

Notice of Council

Date: Tuesday, 7 November 2023 at 7.00 pm

Venue: Council Chamber, BCP Civic Centre, Bournemouth BH2 6DY



Chairman:

Cllr L Dedman

Cllr C Adams
Cllr S Aitkenhead
Cllr H Allen
Cllr M Andrews
Cllr S Armstrong
Cllr J Bagwell
Cllr S Bartlett
Cllr J Beesley
Cllr P Broadhead
Cllr D Brown
Cllr O Brown
Cllr R Burton
Cllr J J Butt
Cllr P Canavan
Cllr S Carr-Brown
Cllr B Castle
Cllr J Challinor
Cllr A Chapmanlaw
Cllr B Chick
Cllr J Clements
Cllr E Connolly
Cllr P Cooper
Cllr M Cox
Cllr D d'Orton-Gibson
Cllr B Dove

Vice Chairman:

Cllr S Bull

Cllr M Dower
Cllr M Earl
Cllr J Edwards
Cllr G Farquhar
Cllr D Farr
Cllr A Filer
Cllr D A Flagg
Cllr M Gillett
Cllr C Goodall
Cllr A Hadley
Cllr M Haines
Cllr J Hanna
Cllr E Harman
Cllr R Herrett
Cllr P Hilliard
Cllr B Hitchcock
Cllr M Howell
Cllr A Keddie
Cllr M Le Poidevin
Cllr S Mackrow
Cllr R Maidment
Cllr A Martin
Cllr D Martin
Cllr G Martin
Cllr J Martin

Cllr C Matthews
Cllr S McCormack
Cllr P Miles
Cllr S Moore
Cllr A-M Moriarty
Cllr B Nanovo
Cllr L Northover
Cllr M Phipps
Cllr K Rampton
Cllr Dr F Rice
Cllr J Richardson
Cllr V Ricketts
Cllr C Rigby
Cllr K Salmon
Cllr J Salmon
Cllr P Sidaway
Cllr P Slade
Cllr V Slade
Cllr M Tarling
Cllr T Trent
Cllr O Walters
Cllr C Weight
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 attend or view the live stream of this meeting at the following link: <https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?Mid=5384>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services 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

30 October 2023

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app

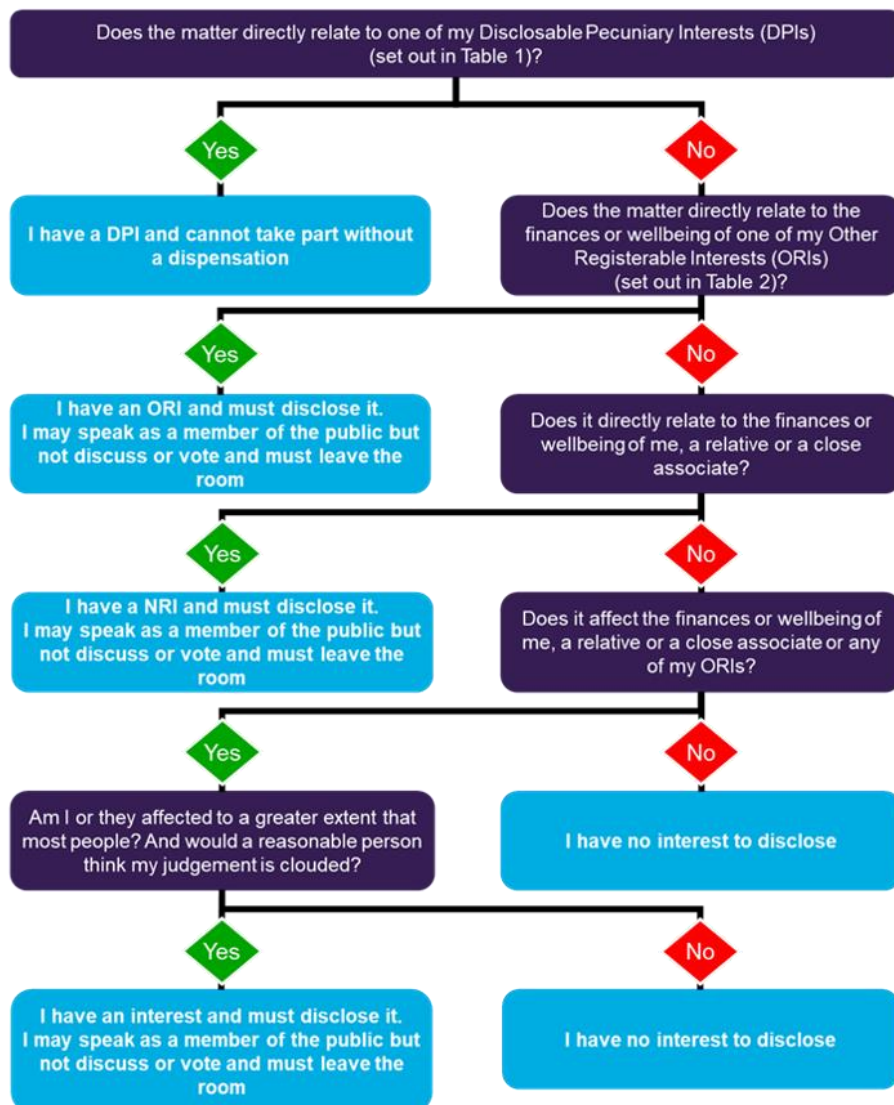


Maintaining and promoting high standards of conduct

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
(richard.jones2@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 12 September 2023.

7 - 20

4. Announcements and Introductions from the Chairman

To receive any announcements from the Chairman.

5. 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 mid-day 3 clear working days for 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.

ITEMS OF BUSINESS

Recommendations from the Cabinet and Committees

Please refer to the recommendations detailed in items 6 to 8 below.

6. Cabinet 25 October 2023 - Minute No. 48 - Christchurch Civic Offices

21 - 28

PLEASE NOTE: Should the Council wish to discuss the detail of the exempt appendix it will be necessary to exclude the press and public and move into exempt session. If applicable, the following resolution should be moved:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as

defined in Paragraph 3 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information."

RECOMMENDED that Council, after consideration of any feedback from a consultation with Christchurch Town Council, approve the disposal of the former civic offices in Christchurch on such terms to be approved by the Chief Financial Officer, also acting in his capacity as Corporate Property Officer, in consultation with the Portfolio Holder for Finance.

- | | |
|--|----------------|
| 7. Cabinet 25 October 2023 - Minute No. 49 - SEND Programme of Expansion - Broadstone First School | 29 - 40 |
| <p>PLEASE NOTE: Should the Council wish to discuss the detail of the exempt appendix it will be necessary to exclude the press and public and move into exempt session. If applicable, the following resolution should be moved:-</p> <p><i>"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information."</i></p> <p>RECOMMENDED that Council approves the capital budget set out in Appendix 1 (Exempt), which is funded from DfE grant monies, to enable the construction works and related processes to be undertaken to create the facilities for 20 SEND places at Broadstone First School.</p> | |
| 8. Audit & Governance 26 October 2023 - Minute No. 34 - Appointment of independent co-opted members to Audit & Governance Committee | 41 - 46 |
| <p>RECOMMENDED that Council approve the appointment of two co-opted independent members to the Audit and Governance Committee for a period which will end on 31 March 2026 and that Samantha Acton and Lindy Jansen van Vuuren be appointed accordingly.</p> | |
| 9. Appointment of Councillor to Appeals Committee | 47 - 50 |
| <p>Council is asked to appoint a councillor to serve on the Appeals Committee which is vacant following due notice from the Leader of the Poole Engage Political Group.</p> <p>The seat can be allocated to any member of the Council except members of the Cabinet.</p> | |
| 10. Appointment of Interim Monitoring Officer | 51 - 54 |
| <p>The Chief Executive took an urgent decision on 28 September 2023 to appoint Richard Jones as the Interim Monitoring Officer for the period from 19 October 2023 following the retirement of the former Monitoring Officer.</p> <p>Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to designate the role of Monitoring</p> | |

Officer to an officer of the authority. The urgent decision taken by the Chief Executive in accordance with statutory requirements covered the period to 7 November 2023 to allow Council to formally designate the role.

A copy of the urgent decision record is appended to this agenda and includes details of the proposal.

It is RECOMMENDED that Richard Jones is appointed as the Council's Interim Monitoring Officer in accordance with the statutory requirements until a permanent appointment is made to the role of Director of Law and Governance.

Background Papers: Published works.

11. Non-compliance with Standards Complaints Process - Determination

55 - 58

This report is for information and provides the Council with details of those complaints where members have failed to comply with a determination requesting that an apology be made following the informal resolution stage of the complaints process.

12. Notices of Motion in accordance with Procedure Rule 10

Voter ID

The following motion submitted in accordance with Procedure Rule 10 of the Meeting Procedure Rules has been proposed by Councillor P Cooper and seconded by Councillor P Canavan:-

That this council is concerned that the introduction of requiring residents to produce photo ID in order to vote at polling stations is having a negative impact on our democracy by disenfranchising particular sections of our society. For example, in some wards turnout was noticeably lower than in 2019.

This Council therefore agrees to raise these concerns with the Local Government Association, local MPs and Government as a matter of urgency to seek the removal of this unnecessary requirement on voters.

Conflict in Israel and Palestine

The following motion submitted in accordance with Procedure Rule 10 of the Meeting Procedure Rules has been proposed by Councillor J Salmon and seconded by Councillor K Salmon:-

That this Council

- **Expresses deep sympathy for all those affected by the conflict in Israel and Palestine. To those in the BCP area who have been affected by this conflict we offer our support in this difficult time.**
- **Hopes for an immediate further release of all hostages and an immediate ceasefire to allow more aid and the possibility of a peaceful resolution.**
- **Believes Muslims, Jews and people of all faiths and none should feel safe and supported throughout the world; that the**

increase in antisemitic and Islamophobic violence in the UK is reprehensible and should be punished to the full extent of the law.

This Council resolves to

- **Through the equalities action commission explore how the council can better support and facilitate events for people of all faiths and none where they can come together and express solidarity and sadness in response to these events.**
- **Offer appropriate support to any local resident who needs our assistance as a result of these violent events.**
- **Stand ready to provide support and open our arms to innocent people displaced and affected by these events.**
- **Condemn the use of all dehumanising language and calls on our communities to treat each other with respect and refrain from inflammatory terms to describe either the Palestinian or Israeli populations.**
- **Continue flying the UN flag as a symbol of peace outside the Civic Centre until a ceasefire is agreed.**

13. Questions from Councillors

The deadline for questions to be submitted to the Monitoring Officer is 30 October 2023.

