also sets out the financial appraisal assumptions supporting the capital outlay and 50-year cashflow forecast. The Council is also in the process of completing a wider benchmarking exercise, with the assistance of comparable local authorities, to ensure ongoing relevance and appropriateness of core assumptions applied.

Financial Strategy

36. The 24 new housing units will be designated as affordable housing. As there is ongoing demand for affordable housing, the Council has reasonable assurance over rental income streams for the next 50 years. Forecast cashflows assume modest annual increases in rental income of 2.5% (in line with Government guidance of CPI +1%). Additional provision is made for voids loss and bad debts at 2% of gross residential rent per annum.
37. Ongoing operational spend (property listing and management, service costs and general repairs and maintenance spend) are allowed for within the model on a standard £1000/unit basis. The £/unit values used are based on historic financial data and are therefore considered to be accurate. Annual inflation at 2.5% is applied to reflect increases in these costs over the 50-year period. In addition, allowance is made for major repairs across the housing development. This is an annual cost, calculated using componentised depreciation based on the composition of the properties from year 1, and represents 0.7% of housing development value, based on original capital outlay with annual inflationary increases.
44. Under s11(6) of the Local Government Act 2003, local authorities are required to spend retained Right to Buy (RTB) receipts within five years. This is limited, however, to no more than 40% of the cost of a replacement home (whether through acquisition or new build). Where a local authority is unable to spend receipts within five years they are to be returned to the Ministry of Housing, Communities and Local Government (MHCLG), together with interest of 4% above base rate. Whilst the proportion of new-build projects that can be funded from RTB receipts has recently been increased from 30% to 40% of the total capital outlay, RTB funding will be capped at 30% for this project to ensure that sufficient RTB funding remains available for other BCP new-build projects. The financial risk to the Council of having to return unspent RTB receipts is reduced by applying £1.046m (30% of £3.486m capital outlay) of RTB receipts received as funding for this scheme.
38. The tenure mix of the properties (and associated rental stream) provides a balance in terms of financial returns required by the Council and ensuring low rents. This has been considered in the context of the whole HRA development pipeline identified to date.

Prudential Borrowing

39. The Council can borrow under the Prudential Code as long as it is affordable and can be repaid over the life of the asset. The proposed scheme is predicated on £2.440m of prudential borrowing repaid over 50 years at an annual cost (including interest) of £72k. The use of 50 years reflects the estimated useful economic life of the asset.

The financial modelling assumes the use of flexible short-term funding (at an interest rate of 3.0%) during the construction period before entering a long-term arrangement (at an interest rate of 3.0%). The 3.0% interest rate has been used as a matter of prudence for the financial modelling. It has the benefit of creating additional risk premium to mitigate the risk of potential fluctuations in long term cashflow projections.

40. Furthermore, any borrowing will only be drawn down when required and not in advance of need.

Taxation

41. Any VAT incurred on construction cost will be fully reclaimable as the spend will relate to the statutory function of the Council. Generally, construction of residential accommodation that meets the required conditions to qualify as dwellings is zero rated for VAT purposes. This, however, excludes certain types of services such as architects, surveyors, consultants etc, (unless they are provided under a Design and Build Contract). Provision of residential accommodation within the Housing Revenue Account is considered as a non-business activity and therefore any VAT incurred on construction cost is fully reclaimable under Section 33 of the value Added tax Act 1994.

42. Stamp Duty Land Tax (SDLT) will not apply.

Public Sector Subsidy (State Aid)

43. State Aid has been considered and assessed as low risk, as we are not passing on funding to a third party.

Value for Money

44. The financial appraisals set out in appendices one show that the scheme is viable in the short, medium, and long term for the Council.
45. The scheme provides a surplus in the long term cumulative cashflow from year 1 to Year 50 when the loan is repaid. Beyond year 50 the surplus will be in excess of £400k per annum to the HRA.
46. The development at Herbert Ave will produce around 46.5 % less CO₂ emissions than the same building if it were built to basic housing standards (Basic Spec). Findings show that using the Fabric-First Passivhaus approach would achieve savings of 21 Tonnes of CO₂ per year over the Base Spec adopting Passivhaus design principles, and a saving of 1,571 Tonnes of CO₂ when assessed over the buildings full life compared to a building built to the basic housing standards.

47. The construction costs are based on a fixed tender price submission from the preferred bidder, the build cost tender submissions were assessed by cost consultants RLB (Rider Levett Bucknall) as part of the tender price evaluation exercise. They have confirmed that given the scope of works, the total construction costs to meet the low-energy Passivhaus Standard development represent value for money in the current construction market. This statement is supported in their vfm construction benchmarking report that compares the Herbert Ave tender price with other RLB residential tender projects as well as schemes on the Building Cost Information Service (BCIS) cost database. The vfm benchmarking report is included within appendix two.
48. The use of Passivhaus principles for design and construction allows for high reductions in energy costs for our residents. It also negates the need for expensive fossil fuel heating systems and their subsequent replacement in the future, thus helping the Council to meet the 2025 Future Homes Standard. This highly energy efficient and environmentally sympathetic fabric first construction method represents good value for money for the Council by helping to reduce its future maintenance liability.
49. The original project budget estimate of £2.508m required approval of an additional £280k funding for the appointment of the preferred bidder following a market procurement exercise in 2019. The additional funding requirement was due to small design changes in the accommodation sizes and inclusion of a building water sprinkler system. Following the tender evaluation outcome of the recent market procurement exercise, covered earlier in this report under paragraphs 9 to 13. Approval of a further £0.698M is required to support the full £3.486M budget requirement to deliver the Herbert Ave, new build project. See table of funding approval.

Initial project and Budget approval	£2.508m	Cabinet Oct 2018 and full Council Nov 2018
Additional funding approval	£0.280m	ODR June 2020
Additional funding requirement following new procurement in Aug 2021	£0.698m	Approval requested

Consultation

50. During the formal planning application process several public consultation comments were received by the Council. These were responded to and given consideration as part to the Council's Planning Committee review process.

Approval Conditions

51. The contract is based on a fixed construction tender price therefore any supply chain price increases technically remain the responsibility of the appointed contractor, although unprecedented material price increases are currently being experienced across the construction industry. The contractors tender price includes an inflationary allowance and the client 5% build & oncost sum within the budget will be used to mitigate any further material risk.

Summary of financial implications

52. Provided within the body of the report.

Summary of legal implications

53. The Housing Act 1985, section 9, empowers the Council to build and provide housing accommodation (including houses, flats, and ancillary facilities such as open space). Credits and debits in respect of such accommodation must be accounted for within the Housing Revenue Account (HRA) – section 74(1) of the Local Government and Housing Act 1989.

54. The Council also has the General Power of Competence pursuant to the Localism Act 2011, and therefore the power to borrow for the purposes set out within this Report.

55. The Council has complied with all relevant procurement requirements in undertaking the proposals contained within this Report and the Council will undertake the work in accordance with ongoing legal advice.

Summary of human resources implications

56. The existing Housing Development Team will oversee the construction phase delivery of this scheme alongside the other new build schemes in the pipeline. Other professional consultants to assist in the project management of the scheme

Summary of the decision (sustainability) impact assessment (DIA)

57. The site is within a sustainable location and the high-quality building on this site could make a positive contribution to the quality of the environment. Some ecology measures have already been taken to protect the local wildlife in preparation for the construction works.

58. Whilst the estate is increased in housing density, it is providing much more energy efficient dwellings, with greater thermal insulation and more efficient heating systems. The scheme will be built using a fabric first approach following Passivhaus design principles.

59. A copy of the Decision (sustainability) Impact Assessment is included within appendix two.

Summary of equality implications

60. The housing scheme will provide accommodation for those who are on the Housing Register and in housing need, being designed for families, couples, and single people of all ages. As such, many households will have protected characteristics and have vulnerabilities. Admission for new residents to the scheme will be by objective eligibility criteria, which will be operated by the Housing Solutions team who, undertake property allocations for the Council. The existing Allocation Policy for the BCP area will help manage allocations to the scheme for those most in need, although a new BCP Allocations Policy is being developed which may be live at the point this scheme is completed.

61. Properties will be available for all eligible applicants on the housing register. No issues regarding Sex/ Gender Reassignment/ Pregnancy and Maternity/ Marriage and Civil/ Race/ Religion or Belief/ Sexual Orientation/ Armed Forces Community and any other factors/ groups characteristics have been identified but these factors will be considered along with any service user identified needs.
62. Three of the accommodation units will be constructed to Building Control Approved Document Part M category 2 (Access and design to meet wheelchair accessible or adaptable standard)
63. The architect's design has implemented the requirements of Lifetime Homes where it is practical to do so.
64. The constrained nature of the site and accommodation use prohibits achieving Lifetime Homes or all units to achieve Part M category. However, the Council actively considers the provision of Category 2 & 3 dwellings on other schemes in the conurbation.
65. A copy of the EIA is included within appendix two.

Summary of risk assessment

66. The following key risks have been identified alongside mitigating actions:

Overall Project Risk Rating		
Key Project Risks	Gross Risk Rating	Mitigating Actions
Construction material costs render the project unaffordable	Low	Good project management will enable the close monitoring of progress and any issues that may arise to be dealt with promptly. The Build cost tender sum is an inclusive Design & Build price provided by the Preferred Bidder which includes a 3% material inflation allowance. The budget also includes a 5% build contingency.
Scheme not gaining a satisfactory planning consent	Low	The project has already achieved full planning approval and the Design & Build construction tender includes for the contractor to satisfy all planning condition requirements.
Fall in demand for temporary accommodation units during construction phase.	Low	Ongoing monitoring with the Strategic Housing Options team clearly demonstrates a demand for purpose built temporary accommodation. The New build will help reduce the use of other expensive B&B accommodation currently having to be used and move towards more sustainable housing-led solutions.
Increased fire risk during construction phase	Low	Design and construction will be closely monitored by Housing Development Team, Employers Agent and Preferred Bidder.
Independent living building delivered in compliance with Building Safety Regulator.	Low	The initial planning design has been assessed by independent fire consultants Ashton Fire and a Fire strategy document produced. The strategy includes all 'Active & Passive' fire system requirements for fire safety legislation compliance.

Overall Project Risk Rating		
Key Project Risks	Gross Risk Rating	Mitigating Actions
		The strategy forms part of the planning submission and contract design specification for the D&B contract. The contract stipulates compliance with the Building Safety Bill.
Contractor insolvency during construction.	Low/med	The contract requires the contractor to provide a Performance Bond and NHBC warranty & insolvency cover.

67. Property development activity involves inherent risks, but a cautious approach has been adopted here to minimise these risks as much as possible. Financial contingencies have been included and significant consultation has been undertaken to date to help ensure a sustainable scheme.

Background papers

- a) Refreshed Bournemouth Housing Strategy 2017 - 2020 - <https://www.bournemouth.gov.uk/Housing/help-with-housing/Documents/bournemouth-refreshed-housing-strategy-2017-2020.pdf>
- b) Housing Strategy Refresh 2018-2020 Borough of Poole <https://www.poole.gov.uk/council-and-democracy/strategies-plans-and-policies/housing-strategy-refresh-2018-2020/>

Appendices

Appendix one includes.

- Income and Expenditure Summary General Fund and HRA
- Financial Appraisal Long-term Cash flow
- Summary of Funding Assumptions

Appendix two includes:

- Equality Impact Needs Assessment (EIA)
- Decision (sustainability) Impact Assessment (DIA)
- VFM – Construction cost benchmark report

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Equality Impact Needs Assessment



The Diversity Promise - *Better for all*

1. Title of Policy/Service/Project	Development at 56 Herbert Avenue, Poole
2. Service Unit	Poole Housing Partnership (Development)
3. Lead Responsible Officer and Job Title	Trevor Roffe, Head of Asset Development
4. Members of the Assessment Team:	
5. Date assessment started:	20 th September 2021
6. Date assessment completed:	30 th September 2021

About the Project:

7. What type of project is this?	New build housing project
8. What are the aims/objectives of the policy/service/project? (please include here all expected outcomes)	<p>To provide additional sustainable temporary housing for the homeless. The project is located on a former community hub site (now demolished) and will provide 24 residential units and an office. The completed project will provide much needed additional temporary rented housing within the conurbation.</p> <p>The project will provide an increase in job opportunities within the construction sector during the construction phase.</p>

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

9. Are there any associated services, policies or procedures? No

10. List the main people, or groups of people, that this policy/service/project is designed to benefit, and any other stakeholders involved?

This project will benefit singles/couples/families which are homeless.

11. Will this policy/service/impact on any other organisation, statutory, voluntary or community and their clients/service users?

No.

Consultation, Monitoring and Research

Where there is still insufficient information to properly assess the policy, appropriate and proportionate measures will be needed to fill the data gaps. Examples include one-off studies or surveys or holding informal consultation exercises to supplement the available statistical and qualitative data.

If there is insufficient time before the implementation of the policy to inform the EINA, specific action points will need to be clearly set out in the action plan. Steps must include monitoring arrangements which measure the actual impact and a date for a policy review.

Consultation:

12. What involvement/consultation has been done in relation to this (or a similar) policy/service/project and what are the results?

Consultation with the Housing Portfolio Holder on the strategic approach to new council owned affordable housing has been held: Ward Councillor and Portfolio Holder consultation on this individual scheme has been completed; and relevant council staff and have been briefed. Local residents had opportunity to comment during the planning application process.

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

13. If you have not carried out any consultation, or if you need to carry out further consultation, who will you be consulting with and by what methods?

N/A

Monitoring and Research:

14. What data, research and other evidence or information is available which is relevant to this EINA?

The accommodation type and mix has been informed from housing register statistics including the number of applicants on the housing register and the average waiting time. The completed apartments will be let and managed on the same basis as our existing housing stock and all EINA's and other policies which apply to our existing stock will apply to these new units.

15. Is there any service user/employee monitoring data available and relevant to this policy/service/project? What does it show in relation to equality groups?

Annual CORE data and resident surveys.

Admission for new residents to the scheme will be by objective eligibility criteria, which will be operated and monitored by Housing Solutions, who undertake property allocations for the Council to ensure that the properties are let to those in housing need.

