

Notice of Overview and Scrutiny Board

Date: Tuesday, 29 March 2022 at 6.00 pm

Venue: Committee Suite, Civic Centre, Poole BH15 2RU



Membership:

Chairman:

Cllr S Bartlett

Vice Chairman:

Cllr V Slade

Cllr L Allison
Cllr L Dedman
Cllr B Dion
Cllr M Earl

Cllr J Edwards
Cllr D Farr
Cllr S Gabriel
Cllr M Howell

Cllr D Kelsey
Cllr T O'Neill
Cllr C Rigby
Cllr A M Stribley

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=5308>

If you would like any further information on the items to be considered at the meeting please contact: Claire Johnston on 01202 118686 or email claire.johnston@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

21 March 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 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. **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.bcpccouncil.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. **Call-in of Decision - Homeless Health Hub**

The Board is asked to review and scrutinise the decision of the Cabinet taken on 9 March 2022 in relation to the Homelessness Health Hub, following the receipt of a valid call-in request from the pre-requisite number of councillors.

In accordance with the Constitution, the Board must determine whether or not to offer any advice in relation to the decision. If advice is offered, Cabinet will be required to reconsider the decision and consider any advice offered.

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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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OVERVIEW AND SCRUTINY BOARD



Report subject	Call-in of Decision - Homeless Health Hub
Meeting date	29 March 2022
Status	Public Report [Appendices 2-4 are exempt, Appendix 5 is also partially exempt]
Executive summary	<p>The Board is asked to review and scrutinise the decision of the Cabinet taken on 9 March 2022 in relation to the Homelessness Health Hub, following the receipt of a valid call-in request from the pre-requisite number of councillors.</p> <p>In accordance with the Constitution, the Board must determine whether or not to offer any advice in relation to the decision. If advice is offered, Cabinet will be required to reconsider the decision and consider any advice offered.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>the Overview and Scrutiny Board consider the reasons submitted in the request for call-in, review and scrutinise the decision of the Cabinet against these reasons, and determine whether to offer any advice to Cabinet.</p>
Reason for recommendations	The Constitution prescribes the process for the call-in of decisions. It is for the Overview and Scrutiny Board to determine whether it wishes to offer any advice to the Cabinet.
Portfolio Holder:	Not applicable
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Richard Jones (Head of Democratic Services) Sarah Culwick (Deputy Head of Democratic Services)
Wards	Council-wide
Classification	For Decision

Background

1. The Cabinet made a decision on 9 March 2022 in relation to the Homeless Health Hub. The decision was published on 10 March 2022. A copy of the decision, an extract of the minutes and the original report presented to the Cabinet are appended to this report.
2. Any decision which is not subject to urgency provision shall not come into force, and may not be implemented, until the expiry of five clear working days after the decision was made, recorded and published, pending call-in. The call-in period commenced on 10 March 2022, closing on 17 March 2022.

Requirement for Valid Call-In

3. The procedure within the Constitution states that the Monitoring Officer will consider the Call-In request and confirm its validity or otherwise. A valid Call-In request must comply with the following:
 - (a) Have the correct number of signatures
 - (b) 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 Part 4C of the Constitution and the evidence to support the grounds. Reasons must be legitimate and not designated to create an obstacle to or delay the proper transaction of business nor should they be vexatious, repetitive, or improper in any other way.

Number of signatories (a)

4. In terms of the number of councillors who are required to make a request, the provisions in the Constitution provide that 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, to the Monitoring Officer of their nominated representative. In this case 3 Councillors all members of the Overview and Scrutiny Board have been named as requesting the Call-In. The Monitoring Officer has therefore accepted the call-in notice as valid in respect of the number of signatures required.

