

# Notice of Overview and Scrutiny Board

Date: Monday, 22 March 2021 at 4.30 pm

Venue: Virtual Meeting



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## Membership:

### Chairman:

Cllr S Bartlett

### Vice Chairman:

Cllr T O'Neill

Cllr L Allison  
Cllr D Borthwick  
Cllr M Cox  
Cllr L Dedman  
Cllr B Dion

Cllr M Earl  
Cllr J Edwards  
Cllr D Farr  
Cllr L Fear  
Cllr M Howell

Cllr D Kelsey  
Cllr C Rigby  
Cllr V Slade

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All Members of the Overview and Scrutiny Board 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=5083>

If you would like any further information on the items to be considered at the meeting please contact: Claire Johnston - 01202 123663 or email [claire.johnston@bcpCouncil.gov.uk](mailto:claire.johnston@bcpCouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email [press.office@bcpCouncil.gov.uk](mailto:press.office@bcpCouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
**CHIEF EXECUTIVE**

12 March 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

Do any matters being discussed at the meeting relate to your registered interests?

Disclosable Pecuniary Interest

Yes

Declare the nature of the interest

Do NOT participate in the item at the meeting. Do NOT speak or vote on the item EXCEPT where you hold a dispensation

You are advised to leave the room during the debate

Local Interest

Yes

Declare the nature of the interest

Applying the bias and pre-determination tests means you may need to refrain from speaking and voting

You may also need to leave the meeting. Please seek advice from the Monitoring Officer

No

Do you have a personal interest in the matter?

Yes

Consider the bias and pre-determination tests

You may need to refrain from speaking & voting

You may also need to leave the meeting. Please seek advice

No

You can take part in the meeting speak and vote

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](mailto: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 Members.

## 2. **Substitute Members**

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

## 3. **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.

## 4. **Scrutiny of Sale of Christchurch By-Pass Car Park Cabinet report.**

5 - 20

To consider the Sale of Christchurch By-Pass Car Park report, previously considered by Cabinet on 10 March; and scheduled for Council consideration on 23 March.

The O&S Board is asked to scrutinise the report and make recommendations to Council as appropriate.

Cabinet member invited to attend for this item: Councillor Drew Mellor, Leader of the Council and Portfolio Holder for Finance and Transformation.

The Cabinet report is circulated with the agenda for consideration by the O&S Board. PLEASE NOTE: Should the Board wish to discuss the detail of the exempt Appendix 2 the meeting will be required to move into Confidential (Exempt) session.

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.

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## CABINET



Report subject	<b>Sale of Christchurch By-Pass Car Park</b>
Meeting date	10 March 2021
Status	Public Report with Confidential Appendix
Executive summary	<p>It is proposed that the Christchurch By-Pass Car Park is sold to the adjoining owner of the retail outlet, in order to secure the continued occupation of this unit by Waitrose.</p> <p>The purchase price has taken into consideration the existing use value of the site as a car park. The sale will be subject to clauses that allow the Council to buyback the site should it no longer be required as a car park.</p> <p>The terms of the disposal have been agreed between the parties and are outlined in the confidential appendix to this report.</p> <p>Progressing with this disposal will provide a capital receipt that will support the Council's Transformation Programme.</p>
Recommendations	<p><b>That Cabinet RECOMMENDS to Council to;</b></p> <ul style="list-style-type: none"> <li><b>i. agree to dispose of the Christchurch By-Pass Car Park, as outlined in red on the attached plan in Appendix 1, for the purchase price detailed in the confidential appendix to this report;</b></li> <li><b>ii. delegate authority to the Corporate Property Officer in consultation with the Portfolio Holder, Monitoring Officer and Section 151 Officer to finalise the detailed terms of the disposal;</b></li> </ul>
Reason for recommendations	<p>The disposal of the land will contribute to the Council's Corporate strategy priorities, by helping to create dynamic places by ensuring a town centre retains its diversity in shopping facilities while contributing to a sustainable environment through the retention of the green corridors in this area.</p> <p>The capital receipt will help fund the Council's Transformation Programme.</p>

Portfolio Holder(s):	Cllr Drew Mellor, Leader of the Council and Portfolio Holder for Finance and Transformation
Corporate Director	Bill Cotton, Corporate Director, Regeneration and Economy
Report Authors	Sam Munnings, Estates Operations Manager
Wards	Christchurch Town;
Classification	For Recommendation