16. If there is a lack of information, what further information do you need to carry out the assessment and how are you going to gather this?

N/A

Assessing the Impact

	Actual or potential positive benefit	Actual or potential negative outcome
17. Age	Admission for new residents to the scheme will be by objective eligibility criteria, which will be operated by Housing Solutions, who undertake property allocations for the Council to ensure that the properties are let to those in housing need.	The properties are designed for families, couples and single people. There will be no loss of existing provision for other client groups as a result of this project.
18. Disability	Three properties will be constructed to Building Control Approved Document Part M (access to and use of buildings).	The constrained nature of the site and the need for a high dwelling density to make the site viable prevents the Council building all the accommodation to achieve the Lifetime Homes standard or any alternative Part M category. However, three properties will achieve Part M (2) Category. The Council actively considers the provision of category 2 & 3 dwellings on other schemes in the conurbation. The Councils standing specification requires the architect to implement the requirements of Lifetime Homes where it is practical to do so.
19. Gender	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding gender have been identified but this factor will be considered and monitored along with any service user identified needs.
20. Gender reassignment	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding gender reassignment have been identified but this factor will be considered and monitored along with any service user identified needs.
21. Pregnancy and Maternity	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding pregnancy and maternity have been identified but this factor will be considered and monitored along with any service user identified needs.
22.	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding marriage and civil partnership have been identified but this factor will be considered

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

	Actual or potential positive benefit	Actual or potential negative outcome
Marriage and Civil Partnership		and monitored along with any service user identified needs.
23. Race	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding race have been identified but this factor will be considered and monitored along with any service user identified needs.
24. Religion or Belief	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding religion or belief have been identified but this factor will be considered and monitored along with any service user identified needs.
25. Sexual Orientation	Properties will be eligible for all eligible applicants on the housing register	No issues regarding sexual orientation have been identified but this factor will be considered and monitored along with any service user identified needs.
26. Any other factor/ groups e.g. socio-economic status/carers etc	Properties will be eligible for all eligible applicants on the housing register.	No other issues have been identified but these factors will be considered / monitored along with any service users identified needs.
27. Human Rights	Will facilitate Article 11 of the International Covenant on Economic, Social and Cultural Rights - the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing and housing.	No human rights issues have been identified but these factors will be considered / monitored along with any service users identified needs.

Stop - Any policy which shows actual or potential unlawful discrimination must be stopped, removed or changed.

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

28. If impacts have been identified include in the action plan what will be done to reduce these impacts, this could include a range of options from making adjustments to the policy to stopping and removing the policy altogether. If no change is to be made, explain your decision:

The affordable rented temporary accommodation properties will be available to all eligible applicants on the housing register.

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Action Plan

Include:

- What has/will be done to reduce the negative impacts on groups as identified above.
- Detail of positive impacts and outcomes
- The arrangements for monitoring the actual impact of the policy/service/project

29. Issue identified	Action required to reduce impact	Timescale	Responsible officer	Which Business Plan does this action link to e.g. Service Equality Action Plan/Team Plan
<p>The properties are designed for families, couples, single people – a mix of 1 and 2 bed flats.</p>	<p>Limited amount of larger family accommodation on this site. This can be offset by the delivery of housing on other sites across the Conurbation.</p> <p>One and two bed flats can be more suitable for those occupying larger properties than they need. Subsequent downsizing will free up larger family homes.</p> <p>The identification of housing need for specific client groups within the neighbourhood will be monitored as part of the ongoing Housing Strategy process.</p>	<p>Ongoing</p>	<p>Affordable Housing & Resettlement Manager</p>	<p>Housing Strategy</p>

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

This is an interim report for a DIA that has been requested but yet to be completed.

If there is a RAG (coloured circle) that has not had it's dependent field selected yet, it will appear as a white circle.

Impact Summary

Climate Change & Energy	Green - Only positive impacts identified	
Communities & Culture	Amber - Minor negative impacts identified / unknown impacts	
Waste & Resource Use	Amber - Minor negative impacts identified / unknown impacts	
Economy	Amber - Minor negative impacts identified / unknown impacts	
Health & Wellbeing	Amber - Minor negative impacts identified / unknown impacts	
Learning & Skills	Amber - Minor negative impacts identified / unknown impacts	
Natural Environment	Yes	
Sustainable Procurement	Amber - Minor negative impacts identified / unknown impacts	
Transport & Accessibility	Amber - Minor negative impacts identified / unknown impacts	

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Answers provided indicate that the score for the carbon footprint of the proposal is:

Which is a rating of: **Low**



Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Proposal ID: 315

Proposal Title: [Herbert Avenue - Construction of Temporary Accommodation - Update of DIA 235](#)

Type of Proposal: [Procurement](#)

Brief description:

[Construct 2 blocks of apartments on an empty brownfield site comprising 24 apartments and an office & laundry. There will be a range of 1, 2 & 3 bedroom apartments including apartments that are wheelchair accessible. The aim of the project is to construct environmentally efficient buildings that are cost effective for residents to run.](#)

Proposer's Name: David Hood

Proposer's Directorate: [Environment & Community](#)

Proposer's Service Unit: [Housing](#)

Estimated cost (£): [Between £25K and OJEU threshold](#)

If known, the cost amount (£): [£2,923,137.36](#)

Ward(s) Affected (if applicable):

[Alderney & Bourne Valley](#)

Sustainable Development Goals (SDGs) supported by the proposal:

[3. Good Health and Well Being](#) [6. Clean Water and Sanitation](#) [7. Affordable and Clean Energy](#) [9. Industry, Innovation and Infrastructure](#) [11. Sustainable Cities and Communities](#)

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Climate Change & Energy

Is the proposal likely to have any impacts (positive or negative) on addressing the causes and effects of climate change? [Yes](#)

If the answer was No, then the explanation is below (in this case there are no answers to subsequent questions in this section):

- 1) Has the proposal accounted for the potential impacts of climate change, e.g. flooding, storms or heatwaves? [Yes](#)
- 2) Does it assist reducing CO2 and other Green House Gas (GHG) emissions? E.g. reduction in energy or transport use, or waste produced. [Yes](#)
- 3) Will it increase energy efficiency (e.g. increased efficiency standards / better design / improved construction technologies / choice of materials) and/or reduce energy consumption? [Yes](#)
- 4) Will it increase the amount of energy obtained from renewable and low carbon sources? [Yes](#)

How was the overall impact of the proposal on its ability to positively address the cause and effects of climate change rated?

Green - Only positive impacts identified



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

The construction the the buildings will be designed to acheive a minimum of Low Passive House standards We are proposing the use of air source heat pumps and solar PV however, as a design and build contract the suscessful contractor will be able to offer alternative solutions. The buildings will also be designed on a fabric first approach. Following planning approval there is a requirement of 20% renewables on the project. The preferred bidder had proposed the use of air source heatpumpd to provide hot water. The development will be constructed to Low PassivHaus standards, however there is an option for low PassivHaus certification at extra cost.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Communities & Culture

Is the proposal likely to impact (positively or negatively) on the development of safe, vibrant, inclusive and engaged communities? [Don't Know](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it help maintain and expand vibrant voluntary and community organisations?
[Not Relevant](#)
- 2) Will it promote a safe community environment? [Yes](#)
- 3) Will it promote and develop cultural activities? [Don't know even though may be relevant](#)

How would the overall impact of the proposal on the development of safe, vibrant, inclusive and engaged communities be rated?

Amber - Minor negative
impacts identified /
unknown impacts



Reasoning for the answer (details of impacts including evidence and knowledge gaps):

[This development of to provide temporary accomodation for homeless people and there families. The developmnet will provide a safe and secure environment for these people to live while there needs are being assessed and permanent accomodation is being sourced.](#)

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

[There is no real community as residents of the site will have a maximum stay around 6 months.](#)

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Waste & Resource Use

Is the proposal likely to have any impacts (positive or negative) on waste resource use or production and consumption? [Yes](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it prevent waste or promote the reduction, re-use, recycling or recovery of materials? [Yes](#)
- 2) Will it use sustainable production methods or reduce the need for resources?
[Yes](#)
- 3) Will it manage the extraction and use of raw materials in ways that minimise depletion and cause no serious environmental damage?
[Don't know even though may be relevant](#)
- 4) Will it help to reduce the amount of water abstracted and / or used?
[Don't know even though may be relevant](#)

How would the overall impact of the proposal on the sustainable production and consumption of natural resources be rated?

Amber - Minor negative
impacts identified /
unknown impacts



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

[The successful contractor will be require to produce a site waste management plan with the aim of 75% of waste to be recycled and the waste management is to be managed by the BRE Smartwaste software.](#)

Details of proposed mitigation/remedial action and monitoring
(inc. timescales, responsible officers, related business plans etc):

[As above](#)

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Economy

Is the proposal likely to impact (positively or negatively) on the area's ability to support, maintain and grow a sustainable, diverse and thriving economy? [Yes](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will the proposal encourage local business creation and / or growth?
[Don't know even though may be relevant](#)
- 2) Will the proposal enable local jobs to be created or retained?
[Partially](#)
- 3) Will the proposal promote sustainable business practices?
[Don't know even though may be relevant](#)

How would the overall impact of the proposal on it's potential to support and maintain a sustainable, diverse and thriving economy be rated?

Amber - Minor negative
impacts identified /
unknown impacts



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

[The Preferred Bidder will be using a mix of directly employed and agency local labour for the project. Once complete some of the labour may be redeployed onto another project.](#)

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

[The Preferred Bidder is bases in Poole and has is own direct labour. Additional labour sourced via an agency will be required duringing the contract along with specialest trades.](#)

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Health & Wellbeing

Is the proposal likely to impact (positively or negatively) on the creation of a inclusive and healthy social and physical environmental for all?

Don't Know

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

1) Will the proposal contribute to improving the health and wellbeing of residents or staff?

Yes

2) Will the proposal contribute to reducing inequalities?

Don't know even though may be relevant

3) Will the proposal contribute to a healthier and more sustainable physical environment for residents or staff?

Yes

How would the overall impact of the proposal on the creation of a fair and healthy social and physical environmental for all be rated?

Amber - Minor negative
impacts identified /
unknown impacts



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

The new accomodation will have an impact for those residents who have been living on the steet or sharing accomodation. It will give them a clean and warm home and there own personal space.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

The deveopment is for a section of the population that has found itself in a homeless situation and the accomodation/development is only for those residents and the staff that maintain the site.

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Learning & Skills

Is the proposal likely to impact (positively or negatively) on a culture of ongoing engagement and excellence in learning and skills? [Don't Know](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it provide and/or improve opportunities for formal learning?
Don't know even though may be relevant
- 2) Will it provide and/or improve community learning and development?
[Don't know even though may be relevant](#)
- 3) Will it provide and/or improve opportunities for apprenticeships and other skill based learning?
[Don't know even though may be relevant](#)

How would the overall impact of the proposal on the encouragement of learning and skills be rated?

Green - Only positive impacts identified



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

[The may be opportunites for the preferred bidder to provide apprenticeships and to provide some educational information to the local schools.](#)

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

[The amount of learning and skills that a preferred bidder will be able to provide will depend on the overall project programme and the number of different trades and their willingness to invest outside of thier contract.](#)

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Natural Environment

Is the proposal likely to impact (positively or negatively) on the protection or enhancement of local biodiversity or the access to and quality of natural environments?

Yes

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it help protect and improve biodiversity i.e. habitats or species (including designated and non-designated)? Partially
- 2) Will it improve access to and connectivity of local green spaces whilst protecting and enhancing them? No
- 3) Will it help protect and enhance the landscape quality and character?
Partially
- 4) Will it help to protect and enhance the quality of the area's air, water and land?
Don't know even though may be relevant

How would the overall impact of your proposal on the protection and enhancement of natural environments be rated?

Amber - Minor negative
impacts identified /
unknown impacts



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

The site has an active badger set and this has already had works undertaken to protect their environment. The sections of woodland to the south and west of the site will remain untouched.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

The site has an active badger set and this has already had works undertaken to protect their environment. The sections of woodland to the south and west of the site will remain untouched.

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Sustainable Procurement

Does your proposal involve the procurement of goods, services or works? [Yes](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

Has or is it intended that the Strategic Procurement team be consulted?

[Yes - already underway](#)

If the Strategic Procurement team was not consulted, then the explanation for this is:

1) Do the Government Buying Standards (GBS) apply to goods and/or services that are planned to be bought?

[Yes](#)

2) Has sustainable resource use (e.g. energy & water consumption, waste streams, minerals use) been considered for whole life-cycle of the product/service/work?

[Don't know even though may be relevant](#)

3) Has the issue of carbon reduction (e.g. energy sources, transport issues) and adaptation (e.g. resilience against extreme weather events) been considered in the supply chain?

[Don't know even though may be relevant](#)

4) Is the product/service fairly traded i.e. ensures good working conditions, social benefits e.g. Fairtrade or similar standards?

[Proc_Fairtrade](#)

5) Has the lotting strategy been optimised to improve prospects for local suppliers and SMEs?

[Not Relevant](#)

6) If aspects of the requirement are unsustainable then is continued improvement factored into your contract with KPIs, and will this be monitored?

[Don't know even though may be relevant](#)

How is the overall impact of your proposal on procurement which supports sustainable resource use, environmental protection and progressive labour standards been rated?

Amber - Minor negative
impacts identified /
unknown impacts



Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

The reasoning for the answer (details of impacts including evidence and knowledge gaps):

[A procurement exercise has now taken place with this DIA replacing DIA 235 prepared prior to the tender process.](#)

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

The preferred bidder is proposing to construct the development to a minimum of Low PassiveHaus and to include the use of air source heat pumps to make up the 20% renewable planning condition requirement

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Transport & Accessibility

Is the proposal likely to have any impacts (positive or negative) on the provision of sustainable, accessible, affordable and safe transport services - improving links to jobs, schools, health and other services? [Yes](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it support and encourage the provision of sustainable and accessible modes of transport (including walking, cycling, bus, trains and low emission vehicles)?
Yes
- 2) Will it reduce the distances needed to travel to access work, leisure and other services? [Partially](#)
- 3) Will it encourage affordable and safe transport options?
[Partially](#)

How would the overall impact of your proposal on the provision of sustainable, accessible, affordable and safe transport services be rated?

