

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
CABINET

Minutes of the Meeting held on 27 September 2023 at 10.15 am

Present:-

Cllr V Slade – Chairman

Cllr M Earl – Vice-Chairman

Present: Cllr D Brown, Cllr R Burton, Cllr A Hadley, Cllr J Hanna, Cllr A Martin
and Cllr K Wilson

Present Cllr M Cox
Virtually:

Also in Cllr S Bartlett (Chair of the Corporate and Community Overview and
attendance: Scrutiny Committee)

29. Declarations of Interests

Councillor Vikki Slade declared an interest in Minute No. 37 (SEND – Accelerated Timeliness) and refrained from voting on this item.

30. Confirmation of Minutes

The Minutes of the meeting held on 6 September 2023 were confirmed and signed as a correct record.

31. Public Issues

Cabinet was advised that no statements or petitions had been received on this occasion but that four questions had been received from two members of the public in relation to Agenda Item 7 (The future of BCP FuturePlaces Ltd, investment and development) and Agenda Item 10 (SEND – Accelerated Timeliness).

Questions received from Mr Alex McKinstry on Agenda Item 7

Question 1

Regarding Item 7, the future of FuturePlaces: the table on page 91 states the estimated costs of running FuturePlaces until closure would be £1.06 million. Presumably office rental costs form part of that figure. According to Companies House the registered office of FuturePlaces is BCP Civic Centre, but the company's minutes reveal that board meetings have also been conducted this year at 45 Westminster Bridge Road; "Bourne Gardens", Exeter Park Road; and "The View" (which may be the same property), Bourne Park, Exeter Park Road. Can the Leader / Portfolio-Holder for Finance confirm how much rent and other charges are being paid for each of these premises, and indeed for any other office space

utilised by FuturePlaces? Can we also be told which of these premises is being rented from a company associated with ex-Cllr Drew Mellor?

Response by the Leader of the Council and Portfolio Holder for Development, Growth, Regeneration and Transformation

Within the £1.06m estimated costs of running FuturePlaces Ltd until its closure, an amount of £27k has been provided for in relation to premise rental costs at Bourne Gardens. There are no other costs or payments relating to other addresses. The payment for this £27,000 was made to Hinton Road Investment Ltd. Our understanding is that a former Councillor is the sole director of Hinton Road Investment Ltd.

For completeness, in addition to the rent, a total sum of £4,726 excluding VAT has been paid over the last year, for additional room hire, outside of the core office space.

Question 2

Continuing with operating costs: the FuturePlaces chair stated at last week's scrutiny meeting that notice had been given to ex-Cllr Mellor's company in respect of that particular office space. When will the lease expire, what was its original duration (including the start date), and can we have details of any financial penalty imposed by the landlord in respect of the early forfeiture of the lease?

Response by the Leader of the Council and Portfolio Holder for Development, Growth, Regeneration and Transformation

I want to make a correction to what I said last week, as part of this answer. Last week I said that former councillor Mellor had purchased the building that FuturePlaces occupy. Former councillor Mellor has made it clear in public statements that he does not own that building. I am happy to accept that statement at face value and apologise to him for my use of that specific term.

However, his company, Hinton Road Investment Ltd, of which he is the sole director according to the records at Companies House, licences those offices to FuturePlaces and had done since August 2022 and Hinton Road Investment Ltd has invoiced for, and is in receipt of the rent from FuturePlaces. The licence was first granted for two years from 1 August 2022 and has recently been renewed at a rent of £54,000 per year, the first 6 month's rent has been paid, and Notice has been given to terminate that licence from 31 January 2024, for which there is no financial penalty. I would also confirm that the new licence, signed on 14 August 2023, is between Hinton Road investment Ltd and FuturePlaces and the rent was paid to Hinton Road Investment Ltd.

As I said earlier, I apologise for saying that former Cllr Mellor had purchased the building. He may not own the building, but it is clear that he has acquired the company which is in receipt of the rent and which licences the offices to FuturePlaces.