## Background

1. The council has operated the Christchurch By-Pass car park as a public pay and display car park for many years. The car park is currently used by customers of Waitrose, who operate a payback scheme to its shoppers for the parking charge, and is available to those who use the Saxon Centre together with long stay users.
2. The lease of the commercial unit to Waitrose is due to expire in 2027 and whilst Waitrose wish to continue operating from the site, it is one of their poorer performing stores and they have cited the lack of control by their landlord of the car park as a key factor.
3. The freeholder is therefore negotiating a surrender and regrant to secure Waitrose on site for a further 15 years and gaining control of the car park is pivotal to this agreement as Waitrose are unwilling to renew their lease and stay in Christchurch if the landlord could not gain control of the car park.
4. Terms have been negotiated between the Council and the owner of the Waitrose store for the sale, which provides for a capital receipt to the Council, while ensuring that the site remains a car park into the future.
5. The proposed sale is for the car park only, with the Council retaining its surrounding interest, most notably the green corridor between the car park and the stream.
6. The proposed heads of terms of the disposal have been agreed between the parties and are outlined in the Confidential report attached at Appendix 2. As a result of the negotiations, consent is now being sought from Cabinet to progress with the disposal.
7. The agreed land value reflects the market value of the site, taking account the rights and obligations that the Council has reserved in order to protect the amenity of the local community.

## Consultation with Ward Councillors

8. The site lies within the Christchurch Town Ward. Cllr Brooks as regeneration lead for Christchurch and the ward Councillors were consulted on the proposal. No objections were received.

## Options Appraisal

9. The alternative option is to retain ownership of the car park and continue to operate it as a pay and display car park. If this option is pursued Waitrose has indicated that

they will not renew their lease of their store, which will result in them not having a presence in Christchurch. There is no guarantee that a suitable alternative tenant could be found for the unit and so it may remain empty for some time.

### **Summary of financial implications**

10. The financial implications are detailed in the Confidential report attached at Appendix 2.

### **Summary of legal implications**

11. The Council has the necessary statutory powers to dispose of this land under Section 123 of the Local Government Act 1972, which gives a general power of disposal for the best consideration reasonable obtainable.
12. A valuation has been provided by an internal RICS Registered Valuer, who has confirmed that the sale price is reasonable and this is sufficient for the Council to satisfy its obligations under Section 123, Local Government Act 1972. The valuation confirms the agreed sum represents best consideration.
13. The Council will retain access rights across the site, in order to manage the adjoining retained land. The sale is also subject to the existing access rights in favour of adjoining landowners, together with any existing rights and agreements for the underground pumping station and the lease of the gas governor station.

### **Summary of human resources implications**

14. As the site will be retained as a car park for public use and the existing rights of adjoining landowners will be retained, there are no People implications arising from the recommendations within this report. There is no Equality Impact Assessment required or any contractual consequences.

### **Summary of sustainability impact**

15. A Decision Impact Assessment (DIA) has been undertaken for this proposal and is attached. Reference ID 186.

### **Summary of public health implications**

16. The health and wellbeing of the local community will be maintained through the recommendations in this report.
17. The sale of the car park will ensure the current tenant remains in the adjoining unit, retaining a supermarket within the town centre, while also ensuring local people have access to choice for their shopping.

### **Summary of equality implications**

18. There are no equality implications associated with the recommendations brought forward in this report.

### **Summary of risk assessment**

19. The disposal of the Christchurch By-Pass Car Park is considered medium risk. The Council will retain certain rights on disposal and the ability to buyback the car park should it no longer be required as a car park by the purchaser. This will ensure that the car park remains in such a use and that car parking capacity is maintained.

20. There is a risk around loss of a public car park managed by the Council and a perceived loss of public parking as the site will be managed and marketed as a parking area for Waitrose customers. This in turn may reduce the number of long stay spaces available.