**Amber - Minor negative
impacts identified /
unknown impacts**



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

[The development will require the materials and staff to be transported to the site for the construction process. any impact on the surrounding area will be limited to operations at either end of the day and deliveries to site.](#)

Details of proposed mitigation and monitoring (inc. timescales, responsible officers, related business plans etc):

[Delivery times can be scheduled to take place outside of peak times.](#)

REPORT

Nov-2021

BENCHMARK REPORT
Herbert Avenue, Poole
for
Poole Housing Partnership

Prepared By

Daniel Partridge
Senior Cost Manager

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BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

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AUTHORISATION

This report has been prepared by:

Signature



Daniel Partridge MRICS

and authorised for issue by:

Signature



Richard Quarry MRICS

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership



1.0 EXECUTIVE SUMMARY

The costs stated in this report are based on the tender sum submitted by AJC Homes, as adjusted and agreed during the tender evaluation.

This report has been produced to show the value for money being achieved by the Temporary Housing project at Herbert Avenue, Poole, based on the adjusted AJC Homes tender.

RLB have compared the Herbert Avenue adjusted tender sum from AJC Homes against the cost of other schemes of similar size and nature to establish where Herbert Avenue sits within the wider market in respect of construction costs.

1.1 SUMMARY OF TENDER SUM

	£	Cost / GIA £	Cost / NIA £
Dwelling Costs	1,598,287	1,156	1,246
External Works	370,415	268	289
Build Costs (Excl. On Costs)	1,968,702	1,424	1,534
Contractor Preliminaries (incl. design fees)	580,131	420	452
Contractor Overhead & Profits	301,614	218	235
Project Risk	72,690	53	57
Total Build Cost	2,923,137	2,115	2,278

The costing of this project is at 3Q2021.

This tender sum relates to build / construction cost only and excludes other development costs such as finance, sales and marketing.

1.2 PROGRAMME

Works will commence on site **1st Quarter 2022**, with a programme of 59 weeks.

1.3 KEY ISSUES / CONSIDERATIONS

This tender sum is based on the costs submitted and evaluated during the tender process, and is the proposed contract sum for the project.

Tenders were received within 3Q21, so all benchmarking costs referred to have been rebased to this quarter using the BCIS TPI indices. It should be noted however that the BCIS indices are somewhat reactive to the market conditions which are currently unusually volatile. It is the opinion of RLB that real cost inflation is currently higher than the BCIS forecasts.

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership



1.0 EXECUTIVE SUMMARY

1.4 RLB IN-HOUSE COST BENCHMARKING DATA

Project benchmark comparisons have been made based upon Rider Levett Bucknall's database of costs together with external cost data from relevant projects.

Examples of other residential housing projects have been used, adjusted to the Poole Area and rebased to 3Q2021 using the BCIS TPI indices.

RLB apartment benchmark data based on total project cost per m2 (rebased): **£2,098/m2**.

1.5 BCIS COST BENCHMARKING DATA

Project benchmark comparisons have been made based upon the BCIS cost database, deemed by Rider Levett Bucknall as sufficiently similar in size and nature to the Herbert Avenue scheme.

Examples of other residential housing projects have been used, adjusted to the Poole area and rebased to 3Q2021. All the projects listed are new build.

BCIS apartment benchmark data based on total project cost per m2 (rebased): **£2,112/m2**.

1.6 SUMMARY & RECOMMENDATIONS

The Herbert Avenue adjusted tender sum received from AJC Homes represents a cost per m2 of **£2,115/m2**, which is marginally (within 1%) higher than both the RLB in-house and published BCIS cost data.

Whilst this is the case, it should be noted that the current market conditions are unusually volatile due to implications from Brexit and Covid-19. The BCIS inflation forecast data used to rebase all of the cost benchmark data is therefore required to be viewed with some scepticism. For example the currently BCIS forecast for 4Q2021 is greater than 3% higher than that of 3Q2021 where these costs are based.

Furthermore, the Tender sum includes a 3% sum to account for material price increases being experienced in the current market, effectively projecting the tender sum into future cost beyond 3Q2021.

It is therefore the opinion of RLB that the tender submission received by AJC Homes for the Herbert Avenue project, whilst robust, represents good value for money in the current market.

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

2.0 BENCHMARKING SUMMARY

HOUSING AND APARTMENT BENCHMARKING

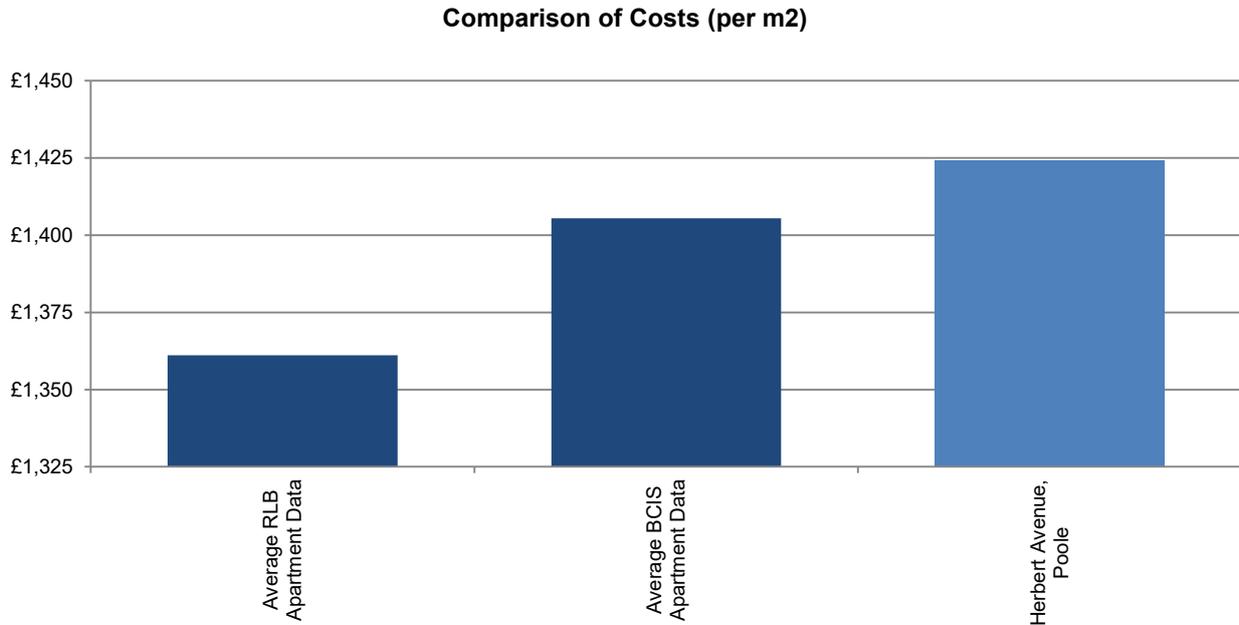
Project benchmark comparisons have been made based upon Rider Levett Bucknall's database of costs together with external cost data from relevant projects.

Project details for comparison

Examples of other residential housing projects have been used, adjusted to the Poole Area and rebased to 3Q2021. All the projects listed are new build.

2.1 BUILD COST BENCHMARKING SUMMARY

Comparison of Project Costs / m2 GIA



Project	£ Cost / m ²
Average RLB Apartment Data	1,361
Average BCIS Apartment Data	1,406
Herbert Avenue, Poole	1,424

BENCHMARK REPORT

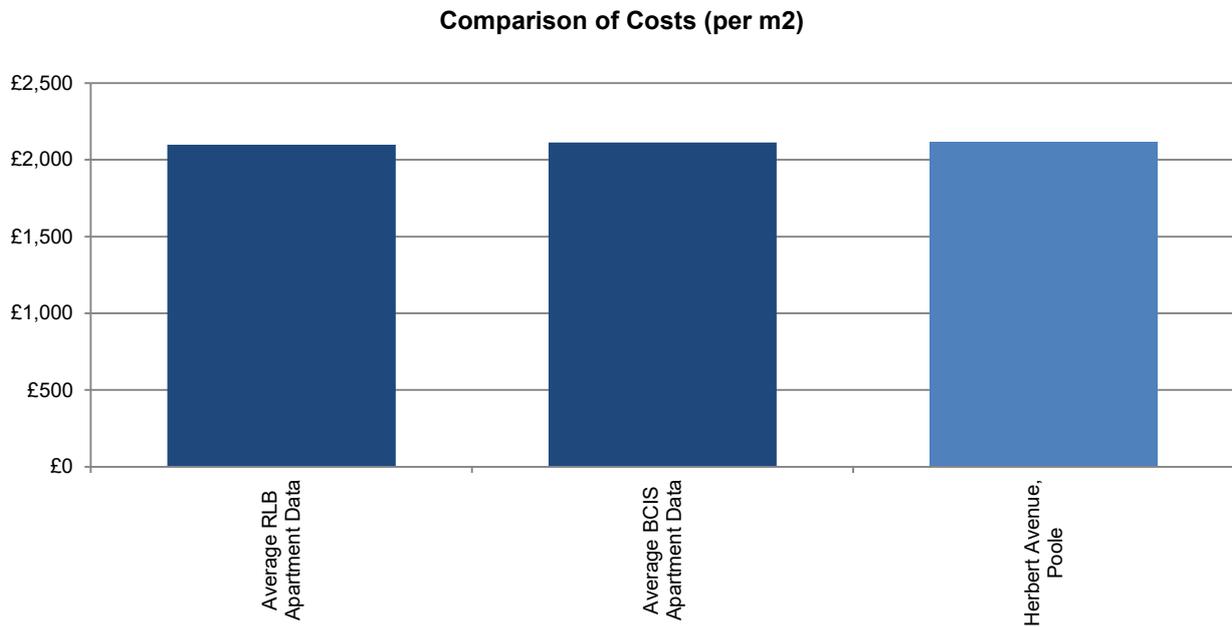
Herbert Avenue, Poole
Poole Housing Partnership

2.0 BENCHMARKING SUMMARY

HOUSING AND APARTMENT BENCHMARKING

2.2 PROJECT COST BENCHMARKING SUMMARY

Comparison of Project Costs / m2 GIA



To understand the true benchmark position of the data, consideration of project specific factors affecting the cost/m² e.g. Abnormals, needs to be undertaken.

Project	£ Cost / m ²
Average RLB Apartment Data	2,098
Average BCIS Apartment Data	2,112
Herbert Avenue, Poole	2,115

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

3.0 RLB APARTMENT BENCHMARK SUMMARY

RLB APARTMENT BENCHMARKING

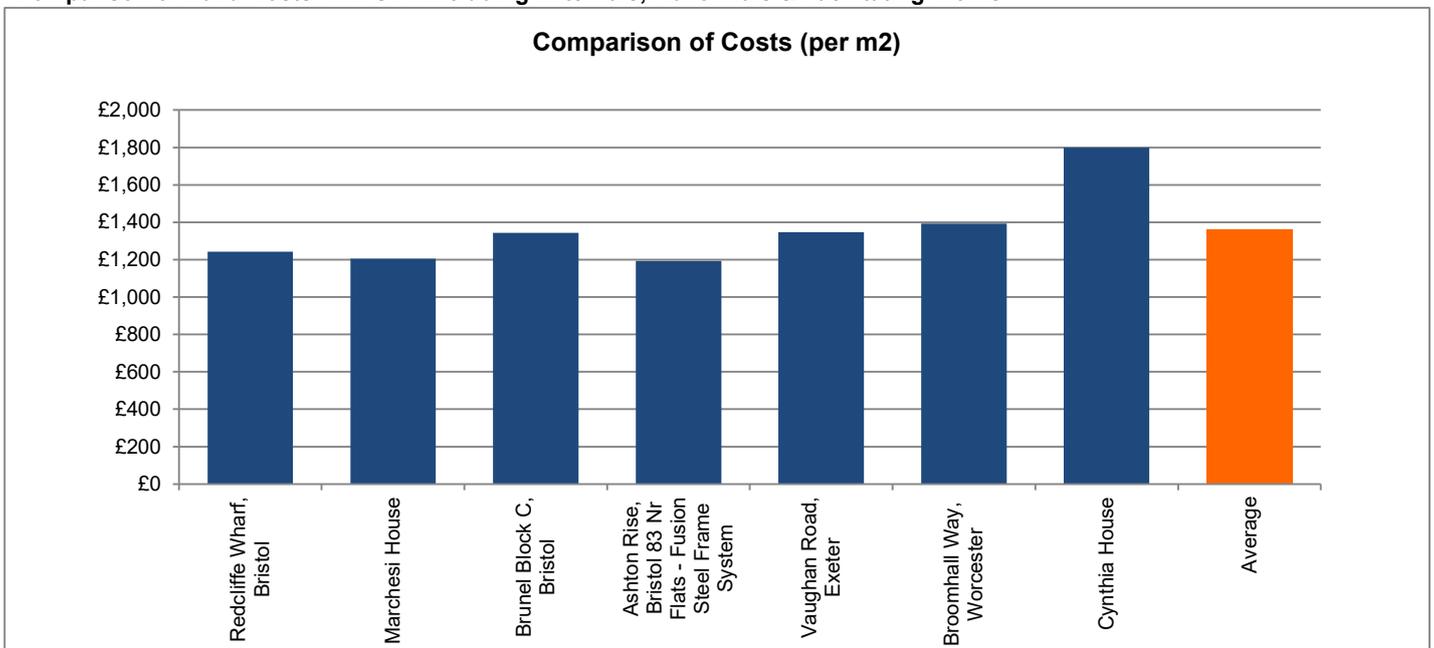
Project benchmark comparisons have been made based upon Rider Levett Bucknall's database of costs together with external cost data from relevant projects.

Project details for comparison

Examples of other residential housing projects have been used, adjusted to the Bristol area and rebased to 3Q2021. All the projects listed are new build.

3.1 BUILD COST BENCHMARKING

Comparison of Build Costs / m2 GIA Excluding Externals, Abnormals & Facilitating Works



Review and interpretation of findings to generate normalised assessment

To understand the true benchmark position of the data, consideration of project specific factors affecting the cost/m² e.g. Abnormals, needs to be undertaken.