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

To consider any urgent decisions taken by the Chief Executive 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 12 September 2023 at 7.00 pm

Present:-

Cllr L Dedman – Chairman

Cllr S Bull – Vice-Chairman

Present: Cllr H Allen, Cllr M Andrews, Cllr S Armstrong, Cllr S Bartlett, Cllr J Beesley, Cllr P Broadhead, Cllr D Brown, Cllr O Brown, Cllr R Burton, Cllr P Canavan, Cllr J Challinor, Cllr A Chapmanlaw, Cllr B Chick, Cllr J Clements, Cllr E Connolly, Cllr P Cooper, Cllr M Cox, Cllr D d'Orton-Gibson, Cllr B Dove, Cllr M Earl, Cllr J Edwards, Cllr D Farr, Cllr A Filer, Cllr D A Flagg, Cllr M Gillett, Cllr C Goodall, Cllr A Hadley, Cllr M Haines, Cllr J Hanna, Cllr E Harman, Cllr R Herrett, Cllr P Hilliard, Cllr M Howell, Cllr A Keddie, Cllr M Le Poidevin, Cllr S Mackrow, Cllr A Martin, Cllr D Martin, Cllr G Martin, Cllr S McCormack, Cllr P Miles, Cllr S Moore, Cllr A-M Moriarty, Cllr B Nanovo, Cllr L Northover, Cllr M Phipps, Cllr K Rampton, Cllr Dr F Rice, Cllr V Ricketts, Cllr C Rigby, Cllr K Salmon, Cllr J Salmon, Cllr P Sidaway, Cllr P Slade, Cllr V Slade, Cllr M Tarling, Cllr T Trent, Cllr O Walters, Cllr C Weight, Cllr L Williams and Cllr K Wilson

21. Apologies

Apologies for absence were received from Councillors Cameron Adams, Sue Aitkenhead, Julie Bagwell, Judes Butt, Sharon Carr-Brown, Brian Castle, Michelle Dower, George Farquhar, Rachel Maidment, Jamie Martin, Chis Matthews and Judy Richardson.

22. Declarations of Interests

Councillors Mike Cox, Paul Hilliard, Simon McCormack and Michael Tarling declared interests in Minute No. 27 (Cabinet 26 July 2023 – Minute No. 6 – Medium Term Financial Plan (MTFP)) Update, relating specifically to the sale of the Waitrose Car Park in their capacity as Christchurch Town Councillors and left the room for the discussion and voting thereon.

23. Confirmation of Minutes

The minutes of the meeting held on 11 July 2023 were confirmed as a correct record.

24. Announcements and Introductions from the Chairman

The Chairman updated Council on her activities since the last meeting. These included attendance at:

- Manorside Academy Year 6 Graduation
- Bike Night at Poole Quay

- Kushti Bok Roma Holocaust Memorial Service
- Burma Star Remembrance Day
- Igbo Dorset Yam Festival
- Commemoration of Ukraine Independence Day
- Annual Service of Remembrance FONFA (Friends of New Forest Airfields)
- Bournemouth Air Show
- Interview with Hope FM
- Service of Thanksgiving at the Priory Church, Christchurch for the Emergency Services

The Vice Chairman updated Council on his activities since the last meeting. These included attendance at:

- Beating of the Troop, Bournemouth Air Show
- UK Beach Volleyball Tour Championships

The Chairman advised Council that the Monitoring Officer and Director of Legal Services Susan Zeiss was retiring on the 18 October. The Chairman thanked Susan for her all her advice and hard work during her time working for the council.

25. Public Issues

(a) Public Questions

Public Question from Daniel Glennon

The science is clear that meat and dairy are major contributors to the climate and ecological emergencies. Other councils, for example Oxfordshire County, Oxford City, Cambridge City, Exeter City and Lewisham Borough, are ensuring that all food served at events is plant-based – could BCP council do the same? This is the logical next step after having declared a climate emergency. It will help normalise plant-based eating, which according to an Oxford University study, is the most effective thing an individual can do to reduce their environmental impact. So, given the climate and ecological emergencies declared by this Council, will the Council ensure that all food and drink provided at internal events is plant-based, as other councils have done? Even if this only applies to refreshments at a small number of events per year, it shows leadership, and will be a small step that sends a powerful message.

Response by Councillor Andy Hadley, Portfolio Holder for Climate Response, Environment and Energy

Thankyou for your question, I welcome your challenge. I do believe in leading by example and I agree that changing to a meat and dairy free diet is an important component in reducing our personal carbon footprint. However, we do feel we should start by promoting and encouraging rather than mandating plant-based options in the first instance.

The Leader and I have both been in correspondence with representatives from The Plant Based Treaty Organisation and the Leader met with them

earlier today and has committed to talking to those councils that you have listed who have adopted these principles.

We are happy to consider the implications of such a decision in the next review of the climate plan and from a personal perspective I will seek to promote the concept throughout the organisation.

Public Question from Alex McKinstry

On 28 February the Standards Committee upheld a complaint against Cllr Mark Anderson, which revolved around a street-cleaning initiative that was politically calculated. Summing up that night, the Chair of Standards announced that there were "other areas of concern" which the Committee had identified, and they would be asking the Chief Executive to conduct "a thorough, further investigation" into those concerns.

Can the Leader of the Council clarify what, precisely, the Chief Executive was asked to investigate; when he will be reporting back; and via what mechanism?

If on the other hand *no* investigation is underway - and I say that because we've heard nothing about this matter since February - can the Leader confirm when the decision was made to abandon, or simply not proceed with, any investigation; who was involved in the making of that decision; and the reasons for that decision?

Response by Councillor Vanessa Ricketts, Chair of the Standards Committee

"I would like to thank Mr McKinstry for his question, as I also dislike loose ends and this has given us the opportunity to publicly conclude this matter.

As the then interim Chair of Standards, I sent an email to the Chief Executive on 1 March 2023 asking that he consider making inquiries into additional areas which were associated with, but not directly, the subject of the complaint before Standards Committee. I also requested that the Chief Executive refer the complaint to Dorset Police, asking them to review their decision not to take any further action in light of the findings of the Committee. This was done and Dorset Police confirmed their initial decision not to investigate the matter further.

The Chief Executive then met with the Statutory Officers and, after establishing some facts internally, including a lack of wider examples, agreed that it would not be proportionate to take any further action."

Public Question from Zoe Tees (read by Soo Chapman)

Given that BCP Councils Head of Climate Dr Montgomery's stark warnings in the "Councillors' Workbook on Acting on Climate Change" of October 2022 and BCP's February 2023 Draft Climate Action Strategy 2023-2028. When will BCP council and all councillors have a meeting to discuss the workbook and various actions needed, such as promoting plant-based catering for all institutions, including schools now that the charity Pro—Veg provides free consultations for councils and schools?

Response by Councillor Andy Hadley, Portfolio Holder for Climate Response, Environment and Energy

Thank you for Zoes question, when first appointed I circulated the Councillor Workbook that was produced by our Head of Climate, Dr Matt Montgomery to all councillors back in June 2023, to ensure that both old and new members had sight of it.

Matt has now unfortunately left the organisation, but we conducted two training sessions for members last week on climate change. We have also been reviewing progress against the climate change action plan that was previously circulated and published.

We are planning a series of awareness raising events both within the council and with the public, with most schools running as Academy Trusts in the area they are no longer directly in our control, but we will certainly be working with them including to sign post them to available resources such as promoting the link to Pro-Veg information. Schools who want to take this further can do so.

Reducing consumption of meat and dairy products is an important strand in reducing our carbon footprint.

Public Question from Conor O'Luby (read by the Acting Chief Executive)

"On 7th January 2020, BCP Council held a public consultation event at the Bridge, Littledown, regarding future developments on the Wessex Fields site. Please set out your current thoughts on development and whether the results of the consultation play any part in them."

Response by Councillor Vikki Slade, Leader of the Council and Portfolio Holder for Dynamic Places

I would like to thank Mr O'Luby for his question, I remember the event at The Bridge in Littledown on 7th January 2020 where I presented to residents and partners around the options open to us at that time for Wessex Fields. This administration takes public consultation seriously and will always consider the views of the public and explain where things requested by the public cannot be progressed. I have asked officers to ensure that the output from that meeting is provided for background when proposals come forward for this site.

FuturePlaces were asked to look at possible development options for the Wessex Fields site as part of their project portfolio. The results of past consultation were passed to them so they could understand the views of key stakeholders at the outset of their project.

As you may be aware the Council is currently undertaking a review of the way in which regeneration work is delivered, and a paper which will include an update on this site will be coming to Cabinet on 27 September and will also be a subject of the Scrutiny meeting on 20th September.

Public Question from Daniel Parkin

In December, there were 144 16-17 year olds in the care of BCP, 28 of whom were living in semi-independent or independent accommodation with no day to day care or supervision.

8 months on, this number has risen to 526, with 65 receiving no day to day care. This is an increase of 365% in care and 232% in unsupervised care. So could I please ask the following:

- A) Can you shed any light on why this significant increase has taken place;
- B) What plans, if any, are in place to reduce the instances of vulnerable children entering unsupervised accommodation;
- C) What are you doing to address the fact that these children's records are still on paper file, to the point where your department couldn't give me basic details of how many of these children receive counselling or support?

Response by Councillor Richard Burton, Portfolio Holder for Children and Young People

Thank you, Mr Parkin, for your question and providing me with the opportunity to talk about young people at full council.

All council officers and councillors in this chamber, and throughout the Council, are Corporate Parents so we all have an interest in this question.

I have an answer based on the data I have received. I would love to have a dialog with you about this but, unfortunately, Full council doesn't provide opportunity for this. However, I would welcome the chance to discuss your question with you further as I am sure that my answer will raise further questions for you.

In December 2022 there was 508 children in care (aged 0 to 18), within this cohort we had 143 children who were 16 and 17. 63 children living in semi-independent living arrangements. All these children were receiving support, the package of support offered would depend on the level of need.

A We currently have 534 children in care aged 0 to 18.

From this cohort we have 151 children aged 16-17 years old,
65 children are living in semi-independent living arrangements.

All of these children will be receiving a package of support that is assessed against individual need, as we have a statutory responsibility to provide this.

B There has not been a significant increase in vulnerable children living in semi-independent accommodation, the number has increased by only 2 children in the past two months.

C All children's records are kept electronically. We do collect data to manage/monitor performance including the number of children who receive support.

As I said. Please do get in touch with me directly so that we can have further discussions.

Public Question from Philip Stanley-Watts (read by the Acting Chief Executive)

In the light of the crisis in the concrete of some public buildings what inspections have taken place on bcp public buildings. also will there be a more sustainable building materials policy within the planning framework.

Response by Councillor Vikki Slade, Leader of the Council and Portfolio Holder for Dynamic Places

The council is currently assessing all of its corporate estate, including BCP Homes buildings, to identify any buildings that due to their age or construction, may contain RAAC (Reinforced autoclaved aerated concrete). The information we currently have on our building stock does not suggest that RAAC is present in our buildings, but we are carrying out a comprehensive review over the coming weeks to confirm the situation. I understand this will be completed by the beginning of November.

This will include all properties owned by the council, including those leased out to third parties or used by community organisations. It should be noted that the presence of RAAC does not mean that a building is inherently unsafe, it would be necessary to understand how it has been used and what condition it is in, in order to determine any mitigation measures that may be required.

In respect of your second point relating to future buildings policy, the climate change chapter in the local plan will require new buildings to take a fabric first approach to energy efficiency. Whilst we won't be able to prescribe the materials, developers will have to reduce energy loss and demonstrate this through an energy statement.

Whereas the local plan deals with external appearance, the Building Regulations cover the technical aspects. The Future Homes Standard will come into effect through Building Regs in 2025, which is when the local plan is adopted. This standard will require that new homes are net zero ready.

For commercial buildings we will continue to require BREEAM Very good or excellent standards, which will require developers provide sustainable buildings.

(b)Public Statements

Public Statement from Soo Chapman

This chocolate teapot represents the failure of policies and communications regarding the terrifying emergencies acknowledged by Dr Montgomery's report of a year ago as well as by BCP's draft Climate Action Strategy of February 2023.

Spelling out the emergencies, and multiple risks to well-being must be prioritised immediately before more precious time is lost. Decarbonisation at speed and scale is essential. The ecosystems that sustain us continue to collapse.