Reasons for Call-In (b)

5. Part 4C Procedure Rule 14 (Call-In) states that:

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: -

- (a) *The decision was not made in accordance with the principles of decision-making set out in Article 12 of this Constitution*
- (b) *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*
- (c) *The decision is not in accordance with the Key Policy Framework or Budget*

6. The decision, which was a key decision, was made by the Cabinet at their meeting on 9 March 2022.
7. The question therefore is whether there are reasonable grounds that one of the three limbs of Procedure Rule 14, as set out above, apply. Neither (b) nor (c) apply, so the question is whether there are reasonable grounds that the decision was not made in accordance with the principles of decision-making set out in Article 12 of the Constitution. For ease of reference, these have been reproduced in full below.

Article 12 – Decision Making

1.1 When the Council takes a decision it will do so in accordance with the following principles:

- (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*
 - (i) *Make the decision public unless there are good reasons for it not to be*
8. The email notices of call-in from the respective councillors list the grounds and reasons for the call-in as follows. Continuous paragraph numbering has been maintained for ease of reference.

Article 12 – 1.1 (d) - Consult properly and take professional advice from Officers

Reasons for Call-in

9. When the Council makes a decision it will consult properly and take professional advice from Officers;

On this occasion the council produced no information that it had consulted with partners and received confirmation of support from one or more to take on the proposed organisation or provide funding to support the project. Furthermore, it was clear from the paper presented to the Overview and Scrutiny Board that the advice of the officers was that this would not be good value for money and therefore the Cabinet have not taken professional advice from officers.

Article 12 – 1.1 (f) - Ensure the action is proportionate to what the Council wants to happen

Reasons for Call-in

10. When the council makes a decision it will ensure the action is proportionate to what the Council wants to happen;

The decision to spend close to £1m on a homeless hub without establishing the number of people that will be supported by the centre means that it cannot be established whether this investment is proportionate. The statements made throughout the process that this was not intended to be a service for people who are homeless but not on the streets suggests that the individuals who access this service will be very small and therefore the investment would not be proportionate. The councils stated aim in the homelessness reduction strategy is to reduce homelessness and rough sleeping to as close to zero as possible and so the centre is likely to become redundant if the aim is achieved.

Article 12 – 1.1 (h) - Explain what options were considered and give the reasons for the decision

Reasons for Call-in

11. When the council makes a decision it will explain what options were considered and give the reasons for the decision;

Whilst the paper presented to cabinet and scrutinised by the O & S Board explained what options were considered, it did not give reasons for the decision. The paper also stated that there was no preferred option and that 4 were being presented for consideration. However, when the lead member introduced the paper to the Board they stated that the 'preferred option was option 4'. Further, at cabinet there was no discussion around the various options and a decision was taken to progress option 4 without good reasons for the other options being disregarded.

Article 12 – 1.1 (i) - Make the decision public unless there are good reasons for it not to be

Reasons for Call-in

12. When the council makes a decision, it will make the decision public unless there are good reasons for it not to be.

Whilst the purchase price of the homeless health hub could be considered commercially sensitive, the options regarding the way forward did not need to be in confidential session, nor did the discussion around the options. The reason that the decision had to come before cabinet was that the original proposal was found to have grossly underestimated the works required, to not have considered the need to receive a market value for the property under Charity Commission rules and this demonstrated a failing in the process that the public have a right to understand.

Options for Overview and Scrutiny Board to Offer Advice

13. The Constitution prescribes the call-in procedure. It is for the Board to consider the matter and decide whether to offer any advice to the Cabinet.
14. If the Board decides not to offer any advice to Cabinet, then the decision may be implemented immediately. If advice is offered, the Cabinet will be required to reconsider the decision in light of the advice of the Board.
15. 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.

Summary of financial implications

16. There are no financial implications arising from this report.

Summary of legal implications

- 17. The law relating to call-in originates from the Local Government Act 2000 which establishes that scrutiny has a power to review or scrutinise decisions made but not implemented by the executive.
- 18. The Constitution, (Part 4, Section C) prescribes the Council's procedures pursuant to the regulations.
- 19. The right of Call-in should only be used in exceptional circumstances and not as a means of delaying a decision. It is an established part of the checks and balances on the Executive.