Project	£ Cost / m ²	Locations	Date
Redcliffe Wharf, Bristol	1,244	Bristol	1Q2018
Marchesi House	1,205	Weymouth	1Q2021
Brunel Block C, Bristol	1,343	Bristol	2Q2017
Ashton Rise, Bristol 83 Nr Flats - Fusion Steel Frame System	1,194	Bristol	1Q2019
Vaughan Road, Exeter	1,349	Exeter	1Q2017
Broomhall Way, Worcester	1,394	Worcester	2Q2021
Cynthia House	1,801	Poole	3Q2020
Average	1,361		

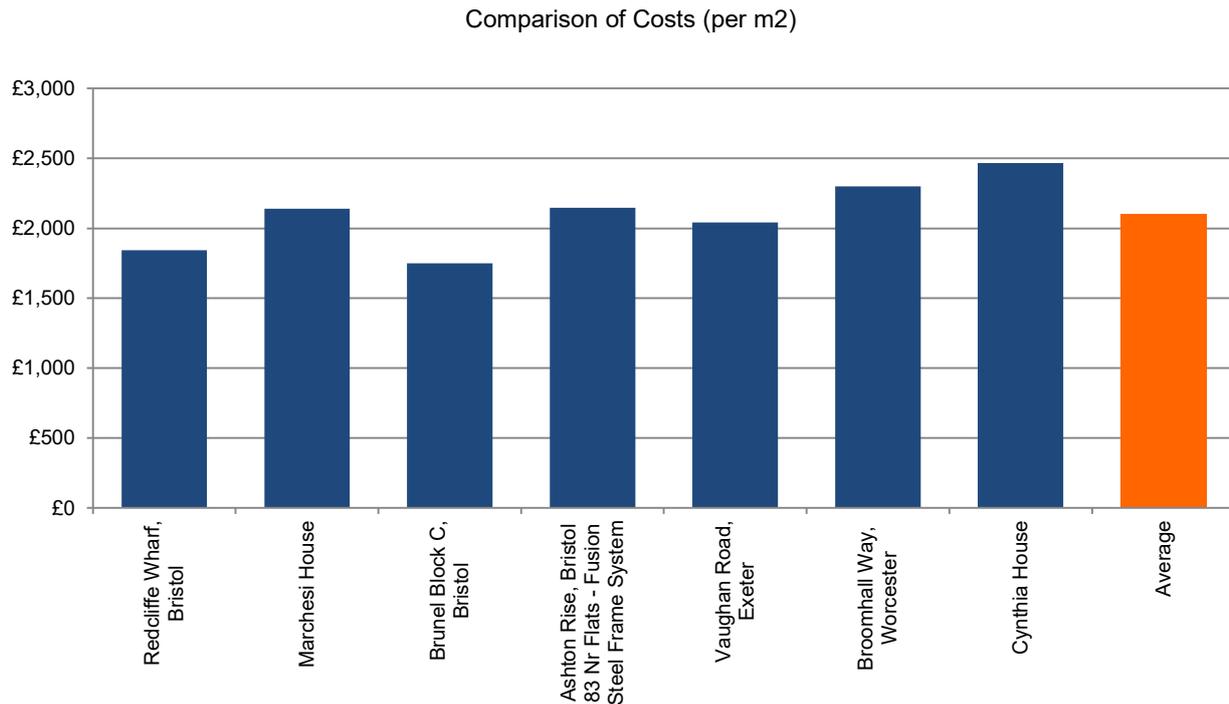
BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

3.0 RLB APARTMENT BENCHMARK SUMMARY

3.2 PROJECT COST BENCHMARKING

Comparison of Project Costs / m2 GIA



Review and interpretation of findings to generate normalised assessment

To understand the true benchmark position of the data, consideration of project specific factors affecting the cost/m² e.g. Abnormals, needs to be undertaken.

Project	£ Cost / m ²	Locations	Date
Redcliffe Wharf, Bristol	1,843	Bristol	1Q2018
Marchesi House	2,139	Weymouth	1Q2021
Brunel Block C, Bristol	1,748	Bristol	2Q2017
Ashton Rise, Bristol 83 Nr Flats - Fusion Steel Frame System	2,147	Bristol	1Q2019
Vaughan Road, Exeter	2,041	Exeter	1Q2017
Broomhall Way, Worcester	2,299	Worcester	2Q2021
Cynthia House	2,465	Poole	3Q2020
Average	2,098		

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

4.0 RLB APARTMENT BENCHMARK ELEMENTAL DATA

	Redcliffe Wharf, Bristol		Marchesi House (Apartments Only)		Brunel Block C, Bristol		Ashton Rise, Bristol 83 Nr Flats - Fusion Steel Frame System		Vaughan Road, Exeter		Broomhall Way, Worcester (Apartments Only)		Cynthia House (Apartments Only)		Average
	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£/m2
GIFA	4,712 m ²		674 m ²		2,175 m ²		4,728 m ²		1,840 m ²		2,828 m ²		778 m ²		2,534 m ²
SUBSTRUCTURE															
Substructure / Basement	£1,073,655	£228	£73,466	£109	£270,938	£125	£757,387	£160	£113,132	£61	£301,601	£106.63	£85,998	£111	£129
SUPERSTRUCTURE															
Frame / Structural Alterations	£1,018,067	£216	£0	£0	£763,288	£351	£908,385	£192	£12,292	£7	£121,625	£43	£331,779	£426	£176
Upper Floors	Included	Included	£46,506	£69	£90,003	£41	£167,263	£35	£178,620	£97	£0	£0	£68,255	£88	£55
Roof	£353,174	£75	£55,268	£82	£134,013	£62	£228,869	£48	£205,172	£112	£484,704	£171	£29,354	£38	£84
Stairs	£88,874	£19	£12,132	£18	£53,965	£25	£41,827	£9	£60,868	£33	£71,925	£25	£3,844	£5	£19
External Walls	£750,121	£159	£210,962	£313	£328,274	£151	£613,662	£130	£163,960	£89	£932,060	£330	£117,880	£152	£189
External Doors and Windows	£506,991	£108	£47,854	£71	£208,060	£96	£215,960	£46	£109,731	£60	£98,001	£35	£66,577	£86	£71
Internal Walls	£297,486	£63	£30,330	£45	£147,858	£68	£0	£0	£198,649	£108	£316,463	£112	£148,696	£191	£84
Internal Doors	£140,113	£30	£12,806	£19	£104,686	£48	£96,944	£21	£28,116	£15	£72,147	£26	£31,989	£41	£28
FINISHES															
Wall Finishes	£258,337	£55	£42,462	£63	£79,354	£36	£691,964	£146	£198,716	£108	£203,866	£72	£14,358	£18	£71
Floor Finishes	£32,603	£7	£14,154	£21	£174,283	£80	£137,365	£29	£117,975	£64	£91,260	£32	£27,849	£36	£38
Ceiling Finishes	£124,177	£26	£34,374	£51	£78,163	£36	£156,671	£33	£43,067	£23	£52,301	£18	£9,576	£12	£29
FITTINGS AND FURNISHINGS															
Fittings and Furnishings	£190,425	£40	£37,744	£56	£250,915	£115	£311,150	£66	£76,211	£41	£102,245	£36	£53,445	£69	£61
SERVICES															
Sanitary Installations	£71,547	£15	£12,806	Included	Included	Included	£60,341	£13	£39,037	£21	Included	Included	£20,400	Included	£16
Services Equipment	Included	Included	£7,414	Included	Included	Included	Included	Included	Included	Included	Included	Included	£0	Included	
Disposal Installations	Included	Included	£10,784	Included	Included	Included	Included	Included	Included	Included	Included	Included	£17,901	Included	
Water Installations	Included	Included	£14,154	£21	Included	Included	£530,370	£112	Included	Included	Included	Included	£32,880	£42	£58
Heat Source	Included	Included	£35,048	Included	Included	Included	Included	Included	Included	Included	Included	Included	£98,726	Included	
Space Heating and Air Conditioning	Included	Included	£0	Included	Included	Included	Included	Included	£363,612	£198	£599,839	£212	£19,608	Included	£205
Ventilating Systems	Included	Included	£0	Included	Included	Included	Included	Included	Included	Included	Included	Included	£50,220	Included	
Electrical Installations	£893,748	£190	£45,832	£68	Included	Included	£332,473	£70	£165,514	£90	£213,573	£76	£52,834	£68	£94
Fuel Installations	Included	Included	£0	Included	Included	Included	Included	Included	Included	Included	Included	Included	£0	Included	
Lift and Conveyor Installations	Excluded	Excluded	£0	£0	Excluded	Excluded	£213,164	£45	Excluded	Excluded	Excluded	Excluded	£42,900	£55	£33
Fire and Lighting Protection	Included	Included	£0	Included	Included	Included	£90,397	£19	Included	Included	Included	Included	£23,645	Included	£19
Communication and Security Installations	Included	Included	£0	Included	Included	Included	£39,360	£8	Included	Included	Included	Included	£0	Included	£8
Special Installations	Included	Included	£0	Included	£24,268	£11	Included	Included	Included	Included	Included	Included	£15,000	Included	£11
Builders Work	Included	Included	£3,370	Included	£13,512	£6	£27,058	£6	£85,808	£47	Included	Included	£0	Included	£20
Building Sub-Total	£5,799,317	£1,231	£747,466	£1,109	£2,721,579	£1,251	£5,620,609	£1,189	£2,160,480	£1,174	£3,661,608	£1,295	£1,363,715	£1,753	£1,286

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership



4.0 RLB APARTMENT BENCHMARK ELEMENTAL DATA

	Redcliffe Wharf, Bristol		Marchesi House (Apartments Only)		Brunel Block C, Bristol		Ashton Rise, Bristol 83 Nr Flats - Fusion Steel Frame System		Vaughan Road, Exeter		Broomhall Way, Worcester (Apartments Only)		Cynthia House (Apartments Only)		Average
	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£/m2
GIFA	4,712 m ²		674 m ²		2,175 m ²		4,728 m ²		1,840 m ²		2,828 m ²		778 m ²		2,534 m ²
Facilitating Works	Included	Included	£35,327	£52	Included	Included	Included	Included	Included	Included	£221,014	£78	£41,566	£53	£61
Site Works	£991,054	£210	£154,660	£229	£115,581	£53	£1,167,248	£247	£221,369	£120	£607,605	£215	£82,551	£106	£169
Drainage	£200,272	£43	£28,260	£42	£57,419	£26	£446,214	£94	£85,991	£47	£346,031	£122	£42,808	£55	£61
External Services	£273,345	£58	£2,810	£4	£24,610	£11	£458,681	£97	£163,205	£89	£89,520	£32	£26,598	£34	£46
Minor Building Works	Included	Included	£0	£0	Included	Included	Included	Included	£15,333	£8	Included	Included	£987	£1	£3
Demolition and Works Outside the Site	Included	Included	Included	Included	Included	Included	Included	Included	£31,196	£17	Included	Included	Included	Included	£17
Preliminaries	£1,151,754	£244	£358,827	£532	£420,499	£193	£1,414,543	£299	£592,367	£322	£1,115,226	£394	£308,995	£397	£340
Contingencies	£178,309	£38	Included	Included	Included	Included	£369,704	£78	Included	Included	Included	Included	Included	Included	£58
Total (less Design Fees)	£8,594,052	£1,824	£1,327,351	£1,969	£3,339,688	£1,535	£9,477,000	£2,004	£3,269,941	£1,777	£6,041,005	£2,136	£1,867,222	£2,400	£1,949
Design Fees	Included	Included	Included	Included	£204,082	£94	£652,913	Included	Included	Included	Included	Included	Included	Included	£94
Total	£8,594,052	£1,824	£1,327,351	£1,969	£3,543,770	£1,629	£10,129,914	£2,004	£3,269,941	£1,777	£6,041,005	£2,136	£1,867,222	£2,400	£1,963
Abnormal Costs			£0	£0	£0	£0	£624,354	£133	£0	£0	£0	£0	£0	£0	£22
Total	£8,594,052	£1,824	£1,327,351	£1,969	£3,543,770	£1,629	£10,754,268	£2,137	£3,269,941	£1,777	£6,041,005	£2,136	£1,867,222	£2,400	£1,982

Build Cost Only		£1,231		£1,109		£1,251		£1,189		£1,174		£1,295		£1,753	£1,286
Date Adjustment		£49		£37		£130		£29		£148		£31		£48	£68
Date Adjusted Build Cost		£1,280		£1,146		£1,382		£1,218		£1,322		£1,326		£1,801	£1,353
Location Adjustment		-£36		£58		-£39		-£23		£26		£68		£0	£8
Location & Date Adjusted Build Cost		£1,244		£1,205		£1,343		£1,194		£1,349		£1,394		£1,801	£1,361

Total Contract Sum		£1,824		£1,969		£1,629		£2,137		£1,777		£2,136		£2,400	£1,982
Date Adjustment		£73		£66		£170		£52		£224		£52		£65	£100
Date Adjusted Contract Sum		£1,897		£2,035		£1,799		£2,189		£2,001		£2,187		£2,465	£2,082
Location Adjustment		-£54		£104		-£51		-£42		£40		£112		£0	£16
Location & Date Adjusted Build Cost		£1,843		£2,139		£1,748		£2,147		£2,041		£2,299		£2,465	£2,098

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

5.0 BCIS APARTMENT BENCHMARK SUMMARY

BCIS APARTMENT BENCHMARKING

Project benchmark comparisons have been made based upon the BCIS cost database, deemed by Rider Levett Bucknall as sufficiently similar in size and nature to the Herbert Avenue scheme.

