

Notice of Cabinet



Date: Wednesday, 14 December 2022 at 10.15 am

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

Membership:

Chairman:

Cllr D Mellor

Vice Chairman:

Cllr P Broadhead

Cllr M Anderson
Cllr B Dove
Cllr B Dunlop
Cllr M Greene

Cllr N Greene
Cllr J Kelly
Cllr K Rampton
Cllr M White

Lead Members

Cllr H Allen
Cllr S Baron
Cllr N Brooks

Cllr J J Butt
Cllr L Fear
Cllr T Johnson

All Members of the Cabinet 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?MIId=5017>

If you would like any further information on the items to be considered at the meeting please contact: Sarah Culwick (01202 817615) on 01202 096660 or email 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

6 December 2022



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 23 November 2022.

9 - 16

4. Public Issues

To receive any public questions, statements or petitions submitted in accordance with the Constitution. Further information on the requirements for submitting these 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 public questions is 4 clear working days before the meeting.

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

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

5. Recommendations from the Overview and Scrutiny Committees

To consider recommendations from the Overview and Scrutiny Committees on items not otherwise included on the Cabinet Agenda.

6. 2022/23 Budget Monitoring and Financial Strategy Update

This report includes 2022/23 budget monitoring information for the general fund for November 2022 and an updated position for the medium-term financial plan (MTFP).

It also includes budget monitoring information at quarter two for the capital programme and housing revenue account (HRA).

The general fund outturn is projected to further improve from the previously reported position with a £9m surplus now estimated for the year.

The MTFP has now been updated for an estimate of the implications of the governments Autumn Statement. Consequentially Cabinet is asked to identify £6.2m of currently identified savings for 2023/24 which potentially will now be able to be deferred until 2024/25.

17 - 58

7. Exploring the options for devolution to BCP Council	59 - 80
<p>In February 2022 Government released its White Paper on Levelling Up, its flagship policy which is intended to impact on all areas of central and local government, and to reduce the differentiation between those people and places who are successful and those who are left behind. A key component of Government's plan is "to devolve power and give local leaders and communities the tools they need to make better places" (Levelling Up and Regeneration (www.gov.uk)). This report presents the work undertaken to date to explore the opportunities for Bournemouth, Christchurch and Poole in relation to devolution, and recommends that this exploratory work continues until such a time as a decision is required.</p>	
8. Whitecliff Rd/ Keyhole Bridge Further Review	81 - 458
<p>A trial road closure (modal filter) was introduced via an Experimental Traffic Regulation Order (ETRO) on Whitecliff Road at Keyhole Bridge near Poole Park on 19th August 2020. Following a period of consultation a decision was made to remove the modal filter in March 2021 and the modal filter was removed at that time. This decision was formally challenged, and the subsequent High Court judgement directed the Council to re-open the consultation to inform a Cabinet review of the decision. This report provides information to inform the review. It sets out the potential options and provides the consultation material relating to the original and further consultation periods.</p>	
9. Economic Development Strategy – Skills Plan	459 - 492
<p>The BCP Skills Plan, identifies BCP's skills and productivity challenges and defines a programme of key priorities and actions to address. It is part of the Economic Development Strategy (approved Nov 2021) and developed in collaboration with Dorset LEP and in consultation with a wide range of stakeholders, summarises an extensive evidence base and provides a priority framework for skills development to meet the needs of business in Bournemouth, Christchurch and Poole.</p> <p>This report highlights the main elements of the plan and seeks cabinet's approval. The plan sets the objectives and forms the framework for a project-specific action plan which is already in development.</p>	
10. Levelling Up - progress report	493 - 554
<p>This is a progress report on the Council's work on Levelling Up across Bournemouth, Christchurch and Poole (BCP). This follows an initial Cabinet report in January 2022 which set out a preliminary response to the Levelling Up agenda, in advance of the Government's Levelling Up White Paper being released and committed to bringing a more detailed report to Cabinet once the recommended work had been progressed.</p> <p>This report provides an update on progress to date since January 2022, as well as further information on what the data is telling us, including the commissioned Impact Report from This Is Purpose (appendix 1), and also sets out the next steps.</p> <p>It is recommended that work continues to progress Levelling Up across Bournemouth, Christchurch and Poole as it remains a key national policy.</p>	

Our overarching local objective for Levelling Up is to use the frameworks of the Levelling Up White Paper and Levelling Up Goals to support the delivery and ambitions of our Corporate Strategy and Big Plan.

11. Equality & Diversity Policy Review

555 - 574

As a Public Authority BCP Council have legal obligations under the Equality Act 2010 and the Human Rights Act 1998.

The commitment to equality is embedded in the Big Plan and Corporate Strategy which together set out our vision, mission, ambition, priorities and values that underpin the council and the delivery of its services.

An agreed review of the Equality and Diversity Policy first adopted by the Cabinet on 19 October 2019 has been undertaken.