Such appalling failures must not be allowed to happen. Tobias Ellwood points out that every citizen, "....must unite to tackle this huge threat to our planet and humanity."

Yet environmental literacy continues to be undermined and the risks underplayed. The public deserves an easy-to-understand immediate update, with guidance and incentivisation as to how they can all help before society breaks down, we lose everything, and bequeath a most desperate legacy to those we should be safeguarding.

There were no petitions received for this meeting.

26. Cabinet 26 July 2023 - Minute No. 5 - Financial Outturn Report 2022/23

The Portfolio Holder for Finance, Councillor Mike Cox presented the report on the Financial Outturn for 2022/23 and outlined the recommendations as set out on the agenda.

Comprehensive discussion took place on the item with Members acknowledging the financial situation of the council and the budgetary issues.

RESOLVED that Council: -

- (c) approved the 2023/24 capital virements to accept new grants above £1m as set out in Appendix C.**

Voting: Nem.Con

Note – resolutions (a) and (b) were resolved matters by the Cabinet.

[Councillor Pete Miles left the meeting at 20:03]

27. Cabinet 26 July 2023 - Minute No. 6 - Medium Term Financial Plan (MTFP) Update

The Portfolio Holder for Finance, Councillor Mike Cox presented the report on the Medium Term Financial Plan (MTFP) Update and outlined the recommendations as set out on the agenda.

In relation to this Councillor Cox advised council that due to his declaration in respect of this item he would be seeking an alternative proposer in respect of recommendation (e) bullet point 4 would therefore leave the room.

Comprehensive discussion took place on the disposal of the individual assets and the following points were raised:

Waitrose car park:

- The sale of the asset would secure the asset for the people of Christchurch
- Control of the car park is kept with the Town Council
- Car park income will provide for the Town
- Concern was expressed with the lack of consultation and scrutiny.

- The assets had been discussed at the Cross-Party Asset Disposal Working Group.

Public Conveniences in Adastral Square, Canford Heath Poole

- Members raised the importance of an impact assessment.
- Council was advised that the toilets had been closed for over 10 years and that there were alternative facilities available.

RESOLVED that Council: -

(e) approved the following list of assets for disposal: -

- (i) St Ambrose Cottage**
- (ii) 27 High Street, Christchurch**
- (iii) Public Conveniences in Adastral Square, Canford Heath, Poole**
- (iv) Waitrose Car Park, Christchurch but only to Christchurch Town Council**

(f) approves a reduction in the working capital loan facility to BCP FuturePlaces Ltd. The value and timing of the reduction to be delegated to the Director of Finance in consultation with the Portfolio Holder for Finance.

Voting: (e) (i), (ii) and (iii) Nem.Con (e)(iv) 48:10 (1 Abstention)

(f) Nem.Con

Note – resolutions (a), (b), (c) and (d) were resolved matters by the Cabinet.

Councillors Mike Cox, Paul Hilliard, Simon McCormack and Michael Tarling declared interests in resolution (e)(iv) and left the room for the discussion and voting on this part of the resolution thereon.

28. Cabinet 26 July 2023 - Minute No. 10 - Children's Services Building Stronger Foundations Programme

The Portfolio Holder for Children and Young People Councillor Richard Burton presented the report on the Children's Services Building Stronger Foundations Programme and outlined the recommendations as set out on the agenda.

In proposing the recommendations the Portfolio Holder advised that the recommendations had been tweaked in order to make grammatical sense, and that this wasn't an amendment to the recommendation but to ensure the recommendation was clear.

RESOLVED that Council: -

- (a) Approved £4.462 million investment into Childrens Services Improvement and transformation; and**
- (b) The areas for investment to establish the structures and capacity needed to deliver transformation and improvement in children's services being delegates authority to the Director of**

Children's Services in consultation with the Chief Financial Officer with the allocation of funds and monitoring of impact and expenditure through the Children's Transformation Board.

Voting: Nem.Con

Note – resolutions (c), (d) and (e) were resolved matters by the Cabinet.

Meeting adjourned 20:58

[Councillors Hazel Allen, Mike Cox, Anne Filer and Vanessa Ricketts left the meeting]

Meeting reconvened 21:18

29. Audit and Governance Committee 27 July 2023 - Minute No. 8 - Treasury Management Monitoring Outturn 2022/23 and update for Quarter 1 2023/24

The Chair of the Audit and Governance Committee presented the report on the Treasury Management Monitoring Outturn 2022/23 update for Quarter 1 2023/24 and outlined the recommendations as set out on the agenda.

RESOLVED that the revised prudential indicators set out in table 10 of the report to the Audit and Governance Committee on 27 July 2023 be approved.

Voting: Nem.Con

Note – resolutions (a), (b) and (c) were resolved matters by the Audit and Governance Committee.

30. Audit and Governance Committee 7 September 2023 - Review of the Council's Constitution - Recommendations of the Constitution Review Working Group

The Chair of the Audit and Governance Committee presented the report on the Review of the Council's Constitution – Recommendations of the Constitution Review Working Group and outlined the recommendations as set out on the agenda.

Comprehensive discussion took place with members stressing the importance, of both the overview and scrutiny function and welcoming the proposed new arrangements.

RESOLVED that: -

- (a) (i) **in relation to Issue 1 (Overview and Scrutiny Structure and Arrangements) the proposed amendments to Parts 2, 3, 4 and 7, as set out in Appendix 3 to the submitted report, be approved with an implementation date of 29 September 2023;**
- (ii) **subject to the approval of (a)(i) above, authority to agree the calendar of meeting dates for the Overview and Scrutiny Board for the remainder of 2023/24 be delegated by Council to the Overview and Scrutiny Board;**

- (b) in relation to Issue 2 (salary Sacrifice Scheme for Councillors):-
 - (i) the proposed amendment to insert a new Section 8 into Part 7 (Scheme of Members' Allowances), as set out in paragraph 35 to the submitted report, be approved;
 - (ii) the Chief Executive be delegated authority to determine from time-to-time which benefit schemes are to be made available to councillors;
- (c) in relation to Issue 3 (Schedule of Council Meetings – Change of Date, Time and Venue), the amendment to Part 4D, Procedure Rule 1, as set out in paragraph 39 to the submitted report, be approved; and
- (d) any 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.

Voting: 50:0 (7 abstentions)

31. Overview and Scrutiny Annual Report

The Chair of the Corporate and Community Overview and Scrutiny Committee 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.

Council was advised that Overview and Scrutiny (O&S) is a statutory function of all councils operating an executive model of decision making.

In relation to this members were advised that in BCP Council, O&S activity is currently carried out by four O&S committees formed of councillors and co-opted members, and that there is a requirement to report on the work of O&S to Council, to ensure good visibility of the function and Council ownership of any improvements required.

Council was informed that the annual report contains a summary of O&S activity undertaken over 2019-23, reflections on working practices and an action plan identifying strategic improvements to the O&S function.

RESOLVED that Council noted the contents of the annual report and agrees the associated action plan.

Voting: Nem. Con

32. Notices of Motion in accordance with Procedure Rule 10

The following motion was submitted in accordance with Procedure Rule 10 of the Meeting Procedure Rules and was moved by Cllr S Armstrong and seconded by Cllr J Salmon.

‘BCP Council believes:

Every family and community should be safe from the loss of a life due to knife crime.

As community leaders, many of us are parents, grandparents and carers and we are all corporate parents – we have a responsibility to set an example to our children and young people and send a clear message that violence is never the answer, that young people can stand up for themselves and harm others.

We need to keep working together to get to the root causes of knife crime – we acknowledge the efforts being made to tackle it head on by BCP Council and partners such as the Police, for example the dedicated work under taken by the Community Safety Partnership who amongst many other things, have established a multi-agency Serious Violence Young Persons Task and Finish Group to lead on project and intervention work with the aim to reduce serious violent offences committed by young people.'

In proposing the motion Cllr Armstrong requested that the recommendations set out within the agenda front sheet be altered to recommend the Portfolio Holder report back in January rather than November to allow sufficient time.

Comprehensive discussion took place on the motion with Members setting out their support for the motion and the importance of a multi-agency approach.

The Portfolio Holder advised that actions were already underway.

RESOLVED: that Council supports the motion as set out below:

- (a) **To consider the amount of funding required to effectively deliver our Serious Violent Crime duty and if there is a short fall, to lobby the government for resources that reflect the specific needs of BCP;**
- (b) **To work in partnership with other voluntary services such as youth organisations to find alternative sources of funding to develop and deliver early intervention programmes especially in areas where we know there are vulnerable young people and their families;**
- (c) **To commit to working towards a public health approach that brings together youth services, community groups, schools, NHS and other statutory partners to tackle knife crime and serious violent crime in our neighbourhoods; and**
- (d) **That the Portfolio Holder for Housing and Regulatory Services reports back to Council on progress of the Community Safety Strategy in particular paying attention to knife crime, at the full council meeting in January. This update to include figures on the current attainment of the KPIs set out in the Community Safety Strategy. These figures to be available via a dashboard and shared with councillors and the relevant stakeholders.**

Voting: Unanimous

33. Additional Ordinary Council Meeting - 5 October 2023

RESOLVED that Council schedule an additional ordinary meeting of Council on Thursday 5 October 2023 at 7.00pm.

Voting: Nem.Con

34. Questions from Councillors

Question from Councillor T Trent

There seems to be a lot of figures being bandied around social media. What is the actual cost to BCP Council of the Bournemouth Air Festival, net of any additional income from the four-day event. Can this be clarified for us and the wider public.

Response by Councillor Millie Earl, Deputy Leader of the Council and Portfolio Holder for Connected Communities

Thank you, Cllr Trent. I'm aware that there has been a considerable amount of misinformation across social media and in the press peddled by our current and former Conservative colleagues, so I would like to take the opportunity to clarify the financial position relating to the Bournemouth Air Festival.

The events team have worked closely with the Council finance team to start to calculate the cost of the 2023 Bournemouth Air Festival to the Council. The **estimated** cost currently calculated includes the direct expenditure and income related to the delivery of the Air Festival, as well as Council staff time to support the festival and the net position of income from wider services during the festival such as from across our seafront and car parking services. It must be emphasised that after an event on the scale of the Air Festival, it takes time to receive final invoices and income from all the activities delivered, therefore the current figure is **estimated**. Currently the cost to the Council of the 2023 Bournemouth Air Festival is **estimated** to be £480,000, as mentioned this is a current **draft** position of the cost, the final position will alter.

Over the coming weeks all costs and income linked to the delivery of the 2023 Air Festival will be finalised.

The task and finish group are reviewing the options for the future of Bournemouth Air Festival, a paper will be brought to Cabinet later this year, at this point we will also be able to provide the final cost of the 2023 Bournemouth Air Festival to the Council.'

Supplementary question from Councillor T Trent

For clarification does the estimated figure include the ultimate cost of the staff that have been transferred from other duties, and who will be having overtime/ time off in lieu and things like that. Is that actually part of the figures because I wasn't quite clear on that part of the answer.

Response by Councillor Millie Earl, Deputy Leader of the Council and Portfolio Holder for Connected Communities

I'm happy to provide the information but want to be clear that this is an estimation.

As a council, our expenditure specifically on the air festival is approximately £900k. Our income specifically from the air festival is approximately £500k.

We have estimated around £190k of staff time is used for the air festival – including those in seafront, events, comms and other teams across the council.

We have estimated we bring in £110k from car parking and seafront services that we may not bring into this level if it wasn't for the event.

This means the approximate net cost of the Air Festival in its entirety this year is £480,000.

I just want to stress again that this is an estimate, and the final figures will be published when we have them.