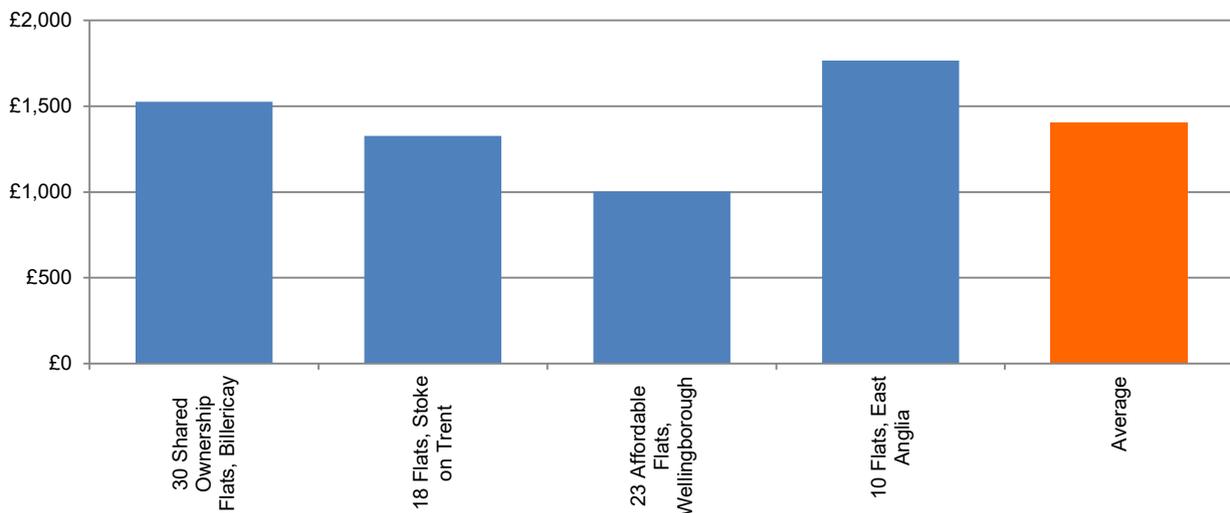
Project details for comparison

Examples of other residential housing projects have been used, adjusted to the Poole area and rebased to 3Q2021. All the projects listed are new build.

5.1 BCIS BUILD COST BENCHMARKING

Comparison of Build Costs / m2 GIA Excluding Abnormals & Facilitating Works

Comparison of Costs (per m2)



Review and interpretation of findings to generate normalised assessment

To understand the true benchmark position of the data, consideration of project specific factors affecting the cost/m² e.g. Abnormals, needs to be undertaken.

Project	£ Cost / m ²	Locations	Date
30 Shared Ownership Flats, Billericay	£ 1,526	Essex	1Q2020
18 Flats, Stoke on Trent	£ 1,327	Staffordshire	1Q2019
23 Affordable Flats, Wellingborough	£ 1,003	Northamptonshire	3Q2017
10 Flats, East Anglia	£ 1,766	East Anglia	1Q2019
Average	£ 1,406		

BENCHMARK REPORT

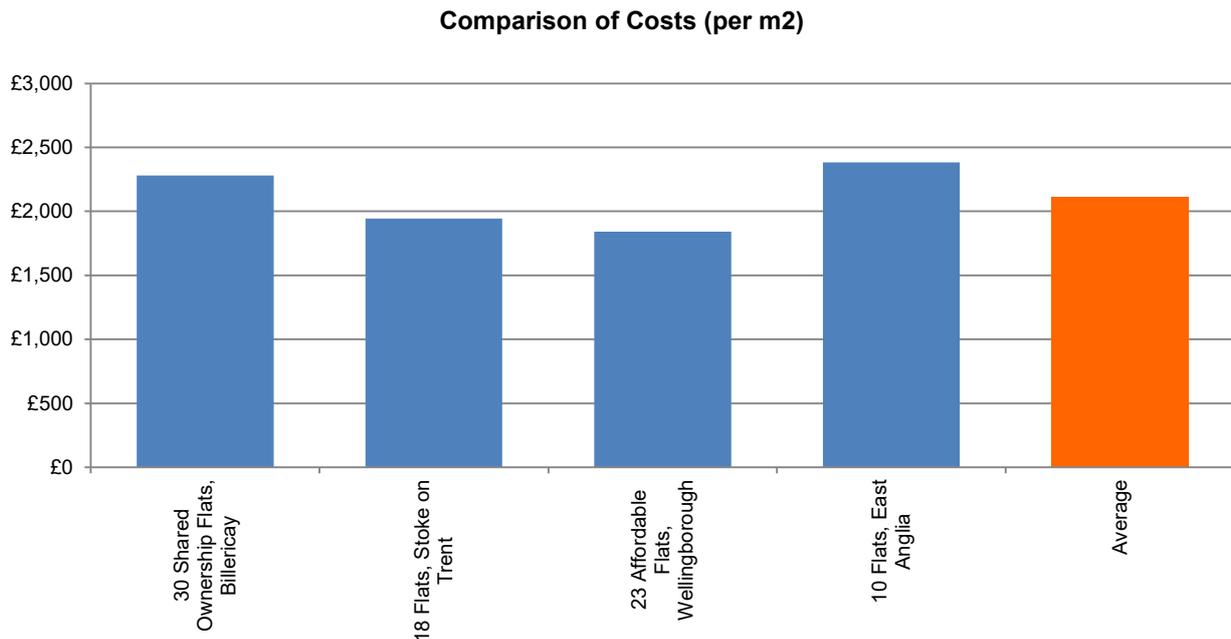
Herbert Avenue, Poole
Poole Housing Partnership

5.0 BCIS APARTMENT BENCHMARK SUMMARY

BCIS APARTMENT BENCHMARKING

5.2 BCIS PROJECT COST BENCHMARKING

Comparison of Project Costs / m2 GIA



Review and interpretation of findings to generate normalised assessment

To understand the true benchmark position of the data, consideration of project specific factors affecting the cost/m² e.g. Abnormals, needs to be undertaken.

Project	£ Cost / m ²	Locations	Date
30 Shared Ownership Flats, Billericay	2,280	Essex	1Q2020
18 Flats, Stoke on Trent	1,943	Staffordshire	1Q2019
23 Affordable Flats, Wellingborough	1,842	Northamptonshire	3Q2017
10 Flats, East Anglia	2,382	East Anglia	1Q2019
Average	2,112		

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Equality Impact Needs Assessment



The Diversity Promise - *Better for all*

1. Title of Policy/Service/Project	Development at 56 Herbert Avenue, Poole
2. Service Unit	Poole Housing Partnership (Development)
3. Lead Responsible Officer and Job Title	Trevor Roffe, Head of Asset Development
4. Members of the Assessment Team:	
5. Date assessment started:	20 th September 2021
6. Date assessment completed:	30 th September 2021

About the Project:

7. What type of project is this?	New build housing project
8. What are the aims/objectives of the policy/service/project? (please include here all expected outcomes)	<p>To provide additional sustainable temporary housing for the homeless. The project is located on a former community hub site (now demolished) and will provide 24 residential units and an office. The completed project will provide much needed additional temporary rented housing within the conurbation.</p> <p>The project will provide an increase in job opportunities within the construction sector during the construction phase.</p>

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

9. Are there any associated services, policies or procedures? No
10. List the main people, or groups of people, that this policy/service/project is designed to benefit, and any other stakeholders involved? This project will benefit singles/couples/families which are homeless.
11. Will this policy/service/impact on any other organisation, statutory, voluntary or community and their clients/service users? No.

Consultation, Monitoring and Research

Where there is still insufficient information to properly assess the policy, appropriate and proportionate measures will be needed to fill the data gaps. Examples include one-off studies or surveys or holding informal consultation exercises to supplement the available statistical and qualitative data.

If there is insufficient time before the implementation of the policy to inform the EINA, specific action points will need to be clearly set out in the action plan. Steps must include monitoring arrangements which measure the actual impact and a date for a policy review.

Consultation:

12. What involvement/consultation has been done in relation to this (or a similar) policy/service/project and what are the results? Consultation with the Housing Portfolio Holder on the strategic approach to new council owned affordable housing has been held: Ward Councillor and Portfolio Holder consultation on this individual scheme has been completed; and relevant council staff and have been briefed. Local residents had opportunity to comment during the planning application process.
--

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

13. If you have not carried out any consultation, or if you need to carry out further consultation, who will you be consulting with and by what methods?

N/A

Monitoring and Research:

14. What data, research and other evidence or information is available which is relevant to this EINA?

The accommodation type and mix has been informed from housing register statistics including the number of applicants on the housing register and the average waiting time. The completed apartments will be let and managed on the same basis as our existing housing stock and all EINA's and other policies which apply to our existing stock will apply to these new units.

15. Is there any service user/employee monitoring data available and relevant to this policy/service/project? What does it show in relation to equality groups?

Annual CORE data and resident surveys.

Admission for new residents to the scheme will be by objective eligibility criteria, which will be operated and monitored by Housing Solutions, who undertake property allocations for the Council to ensure that the properties are let to those in housing need.

16. If there is a lack of information, what further information do you need to carry out the assessment and how are you going to gather this?

N/A

Assessing the Impact

	Actual or potential positive benefit	Actual or potential negative outcome
17. Age	Admission for new residents to the scheme will be by objective eligibility criteria, which will be operated by Housing Solutions, who undertake property allocations for the Council to ensure that the properties are let to those in housing need.	The properties are designed for families, couples and single people. There will be no loss of existing provision for other client groups as a result of this project.
18. Disability	Three properties will be constructed to Building Control Approved Document Part M (access to and use of buildings).	The constrained nature of the site and the need for a high dwelling density to make the site viable prevents the Council building all the accommodation to achieve the Lifetime Homes standard or any alternative Part M category. However, three properties will achieve Part M (2) Category. The Council actively considers the provision of category 2 & 3 dwellings on other schemes in the conurbation. The Councils standing specification requires the architect to implement the requirements of Lifetime Homes where it is practical to do so.
19. Gender	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding gender have been identified but this factor will be considered and monitored along with any service user identified needs.
20. Gender reassignment	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding gender reassignment have been identified but this factor will be considered and monitored along with any service user identified needs.
21. Pregnancy and Maternity	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding pregnancy and maternity have been identified but this factor will be considered and monitored along with any service user identified needs.
22.	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding marriage and civil partnership have been identified but this factor will be considered

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

	Actual or potential positive benefit	Actual or potential negative outcome
Marriage and Civil Partnership		and monitored along with any service user identified needs.
23. Race	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding race have been identified but this factor will be considered and monitored along with any service user identified needs.
24. Religion or Belief	Properties will be eligible for all eligible applicants on the housing register.	No issues regarding religion or belief have been identified but this factor will be considered and monitored along with any service user identified needs.
25. Sexual Orientation	Properties will be eligible for all eligible applicants on the housing register	No issues regarding sexual orientation have been identified but this factor will be considered and monitored along with any service user identified needs.
26. Any other factor/ groups e.g. socio-economic status/carers etc	Properties will be eligible for all eligible applicants on the housing register.	No other issues have been identified but these factors will be considered / monitored along with any service users identified needs.
27. Human Rights	Will facilitate Article 11 of the International Covenant on Economic, Social and Cultural Rights - the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing and housing.	No human rights issues have been identified but these factors will be considered / monitored along with any service users identified needs.

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Stop - Any policy which shows actual or potential unlawful discrimination must be stopped, removed or changed.

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

28. If impacts have been identified include in the action plan what will be done to reduce these impacts, this could include a range of options from making adjustments to the policy to stopping and removing the policy altogether. If no change is to be made, explain your decision:

The affordable rented temporary accommodation properties will be available to all eligible applicants on the housing register.

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Action Plan

Include:

- What has/will be done to reduce the negative impacts on groups as identified above.
- Detail of positive impacts and outcomes
- The arrangements for monitoring the actual impact of the policy/service/project

29. Issue identified	Action required to reduce impact	Timescale	Responsible officer	Which Business Plan does this action link to e.g. Service Equality Action Plan/Team Plan
<p>The properties are designed for families, couples, single people – a mix of 1 and 2 bed flats.</p>	<p>Limited amount of larger family accommodation on this site. This can be offset by the delivery of housing on other sites across the Conurbation.</p> <p>One and two bed flats can be more suitable for those occupying larger properties than they need. Subsequent downsizing will free up larger family homes.</p> <p>The identification of housing need for specific client groups within the neighbourhood will be monitored as part of the ongoing Housing Strategy process.</p>	<p>Ongoing</p>	<p>Affordable Housing & Resettlement Manager</p>	<p>Housing Strategy</p>

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

This is an interim report for a DIA that has been requested but yet to be completed.

If there is a RAG (coloured circle) that has not had its dependent field selected yet, it will appear as a white circle.

Impact Summary

Climate Change & Energy	Green - Only positive impacts identified	
Communities & Culture	Amber - Minor negative impacts identified / unknown impacts	
Waste & Resource Use	Amber - Minor negative impacts identified / unknown impacts	
Economy	Amber - Minor negative impacts identified / unknown impacts	
Health & Wellbeing	Amber - Minor negative impacts identified / unknown impacts	
Learning & Skills	Amber - Minor negative impacts identified / unknown impacts	
Natural Environment	Yes	
Sustainable Procurement	Amber - Minor negative impacts identified / unknown impacts	
Transport & Accessibility	Amber - Minor negative impacts identified / unknown impacts	

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Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Answers provided indicate that the score for the carbon footprint of the proposal is:

Which is a rating of: **Low**



Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Proposal ID: 315

Proposal Title: [Herbert Avenue - Construction of Temporary Accommodation - Update of DIA 235](#)

Type of Proposal: [Procurement](#)

Brief description:

[Construct 2 blocks of apartments on an empty brownfield site comprising 24 apartments and an office & laundry. There will be a range of 1, 2 & 3 bedroom apartments including apartments that are wheelchair accessible. The aim of the project is to construct environmentally efficient buildings that are cost effective for residents to run.](#)

Proposer's Name: David Hood

Proposer's Directorate: [Environment & Community](#)

Proposer's Service Unit: [Housing](#)

Estimated cost (£): [Between £25K and OJEU threshold](#)

If known, the cost amount (£): [£2,923,137.36](#)

Ward(s) Affected (if applicable):

[Alderney & Bourne Valley](#)

Sustainable Development Goals (SDGs) supported by the proposal:

[3. Good Health and Well Being](#) [6. Clean Water and Sanitation](#) [7. Affordable and Clean Energy](#) [9. Industry, Innovation and Infrastructure](#) [11. Sustainable Cities and Communities](#)

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Climate Change & Energy

Is the proposal likely to have any impacts (positive or negative) on addressing the causes and effects of climate change? [Yes](#)

If the answer was No, then the explanation is below (in this case there are no answers to subsequent questions in this section):

- 1) Has the proposal accounted for the potential impacts of climate change, e.g. flooding, storms or heatwaves? [Yes](#)
- 2) Does it assist reducing CO2 and other Green House Gas (GHG) emissions? E.g. reduction in energy or transport use, or waste produced. [Yes](#)
- 3) Will it increase energy efficiency (e.g. increased efficiency standards / better design / improved construction technologies / choice of materials) and/or reduce energy consumption? [Yes](#)
- 4) Will it increase the amount of energy obtained from renewable and low carbon sources? [Yes](#)

How was the overall impact of the proposal on its ability to positively address the cause and effects of climate change rated?