### **Background papers**

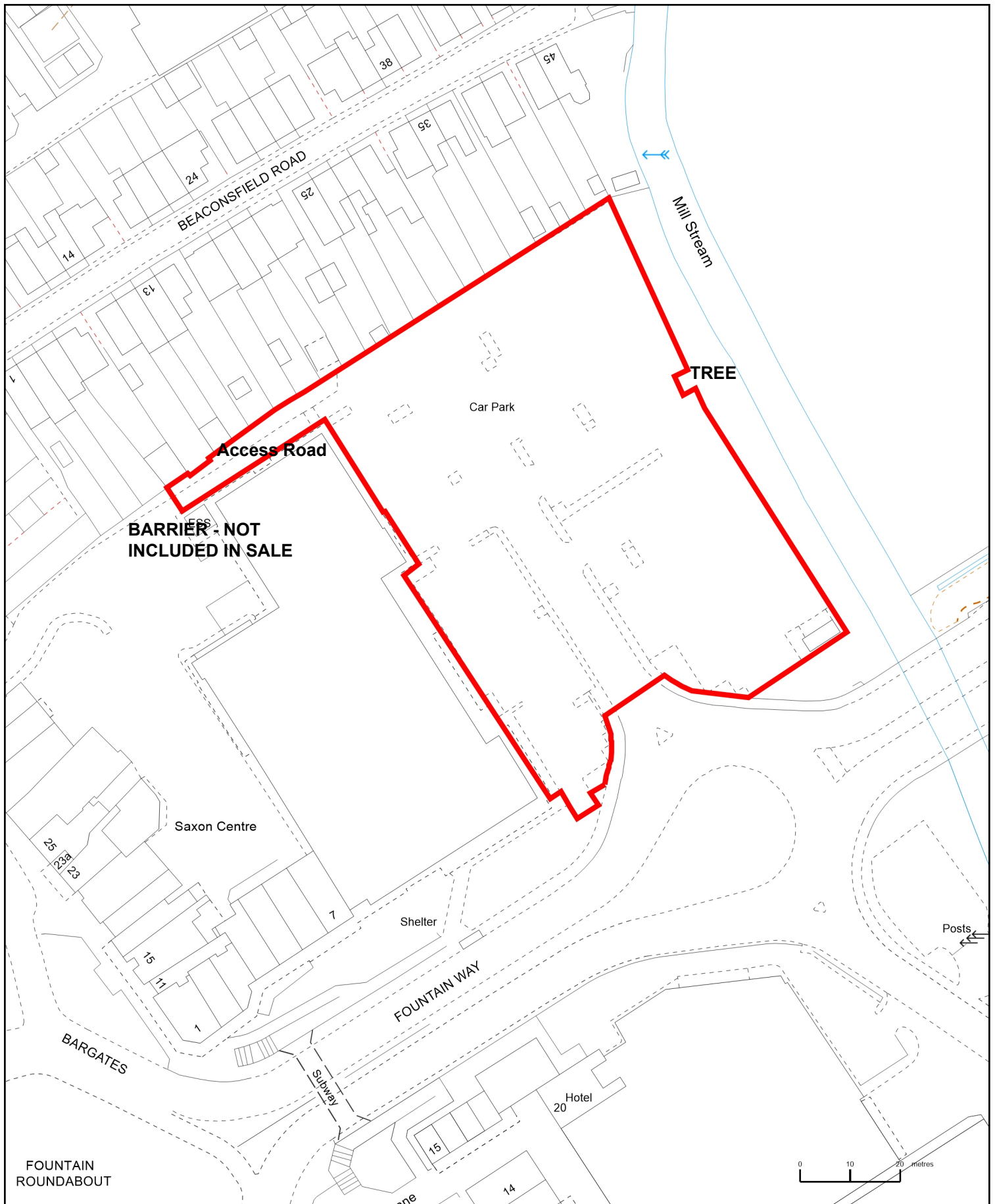
None

### **Appendices**

**Appendix 1** – Plan - Disposal area

**Appendix 2** – Confidential Financial Report

**Appendix 3** - Decision Impact Assessment



**Outline of By Pass Car Park including access road up to the barrier**  
Known as "Waitrose Car Park"

Scale: 1:1000 @ A4  
Date: 01 February 2021  
Creator: KH



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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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# Decision Impact Assessment Report

## The Sale of Christchurch Bypass Car Park

DIA Proposal ID: 186

Assessment date: 27<sup>th</sup> January 2021

Assessor(s): Sam Munnings

Support: Roxanne King



The Decision Impact Assessment (DIA) is a requirement of BCP Council's Financial and Procurement Regulations. It has been developed to help project managers maximise the co-benefits of proposals, reduce risk and ensuring that sustainable outputs and value for money are delivered through every project, plan, strategy, policy, service and procurement.

The following report highlights the opportunities and potential issues associated with the above titled proposal. It has been assessed against a number of themes and shared with BCP Council Theme Advisors for internal consultation. The RAG ratings and additional information have been provided by the project manager and may or may not have incorporated feedback from theme advisors. Results should be scrutinised by decision-makers when considering the outcome of a proposal.