I am though, certain, that the net cost to the council, and by extension, the BCP tax payer, is more than £400,000 - this is significantly more than our Conservative colleagues would like residents to believe.

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

The Chief Executive advised that there were no urgent decisions to be reported on this occasion.

The meeting ended at 10.20 pm

CHAIRMAN

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CABINET



Report subject	Christchurch Civic Offices
Meeting date	25 October 2023
Status	Public Report
Executive summary	This report presents a proposal to dispose of Christchurch Civic Offices.
Recommendations	<p>It is RECOMMENDED that Cabinet recommend that Council:</p> <p>a) After consideration of any feedback from a consultation with Christchurch Town Council, approve the disposal of the former civic offices in Christchurch on such terms to be approved by the Chief Financial Officer, also acting in his capacity as Corporate Property Officer, in consultation with the Portfolio Holder for Finance.</p>
Reason for recommendations	To obtain approval for the disposal of the former civic offices in Christchurch.
Portfolio Holder(s):	Cllr. Mike Cox, Portfolio Holder for Finance
Corporate Director	Ian O'Donnell, Corporate Director for Resources
Report Authors	<p>Miles Phillips, Head of Estates miles.phillips@bcpcouncil.gov.uk</p> <p>Adam Richens, Director of Finance and Chief Finance Officer adam.richens@bcpcouncil.gov.uk</p>
Wards	Christchurch Town;
Classification	For Recommendation

Background

1. Christchurch Civic Offices was the former head office location for Christchurch & East Dorset Council, prior to the 2019 Local Government Reorganisation (LGR) in Dorset. Following LGR the site was declared surplus with the consolidation and relocation of staff to the Bournemouth Civic Campus and subsequently now stands vacant.
2. Details of the site are set out in confidential **Appendix A**.

Principles developed by the Cross-Party Asset Disposal Working Group

3. Through a series of meeting across March, April, and the June the cross-party asset disposal working group developed a series of principles to be applied to determine future asset disposals. These principles, which were subsequently endorsed by Cabinet on the 26 July 2023, can be set out as follows.

Principle 1: We will ensure sufficient assets disposals are secured to enable the councils Transformation Programme costs to be fully funded by the Flexible Use of Capital Receipts. This will require disposal of assets where completion can be guaranteed by the 31 March of the relevant financial year and to the required amount.

Principle 2: Pursuant with s123 of the Local Government Act 1972, we will ensure Best Value is achieved in respect of any asset disposal by ensuring the value achieves the red book valuation as a minimum. We will also consider the use of overage clauses, where appropriate, to benefit from any future uplift in value.

Principle 3: We will constantly challenge ourselves as to the basis for holding any asset to ensure our portfolio is managed in an efficient and effective way. Holding costs and ability to reduce carbon footprint will be salient factors.

Principle 4: We will look to dispose of surplus, under-used, vacant land & buildings unless there is a strong strategic rationale for holding them for example - support future service delivery, regeneration, housing, or place making.

Principle 5: Provided consistent with other principles, we will support the acquisition of assets by community organisations and other public sector bodies such as Town and Parish Councils.

Principle 6: Estates Team capacity will be focused on the delivery of the required asset disposals.

4. The Council is currently spending £9,000 per month in holding costs associated with Christchurch Civic Offices.
5. The application of these principles, particularly principle 4, means the council should now be looking to dispose of the former civic offices in Christchurch. This is also supported by the councils Asset Management Strategy which emphasises that the council should constantly challenge itself as to the basis for holding any asset to ensure its portfolio is managed in an efficient and effective way. It should reflect on the cost to the public purse of holding assets and should dispose of surplus, under-used, vacant land, and buildings.

Conditions associated with any disposal.

6. In considering the disposal of this asset there are a number of factors which need to be resolved including.

- **Long leasehold or freehold.**

To maximise interest in the sale and to maximise the capital receipt the advice would be a freehold sale. This would transfer the entirety of the site and the risks associated it to the buyer. As an alternative the sale could be made conditional based on matters such as planning permission. It may also be possible to agree for a share of any increase in value of the land generated by the development through an overage agreement.

The sale by way of grant of a development lease would generate less interest and a lower capital receipt but would mean the council retain an element of control through the need for the lessee to obtain advance approval of planning applications and the ability to restrict the proposed use, requiring the site to accommodate commercial development only for example.

Recommended option would be:

- *A freehold disposal.*
- *Sale by a private treaty process.*
- *Inclusion of an overage clause will be considered as part of the sales process.*

- **Whole site or subdivided into small plots.**

The boundary of the asset that will be sold has been adjusted to exclude Bridge Street Car Park. This will also ensure an income generating asset is retained by the council and a well-used parking facility kept back to support Christchurch town centre. It also ensures that the public conveniences remain available for public use.

Recommended option is that the council retain Bridge Street Car Park.

- Sold as seen or sold subject to planning conditions.

Sold as seen is the quickest route to the delivery of a capital receipt and the quickest route to avoiding ongoing holding costs and ownership risk. A sale subject to planning may generate a higher receipt value but the risk of the planning process sits with the council.

This route would also delay the capital receipt as unless and until an acceptable planning permission is obtained the buyer would only have to pay a deposit normally set at 10% of the purchase price.

Recommended option sold as seen.

7. Due diligence associated with the valuation process will determine the extent to which overage clauses relating to future developments on the site are included in the sales contract.
8. A consultation process with Christchurch Town Council will be undertaken via James Atkinson the Acting Town Clerk.

Options Appraisal

9. Cabinet on the 8 March 2023, and Council on 21 March 2023, considered an Outline Business Case (OBC) from BCP FuturePlaces Ltd to repurpose the former Christchurch civic offices as an 84-bed hotel with the rear car park partially used for parking to support the hotel use and partially for the provision of approximately 36 new homes. This option would have required the council to prudentially borrow £26.5m over 50 years and take on the development and investment risk associated with the proposal. In addition, the financial modelling indicated a viability gap of £0.7m per annum between the annual cost of operations and debt servicing, compared to the income it is forecast to generate. Council decided to defer the decision to move to the project to Full Business Case stage and commit costs estimated at £969k.
10. This options appraisal considered other options such as.
 - (a) Do nothing.
 - (b) Do the minimum - retain and upgrade the car park, and use building for low value meanwhile letting.
 - (c) Redevelop the Civic Offices as offices with residential to the rear car park.
 - (d) Market the site for sale – retain Bridge Street car park and upgrade.
11. The BCP FuturePlaces Ltd Outline Business Case was also considered by the Place Overview and Scrutiny Committee on the 2 February 2023.
12. A link to the BCP FuturePlaces Outline Business Case is provided in the background papers section of this report.

Summary of financial implications

13. The current estimated sales value is included in confidential Appendix A. This value will be subject to an independent RICS Red Book valuation to determine an updated Market Value for the purposes of disposal. The Council will also look to offset any costs associated with the disposal from this capital receipt.

Summary of legal implications

14. The Council is empowered to sell land that it holds, and it may do so in any manner that it wishes. (This is however subject to the proviso that the Secretary of State's consent is needed to any disposal which is considered not to be best value or is to be at an undervalue).
15. The council may therefore choose to sell the property freehold (unconditionally or subject to conditions) or may offer to grant a long leasehold (of sufficient duration to enable development).
16. The offer for sale of a leasehold interest or a freehold conditional on the grant of planning permission may enable greater control over the development if, for example, mechanisms are included to ensure approval of planning applications prior to submission to the council as Local Planning Authority.
17. However, it should be noted that the terms on which the land/interest in the land is offered for sale will affect the valuation of the land (which will be undertaken in accordance with the RICS red book.)

18. Further it should be noted that steps will need to be taken to prepare the legal title for disposal. For example, it will be necessary to close the car parks prior to the disposal of the land. The timings of such actions will depend on the interest which is being disposed of at the time.
19. Once a marketing agent has been appointed, they will deal with all expressions of interest received, negotiating heads of terms prior to acceptance of the offer. It is not possible to estimate a timescale for the marketing stage as it depends on the level of interest in the site.
20. It is only once an offer is accepted that instructions are issued for the lawyers to negotiate the formal contract & transfer. During this period the purchaser will also undertake searches and raise queries on the property which must be responded to.
21. The legal work can take at least 12 weeks from acceptance of an offer to reach contractual completion. Depending on the actions that the prospective purchaser needs to take, this timescale could be even longer and in many instances is not open to influence by the seller.
22. For these reasons it should be noted that it is not guaranteed that the capital receipt will be achieved in the 2023/2024 financial year.

Summary of human resources implications

23. There are no direct human resources implications of this decision.

Summary of sustainability impact

24. The Asset Management Plan recognises the estate should be sustainable and carbon neutral and will play a key role in the council achieving these targets. Disposal of surplus assets will reduce the councils carbon emissions.

Summary of public health implications

25. There are no direct public health implications associated with this decision.

Summary of equality implications

26. On the basis that a decision to close Christchurch Civic Offices and consolidate the staff into the Bournemouth site has already been made then this decision will not have any direct equality implications.

Summary of risk assessment

27. The key risk associated with the recommendation of this report is that prevailing economic conditions and the key risks associated with the site dampen demand for the Christchurch Civic Offices site and a disposal is not achieved.
28. The site itself has a number of specific risks, as set out in the BCP FuturePlaces Ltd outline business case, the most significant of which are as follows. However, their impact will depend on any purchasers' proposals for the site.
 - that the site is in high-risk flood zone 3 and therefore any application for major development would be subject to the sequential and exceptions tests. The sequential test is carried out to ensure that development is sited on land that has the lowest risk of flooding. It looks within a defined area of search to see if an alternative site for the proposed use exists.

- The building is not viewed as end of life but contains significant carbon content. A developer could find it difficult to justify demolition without considering other options and associated whole life carbon impacts. This risk has been recently highlighted by the Secretary of State (SoS) call in and subsequent refusal of planning permission for the proposed demolition and redevelopment of the M&S flagship store in Oxford Street, London. The SoS considered that the failure to encourage re-use of resources and the embodied carbon impacts weighed against the scheme, as did the heritage impacts. As the Christchurch Civic Centre building is of a difficult internal structure configuration it could be expensive to retrofit/ refurbish/redevelop to an acceptable sustainable standard that allows total inclusive access and will achieve a viable return. This could limit investor/ developer appetite.
- Introduction of tighter Minimum Energy Efficiency Standards (MEES) regulations. Christchurch Civic Offices currently has a EPC rating of D (valid until 30/10/27). Proposals have been initiated for requirements of a minimum EPC rating of “C” in 2027 and “B” in 2030 to be able to let a commercial building. Whilst these proposals have yet to be enacted and there are various exemptions. Investors are becoming more concerned about the environmental sustainability credentials of the assets they are investing in.