Green - Only positive impacts identified



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

The construction the the buildings will be designed to acheive a minimum of Low Passive House standards We are proposing the use of air source heat pumps and solar PV however, as a design and build contract the suscessful contractor will be able to offer alternative solutions. The buildings will also be designed on a fabric first approach. Following planning approval there is a requirement of 20% renewables on the project. The preferred bidder had proposed the use of air source heatpumpd to provide hot water. The development will be constructed to Low PassivHaus standards, however there is an option for low PassivHaus certification at extra cost.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Communities & Culture

Is the proposal likely to impact (positively or negatively) on the development of safe, vibrant, inclusive and engaged communities? [Don't Know](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it help maintain and expand vibrant voluntary and community organisations? [Not Relevant](#)
- 2) Will it promote a safe community environment? [Yes](#)
- 3) Will it promote and develop cultural activities? [Don't know even though may be relevant](#)

How would the overall impact of the proposal on the development of safe, vibrant, inclusive and engaged communities be rated?

Amber - Minor negative impacts identified / unknown impacts



Reasoning for the answer (details of impacts including evidence and knowledge gaps):

[This development of to provide temporary accomodation for homeless people and there families. The developmnet will provide a safe and secure environment for these people to live while there needs are being assessed and permanent accomodation is being sourced.](#)

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

[There is no real community as residents of the site will have a maximum stay around 6 months.](#)

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Waste & Resource Use

Is the proposal likely to have any impacts (positive or negative) on waste resource use or production and consumption? [Yes](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it prevent waste or promote the reduction, re-use, recycling or recovery of materials? [Yes](#)
- 2) Will it use sustainable production methods or reduce the need for resources?
[Yes](#)
- 3) Will it manage the extraction and use of raw materials in ways that minimise depletion and cause no serious environmental damage?
[Don't know even though may be relevant](#)
- 4) Will it help to reduce the amount of water abstracted and / or used?
[Don't know even though may be relevant](#)

How would the overall impact of the proposal on the sustainable production and consumption of natural resources be rated?

Amber - Minor negative impacts identified / unknown impacts



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

[The successful contractor will be required to produce a site waste management plan with the aim of 75% of waste to be recycled and the waste management is to be managed by the BRE Smartwaste software.](#)

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

[As above](#)

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Economy

Is the proposal likely to impact (positively or negatively) on the area's ability to support, maintain and grow a sustainable, diverse and thriving economy? [Yes](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will the proposal encourage local business creation and / or growth?
[Don't know even though may be relevant](#)
- 2) Will the proposal enable local jobs to be created or retained?
[Partially](#)
- 3) Will the proposal promote sustainable business practices?
[Don't know even though may be relevant](#)

How would the overall impact of the proposal on it's potential to support and maintain a sustainable, diverse and thriving economy be rated?

Amber - Minor negative
impacts identified /
unknown impacts



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

[The Preferred Bidder will be using a mix of directly employed and agency local labour for the project. Once complete some of the labour may be redeployed onto another project.](#)

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

[The Preferred Bidder is bases in Poole and has is own direct labour. Additional labour sourced via an agency will be required duringing the contract along with specialest trades.](#)

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Health & Wellbeing

Is the proposal likely to impact (positively or negatively) on the creation of a inclusive and healthy social and physical environmental for all?

Don't Know

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

1) Will the proposal contribute to improving the health and wellbeing of residents or staff?

Yes

2) Will the proposal contribute to reducing inequalities?

Don't know even though may be relevant

3) Will the proposal contribute to a healthier and more sustainable physical environment for residents or staff?

Yes

How would the overall impact of the proposal on the creation of a fair and healthy social and physical environmental for all be rated?

Amber - Minor negative
impacts identified /
unknown impacts



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

The new accomodation will have an impact for those residents who have been living on the steet or sharing accomodation. It will give them a clean and warm home and there own personal space.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

The deveopment is for a section of the population that has found itself in a homeless situation and the accomodation/development is only for those residents and the staff that maintain the site.

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Learning & Skills

Is the proposal likely to impact (positively or negatively) on a culture of ongoing engagement and excellence in learning and skills? [Don't Know](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it provide and/or improve opportunities for formal learning?
Don't know even though may be relevant
- 2) Will it provide and/or improve community learning and development?
[Don't know even though may be relevant](#)
- 3) Will it provide and/or improve opportunities for apprenticeships and other skill based learning?
[Don't know even though may be relevant](#)

How would the overall impact of the proposal on the encouragement of learning and skills be rated?

Green - Only positive impacts identified



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

[The may be opportunites for the preferred bidder to provide apprenticeships and to provide some educational information to the local schools.](#)

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

[The amount of learning and skills that a preferred bidder will be able to provide will depend on the overall project programme and the number of different trades and their willingness to invest outside of thier contract.](#)

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Natural Environment

Is the proposal likely to impact (positively or negatively) on the protection or enhancement of local biodiversity or the access to and quality of natural environments?

Yes

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it help protect and improve biodiversity i.e. habitats or species (including designated and non-designated)? Partially
- 2) Will it improve access to and connectivity of local green spaces whilst protecting and enhancing them? No
- 3) Will it help protect and enhance the landscape quality and character?
Partially
- 4) Will it help to protect and enhance the quality of the area's air, water and land?
Don't know even though may be relevant

How would the overall impact of your proposal on the protection and enhancement of natural environments be rated?

Amber - Minor negative
impacts identified /
unknown impacts



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

The site has an active badger set and this has already had works undertaken to protect their environment. The sections of woodland to the south and west of the site will remain untouched.

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

The site has an active badger set and this has already had works undertaken to protect their environment. The sections of woodland to the south and west of the site will remain untouched.

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Sustainable Procurement

Does your proposal involve the procurement of goods, services or works? [Yes](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

Has or is it intended that the Strategic Procurement team be consulted?

[Yes - already underway](#)

If the Strategic Procurement team was not consulted, then the explanation for this is:

1) Do the Government Buying Standards (GBS) apply to goods and/or services that are planned to be bought?

[Yes](#)

2) Has sustainable resource use (e.g. energy & water consumption, waste streams, minerals use) been considered for whole life-cycle of the product/service/work?

[Don't know even though may be relevant](#)

3) Has the issue of carbon reduction (e.g. energy sources, transport issues) and adaptation (e.g. resilience against extreme weather events) been considered in the supply chain?

[Don't know even though may be relevant](#)

4) Is the product/service fairly traded i.e. ensures good working conditions, social benefits e.g. Fairtrade or similar standards?

[Proc_Fairtrade](#)

5) Has the lotting strategy been optimised to improve prospects for local suppliers and SMEs?

[Not Relevant](#)

6) If aspects of the requirement are unsustainable then is continued improvement factored into your contract with KPIs, and will this be monitored?

[Don't know even though may be relevant](#)

How is the overall impact of your proposal on procurement which supports sustainable resource use, environmental protection and progressive labour standards been rated?

Amber - Minor negative
impacts identified /
unknown impacts



Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

The reasoning for the answer (details of impacts including evidence and knowledge gaps):

[A procurement exercise has now taken place with this DIA replacing DIA 235 prepared prior to the tender process.](#)

Details of proposed mitigation/remedial action and monitoring (inc. timescales, responsible officers, related business plans etc):

The preferred bidder is proposing to construct the development to a minimum of Low PassiveHaus and to include the use of air source heat pumps to make up the 20% renewable planning condition requirement

Appendices 2. Includes Equalities Impact Assessment, DIA 315 Report & VFM Statement.

Transport & Accessibility

Is the proposal likely to have any impacts (positive or negative) on the provision of sustainable, accessible, affordable and safe transport services - improving links to jobs, schools, health and other services? [Yes](#)

If the answer was No, then the explanation is below (there are no answers to subsequent questions in this section):

- 1) Will it support and encourage the provision of sustainable and accessible modes of transport (including walking, cycling, bus, trains and low emission vehicles)?
Yes
- 2) Will it reduce the distances needed to travel to access work, leisure and other services? [Partially](#)
- 3) Will it encourage affordable and safe transport options?
[Partially](#)

How would the overall impact of your proposal on the provision of sustainable, accessible, affordable and safe transport services be rated?

**Amber - Minor negative
impacts identified /
unknown impacts**



The reasoning for the answer (details of impacts including evidence and knowledge gaps):

[The development will require the materials and staff to be transported to the site for the construction process. any impact on the surrounding area will be limited to operations at either end of the day and deliveries to site.](#)

Details of proposed mitigation and monitoring (inc. timescales, responsible officers, related business plans etc):

[Delivery times can be scheduled to take place outside of peak times.](#)

REPORT

Nov-2021

BENCHMARK REPORT
Herbert Avenue, Poole
for
Poole Housing Partnership

Prepared By

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BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

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AUTHORISATION

This report has been prepared by:

Signature



Daniel Partridge MRICS

and authorised for issue by:

Signature



Richard Quarry MRICS

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership



1.0 EXECUTIVE SUMMARY

The costs stated in this report are based on the tender sum submitted by AJC Homes, as adjusted and agreed during the tender evaluation.

This report has been produced to show the value for money being achieved by the Temporary Housing project at Herbert Avenue, Poole, based on the adjusted AJC Homes tender.

RLB have compared the Herbert Avenue adjusted tender sum from AJC Homes against the cost of other schemes of similar size and nature to establish where Herbert Avenue sits within the wider market in respect of construction costs.

1.1 SUMMARY OF TENDER SUM

	£	Cost / GIA £	Cost / NIA £
Dwelling Costs	1,598,287	1,156	1,246
External Works	370,415	268	289
Build Costs (Excl. On Costs)	1,968,702	1,424	1,534
Contractor Preliminaries (incl. design fees)	580,131	420	452
Contractor Overhead & Profits	301,614	218	235
Project Risk	72,690	53	57
Total Build Cost	2,923,137	2,115	2,278

The costing of this project is at 3Q2021.

This tender sum relates to build / construction cost only and excludes other development costs such as finance, sales and marketing.

1.2 PROGRAMME

Works will commence on site **1st Quarter 2022**, with a programme of 59 weeks.

1.3 KEY ISSUES / CONSIDERATIONS

This tender sum is based on the costs submitted and evaluated during the tender process, and is the proposed contract sum for the project.

Tenders were received within 3Q21, so all benchmarking costs referred to have been rebased to this quarter using the BCIS TPI indices. It should be noted however that the BCIS indices are somewhat reactive to the market conditions which are currently unusually volatile. It is the opinion of RLB that real cost inflation is currently higher than the BCIS forecasts.

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership



1.0 EXECUTIVE SUMMARY

1.4 RLB IN-HOUSE COST BENCHMARKING DATA

Project benchmark comparisons have been made based upon Rider Levett Bucknall's database of costs together with external cost data from relevant projects.

Examples of other residential housing projects have been used, adjusted to the Poole Area and rebased to 3Q2021 using the BCIS TPI indices.

RLB apartment benchmark data based on total project cost per m2 (rebased): **£2,098/m2**.

1.5 BCIS COST BENCHMARKING DATA

Project benchmark comparisons have been made based upon the BCIS cost database, deemed by Rider Levett Bucknall as sufficiently similar in size and nature to the Herbert Avenue scheme.

Examples of other residential housing projects have been used, adjusted to the Poole area and rebased to 3Q2021. All the projects listed are new build.

BCIS apartment benchmark data based on total project cost per m2 (rebased): **£2,112/m2**.

1.6 SUMMARY & RECOMMENDATIONS

The Herbert Avenue adjusted tender sum received from AJC Homes represents a cost per m2 of **£2,115/m2**, which is marginally (within 1%) higher than both the RLB in-house and published BCIS cost data.

Whilst this is the case, it should be noted that the current market conditions are unusually volatile due to implications from Brexit and Covid-19. The BCIS inflation forecast data used to rebase all of the cost benchmark data is therefore required to be viewed with some scepticism. For example the currently BCIS forecast for 4Q2021 is greater than 3% higher than that of 3Q2021 where these costs are based.

Furthermore, the Tender sum includes a 3% sum to account for material price increases being experienced in the current market, effectively projecting the tender sum into future cost beyond 3Q2021.

It is therefore the opinion of RLB that the tender submission received by AJC Homes for the Herbert Avenue project, whilst robust, represents good value for money in the current market.