Summary of human resources implications

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

Summary of sustainability impact

21. There are no sustainability issues arising from this report.

Summary of public health implications

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

Summary of equality implications

23. There are no equality implications arising from this report.

Summary of risk assessment

24. The procedures for processing and considering call-in requests is detailed in the Council's Constitution. There are no specific risks associated with this report, however, failure to comply with the Council's procedure rules would give rise to potential reputational damage or legal challenge.

Background papers

Published works

Appendices

Appendix 1 – Extract of Decision Notice - Cabinet – 9 March 2022

Appendix 2 – Extract of the Confidential Minutes from the 9 March 2022 Cabinet
[Confidential by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act]

Appendix 3 – Recommendations from the Overview and Scrutiny Board – *[Confidential by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act]*

Appendix 4 – Extract of the Confidential Minutes from the Overview and Scrutiny Board[*Confidential by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act*]

Appendix 5 – Cabinet Report from the 9 March 2022 meeting including the exempt appendices. [*Note Appendix A is Confidential by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act*]

Extract of Cabinet Decision Record – 9 March 2022

(PUBLICATION DATE – 10 March 2022)

Agenda Item No	Decision Status	Matter Considered	Decision
A7	<p>Status: Recommendations Approved (subject to call-in)</p> <p>Call-in to apply: Yes</p>	Update on Establishing a Multi Disciplinary Team and a Homeless Health Centre	<p>RESOLVED that Cabinet:</p> <p>(a) Delegates authority to the Chief Operating Officer, in consultation with the Portfolio Holder for People and Homes and the Chair of the Health and Adult Social Care Overview & Scrutiny Committee to implement a competitive selection process to appoint an operator of a Health Hub service from St Stephen's Church Hall; and</p> <p>(b) Conditional upon the appointment of an operator as set out in Recommendation (a) above, approves the acquisition of the St Stephen's Church Hall and delegates authority to the Corporate Property Officer function (retained by the Chief Executive for the purpose of this acquisition), the s151 Officer and the Monitoring Officer to agree the specific terms of the acquisition of St Stephens Church Hall.</p> <p>(c) Approves an increase in the capital budget for the purchase and refurbishment of the property for the purposes of delivering a Health Hub service to a maximum sum of £800,000.</p> <p><u>Reason</u></p> <p>The recommendations ensured a robust approach in taking the Health Hub Forward.</p> <p>Recommendation (a) The approval of the use of St Stephens Church Hall for the Health Hub would ensure a solid basis to move forward and the competitive selection process to appoint an operational partner would ensure that the best operator for the project was appointed.</p>

Extract of Cabinet Decision Record – 9 March 2022

(PUBLICATION DATE – 10 March 2022)

			<p>Recommendation (b) The approval ensures that services would be delivered in the most appropriate location and would ensure that the options were considered by the appropriate officers.</p> <p>Recommendation (c) The approval ensures financial responsibility in setting a limit on the capital budget for the project and provides an assurance for partners on the financial envelope for the project.</p> <p>Voting: Unanimous</p> <p>Portfolio Holder: People and Homes</p>
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Report subject	Update on Establishing a Multi Disciplinary Team and a Homeless Health Centre
Meeting date	9 March 2022
Status	Public Report Confidential Appendix A
Executive summary	<p>In May 2021, Cabinet approved the further development of a Multi-Disciplinary Team (MDT) to better address the health needs of individuals who are homeless.</p> <p>Cabinet also approved the acquisition of St Stephens Church Hall, Bournemouth, to be used as a Homeless Inclusion Health Centre ('Health Hub') within an approved budget.</p> <p>Programme governance has been established for this work, the MDT is developing well with various partners engaged, and conveyancing and the required due diligence continues in relation to the acquisition of St Stephens Church Hall.</p> <p>Options are set out in the confidential Appendix A for the acquisition, refurbishment and management of the building which could bring additional investment requirements for the Council and therefore need further due consideration.</p>
Recommendations	<p>It is RECOMMENDED that Cabinet:</p> <ol style="list-style-type: none"> 1. Consider the options presented in the confidential Appendix A 2. Delegates authority to the Chief Operations Officer, in consultation with the Portfolio Holder, Lead Member and the Leader of the Council to implement arrangements as agreed
Reason for recommendations	To review the Cabinet approval gained in May 2021, consider the current position and agree the preferred option