Background papers

29. Cabinet 8 March 2023

BCP FuturePlaces Ltd – Outline Business Cases for Christchurch Civic Centre Buildings

<https://democracy.bcpccouncil.gov.uk/ieListDocuments.aspx?CId=285&MId=5357&Ver=4>

Appendices

Appendix A **Confidential Appendix** – Christchurch Civic Centre Asset Details

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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COUNCIL



Report subject	SEND Programme of Expansion - Broadstone First School
Meeting date	7 November 2023
Status	Public Report with Exempt Appendix
Executive summary	<p>The number of children and young people assessed as requiring a place at a specialist education provision in the BCP area has increased in recent years and this has increased expenditure on high needs.</p> <p>As part of the Council's strategy to address growth and associated financial pressure, a programme of expansion of specialist school provision across the conurbation is being implemented to help provide local access to cost effective places and thereby to reduce the Council's reliance on costly independent placements. For this to be successful the programme will need to provide additional places:</p> <ul style="list-style-type: none"> • across the BCP area • Across reception to Post 16 year groups • Meet the profile of needs that we have an identified as a challenge in sufficiency of places. <p>Broadstone First School, an academy run by the Castleman Academy Trust, is one of the schemes in the expansion programme where there is excellent opportunity to provide additional resource base places for children with autism spectrum condition (ASC).</p> <p>Detailed feasibility analysis shows that the academy would be capable of accommodating 20 SEND places from September 2024 provided modifications and extensions to the existing school buildings are undertaken.</p> <p>Unless schemes such as this are implemented the Council will have no option other than to continue with expensive independent placements to meet its legal duty to provide specialist places.</p> <p>The recommendation of this report therefore is to approve the budget detailed in Appendix 1 (Exempt) needed to grant fund the building works and related processes required for the creation of 20 SEND places at Broadstone First School.</p>

Recommendations	<p>It is RECOMMENDED that:</p> <p>Council approves the capital budget set out in Appendix 1 (Exempt), which is funded from DfE grant monies, to enable the construction works and related processes to be undertaken to create the facilities for 20 SEND places at Broadstone First School.</p>
Reason for recommendations	<ol style="list-style-type: none"> 1. Approval of the 20 SEND places at Broadstone First School and the requisite budget for the relevant constructions works and processes will enable the Council to: <ol style="list-style-type: none"> a) meet its legal duty to provide places for pupils with special educational needs and disabilities (SEND) b) meet its priority to expand the availability of specialist school places to: <ol style="list-style-type: none"> i. provide local places for pupils with special educational needs and disabilities (SEND) ii. to achieve savings as part of the Council's High Needs Block Deficit Recovery plan. iii. to improve inclusion across mainstream provision as part of the Graduated Pathway Programme 2. The provision of 20 SEND places at Broadstone First School will complement the SEND service being provided through the 23 SEND places already available at Broadstone Middle School. The combination of provision will create a cohesive SEND support service for pupils from age 4 through to age 13.

Portfolio Holder(s):	Councillor Richard Burton, Portfolio Holder for Children and Young People
Corporate Director	Cathi Hadley, Director of Children's Services
Report Authors	<p>Sarah Rempel, Service Director, Children and Young People</p> <p>Paul Reidy, Project Manager, Programme and Project Management</p> <p>Nick Kubale, Client Project Manager, Capital Programme Team</p>
Wards	Broadstone;
Classification	For Recommendation

Background

1. BCP Council has high aspirations for children and young people with SEND and is committed to ensuring children and young people experience inclusion in every aspect of their lives.
2. To deliver this vision, the Council agreed [April 2020] to invest an additional £10 million in our schools to ensure that children and young people in BCP have access to quality local specialist places to maximise their learning potential. Residual funds from the SEND Specialist Provision fund 2021/22 further supports the total capital available.
3. Many Councils are struggling to contain high needs expenditure within the dedicated schools grant high needs budget allocated by central government. BCP Council is facing similar challenges and continues to face a funding shortfall. Schools are also concerned that, to promote inclusion in a mainstream school, an increasing number of children and young people require costly support.

Growth in complex needs/children with SEND

4. The number of children and young people assessed as requiring a place at a specialist education provision in the BCP area has increased in recent years. In the last 3 years for example the percentage of the 0-25 age population with an EHCP maintained by the authority increased from 2%, to 2.5%; this compares with 1.7% nationally.

Pressure on High Needs Spending

5. Councils across England, including BCP, face increased expenditure on high needs and there is significant pressure to reduce the deficit. As part of the Council's strategy to address these challenges, work is underway to implement a programme of expansion of specialist school places across the conurbation which will help provide local access to cost effective places and a reduction in the Council's reliance on costly independent placements.

Programme of Expansion of Specialist Places

6. The Council's programme will increase the availability of places through targeted investment in the school estate designed to promote inclusion and contribute to achievement of SEND revenue savings. For this purpose, the Council invited expressions of interests from primary, secondary and special maintained schools and Academies to establish and create specialist places co-located on existing school sites for children with autism spectrum disorder (ASD), speech, language and communication needs (SLCN) and social, emotional and mental health (SEMH) needs. The development of schemes includes the provision of sites and accommodation for new and expanded resource base provision, hosting satellite sites, minor works and adaptations and increasing capacity of existing provisions.
7. It is envisaged that children will benefit from the mutual learning and interaction opportunities offered by a co-located specialist provision, and this helps to support the Council's priority to promote inclusion in mainstream schools and strengthen existing partnerships. Importantly, the increased availability of local quality provision will help children stay connected to their local communities, reduce distances and travel time between home and school and support the Council's efforts to manage demand for travel assistance. It will also develop a wider range of pathways as children transition from early years to primary through secondary and post 16 provision and into employment for young people, including supported internships. This will help reduce reliance on the independent sector and provide opportunities for future cost avoidance.

Expansion Proposal – Broadstone First School, Castleman Academy Trust

8. Broadstone First School is a mainstream infants school for children aged 4 to 8 at start of school year i.e. for school years Reception to Year 4. The proposed facility would be a discrete permanent SEND resourced base for children with high levels of special need. This would enable those children to experience mainstream school learning opportunities such as whole school activities, play and some lessons with mainstream pupils as determined by the judgement of school leaders. Such children may, in due course, be able to take advantage of more mainstream activities and are much less likely to be in specialist settings throughout their whole school life. Inclusion of children with special educational needs and disabilities is of benefit not only to those children, but to the whole school community, and may assist in developing pedagogical practice for all children in the school.
9. To meet the pressing need for SEND places Broadstone First School already provides 14 SEND places currently using temporary areas within the school. While providing a temporary expedient, this arrangement is unsuitable for permanent SEND services provision. This provision is a stop gap measure and has caused considerable disruption throughout the school, with temporary loss of the library to accommodate SEND children.
10. Castleman Academy Trust hosts a similar resourced base in Broadstone Middle School which would be closely involved in establishing the proposed permanent resourced base at the infants school.
11. This scheme forms part of a coherent plan to expand ASD/SLCN/SEMH provision in the Broadstone area of the conurbation. Places will be allocated by the Council under the SEND code of practice to children with an EHCP with ASC or associated difficulties.
12. Castleman Academy Trust has developed the proposed scheme working in partnership with BCP Council. The design and construction of the works involved in creating the SEND resource base will be managed by the Trust who are also the responsible body for undertaking the statutory process necessary to achieve a formal legal registration of the resource base. Subject to Council approval, the grant funding for the capital works will be provided by BCP under the terms of a funding agreement for the capital works. SEND services will be commissioned through a Service Level Agreement.
13. The capacity of the school for children placed under the local coordinated admission scheme will remain unchanged with 60 places in each of the year groups Reception to Year 4, offering a total of 300 places.

Business Case

14. The proposal, including a full business case, was evaluated by BCP Council. A business plan has also been considered by the Regional Director for the South West as part of the work necessary to agree to a significant change to an open academy.
15. Key features of the business case are as follows:
 - Castleman Academy Trust already operates a successful permanent resourced base for children and young people with ASC at Broadstone Middle School. The Trust is also operating a successful temporary resourced base at Broadstone First School.
 - The proposal has local support from families/parents/carers.
 - Consents and permissions have been obtained including full planning permission and provisional approval from the Regional Director for the South West to a significant change to the school, subject to LA budget approval.
 - The rationale for the proposal is clear and robust. It is important to note that this area is the only part of BCP operating a three-tier system (first/middle/upper) rather than a two-tier system (primary/secondary). This presents challenges at phase transition points particularly for pupils with special educational needs and disabilities being educated in

mainstream schools.

- The RSC and BCP are satisfied that the trust has the capacity to deliver the proposal including appropriate governance, structure, staffing and financial health to ensure that this is sustainable.
- The school was Ofsted judged 'Good' as in September 2023
- The local authority is fully supportive of the proposals set out within the business case and has been working in partnership with the school to develop the scheme.

Project Management

16. Children's Services have implemented updated project management procedures for the delivery of capital projects based on the advice and guidance of external project management consultants. The procedures use technical and operational assessments at each stage of a project's delivery to ensure that it is achieving its intended purpose within approved cost and time parameters.
17. The Service's project management procedures enable the delivery of schemes to be led and managed either by academy trusts, or by the Council or by a third party. In this case, the Broadstone First School scheme will be directly managed by Castleman Academy Trust, supported by BCP's in-house capital project management team acting in a client liaison capacity to ensure the project objective is achieved within agreed tolerances through regular stage reviews and gateway approvals.

Scheme Outline

18. The scheme is now ready to proceed into construction, subject to the Council's approval. The investigations, assessments, design development and approvals procedures undertaken during the pre-construction stage are summarised as follows:
 - **Feasibility Study:** A feasibility study was completed by construction consultants appointed by the Trust, working in conjunction with school management and SEN staff and with BCP officers. The study investigated options for development within the school site, evaluated the five identified possibilities and concluded that only one location had the ability to provide an integrated discrete resource base with direct access to a dedicated external play area.
 - **Design:** The scheme involves the development of a two-storey extension to the north end of the existing teaching block to enable the relocation of three Key Stage 1 (KS1) classes and an IT suite. The vacated KS1 area will be reconfigured to provide three SEND resource bases, two group rooms, a sensory room, storage rooms, toilets, and shower. The design is compliant with specifications set out in the Department for Education's Building Bulletin guidance 104 (BB104). It has been developed to the technical design detail stage involving the coordinated assessments, investigations, strategies and solutions of the architectural, structural and services design team.
 - **Site Investigations and assessments:** Geotechnical, arboricultural and ecological investigations have been undertaken to inform the development of design strategies and to provide evidence for Planning.
 - **Services:** Checks on electricity, gas and water have been undertaken, all existing services have sufficient capacity to meet the needs of the proposed expansion of the school buildings. Assessments have been made and strategies have been identified for the expansion of fire alarm, ICT and CCTV systems.
 - **Sustainability:** The scheme is designed to achieve a "Very Good" BREEAM rating in accordance with Poole Planning policy PP37. A BREEAM assessor has worked with the design team to identify the credits needed to achieve the required level of sustainability. Also compliant with PP37, 10% of consumed energy will be provided by an array of roof-

mounted photo-voltaic panels.