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

2.0 BENCHMARKING SUMMARY

HOUSING AND APARTMENT BENCHMARKING

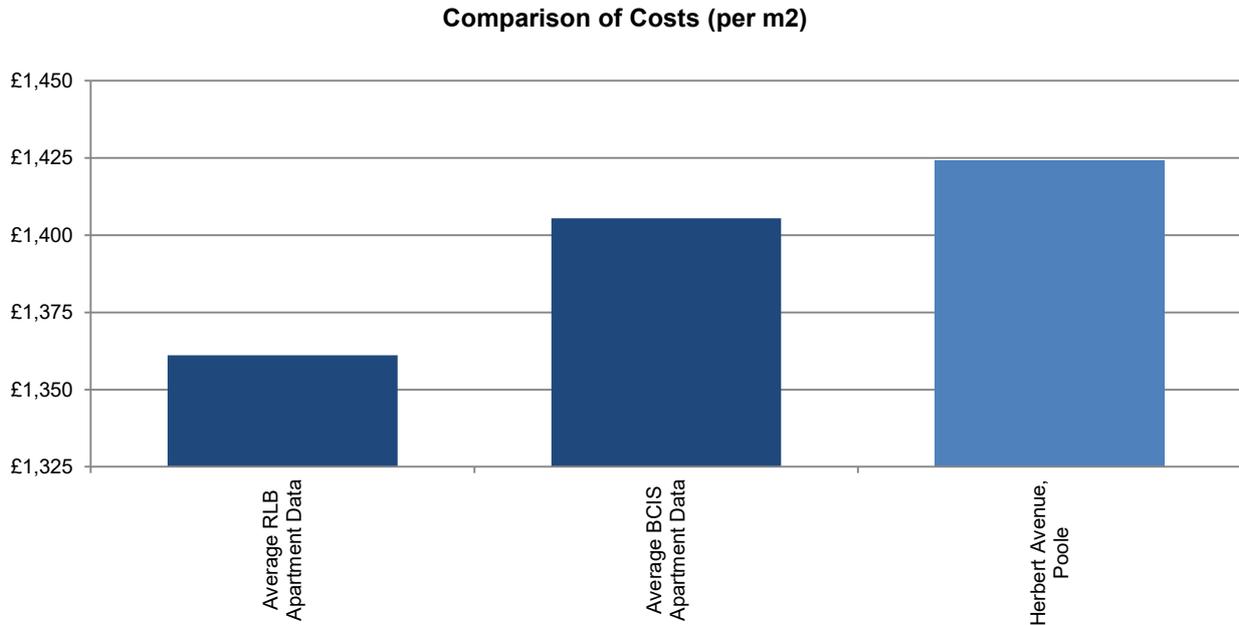
Project benchmark comparisons have been made based upon Rider Levett Bucknall's database of costs together with external cost data from relevant projects.

Project details for comparison

Examples of other residential housing projects have been used, adjusted to the Poole Area and rebased to 3Q2021. All the projects listed are new build.

2.1 BUILD COST BENCHMARKING SUMMARY

Comparison of Project Costs / m2 GIA



Project	£ Cost / m ²
Average RLB Apartment Data	1,361
Average BCIS Apartment Data	1,406
Herbert Avenue, Poole	1,424

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

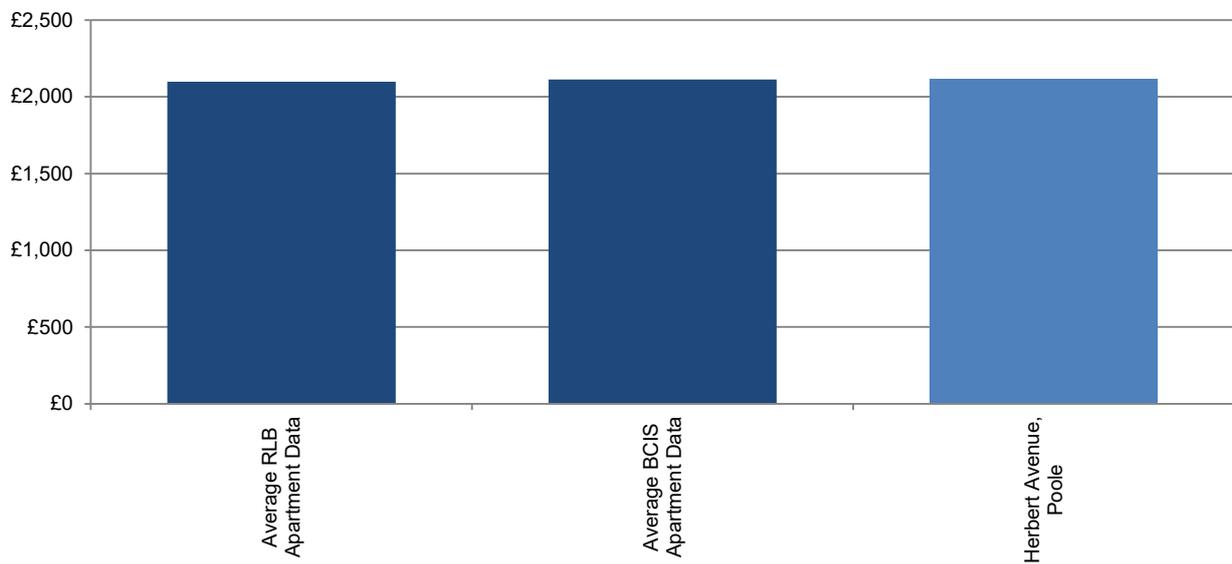
2.0 BENCHMARKING SUMMARY

HOUSING AND APARTMENT BENCHMARKING

2.2 PROJECT COST BENCHMARKING SUMMARY

Comparison of Project Costs / m2 GIA

Comparison of Costs (per m2)



To understand the true benchmark position of the data, consideration of project specific factors affecting the cost/m² e.g. Abnormals, needs to be undertaken.

Project	£ Cost / m ²
Average RLB Apartment Data	2,098
Average BCIS Apartment Data	2,112
Herbert Avenue, Poole	2,115

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

3.0 RLB APARTMENT BENCHMARK SUMMARY

RLB APARTMENT BENCHMARKING

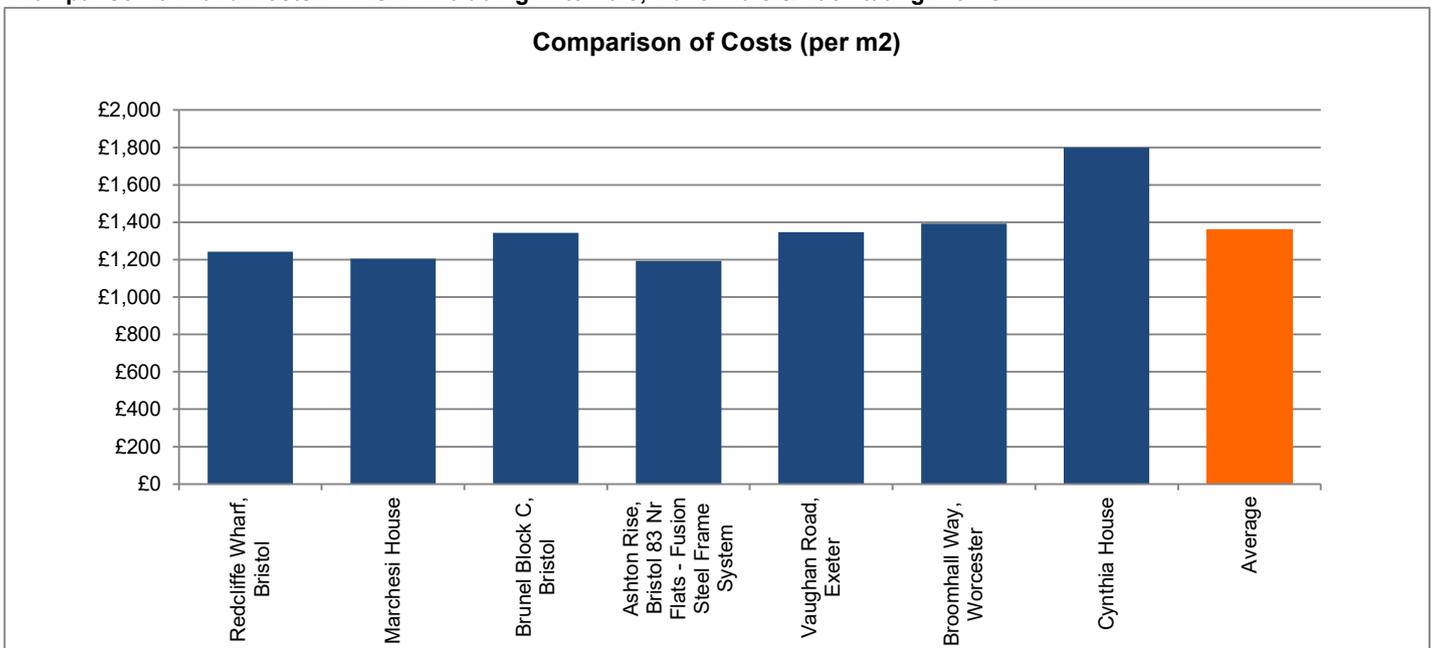
Project benchmark comparisons have been made based upon Rider Levett Bucknall's database of costs together with external cost data from relevant projects.

Project details for comparison

Examples of other residential housing projects have been used, adjusted to the Bristol area and rebased to 3Q2021. All the projects listed are new build.

3.1 BUILD COST BENCHMARKING

Comparison of Build Costs / m2 GIA Excluding Externals, Abnormals & Facilitating Works



Review and interpretation of findings to generate normalised assessment

To understand the true benchmark position of the data, consideration of project specific factors affecting the cost/m² e.g. Abnormals, needs to be undertaken.

Project	£ Cost / m ²	Locations	Date
Redcliffe Wharf, Bristol	1,244	Bristol	1Q2018
Marchesi House	1,205	Weymouth	1Q2021
Brunel Block C, Bristol	1,343	Bristol	2Q2017
Ashton Rise, Bristol 83 Nr Flats - Fusion Steel Frame System	1,194	Bristol	1Q2019
Vaughan Road, Exeter	1,349	Exeter	1Q2017
Broomhall Way, Worcester	1,394	Worcester	2Q2021
Cynthia House	1,801	Poole	3Q2020
Average	1,361		

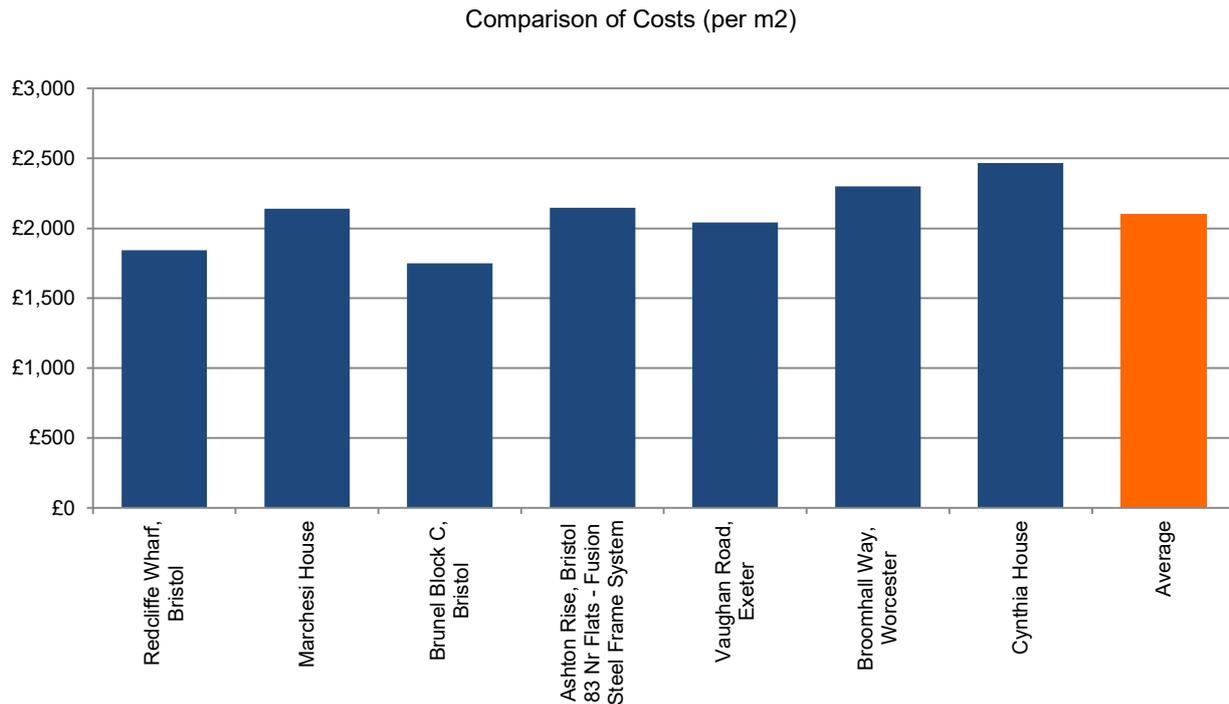
BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

3.0 RLB APARTMENT BENCHMARK SUMMARY

3.2 PROJECT COST BENCHMARKING

Comparison of Project Costs / m2 GIA



Review and interpretation of findings to generate normalised assessment

To understand the true benchmark position of the data, consideration of project specific factors affecting the cost/m² e.g. Abnormals, needs to be undertaken.