In July 2021 BCP Council introduced an Equalities Footprint that contributes to monitoring and measuring progress on equality, and how well the responsibilities of the PSED and HRA are being met.

Key changes to the policy for Cabinet to note is the inclusion of the Equalities Footprint, and extensions to the local characteristics to now include children in care and care experienced young people, local business, community organisations, Military veterans, and Socio-economic status.

The Internal Governance Framework is further strengthened and has been expanded. The roles and responsibilities within it have been subject to change to reflect the increased commitment and adjustments that have been made to the framework.

12. Protecting our coastal and open spaces

575 - 584

The Seasonal Response Programme, delivered at peak visitor periods over the last two years, has seen a number of negative behaviours presented by some individuals which have impacted upon our environment and on visitor and resident enjoyment of our beaches and open spaces —which has required significant additional resource to manage. The annual Seasonal Response review has made a recommendation to consider the use of Public Spaces Protection Orders (PSPO's) where appropriate, in order to prohibit these behaviours, thereby creating a strong deterrent and enabling the Council to take effective action in a timely manner.

A feasibility assessment has identified six behaviours which meet the legislative criteria for consideration of a PSPO, based on consideration of evidence and enforcement options. The next step is to launch a public consultation which is an essential requirement in considering whether to proceed with any Order. This report seeks approval from Cabinet to continue the detailed work required to prepare for public consultation, including final mapping of evidence in order to define the areas where behaviours are proposed to be prohibited. The report seeks delegated authority for the Portfolio Holder for Community Safety and Regulation to approve the final proposals subject to completion of this work as well as consideration of external legal advice from counsel.

The consultation results will inform a detailed assessment of responses which will be considered along with a final options appraisal. Final proposals will be presented to Cabinet for approval.

13. Provision of Beach Huts

585 - 624

This report sets out proposals, following a review of BCP Beach hut assets, to harmonise the service offer, provide equality of access for BCP residents and enable new levels of investment in the beach hut offer.

Like all Councils in the UK, due to rising inflationary pressures, BCP Council is having to review its financial position, find new ways to be more efficient in meeting the needs of our communities, ensure cost recovery and income generation. This involves reviewing all our commercial services, including the provision of beach huts.

In September, the Corporate and Community Scrutiny Committee was advised of the decision and reasons for not pursuing the use of a Special Purpose Vehicle (SPV) to commercialise beach hut assets and that the Council would instead develop proposals for changes to the in-house management, harmonisation of prices and policies, and the enabling of capital investment.

BCP Council manages over 3,700 beach huts between Highcliffe and Hamworthy, with annual gross income of circa £7m. Officers have undertaken a review of the differing legacy management and financial arrangements with the aim of harmonising the service, widening access, raising maintenance standards and improving commercial performance. The review has included engagement with key stakeholders including the four Beach Hut Associations.

14. Externalisation of the Russell-Cotes Art Gallery & Museum

625 - 822

The Russell-Cotes Art Gallery and Museum (RCAGM) with its Grade 2* listed house and internationally significant collections was gifted to the people of Bournemouth in 1908 and was held in trust by Bournemouth Borough Council and its successors, as sole Trustee, ever since. (Charity Reg No 306288).

When making decisions on the Russell-Cotes, the Council, as Trustee, is required to act in the best interests of the charity (rather than the Local Authority).

The Bournemouth Borough Council Act, 1985 superseded previous indentures, and required Cabinet to act as the Museum's Management Committee. Cabinet has delegated its responsibilities to the Russell-Cotes Management Committee, which acts as a subcommittee. It consists of Councillors and non-voting independent members. It has determined, after detailed investigation that full independence is the best way to safeguard the long-term future of the Museum.

The governance, relatively unchanged for 100 years, is a mix of Local Authority and charity practice which cannot provide appropriate oversight, financial transparency or strategic leadership and does not meet the required standards for a modern charity. Due to the current charitable arrangements there is no opportunity to combine the Russell-Cotes with other local museums.

The Museum building and collections are at risk without substantial investment and the financial burden on the Council will be considerable. The best way to mitigate this risk is to enable the museum to fundraise, but grant-giving bodies have been very clear that whilst the current governance

arrangements continue substantial funding is unlikely. Indeed, the Arts Council rejected a recent application for NPO funding, citing inadequate governance.

Whilst there are risks for both the Council and the future charity in pursuing the route of independence, the risks of not doing so are far greater. The Charity Commission has examined the issues and invited the Council to submit a request for change.

A detailed negotiation of the funding and Service Level Agreement arrangements will be held between BCP Council and the new Trustee during the transition period as the governance issues are resolved.

[PLEASE NOTE: Should the Cabinet wish to discuss the detail of the exempt appendices the meeting will be required to move into Confidential (Exempt) Session]

15. 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.

16. Cabinet Forward Plan

To consider the latest version of the Cabinet Forward Plan for approval.

To Follow

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.