- **Planning:** Planning permission has been granted with conditions..
- **Building Regulations:** The trust has appointed Approved Inspectors to undertake a review of the relevant strategies in the design and then to inspect the works when in construction.
- **Furniture, Fixtures and Equipment (FF&E) & Information Technology (IT):** The Academy Trust has calculated the amount of budget needed for FF&E and IT capital purchases required for both the temporary and the permanent resourced bases. The FF&E budget includes the resources required in the external play area.
- **Cost estimate/Proposed Scheme Budget:** The technical design of the works has been developed in sufficient detail to obtain prices for the works. The Trust's consultants tendered the works and received five tender submissions by 25th August 2023 with 90-day acceptance periods. The consultants have assessed the tenders and have reported their evaluation of the bids, giving their recommendation as to the most economically advantageous tender for acceptance. The consultants' report incorporates an updated and finalised cost plan for the delivery of the project based on the offer from the most economically advantageous tender. That cost plan has been used to inform the estimate of cost and budget recommendation contained in Exempt Appendix 1.
- **Programme:** The programme shows an anticipated handover of the permanent SEND resourced base by the beginning of the academic year 2024/25. Key dates in the project programme are summarised in the following table:

Activity	Date
Latest date for Trust's acceptance of Works tender	23 rd November 2023
Commencement of 1 st phase of construction works	3 rd January 2024
Commencement of 2 nd phase of construction works	22 nd July 2024
Completion of 1 st phase of construction works	9 th August 2024
Completion of 2 nd phase of construction works	30 th August 2024

Options Appraisal

19. Alternative options considered include:

- Option 1: Create 20 SEND places at Broadstone First School to complement the 23 SEND place provision that already exists at Broadstone Middle School. This option will help to meet the needs for SEND places in this part of the BCP conurbation while the programme for expansion continues to identify options and develop proposals in other locations.
- Option 2: Develop new specialist school. The Council's recent application to the DfE for the development of two new free school provisions has been rejected. Feedback was that though the applications were strong and clearly indicated need they were not agreed on this application process, however the DfE encouraged the Council to make an application again when the next process for applications open. This option does not have certainty of success, nor a clear timeline to determination.
- Option 3: Make no change to existing provision at Broadstone First School. Doing nothing is not a suitable option for meeting the Council's High Needs strategy. The proposal to expand the Resource Base at Broadstone First School meets the High Needs Strategy and provides the Council will additional capacity to meet the needs of the local community, ensuring that children with SEND live and learn locally.

Option 1 is recommended.

Summary of financial implications

20. **Capital Cost Estimate:** The cost estimate of this scheme is provided in an Exempt Appendix 1.
21. **Capital Funding identified:** It is proposed that the capital project is funded from ringfenced High Needs capital grant funding already received and earmarked to support the Children's Services Capital Programme. The Service is satisfied this project meets grant funding criteria.
22. **Financial risks:** The funding agreement between BCP and Castleman Academy Trust will include an amount for contingency to cover unavoidable, not reasonably pre-ascertainable abnormal additional cost. Secondary contingency is included in the budget cost estimate to provide the Council with mitigation for residual risks.
23. **VAT implications:** The project is managed by Castleman Academy Trust which bears all costs for the design and construction of the works. BCP is grant funding the Trust to provide the SEND places, BCP is not a commissioner of services. The Trust is able to reclaim the VAT it incurs on the design and construction expenditure for the works under section 33B of the VAT Act. BCP's grant funding therefore does not attract VAT nor does it incur any irrecoverable VAT.
24. **Value for Money assessment:** The cost of the proposed scheme is above the national average cost per place for the provision of special school places estimated by English Buildings and Development Officers Group (EBDOG) and the Department for Education (DfE), however it is within the 80-percentile cost range contained within the National School Delivery Benchmarking Costs data issued in May 2022. Further details are provided in Exempt Appendix 1
25. The scheme is more costly than the EBD OG/DfE national average due to the constrained nature of the school site and the consequential lack of development options, there being only one where the SEND learning resource bases can have direct access into a dedicated SEND external play area. This location is currently occupied by three Key Stage 1 (KS1) classes and an ICT suite. These need to be relocated into a new two storey extension which, to accord with DfE school design standards, is of a larger area than would be required if the extension had the sole purpose of providing SEND accommodation. In addition, the nett/gross floor area ratio of the extension is less efficient due to staggered end of the existing teaching block.
26. The EBD OG/DfE cost data is 18 months behind current prices and so is subject to uplift for the effects of inflation in the intervening period.
27. The school is located in a conservation area and so the cladding materials for the extension have had to be selected for their suitability for use near to the original school building.
28. **Revenue implications:** The revenue costs of running the new provision will be provided by the Council's High Needs Block through BFS's budget share. Revenue costs will be met through a combination of guaranteed place funding through agreed commissioned place numbers and top-up funding paid by the placing LA as outlined in each pupil's EHCP and in the paragraphs below.
29. **Per Pupil Place Guaranteed Funding Element:** £10,000 per pupil per place commissioned by the Local Authority applied as follows:
 - Existing resourced provision available since 2021/22 x 8 places
 - Existing resourced provision available since 2022/23 x 9 places in temporary accommodation

- Additional resourced provision available from 2023/24 x 14 places in temporary accommodation
 - Permanent Resource Base Provision completed for academic year 24/25 offering total of 20 places
30. **Top-Up Funding:** For every child within the resource provisions an additional £10,000 per child is paid to the school via the High Needs Block aligned to the individual EHCPs.
 31. The revenue costs of the resource base are projected to be £230k pupil place guaranteed funding element plus £200k top up fees, equating to £400k annually when operating at full capacity of 20 places.
 32. In the case of children placed in BCP who are resident in neighbouring local authority areas, the home authority will contribute to the funding of places in accordance with school funding regulations.
 33. Castleman Academy Trust has examined the financial risks associated with the project and confirm they are manageable/sustainable.
 34. **Closing Baseline Deficit High Needs Budget – No action:** The baseline closing deficit/surplus balance with no corrective action identifies a significant year on year increase in pressure on the high needs budget. In 2022/23 there is a forecast deficit of £36.2m, rising to £61.5m in 2023/24, £98.7 in 2024/25, £149.2m in 2025/26 and 215m in 2026/27.
 35. **Open Deficit/Surplus Balance After Action Taken:** A series of tasks have been identified as necessary to achieve forecasted High Needs savings. Based on the cost between an average INMSS place at £47k and a top end special school place cost of £28k, it is forecast that the additional places provided at Broadstone Middle School could save approximately £19k per place or £380k per annum.

Summary of legal implications

36. **Funding Agreement:** A funding agreement has been drafted by BCP officers and has been agreed in principle by Castleman Academy Trust. The agreement is related primarily to the capital project but references the provision of services which are being covered by a separate service level agreement.
37. The funding agreement sets out the Council's requirements in respect of financial compliance, indemnification, collateral warranties, risk allocation, contract management, insurance and information sharing. It also provides the procedures for collaborative working, dispute and termination.
38. The funding agreement also requires the Trust to obtain the Council's prior agreement to undertake the works. This is in the form of a letter licence which has been prepared by BCP Estates.
39. **Sufficient Places Duty:** Under sections 13 and 14 of the Education Act 1996, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area and to consider the need to secure provision for children with SEND. This includes a duty to respond to parents' representations about school provision. The local authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. It must also ensure that there are sufficient school places in their area and promote diversity and increase parental choice. To discharge this duty the local authority has to undertake a planning function to ensure that the supply of school places balances the demand for them. The Education and Inspections Act 2006 requires local authorities to promote choice and diversity when carrying out their strategic duties in relation to the provision of new school places. Further, the Children and Families

Act 2014 requires councils to keep provision for children and young people with SEND under review including its sufficiency.

40. **Statutory Process:** The place change notification process enables provider local authorities (the local authority in which the school or college is located) to notify ESFA of any changes to the number of high needs or hospital education places at those schools and colleges funded via ESFA. The additional places at Broadstone First will form part of the Councils November return to the DfE.
41. **Consultation:** As part of the statutory process run by Castleman Academy Trust, parents, local residents and local schools were consulted during the period 12 April 2022 through to 12 May 2022. As part of this process, a response form was provided for comments to be fed-back to the school and the LA. Residents in the locality of the school and parents of pupils currently at the school were made aware of the event and the consultation window through the distribution of letters to parents. Information on the proposed change was made available on school website. The trust received three responses to the consultation which were favourable to the proposal.
42. BCP Council agrees that the proposals are in line with the needs of the local area and the Trust's application for a significant change was approved by the Regional Schools Commissioner (RSC) in June 2022 as the decision-making body (acting on behalf of the Secretary of State).

Summary of human resources implications

43. There are no direct HR implications arising from this report as staff are employees of The Castleman Academy Trust and not BCP Council.
44. The Castleman Academy Trust has the appropriate expertise and staffing resources in place so that the educational offer for pupils at the centre is tailored to their needs. A business case and associated budget has been developed and considered setting out the detail of the members of staff appointed, their qualifications and experience.

Summary of sustainability impact

45. The works have been designed to achieve a "Very Good" BREEAM rating and to generate 10% of the consumed energy from renewable on-site sources in accordance with Poole Planning policy.

Summary of public health implications

46. The expansion of places at Broadstone First School promotes the health and wellbeing of children with complex needs. It will improve access to quality local specialist places and provide opportunities for children with SEND to live and learn locally. This will greatly benefit existing children on roll and provides education, health and wellbeing benefits for the children and their families while further promoting inclusion practice for children admitted under the mainstream admission arrangements.

Summary of equality implications

47. Resource base provision is one of the most inclusive models of providing for the needs of children with SEND. The provision of additional special school places within BCP will have a positive impact ensuring children and young people attend local schools within their community. This is evidenced in the BCP developed EIA screening tool which has been considered by the EIA panel in mid-September and given a Green rating.
48. Additionally, and as part of the statutory guidance on making a significant change to an open academy, Castleman Academy Trust complied with the Public Sector Equality Duty in s.149 Equality Act 2010 and undertook an equalities impact assessment to demonstrate that they have considered the likely expected impact of the proposed change on all

individuals with protected characteristics. This did not identify any potential equality considerations requiring further consideration during implementation.

Summary of risk assessment

49. The risk of the SEND places not being needed in the foreseeable future is low. There is an evident need for special school places within all parts of the BCP conurbation. Broadstone First School provides an opportunity to create twenty places for infant children which will complement the existing programme for older children at Broadstone Middle School.
50. Castleman Academy Trust will be responsible for the management and successful delivery of the construction works.

Background papers

- Appreciative Inquiry 2019
- Written Statement of Action 2021
- Cabinet Report February 2021
- Cabinet Report 26 May 2021 SEND Strategy ([Public Pack](#))[Agenda Document for Cabinet, 26/05/2021 10:00 \(bcpcouncil.gov.uk\)](#)
- Cabinet Report SEND Capital Programme 27 October 2021 ([Public Pack](#))[Agenda Document for Cabinet, 27/10/2021 10:00 \(bcpcouncil.gov.uk\)](#)

Appendices

Appendix 1 Exempt Cost Plan Estimate of Scheme for Approval.