Project	£ Cost / m ²	Locations	Date
Redcliffe Wharf, Bristol	1,843	Bristol	1Q2018
Marchesi House	2,139	Weymouth	1Q2021
Brunel Block C, Bristol	1,748	Bristol	2Q2017
Ashton Rise, Bristol 83 Nr Flats - Fusion Steel Frame System	2,147	Bristol	1Q2019
Vaughan Road, Exeter	2,041	Exeter	1Q2017
Broomhall Way, Worcester	2,299	Worcester	2Q2021
Cynthia House	2,465	Poole	3Q2020
Average	2,098		

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

4.0 RLB APARTMENT BENCHMARK ELEMENTAL DATA

	Redcliffe Wharf, Bristol		Marchesi House (Apartments Only)		Brunel Block C, Bristol		Ashton Rise, Bristol 83 Nr Flats - Fusion Steel Frame System		Vaughan Road, Exeter		Broomhall Way, Worcester (Apartments Only)		Cynthia House (Apartments Only)		Average
	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£/m2
GIFA	4,712 m ²		674 m ²		2,175 m ²		4,728 m ²		1,840 m ²		2,828 m ²		778 m ²		2,534 m ²
SUBSTRUCTURE															
Substructure / Basement	£1,073,655	£228	£73,466	£109	£270,938	£125	£757,387	£160	£113,132	£61	£301,601	£106.63	£85,998	£111	£129
SUPERSTRUCTURE															
Frame / Structural Alterations	£1,018,067	£216	£0	£0	£763,288	£351	£908,385	£192	£12,292	£7	£121,625	£43	£331,779	£426	£176
Upper Floors	Included	Included	£46,506	£69	£90,003	£41	£167,263	£35	£178,620	£97	£0	£0	£68,255	£88	£55
Roof	£353,174	£75	£55,268	£82	£134,013	£62	£228,869	£48	£205,172	£112	£484,704	£171	£29,354	£38	£84
Stairs	£88,874	£19	£12,132	£18	£53,965	£25	£41,827	£9	£60,868	£33	£71,925	£25	£3,844	£5	£19
External Walls	£750,121	£159	£210,962	£313	£328,274	£151	£613,662	£130	£163,960	£89	£932,060	£330	£117,880	£152	£189
External Doors and Windows	£506,991	£108	£47,854	£71	£208,060	£96	£215,960	£46	£109,731	£60	£98,001	£35	£66,577	£86	£71
Internal Walls	£297,486	£63	£30,330	£45	£147,858	£68	£0	£0	£198,649	£108	£316,463	£112	£148,696	£191	£84
Internal Doors	£140,113	£30	£12,806	£19	£104,686	£48	£96,944	£21	£28,116	£15	£72,147	£26	£31,989	£41	£28
FINISHES															
Wall Finishes	£258,337	£55	£42,462	£63	£79,354	£36	£691,964	£146	£198,716	£108	£203,866	£72	£14,358	£18	£71
Floor Finishes	£32,603	£7	£14,154	£21	£174,283	£80	£137,365	£29	£117,975	£64	£91,260	£32	£27,849	£36	£38
Ceiling Finishes	£124,177	£26	£34,374	£51	£78,163	£36	£156,671	£33	£43,067	£23	£52,301	£18	£9,576	£12	£29
FITTINGS AND FURNISHINGS															
Fittings and Furnishings	£190,425	£40	£37,744	£56	£250,915	£115	£311,150	£66	£76,211	£41	£102,245	£36	£53,445	£69	£61
SERVICES															
Sanitary Installations	£71,547	£15	£12,806	Included	Included	Included	£60,341	£13	£39,037	£21	Included	Included	£20,400	Included	£16
Services Equipment	Included	Included	£7,414	Included	Included	Included	Included	Included	Included	Included	Included	Included	£0	Included	
Disposal Installations	Included	Included	£10,784	Included	Included	Included	Included	Included	Included	Included	Included	Included	£17,901	Included	
Water Installations	Included	Included	£14,154	£21	Included	Included	£530,370	£112	Included	Included	Included	Included	£32,880	£42	£58
Heat Source	Included	Included	£35,048	Included	Included	Included	Included	Included	Included	Included	Included	Included	£98,726	Included	
Space Heating and Air Conditioning	Included	Included	£0	Included	Included	Included	Included	Included	£363,612	£198	£599,839	£212	£19,608	Included	£205
Ventilating Systems	Included	Included	£0	Included	Included	Included	Included	Included	Included	Included	Included	Included	£50,220	Included	
Electrical Installations	£893,748	£190	£45,832	£68	Included	Included	£332,473	£70	£165,514	£90	£213,573	£76	£52,834	£68	£94
Fuel Installations	Included	Included	£0	Included	Included	Included	Included	Included	Included	Included	Included	Included	£0	Included	
Lift and Conveyor Installations	Excluded	Excluded	£0	£0	Excluded	Excluded	£213,164	£45	Excluded	Excluded	Excluded	Excluded	£42,900	£55	£33
Fire and Lighting Protection	Included	Included	£0	Included	Included	Included	£90,397	£19	Included	Included	Included	Included	£23,645	Included	£19
Communication and Security Installations	Included	Included	£0	Included	Included	Included	£39,360	£8	Included	Included	Included	Included	£0	Included	£8
Special Installations	Included	Included	£0	Included	£24,268	£11	Included	Included	Included	Included	Included	Included	£15,000	Included	£11
Builders Work	Included	Included	£3,370	Included	£13,512	£6	£27,058	£6	£85,808	£47	Included	Included	£0	Included	£20
Building Sub-Total	£5,799,317	£1,231	£747,466	£1,109	£2,721,579	£1,251	£5,620,609	£1,189	£2,160,480	£1,174	£3,661,608	£1,295	£1,363,715	£1,753	£1,286

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership



4.0 RLB APARTMENT BENCHMARK ELEMENTAL DATA

	Redcliffe Wharf, Bristol		Marchesi House (Apartments Only)		Brunel Block C, Bristol		Ashton Rise, Bristol 83 Nr Flats - Fusion Steel Frame System		Vaughan Road, Exeter		Broomhall Way, Worcester (Apartments Only)		Cynthia House (Apartments Only)		Average
	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£	£/m2	£/m2
GIFA	4,712 m ²		674 m ²		2,175 m ²		4,728 m ²		1,840 m ²		2,828 m ²		778 m ²		2,534 m ²
Facilitating Works	Included	Included	£35,327	£52	Included	Included	Included	Included	Included	Included	£221,014	£78	£41,566	£53	£61
Site Works	£991,054	£210	£154,660	£229	£115,581	£53	£1,167,248	£247	£221,369	£120	£607,605	£215	£82,551	£106	£169
Drainage	£200,272	£43	£28,260	£42	£57,419	£26	£446,214	£94	£85,991	£47	£346,031	£122	£42,808	£55	£61
External Services	£273,345	£58	£2,810	£4	£24,610	£11	£458,681	£97	£163,205	£89	£89,520	£32	£26,598	£34	£46
Minor Building Works	Included	Included	£0	£0	Included	Included	Included	Included	£15,333	£8	Included	Included	£987	£1	£3
Demolition and Works Outside the Site	Included	Included	Included	Included	Included	Included	Included	Included	£31,196	£17	Included	Included	Included	Included	£17
Preliminaries	£1,151,754	£244	£358,827	£532	£420,499	£193	£1,414,543	£299	£592,367	£322	£1,115,226	£394	£308,995	£397	£340
Contingencies	£178,309	£38	Included	Included	Included	Included	£369,704	£78	Included	Included	Included	Included	Included	Included	£58
Total (less Design Fees)	£8,594,052	£1,824	£1,327,351	£1,969	£3,339,688	£1,535	£9,477,000	£2,004	£3,269,941	£1,777	£6,041,005	£2,136	£1,867,222	£2,400	£1,949
Design Fees	Included	Included	Included	Included	£204,082	£94	£652,913	Included	Included	Included	Included	Included	Included	Included	£94
Total	£8,594,052	£1,824	£1,327,351	£1,969	£3,543,770	£1,629	£10,129,914	£2,004	£3,269,941	£1,777	£6,041,005	£2,136	£1,867,222	£2,400	£1,963
Abnormal Costs			£0	£0	£0	£0	£624,354	£133	£0	£0	£0	£0	£0	£0	£22
Total	£8,594,052	£1,824	£1,327,351	£1,969	£3,543,770	£1,629	£10,754,268	£2,137	£3,269,941	£1,777	£6,041,005	£2,136	£1,867,222	£2,400	£1,982

Build Cost Only		£1,231		£1,109		£1,251		£1,189		£1,174		£1,295		£1,753	£1,286
Date Adjustment		£49		£37		£130		£29		£148		£31		£48	£68
Date Adjusted Build Cost		£1,280		£1,146		£1,382		£1,218		£1,322		£1,326		£1,801	£1,353
Location Adjustment		-£36		£58		-£39		-£23		£26		£68		£0	£8
Location & Date Adjusted Build Cost		£1,244		£1,205		£1,343		£1,194		£1,349		£1,394		£1,801	£1,361

Total Contract Sum		£1,824		£1,969		£1,629		£2,137		£1,777		£2,136		£2,400	£1,982
Date Adjustment		£73		£66		£170		£52		£224		£52		£65	£100
Date Adjusted Contract Sum		£1,897		£2,035		£1,799		£2,189		£2,001		£2,187		£2,465	£2,082
Location Adjustment		-£54		£104		-£51		-£42		£40		£112		£0	£16
Location & Date Adjusted Build Cost		£1,843		£2,139		£1,748		£2,147		£2,041		£2,299		£2,465	£2,098

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

5.0 BCIS APARTMENT BENCHMARK SUMMARY

BCIS APARTMENT BENCHMARKING

Project benchmark comparisons have been made based upon the BCIS cost database, deemed by Rider Levett Bucknall as sufficiently similar in size and nature to the Herbert Avenue scheme.

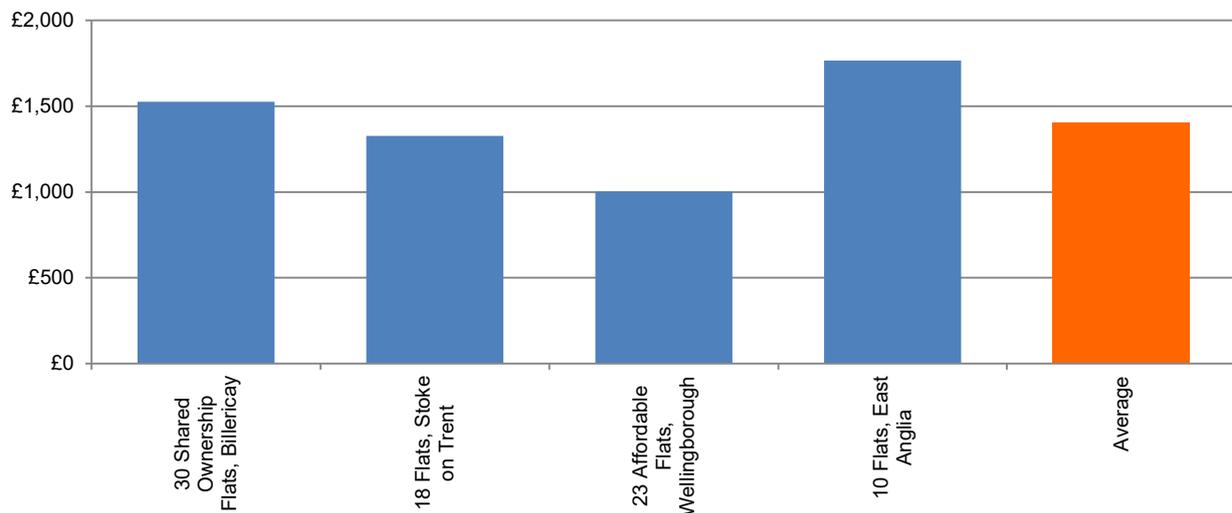
Project details for comparison

Examples of other residential housing projects have been used, adjusted to the Poole area and rebased to 3Q2021. All the projects listed are new build.

5.1 BCIS BUILD COST BENCHMARKING

Comparison of Build Costs / m2 GIA Excluding Abnormals & Facilitating Works

Comparison of Costs (per m2)



Review and interpretation of findings to generate normalised assessment

To understand the true benchmark position of the data, consideration of project specific factors affecting the cost/m² e.g. Abnormals, needs to be undertaken.

Project	£ Cost / m ²	Locations	Date
30 Shared Ownership Flats, Billericay	£ 1,526	Essex	1Q2020
18 Flats, Stoke on Trent	£ 1,327	Staffordshire	1Q2019
23 Affordable Flats, Wellingborough	£ 1,003	Northamptonshire	3Q2017
10 Flats, East Anglia	£ 1,766	East Anglia	1Q2019
Average	£ 1,406		

BENCHMARK REPORT

Herbert Avenue, Poole
Poole Housing Partnership

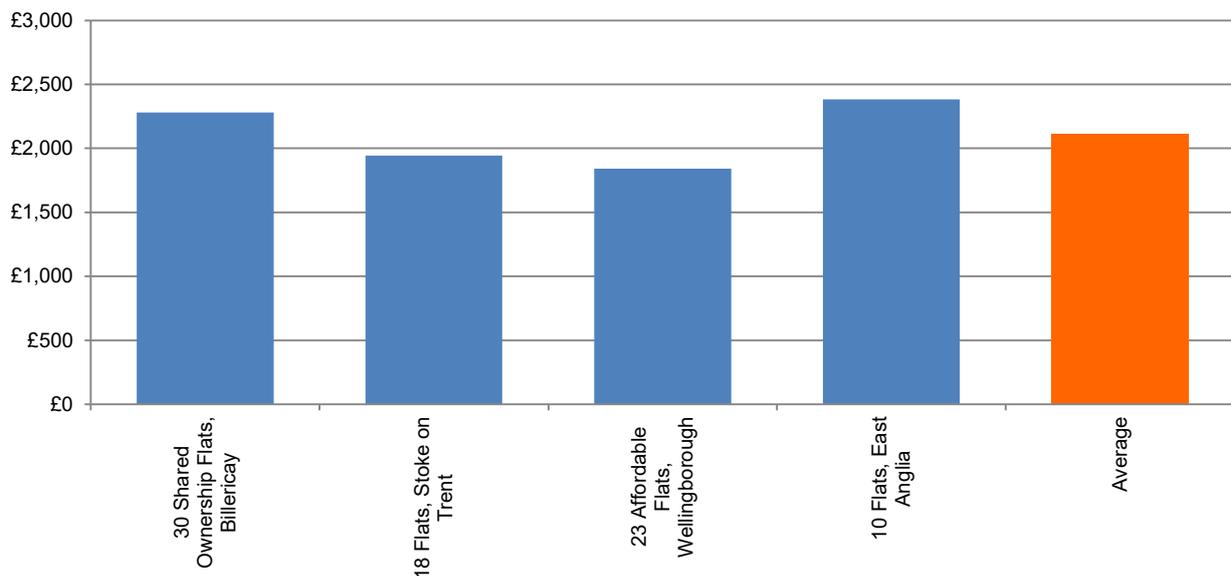
5.0 BCIS APARTMENT BENCHMARK SUMMARY

BCIS APARTMENT BENCHMARKING

5.2 BCIS PROJECT COST BENCHMARKING

Comparison of Project Costs / m2 GIA

Comparison of Costs (per m2)



Review and interpretation of findings to generate normalised assessment

To understand the true benchmark position of the data, consideration of project specific factors affecting the cost/m² e.g. Abnormals, needs to be undertaken.

Project	£ Cost / m ²	Locations	Date
30 Shared Ownership Flats, Billericay	2,280	Essex	1Q2020
18 Flats, Stoke on Trent	1,943	Staffordshire	1Q2019
23 Affordable Flats, Wellingborough	1,842	Northamptonshire	3Q2017
10 Flats, East Anglia	2,382	East Anglia	1Q2019
Average	2,112		

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