Question 3

Turning to Table 12.1 (pp. 83-84), and the reordering of FuturePlaces projects in the event that regeneration is brought in-house. The two projects listed for "priority delivery" here are the Holes Bay power station site, and the Dolphin Leisure Centre. Why these two sites? The Holes Bay project is undoubtedly very interesting, but given the ambitiousness of the project, plus the known problems with the land (including flood risk and actual contamination), I would have thought any council with budgetary pressures would be giving this site a very wide berth indeed. I'd be genuinely keen to hear why this site is being prioritised, therefore; ditto the Dolphin Leisure Centre, and any other sites I may have missed.

Response by the Leader of the Council and Portfolio Holder for Development, Growth, Regeneration and Transformation

Holes Bay and Dolphin Leisure Centre are prioritised sites due to their potential to deliver much needed housing, and at the Dolphin site a new leisure and pool facility. FuturePlaces have worked to bring the former power station site at Holes Bay, which is the largest regeneration brownfield site on the south coast, forward to a point where the site is ready for early discussions with investors to bring forward development. It is a complicated site but technology has changed and different options are opening up to deal with both flood risk and contamination.

Question received from Mr Adam Sofianos relating to Agenda Item 10 (Question read by Mr McKinstry)

The question relates to agenda item 10: 'SEND Accelerated Timeliness':

"Today's paper reveals that a key element of Council's education service is struggling.

The percentage of Education, Health and Care Plans completed within the statutory period is: zero.

The case backlog sits at 397.

Council has been invited to join the Safety Valve programme. This would contractually bind Council to annual cost-saving targets. But Safety Valve is controversial, and participants like Kent and Bury have experienced huge issues, and media headlines, in pursuit of these targets.

Notably, neither today's paper nor Safety Valve have been scrutinised by Committee, and signature is delegated to executives.

Yet this isn't just a financial decision. It could have huge consequences for many children and families here.

Could you provide reassurance that Council will commit to allowing any contract and management plan to be properly scrutinised by Committee, before it's agreed, and if possible bring it to a Cabinet or Council vote?"

Response by the Portfolio Holder for Children and Young People

Thank you, Mr Sofianos, for the question and your continued interest in this extremely important area.

Before I answer your question, to help anyone who wasn't at Children's O&S last week, this question very much follows on from your question to that committee. What I say when I introduce agenda item 10 will also, I hope, clarify my answer.

Following on from my answer last week, BCP has been invited to join the Safety Valve program. BCP has accepted the invitation to enter into negotiations. I would emphasise negotiations.

Due to the size of the High Needs Block deficit, the council would be remiss not to enter into negotiations as the High Needs Block deficit represents a significant risk to the council.

This is not a formal decision but an agreement to negotiate, therefore an operational decision and within the delegated powers of the chief executive.

The first step is to provide the DfE with The BCP SEND Strategy, Draft DSG Management Plan & DBV bid, which have already been done.

When the negotiations are complete any financial decisions will come before the appropriate Council decision-making body as in the constitution, depending on the financial consequences (either positive or negative).

To Clarify Page 5-59 of the financial regulations within the constitution provides the following:

Accepting external funding (BCP aggregate total including any 'match-funding' element and partner(s) share(s) if BCP is lead body or 'host')

Up to £100,000 Service Director - CFO

Between £100,000 and £1.0M Cabinet / cabinet member (with advice from the CFO)

Over £1.0M Council (with advice from the CFO)

If officers are unable to reach a negotiated position, then I would report that back to Cabinet for information.

I would like to assure you that I am keeping a close watch on this process as my primary focus is improvement in outcomes for our children. I would also welcome scrutiny paying an active part in this. It has a vital role. I do, however, also have the responsibility to monitor the impact of Children's services on council's finances.

32. Recommendations from the Overview and Scrutiny Committees

Cabinet was advised that there were no additional recommendations from the Overview and Scrutiny Committees on items not otherwise indicated on the Cabinet agenda on this occasion.

33. Quarter One Performance Report 2023/24

The Leader of the Council and Portfolio Holder presented a report, 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.