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

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AUDIT AND GOVERNANCE COMMITTEE



Report subject	Appointment of Independent co-opted members to Audit & Governance (A&G) Committee
Meeting date	26 October 2023
Status	Public Report
Executive summary	<p>Although not a legislative requirement, best practice and a '2022 position statement' by the Chartered Institute of Public Finance & Accountancy (CIPFA) endorsed by the Department for Levelling Up, Housing and Communities recommend that audit committees in local government should include at least two co-opted independent members.</p> <p>Previous BCP Council Audit & Governance (A&G) Committee and Council meetings agreed the in-principle decision to recruit two co-opted independent members to the BCP Council A&G Committee.</p> <p>A number of local decisions were agreed which enabled a suitable recruitment process, through open advertisement, to the BCP Council A&G Committee.</p> <p>The recommendations in this report endorse then approve the decisions made by the selection and recruitment panel, which was Councillors Andrews, Herrett and Chapmanlaw respectively.</p> <p>Full Council need to approve the appointment of co-opted members to a BCP Council committee.</p>
Recommendations	<p>It is RECOMMENDED that :</p> <p>1. A&G Committee endorse the decisions made by the selection and recruiting panel to appoint two co-opted independent members to the BCP Council A&G Committee .</p> <p>2. That full Council approve the appointment of two co-opted independent members to the A&G Committee for a period which will end on 31 March 2026.</p>
Reason for recommendations	<p>Best practice suggests the appointment of two independent member(s) to local Authority audit committees, to enhance the effectiveness and knowledge base of such Committees.</p> <p>Legislation is likely to follow, in England, which will require local authorities to include two independent members when forming their audit committees.</p>
Portfolio Holder(s):	Cllr Mike Cox, Portfolio Holder for Finance
Corporate Director	Ian O'Donnell, Corporate Director for Resources

Report Authors	Nigel Stannard Head of Audit & Management Assurance ☎01202 128784 ✉ nigel.stannard@bcpcouncil.gov.uk
Wards	Council-wide
Classification	For Decision

Background

- Many local authorities include independent members on their audit committees (or similar) as this is seen as strengthening the internal control and governance of the authority. Independent members with appropriate skills and experience can supplement those of elected members and improve the effectiveness of such committees.
- Released in 2022, a 'position statement' by the Chartered Institute of Public Finance and Accountancy (CIPFA), endorsed by the Department for Levelling Up, Housing & Communities, the Home Office and other public sector bodies, recommends that audit committees in local government (and police bodies) should include at least two co-opted independent members to provide appropriate technical expertise.
- In time many commentators suggest this requirement will be established in legislation in England, as it already is in Wales.
- At the meeting of the Audit & Governance Committee on 27 July 2023 the following was agreed:
RESOLVED that
 - Two independent members be co-opted to the BCP Council Audit and Governance Committee;
 - The term of appointment be for an initial period ending at the close of the municipal year 2025/26 on 31 March 2026 with an option thereafter for a further two years if mutually agreed;
 - An initial allowance of £1,084 per annum for each independent member is agreed with this initial figure subject to review by the Council's Independent Remuneration Panel, with any changes being backdated should this be recommended and agreed by the Remuneration Panel;
 - A selection and recruitment panel be created, comprising of the Chair of the Audit and Governance Committee and two other Audit and Governance Committee elected Members (supported by the Head of Audit and Management Assurance);
 - Following the recruitment process, a report from the recruitment panel be presented to the next available Audit and Governance Committee, outlining the process and the panel's recommendations. This report to be endorsed by the Audit and Governance Committee and a formal recommendation agreed for consideration by full Council;
 - In accordance with BCP Council policies, Audit and Governance Committee delegate to the Head of Audit and Management Assurance, in consultation with the Chair of Audit and Governance Committee, any changes to the role profile and person specification required and the operational details associated with recruitment, shortlisting and interviews.

Voting: Unanimous

Independent member(s) a reminder

5. Independent members are non-councillors who are suitably qualified with experience in the area of audit/governance and bring specialist knowledge and insight to the workings and deliberations of the committee to inter alia provide:
 - An effective independent assurance of the adequacy of the risk management framework.
 - Independent review of the Council's financial and non-financial performance.
 - Independent challenge to, and assurance over, the Council's internal control environment.
6. Independent members would **not** have a vote in the same way as an elected councillor of the committee and will be part of the committee in an advisory and consultative manner.
7. Independent members would have 'co-opted' legislative status under the power to co-opt in the Local Government Act 1972 and further described under section 13 of the Local Government & Housing Act 1989. Co-opted members can be elected Chair and have similar rights (to elected members) to access information and they would have obligations under the Code of Conduct for Members.
8. The agreed role description, skills, competencies and person specification is attached as Appendix A for information. This was constructed using template suggestions from best practice guidance and other local authorities. It contains specific best practice definitions and eligibility criteria for individuals to be reasonably considered independent, in the context of this role.

The recruitment and selection process

9. A communication strategy was agreed to advertise the roles including BCP Council website and social media platforms. BCP area business community social media platforms and (business) opt in newsletter facilities were also used to advertise the roles.
10. The advertisements went live on 16 August and closed on 10 September.
11. Interviews were held on 19 September and 26 September. The interview panel comprised Councillor Marcus Andrews, Chair of A&G Committee, Councillor Richard Herrett and Councillor Adrian Chapmanlaw.
12. The interview panel asked the same core 8 questions to each candidate and scored answers independently, from each other, using a 5 point scoring system. The panel then discussed scoring, no moderation of scoring was required as independent scores were similar and the overall ranking of candidates was unanimously the same.
13. Two excellent candidates were therefore successfully identified as suitable co-opted independent members subject to this A&G Committee approval and endorsement by Council.
14. The two candidates have both agreed to the role but are clear the process requires approval by A&G Committee and endorsement by Council before formal on-boarding and next steps can take place.
15. The panel also unanimously agreed a third individual possessed all the skills and attributes required of a suitable co-opted independent member. The Chair of the panel asked the Head of Audit & Management Assurance to make contact with this individual to ask, should the opportunity arise, whether the Council may contact them in future. The individual was contacted and they have confirmed they would be willing to support the Council should an opportunity arise.

On-boarding and next steps

16. Subject to this committee and then Council endorsement the more detailed on-boarding and next steps can begin, including:
 - Creation of bpcouncil.gov.uk email accounts, to safely and securely share data.
 - Access to relevant systems including ModGov to read committee reports.
 - Proportionate training and induction.
 - Set up of payment of allowance, via 1/12th a month transfer.
 - Agree and sign up to appropriate members code of conduct.
 - Make appropriate declarations of interest.
17. The A&G Chair has invited the two proposed candidates to the A&G Committee on 26 October 2023 to observe the meeting, as any member of the public can and prior to A&G Committee endorsement and full Council approval.

Summary of financial implications

18. The full year cost would initially be circa £2,200. Should the independent remuneration panel adjust the fee in line with benchmarking results the fee may potentially rise to circa £5,000 per municipal year.
19. No specific budget exists within BCP Council for this allowance. However the Head of Audit & Management Assurance has limited but sufficient flexibility to absorb this relatively small additional cost within existing budgets on an ongoing basis, so no additional budget allocation is required.

Summary of legal implications

20. There is currently no statutory requirement for an independent person to be appointed to the Audit Committee in England.
21. A council's audit committee is established further to the Local Government Acts 1972 and 2000 and its purpose is to give assurance to elected Members and the public about the governance, financial reporting and performance of the Council.
22. The decision in principle to appoint an independent member(s) to the Audit and Governance Committee is for Council to approve, the actual appointment will also need to be endorsed by Council.
23. Independent members would have 'co-opted' legislative status under the power to co-opt in the Local Government Act 1972 and further described under section 13 of the Local Government & Housing Act 1989.

Summary of human resources implications

24. Independent member(s) will need to agree to comply with the Council's Code of Conduct for Members, which sets out standards of behaviour expected from all members. Additionally, they will be required to complete a Declaration of Interests form on an annual basis.

Summary of sustainability impact

25. There are no direct sustainability impact implications from this report.

Summary of public health implications

26. There are no direct public health implications from this report.

Summary of equality implications

27. Applications for the position(s) of Independent member(s) to the Audit Committee will be open to all residents over the age of 18 in BCP Council and will be carried out in accordance with the Council's duties under the Equality Act 2010.

Summary of risk assessment

28. Subject to adequate vetting procedures and adherence to the Person Specification, this initiative should augment the Audit and Governance Committee's independence, provide additional expertise, and provide an opportunity for the community to play an enhanced role in the governance of the Council.

Background papers

CIPFA Publication 2022 - Audit committees: practical guidance for local authorities and police

Appointment of Independent co-opted members to Audit & Governance (A&G) Committee – Meeting 27 July 2023

Appendices

None

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COUNCIL



Report subject	Appointment of Councillor to Appeals Committee
Meeting date	7 November 2023
Status	Public Report
Executive summary	<p>Council is asked to appoint a councillor to serve on the Appeals Committee which is vacant following due notice from the Leader of the Poole Engage Political Group.</p> <p>The seat can be allocated to any member of the Council except members of the Cabinet.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Council appoints a Councillor by way of nominations to fill the vacant seat on the Appeals Committee.</p>
Reason for recommendations	To provide a full membership on the Appeals Committee, enabling meetings to be convened promptly and to determine appeals in a timely manner.
Portfolio Holder(s):	Councillor Vikki Slade (Leader of the Council)
Corporate Director	Ian O'Donnell (Director for Resources)
Report Authors	Richard Jones (Head of Democratic Services and Interim Monitoring Officer)
Wards	Not applicable
Classification	For Decision

Background

1. The Council is required to allocate seats to committees and other applicable bodies in accordance with the political balance provisions. This allocation was last undertaken at the Council meeting held on 11 July 2023.
2. Seats on committees, which are allocated to political groups, are to be filled by councillors of the respective political group in accordance with the wishes of the relevant group.

3. The Monitoring Officer has been notified by the Leader of the Poole Engage Political Group, which consists of two members, that whilst recognising the important work of the Appeals Committee neither member of the group is able to attend the scheduled meetings and has given notice that they are unable to appoint to the seat in question.
4. The Local Government (Committees and Political Groups) Regulations 1990 makes provision, where a political group is unable to appoint a member of that group to an allocated seat, for the council to 'make such appointment as they think fit'.
5. This does not require a recalculation of political balance and the seat may be allocated to any councillor regardless of political grouping.

Appeals Committee

6. The Appeals Committee meets two or three times a month, typically at 10.00am on various days of the week. The Committee predominately determines appeals by parents against the Council's decision in relation to the provision of school transport assistance in cases of need, special circumstances or safety.
7. Each meeting will draw three or four members from the wider membership pool to form a panel to determine each case. It is important to have a full complement of committee members to ensure appeals can be heard and determined in a timely manner.
8. The appointment will remain in place until a full review of political balance is undertaken which shall be in May 2024 unless a review is triggered in the meantime.

Options Appraisal

9. There are two options available to the Council. **Option 1** would be to leave the seat vacant and operate with six committee members, whilst **Option 2** would be to appoint a councillor to serve on the committee and establish a full complement of members on the committee.
10. Option 2 is the preferred and recommended option. It is critical that appeals can be scheduled quickly to avoid unnecessary delays in hearing and determining cases before this committee. Even a single member reduced pool can cause significant issues in convening meetings. Appointing a councillor would alleviate these pressures.
11. Training will be provided to the appointed councillor although there may be a councillor who has served on the committee previously but been unable to serve due to the political balance restrictions.
12. If more than one valid nomination is received for the seat it will be necessary to conduct a secret ballot in accordance with the Council's procedure rules.

Summary of financial implications

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

Summary of legal implications

14. The Council is ordinarily required to allocate seats on committees in accordance with the political balance of the Council, however, where a political group fails to appoint to a seat allocated to them, the Council may appoint another councillor to

that seat. This does not need to be in accordance with the political balance provision and may be appointed regardless of any dissent.

Summary of human resources implications

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

Summary of sustainability impact

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

Summary of public health implications

17. There are no public health issues arising from this report.

Summary of equality implications

18. Many of the appellants seeking a review through the Appeals Committee have direct or indirect characteristics protected under the equalities duty. Maintaining the membership at seven members will mean that meetings can be scheduled more promptly and avoid unnecessary delays in hearing cases. This has informed the proposed recommendation to fill the vacant position.

Summary of risk assessment

19. There are no specific additional risks arising from this report which have not been covered separately. The primary risk is the delay in convening and hearing appeals in a timely manner if the membership remains at a reduced level.

Background papers

None

Appendices

There are no appendices to this report.