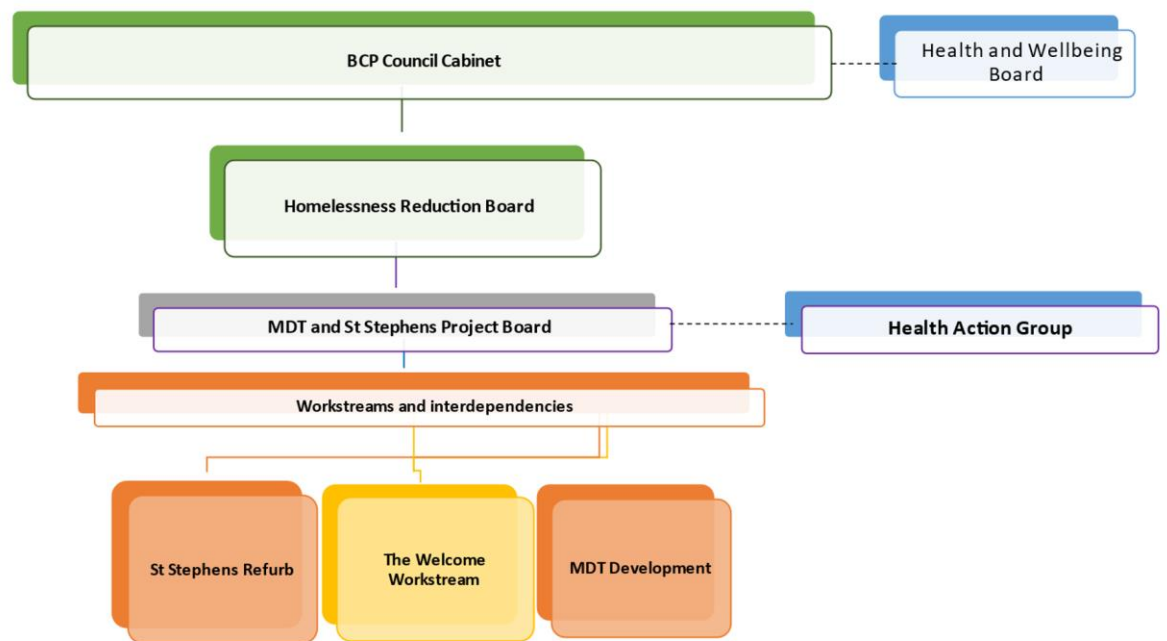
Portfolio Holder(s):	Councillor Karen Rampton (Portfolio Holder for Homes and Adults)
Lead Member	Councillor Hazel Allen (Homelessness)
Corporate Director	Jess Gibbons – Chief Operations Officer
Report Authors	Lorraine Mealings – Director of Housing, BCP Council
Wards	Council-wide
Classification	Decision

Background

1. Cabinet is referred to the decisions taken on 26 May 2021 – ‘Establishing a Multi Disciplinary Team and a Homeless Health Centre’ when it approved the recommended acquisition of St Stephens Church Hall, Bournemouth, to be used as a Homeless Inclusion Health Centre (‘Health Hub’) within an approved budget.
2. The recommendations approved by Cabinet on 26 May 2021 are set out below :-