Cabinet was advised that BCP Council's priorities and values which underpin how we work to develop and deliver services are set out in the Corporate Strategy, adopted by Full Council in November 2019.

Cabinet was informed that delivery plan actions and performance measures are refreshed annually in line with the annual budget process, to ensure they remain relevant and in line with council priorities.

In relation to this Cabinet was advised that the council is currently refreshing the corporate strategy to update the vision for the place, the priorities and headline objectives, and that these will help build stable foundations to guide the council through current challenges and shape the way it can improve the lives of those who live, work, study and visit the Bournemouth, Christchurch and Poole area.

Cabinet was informed that the appended performance report shows progress with performance measures set out in the delivery plans and any additional measures agreed by Cabinet as part of the performance reporting process, for quarter one of 2023/24 (April to June 2023), and that Individual exception reports provide explanations and planned actions to address under performance against quarter one targets.

In addition to this Cabinet was advised that the appended report also provides a further update on the delivery plan actions previously reported to Cabinet in July 2023.

RESOLVED that Cabinet: -

- (a) considered the Quarter One performance report;**
- (b) considered the delivery plan action updates;**
- (c) considered the performance exception reports relating to areas of under performance; and**
- (d) advised of any amendments, deletions or additions to the performance indicator set that informs corporate performance.**

Voting: Unanimous

Portfolio Holder: Leader of the Council and Portfolio Holder for Dynamic Places

Reason

The corporate strategy sets out the objectives and outcomes that the Council's performance will be judged against and as such is a vital component of the Council's performance management framework. An understanding of performance against targets, goals and objectives helps us assess and manage service delivery and identify emerging business risks.

34. The future of BCP FuturePlaces Ltd, investment and development

The Leader of the Council and Portfolio Holder for Dynamic Places presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

Cabinet was advised that the report makes recommendations following a review of BCP FuturePlaces Ltd's (FuturePlaces) work programme and business plan to enable BCP Council to deliver financially sustainable investment and development.

Cabinet was informed that the paper had been presented and discussed at the Corporate and Community Overview and Scrutiny Committee the previous week, and that there had been a robust discussion.

Councillors addressed the Cabinet and a question was raised in terms of when the report would be presented for discussion by Full Council. In relation to this Members were advised that recommendations (a-g) were decisions which were delegated to Cabinet to resolve as they fell within the remit of the Cabinet, and that recommendation (h) as set out on the report would require approval by Full Council.

Concerns were raised with regards to the capacity of the team if bringing the service in house, and the need to get the structure and capacity right.

The Chairman of the Corporate and Community Overview and Scrutiny Committee addressed the Cabinet highlighting the comprehensive discussion on this item which had taken place at the recent meeting of the Committee. In relation to this Cabinet was advised that the following recommendations had been made at the meeting.

The Corporate and Community Overview and Scrutiny Committee recommend to Cabinet that:

- 1) recommendations a) – g) as outlined in the report be approved by Cabinet; Voting: 9:0 (2 abstentions)*
- 2) recommendation h), as outlined in the report for recommendation to Council, be deferred by Cabinet, to enable further work to be undertaken on the subject of the future of the civic offices in Poole and Christchurch. This deferral is recommended to enable all councillors to fully understand the options for the civic offices, particularly around leasehold and freehold options, and to address issues around that part of the former Poole Civic Centre known as 'the vertical slice', whilst recognising that there is a need to progress this whole issue as quickly as possible.*

Voting: Unanimous

Members not on the Cabinet addressed the meeting in support of the recommendations from the Corporate and Community Overview and Scrutiny Committee.

In relation to the recommendation from the Corporate and Community Overview and Scrutiny Committee the Cabinet discussed supporting the potential deferral of the decision relating to the disposal of the former civic offices to enable more time to assess the options relating to the Poole site further.

Members raised the possibility of bringing back the disposal of the civic offices in Christchurch to the November Cabinet meeting with the Poole element coming back in early 2024 to enable more interrogation around the options.