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OFFICER DECISION RECORD

This form should be used to record Executive decisions taken by Officers

Decision Maker:	Graham Farrant, Chief Executive		
Service Area:		Date:	28 September 2023
Contact Name:	Graham Farrant	Tel No:	01202 127976
E-mail:	graham.farrant@bcpCouncil.gov.uk		
Subject:	Appointment of Interim Monitoring Officer		
Decision taken: This ODR is to confirm the appointment of Richard Jones as the Interim Monitoring Officer with effect from 19 October 2023 in accordance with statutory requirements.			
Options considered: The options considered were either to:- <ul style="list-style-type: none"> to appoint Richard Jones as Interim Monitoring Officer; - this is the recommended option; or to appoint another Officer of the Council – this is not recommended as there are limited officers with the required experience. to make an external interim appointment – this is not recommended for the interim appointment as they would lack local knowledge and would take time to get to know the Council and how it works. 			
Reasons for the decision: Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to designate the role of Monitoring Officer to an officer of the authority.			
Background: The existing designated Monitoring Officer, and Director for Law and Governance, will be retiring from the Council on 18 October 2023. There will be a period from this date until a permanent appointment is made when it will be necessary for the Council to appoint an Interim Monitoring Officer. Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to designate the role of Monitoring Officer to an officer of the authority. Neither the Head of Paid Service nor the Chief Finance Officer (Section 151) may be designated as the Council's Monitoring Officer. There is no statutory requirement for the position to be held by a legally qualified officer, although the Council would want to be assured that the officer appointed has the relevant skills and experience. The Monitoring Officer has several statutory duties and responsibilities relating to the Council's Constitution and our arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration and promoting high standards of conduct. A full list			

of the Monitoring Officer's responsibilities and delegated powers is included within the Council's Constitution.

It is therefore proposed to designate Richard Jones (Head of Democratic Services) as Interim Monitoring Officer from 25 October 2023. Richard Jones has over 37 years of local government experience working in the governance environment and was formerly appointed as Monitoring Officer for Christchurch Borough Council and East Dorset District Council.

Reason for urgency:

The Council needs to have a Monitoring Officer in post until a permanent appointment is made. The appointment under this decision is proposed until 7 November when the Council will be recommended to approve an extension of the temporary arrangement until a permanent appointment is made to the role.

Consultations undertaken:

The decision to designate the Council's current Deputy Monitoring Officer as interim Monitoring Officer has been discussed and agreed with the Leader of the Council and the Leader of the Opposition, in consultation with the Director for Finance and both the current Monitoring Officer and the proposed Interim Monitoring Officer.

Finance and Resourcing Implications:

The Interim Monitoring Officer will be paid an honorarium of £2,041.33 per month for the duration of their appointment. This amount reflects the additional tasks and duties which the person will have responsibility for in addition to their existing role. This amount is less than the salary currently budgeted for the Director Law & Governance (Monitoring Officer).

Name: Adam Richens

Date: 28/09/2023

Signature (of Chief Finance Officer):

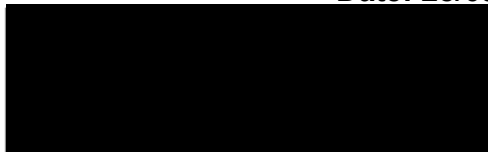


Legal Implications:

This decision is taken in accordance with Part 3 (Responsibility for Functions), Delegations to Chief Officers, line 68, in the revised Constitution. This decision will be reported to Council at the next available meeting.

Name: Ingrid Brown

Date: 28/09/2023



Signature Deputy Monitoring Officer:

Risk Assessment:

This decision will reduce risk in ensuring the role of Monitoring Officer is filled on an interim basis complying with statutory requirements. There are risks relating to capacity, however, these are to be carefully monitored by the Director for Resources.

Impact Assessments: None			
Information for publication			
Background papers: None			
Any declaration of interest by the Officer responsible for the decision		Nature of Interest	
No			
Note: No Officer having a personal financial interest in any matter should take a decision on that matter. Other interests of a non-disqualifying matter should be recorded here.			
Any conflict of interest declared by a Cabinet Member who is consulted by the Officer taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
No			
Decision taken by: (print name and designation) Graham Farrant, Chief Executive			
Signature: <div style="background-color: black; width: 200px; height: 40px; margin-top: 10px;"></div>			
Date of Decision: 28/09/2023			
Date Decision Effective:			
Date of Publication of record of Major Operational decision: As shown on web site			
Note: A record of this decision should be kept by the Service Area within which the decision falls.			

COUNCIL



Report subject	Non-compliance with Standards Complaints Process - Determination
Meeting date	7 November 2023
Status	Public Report
Executive summary	This report is for information and provides the Council with details of those complaints where members have failed to comply with a determination requesting that an apology be made following the informal resolution stage of the complaints process.
Recommendations	This report is for information only
Reason for recommendations	This report has been prepared following a decision made by Standards Committee on the 3 October 2023 to report member non-compliance in relation to the three Code of Conduct complaints detailed in the body of this report.
Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant
Report Authors	Ingrid Brown (Head of Legal Services)
Wards	Not applicable
Classification	For Information

Background

1. The Council has a statutory duty in the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the authority as well as those of parish and town councils within the boundary of BCP Council.
2. The Monitoring Officer is responsible for dealing with allegations that councillors have failed to comply with the members' code of conduct in accordance with the arrangements adopted by the Council. These arrangements are published in the Constitution, Part 6 (Codes and Protocols).

3. In summary, these arrangements establish a tiered approach for the consideration of complaints as follows:-
 - a. the Monitoring Officer to undertake an initial assessment, and where appropriate resolve the complaint by way of rejection, dismissal, or seek to secure informal resolution.
 - b. referral of the complaint to the Chair of the Standards Committee to consider in consultation with the standards committee members, independent persons and the Monitoring Officer. The Chair may dismiss the complaint, conclude that a potential breach of the Code has occurred and seek an informal resolution or refer the complaint for independent investigation.

Code of Conduct Complaint 97

4. Code of Conduct complaint 97 is a complaint made by a member of staff at the Council about Councillor Bagwell's conduct towards staff working in the reception area.
5. In accordance with the procedure this complaint was initially assessed by the Monitoring Officer. The subject Councillor, Councillor Bagwell, was written to on 15 September 2022 and asked to respond to the complaint. A further email was sent to Councillor Bagwell on 12 January 2023 asking that she respond to the complaint and advising her that the Chair of Standards would be considering this complaint in consultation at a meeting on 16 January 2023. No response was received from Councillor Bagwell and at an informal consultation meeting on 16 January 2023 it was determined that an apology in writing to the complainant would be an appropriate remedy. The complainant and the Councillor Bagwell were made aware of this determination in writing on 27 January 2023.
6. On 20 February 2023 an email was sent to Councillor Bagwell asking whether she intended to apologise in accordance with the determination made by the Chair in consultation.
7. On 27 February 2023 Councillor Bagwell responded indicating that she had just had sight of the Chair's letter of determination sent on 27 January. She referred to receiving a very high volume of emails. She indicated that she did not agree either with the determination or the detail of the complaint and she provided fresh evidence for consideration.
8. In view of the fresh evidence provided this complaint was considered again by the Chair in consultation at a further informal consultation meeting on 28 March 2023. The complaint was again upheld, and Councillor Bagwell was advised of this in a letter from the Chair on 3 April 2023. In that letter she was asked to confirm that she would now comply with the sanction proposed and make the necessary apology to the complainant.
9. On 6 June 2023 a further email was sent to Councillor Bagwell asking that she respond to the outcome letter. A phone call was also made to the subject Councillor and a message sent by Teams asking that she indicate her intentions in relation to compliance with the sanction imposed.
10. On 10 August 2023 the Chair of the Standards Committee wrote again to Councillor Bagwell setting out the above and inviting her to comply with the sanction imposed. She stressed the importance of compliance with the Standards regime. Councillor Bagwell has still not responded nor has she indicated that she intends to comply. Correspondence has been received from another member of Councillor Bagwell's party indicating that she does

not agree with the determination but no further correspondence has been received from Councillor Bagwell.

Code of Conduct Complaint 141

11. This complaint is a complaint made by a Councillor about Councillor Dove's conduct. The complaint was determined by the Chair in Consultation at an informal consultation meeting on 18 July 2023. The complaint was upheld in relation to a number of potential breaches of the Code. The appropriate remedy was deemed to be a letter of apology and that Councillor Dove should attend training in respect of bullying and the use of social media. Councillor Dove was informed of the outcome of the Chair's determination in a letter dated and sent by email on 25 July 2023. She was asked to provide her letter of apology within 14 days.
12. On 21 September 2023 a further email was sent to Councillor Dove inviting her to comply with the remedies imposed in relation to this complaint. She was advised that if she did not comply a report would be presented to Standards requesting that a decision be made agreeing that a report should be presented to Full Council in relation to non-compliance. A further copy of the email and outcome letter dated 25 July 2023 were sent.
13. On 21 and 25 September 2023 a further email was sent to Councillor Dove inviting her to indicate her intentions in respect of this complaint and compliance with the sanction imposed. At the time of writing this report no such confirmation has been received.

Code of Conduct Complaint 146

14. This complaint is a complaint made by a complainant who was a Councillor at the time of the complaint. The complaint was made against Councillor Dove's conduct. It was initially determined by the Chair of Standards in consultation at an informal consultation meeting on 20 June 2023. The complaint was upheld in relation to a number of potential breaches of the Code. The appropriate remedy was deemed to be a letter of apology to be sent to the complainant within 14 days. Councillor Dove was informed of the outcome of the Chair's determination in a letter dated and sent by email on 22 June 2023.
15. Councillor Dove responded to the Chair's outcome letter on the same day, 22 June stating that further evidence should have been considered. In view of the evidence provided the complaint was reviewed at a further informal consultation meeting on 18 July 2023. Having considered the further evidence presented by Councillor Dove, the Chair in consultation concluded once again that the complaint be upheld. The subject Councillor was informed of this in a letter from the Chair of Standards sent by email on 25 July 2023.
16. On 21 September 2023 a further email was sent to Councillor Dove inviting her to indicate her intentions in respect of this complaint and compliance with the sanction imposed. She was advised that if she did not comply a report would be presented to the next meeting of Standards Committee requesting that a decision be made agreeing that a report should be presented to Full Council in relation to non-compliance. The subject Councillor sent an email on 25 September 2023 indicating that she had immediately apologised to the complainant for her actions. The subject Councillor was asked to confirm that she sent a letter of apology following receipt of the Chair's determination and to send a copy of the same to the Deputy Monitoring Officer. The subject Councillor stated that she had not sent such a letter of apology but indicated that she apologised to the complainant immediately after the alleged breach, a factor that the complainant acknowledged in her initial complaint and something that the Chair was also aware of before reaching her determination.

Summary of financial implications

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

Summary of legal implications

18. The Council has a legal duty to respond to complaints made against Councillors of allegations of a breach of the Code of Conduct. The Council has adopted procedures for handling complaints and these are set out in part 6 of the Constitution. Paragraph 8.2 of Part 6 requires a Councillor to cooperate with any Code of Conduct investigation and/or determination.

Summary of human resources implications

19. There are no direct manpower implications arising from this report, however, it is worth noting that the handling and processing of complaints is resource intensive. A high volume of complaints could require the need for additional resources.

Summary of sustainability impact

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

Summary of public health implications

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

Summary of equality implications

22. This report is for information only reporting on the outcome of councillor non-compliance following a determination of a potential breach of the Code of Conduct. As a consequence, there are no direct equalities implications arising from this report. The Code of Conduct includes a duty upon all councillors to promote equalities and not to discriminate unlawfully against any person. Equality implications are considered as an integral part of the complaints process.

Summary of risk assessment

23. There are no direct risks associated with this report.

Background papers

None

Appendices

There are no appendices to this report.