The results of this DIA will be combined with all other assessments to enable cumulative impact data across a wide range of data sets. Individual DIA reports should be included in proposal documentation and made available to decision makers for consideration. Cumulative impact reports will be produced annually or as required by the Climate Action Steering Group and Members Working Group.

For questions and further information, please contact Sustainability Team at [DIA@bcpcouncil.gov.uk](mailto:DIA@bcpcouncil.gov.uk)

*Please note: This report is in a draft format and may appear different to future DIA reports.*

## Decision Impact Assessment

DIA Proposal ID: 186

Welcome Roxanne King



Proposal Title: The sale of Christchurch Bypass Car Park

<a href="#">Review registration</a>	<a href="#">Home Page</a>	
<a href="#">Climate Change &amp; Energy</a>	<a href="#">Complete</a>	
<a href="#">Communities &amp; Culture</a>	<a href="#">Complete</a>	
<a href="#">Waste &amp; Resource Use</a>	<a href="#">Complete</a>	
<a href="#">Economy</a>	<a href="#">Complete</a>	
<a href="#">Health &amp; Wellbeing</a>	<a href="#">Complete</a>	
<a href="#">Learning &amp; Skills</a>	<a href="#">Complete</a>	
<a href="#">Natural Environment</a>	<a href="#">Complete</a>	
<a href="#">Sustainable Procurement</a>	<a href="#">Complete</a>	
<a href="#">Transport &amp; Accessibility</a>	<a href="#">Complete</a>	

### Key

- Not yet assessed
- Major negative impacts identified
- Minor negative impacts identified / unknown impacts
- Only positive impacts identified
- No positive or negative impacts identified

### Submit Proposal

At any point the assessment you can request a report of what has been completed so far, for example to share with colleagues.

Note that it may take up to two working days for the report to be emailed to you.

[Request Report](#)

[Ask for help](#)

## Decision Impact Assessment

### Carbon Footprint

DIA Proposal ID: 186

Proposal Title: The sale of Christchurch Bypass Car Park



BCP Council is committed to becoming a carbon neutral organisation by 2030, and assisting the Bournemouth, Christchurch and Poole area to become carbon neutral ahead of the 2050 national target.

To achieve these challenging targets, we need to eliminate carbon emissions in all that we do. This is particularly important in the design, delivery, operation and end-of-life considerations of new plans, policies, procurements, projects, services and strategies.

The answers you have provided would indicate that the carbon footprint of your proposal is:

**Low**

Your Carbon Footprint is one of:

High

Moderate

Low

This should be factored into the viability and risk assessments of your proposal, subject to further assessment



Review and Submit

Ask for help



**Proposal Title** The sale of Christchurch Bypass Car Park  
**Type of Proposal** Other  
**Brief Description** The sale of Christchurch Bypass Car Park  
**Assessor** Sam Munnings, Estates Manager  
**Directorate** Growth & Infrastructure  
**Service Unit** Development  
**Estimated Cost** No cost  
**Ward(s) Affected** Christchurch Town

## Sustainable Development Goals (SDGs) Supported:



## RAG reasoning and proposed mitigation/monitoring actions

Theme	RAG	RAG reasoning <i>Details of impacts including evidence and knowledge gaps</i>	Mitigation and monitoring actions <i>Additional information relevant to the theme e.g. monitoring activities, performance indicators, related strategies. Amber / Red ratings - any mitigation/remedial action being considered</i>
Climate Change & Energy		Existing use is a car park. Proposed use is a car park. No change of use as a result of the proposal.	N/A
Communities & Culture		Existing use is a car park. Proposed use is a car park. No change of use as a result of the proposal.	N/A
Waste & Resource Use		Existing use is a car park. Proposed use is a car park. No change of use as a result of the proposal.	N/A
Economy		The proposal enables Waitrose to remain in the town centre and invest in their store.	N/A
Health & Wellbeing		Existing use is a car park. Proposed use is a car park. No change of use as a result of the proposal.	N/A
Learning & Skills		Existing use is a car park. Proposed use is a car park. No change of use as a result of the proposal.	N/A
Natural Environment		The Council is to retain the green buffer between the car park and the river to ensure its effective ongoing management.	N/A

Sustainable Procurement		No procurement involved in this proposal.	N/A
Transport & Accessibility		The status quo will be maintained. The proposal does not include any obligation on the purchaser to provide electric charging points, cycle racks etc. However, enabling Waitrose to stay in the town centre will reduce the need for people to travel further afield.	None

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