RESOLVED that Cabinet: -

- (a) agreed the outcome of the FuturePlaces business plan projects' review, as set out in Table 12.1;**
- (b) agreed to Option 1, the closure of FuturePlaces company and the bringing in-house of the development and investment activities of the company;**
- (c) agreed the principles, as set out in Appendix 3, to be applied to the closure of FuturePlaces financial accounts in respect to work in progress;**
- (d) delegates to the Director of Finance in consultation with the Chief Operations Officer, Portfolio Holder for Finance and Leader the implementation of these decisions and application of these principles (Appendix 3) to enable closure of FuturePlaces accounts and to report the final outcome position back to Cabinet;**
- (e) noted the estimated range of between (£2.23m) and £1.24m for the orderly closure of FuturePlaces accounts after the provision already made;**
- (f) noted the £636k additional cost for the in-house delivery of development for the period 1 November 2023 to 31 March 2024;**
- (g) agreed to include in the proposed general fund base revenue budget of the council, from 2024/25 onwards, £1.526m to recognise the additional cost for the in-house delivery of regeneration accompanied with a principle of capitalising such costs where appropriate to do so; and**
- (h) supports the recommendation from the Corporate and Community Overview and Scrutiny Committee and defers the decision on the disposal of the former civic offices in Poole and Christchurch to enable further work to be undertaken, with a report being brought back to the next Cabinet meeting on the disposal of the Christchurch civic offices and a report being brought back in early 2024 to deal with the disposal of the Poole civic offices.**

Voting: Nem. Con. (1 abstention)

Portfolio Holder: Leader of the Council and Portfolio Holder for Dynamic Places

Reason

To achieve the corporate vision of delivery of dynamic places. To respond to the DLUHC governance review report, in particular the recommendation to set out a clear portfolio of projects with timescales for delivery for FuturePlaces, and to meet the ambitions of the new administration. To exercise appropriate controls on commitments for expenditure on development and to facilitate the Council taking the leading role on delivery of investment and development projects.

35. To agree the provision of revenue funding for the delivery of Contact Centre as a Solution (CCaaS)

The Portfolio Holder for Customer, Communications and Culture presented a report, 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.

Cabinet was advised that in 2020 the Council had introduced Microsoft Teams telephony to facilitate agile and flexible working, and that whilst this was sufficient for most of the workforce, an additional integrated solution was needed to manage calls in the Contact Centre environment.

In relation to this Cabinet was informed that a Contact Centre solution was introduced, using skills-based routing to direct incoming calls to available agents, and to manage calls waiting in queues, and that that solution is now nearing a break clause in its contract and so the opportunity has been taken to review the market, identifying newer more reliable CCaaS solutions which also enable the introduction of new customer channels (omnichannel).

Cabinet was advised that options have been considered, including retaining the status quo as well as stopping using a Contact Centre solution, and that both options would have a negative impact on customers.

Cabinet was informed that the original Contact Centre solution was funded by a combination of transformation funding and Covid grants, and that this report sought CCaaS funding to be built into base budgets in recognition that a cloud-based solution requires ongoing funding on an annual basis.

Members addressed the Cabinet stressing the importance of this system to residents and to enable the council to work more efficiently. Further to this, questions were raised with regards to the inclusion of break clauses and the Portfolio Holder advised that he would confirm this aspect.

RESOLVED that Cabinet: -

- (a) approved the letting of a CCaaS contract; and**
- (b) agreed to include in the general fund base revenue budget of the Council, from 2024/25 onwards, the £169,000 annual costs of the CCaaS contract.**

Voting: Unanimous

Portfolio Holders: Customer, Communications and Culture
Transformation and Resources

Reason

CCaaS is a key element of the BCP Contact Centre and fundamental to managing incoming calls. It will also enable BCP to move towards the delivery of the Customer Target Operating Model through the adoption of an omnichannel environment.

Cllr M Earl left the meeting at 12:08pm.