Cabinet :-

- *Approves the further development of an Multi-Disciplinary Team (MDT) to better address the health needs of individuals who are homeless.*
 - *Approves the implementation of an ongoing ‘Health Hub’ provision at St Stephens Church Hall.*
 - *Approves the acquisition of St Stephens Church Hall and delegates authority to the Corporate Property Officer in consultation with the Portfolio Holder, Section 151 Officer and the Monitoring Officer to agree the specific terms of the sale (see Confidential Appendices A and B).*
 - *Approves the associated capital and revenue budget provision relating to the acquisition and management of St Stephens Church Hall (see Confidential Appendices A and B).*
3. Governance for a programme to oversee the development of the MDT and the acquisition of St Stephens Church Hall was established during 2021 which included the appointment of a specialist Programme Lead and the establishment of an overseeing Programme Board. The Programme Board includes the Cabinet Homelessness Lead as well as representatives from Housing, Social Care, Drug and Alcohol Services, CCG Primary Care, Estates, Communities, Voluntary Sector/Homeless Action Collaborative and Communications.
 4. Three key workstreams have been established, (1) the acquisition and refurbishment of St Stephens Church Hall, (2) the Welcome workstream and (3) establishing the Multi-Disciplinary Workstream:-



The MDT Development and Welcome Workstreams

5. The Multi-Disciplinary Team is taking shape and various partners are engaged. There is an agreed Memorandum of Understanding (MOU) in place which defines the team's scope and approach. All the required agencies are signed up to this, it defines the services to be delivered within the MDT, member agency responsibilities, responsibilities of employing organisations to support the MDT and staff commitments.
6. Work is progressing well to define and establish new ways of working to jointly support users of the hub and develop the scope for a defined "welcome offer". Procedures are being established for jointly case managing clients, setting the 'welcome offer' service scope and agreeing the approach for working with clients.
7. The communications team as part of the Programme Board is developing options for branding to enable a potential 'soft' launch during April 2022 which will be dependent upon the status of the building base at that time.

St Stephens Church Hall Workstream

8. Cabinet agreed to acquire the St Stephens Church Hall, Bournemouth, to house the Health Hub. The Hub is intended to be a combination of a building based and outreach model. It was intended, in that report, that the Council's Housing team will lead the

ongoing development and management of the Hub but joint working and co-designing with partner colleagues would be essential.

9. The Council's Estates team has led on the acquisition of St Stephens Church Hall. Timelines were extended because of the essential due diligence for the Council and the Charity Commission requirements that St Stephens Church, the owners of the property, market the property on the open market.
10. Options are being considered for the acquisition, refurbishment and management of the building which could bring additional investment requirements for the Council and therefore need further due consideration. The details of this are commercially sensitive and are therefore set out in confidential Appendix A for Cabinet consideration. These details include the Corporate Property Officer's views.

Summary of financial implications

11. Further due diligence has been undertaken as part of the acquisition process of St Stephens Church Hall and Cabinet is asked to consider options for a way forward. The options and related issues are set out in the confidential Appendix A.

Summary of legal implications

12. The acquisition of the building is being led by the Council's Estates team with the necessary legal considerations and due diligence underway.
13. The issue of 'accountable persons' for matters such as fire safety and wider compliance will need consideration for the building options presented.
14. The Council has the legal power to acquire land by agreement for the purposes of carrying out its functions and also to lease out land which it owns. It is expected to exercise due diligence in doing so and the confidential Appendix A sets out the steps which have been taken so far. The Council should carefully consider the options to be sure that the course it decides to pursue will best achieve its objectives. Depending upon the option which is selected, further due diligence steps may be required once those proposals have been further developed.

Summary of human resources implications

15. None in addition to the May 2021 report.

Summary of sustainability impact

16. The Council will want the resulting building to be sustainable to contribute towards our climate emergency challenges.

Summary of public health implications

17. None in addition to the May 2021 report.

Summary of equality implications

18. None in addition to the May 2021 report.

Summary of risk assessment

19. The confidential Appendix A sets out the key risks and issues to be considered.

Appendix A – Health Hub Options CONFIDENTIAL

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