36. Highcliffe Seafront Area - Parking Restriction Proposals (P26 2022)

The Portfolio Holder for Climate Response, Environment and Energy presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'D' to these Minutes in the Minute Book.

Cabinet were requested to consider the representations received following the advertisement of the Traffic Order and to approve the making and sealing of the Order which would enable the implementation of parking restrictions across the Highcliffe Seafront area.

In relation to this Cabinet was advised that the benefits to road users resulting from the proposed restriction include reducing danger to such road users and facilitating improved passage, particularly for cyclists, pedestrians, and those with mobility issues.

RESOLVED that Cabinet approved the Traffic Regulation Orders as advertised, except for the Stuart Road proposals, to enable the order to be made, sealed and to implement the restrictions which are outlined in this report and appendices.

Voting: Unanimous

Portfolio Holder: Climate Response, Environment and Energy

Reason

To approve the making and sealing of the Orders will enable the implementation of new and amended traffic restrictions on the following roads in Highcliffe: Abingdon Drive, Beacon Drive, Bute Drive, Castle Avenue, Chewton Lodge, Elmwood Way, Jays Court, Lymington Road (service road), Silver Way, Marrayat Court, Mill Lane, Montagu Road, Pine Crescent, Rothesay Drive, Waterford Gardens, Wharncliffe Gardens, Wharncliffe Road, Waterford Place, Waterford Road.

The benefits to road users resulting from the proposed Traffic Order include reducing danger and facilitating improved passage by maintaining visibility at junctions, sharp bends and narrow points.

In particular these proposals will assist cyclists, pedestrians and those with mobility issues or who are visually impaired by keeping junctions clear at all times which in turn will enable the safe use of dropped kerbs and associated tactile paving to safely cross at junctions in the area.

In taking this decision regard has been made to the council's duty under section 122 of the Road Traffic Regulation Act 1984 which states that local authorities 'secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

37. SEND – Accelerated Timeliness

The Portfolio Holder for Children and Young People presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'E' to these Minutes in the Minute Book.

Cabinet was advised that a Written Statement of Action is in place to respond to the Local Area Special Educational Needs and Disabilities (SEND) Inspection that took place in June 2021, and that in relation to this an improvement programme to deliver this is in train and reports to the SEND Improvement Board.

Further to this Cabinet was advised that the SEND Inspection identified eight areas of significant weakness which need to be addressed which had resulted in a set of actions being put into the Written State of Action to address the weaknesses.

Cabinet was informed that improvement activity is underway, and progress is being made in several areas, however in the key area of statutory performance the service performance has decreased, and this data places BCP Council as the 5th lowest performing authority in the country, in terms of adhering to the statutory 20-week timescale for Education, Health and Care Needs Assessments and Plans.

In relation to this Cabinet was advised that this business case puts forward the reason for the poor performance and the actions being taken to mitigate this, and that it also includes a proposal for urgent investment in the SEND Service on a short-term basis to manage the backlog so that the service can meet its statutory duties going forward.

Cabinet was advised that the concerns about this performance and the action plan have been raised at the SEND Improvement Board as have the capacity issues to manage the backlog and the increased demands.

Members spoke in support of the recommendations, stressing the importance of robust governance and of the importance of this one-off investment.

RESOLVED that Cabinet approved £784k one-off investment in the Children's Services SEND Service to manage the backlog funded from a specific Earmarked Reserve.

Voting: Nem.Con (1 abstention)

Portfolio Holder: Children and Young People

(Councillor Vikki Slade declared an interest in this item and refrained from voting thereon)

Reason

Failure to act will result in children and young people continuing to not receive the support they are entitled to and risks further escalation by the DfE.

Councillor Vikki Slade declared an interest in this item and refrained from participating in the vote thereon.

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

Cabinet was advised that there had been no urgent decisions taken in accordance with the Constitution since the last meeting of the Cabinet.

39. Cabinet Forward Plan

The Leader advised that the latest Cabinet Forward Plan had been published on the Council's website.

The meeting ended at 12.34 pm

CHAIRMAN