

Notice of Council

Date: Tuesday, 20 February 2024 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=5386>

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

12 February 2024

**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
(janie.berry@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 9 January 2024.

13 - 36

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 before the meeting (Wednesday 14 February 2024).

The deadline for the submission of a statement is mid-day the working day before the meeting (Monday 19 February 2024).

The deadline for the submission of a petition is 10 working days before the meeting (Tuesday 6 February 2024).

6. **Petition - Reject Safety Valve**

Council is advised that a petition with 2,279 valid signatures has been received from Mr Adam Sofianos requesting that:

"We the undersigned petition the council to REJECT the Government's Safety Valve project.

STOP Safety Valve. SUPPORT our children. SUPPORT our schools.

What's happening?

Safety Valve is a controversial Government schools project, which forces councils to make drastic cuts in support for children with special educational needs & disabilities (SEND). BCP Council has been selected as a 2024 entrant, and is expected to sign a binding contract in March. The best chance to stop this is to raise public awareness and demand a council vote.

What would this mean for SEND children and families?

SEND support is NOT a golden ticket or a free pass. It just offers a child a

chance to better access education and improve their lives.

But the objective of Safety Valve is to reduce the amount spent on SEND, by cutting the support delivered to children. For BCP this includes slashing new plans by 50%, pushing up to 90% of new plans into mainstream schools, and making further cuts to support for children aged 16+.

What about the effect on schools?

The BCP proposal could mean taking money from schools. Considerations include cutting 11% from the main schools budget, and raiding the reserves of well-run schools. This would have a terrible domino effect, and would push many schools closer to insolvency.

Is this legal?

All councils are obliged by law to deliver statutory SEND services. Almost all councils are struggling to uphold this duty already. Nationally, councils lose 98% of all SEND tribunal cases.

But Safety Valve doesn't change the law. In fact, it would make BCP more exposed to legal challenges than ever before.

Why is this even happening?

The Government has been under-funding SEND services for years, and a deficit has been growing in all councils. It's now so big that it could push many councils into insolvency by 2026.

But rather than increase funding, or make schools policy more inclusive, the Government is using Safety Valve to force councils to slash support for some of our most vulnerable children. This could affect thousands of struggling BCP families.

Ironically, Safety Valve won't even solve the financial issues. The deficit is too big. There are other solutions, but nothing can happen until after the election. For now, we need to hang on.

What can we do about it?

Sign this petition! By doing so, we together demand that BCP leaders agree to hold a Full Council debate and vote on Safety Valve. And if the Council votes to reject it, that decision must be binding.

STOP Safety Valve. SUPPORT our children. SUPPORT our schools."

In accordance with the Constitution a petition with 2,000 + signatures will be referred for debate at a meeting of full Council. The Council is asked to consider the petition and to determine next steps.

Notice of Motion in accordance with Procedure Rule 10 in relation to this matter

The following motion submitted in accordance with Procedure Rule 10 of the Meeting Procedure Rules has been proposed by Councillor Patrick Canavan and seconded by Councillor Peter Cooper.

BCP Council notes that:

- (i) Like most Local Authorities, the Council is accumulating a considerable deficit on its Dedicated Schools Budget, expected to reach £63.4m at the end of this financial year.
- (ii) The statutory override is scheduled to expire in March 2026.
- (iii) The Council has been invited by the Department for Education to join the Safety Valve programme.

BCP Council believes that:

- (iv) Safety Valve could result in an agenda of severe reductions in SEND services.
- (v) Safety Valve could put schools at risk, with the potential requirement for funding transfers and excess-balance clawbacks to close in-year deficits.
- (vi) The likely effect on young people and their families in BCP would be unacceptable.

BCP Council resolves to:

- (a) Ensure that this Council is able to debate and consider any contract or arrangement regarding the possible application of Safety Valve prior to this being agreed;**
- (b) Ask the Leader and/or Chief Executive of the Council to write to the Secretary of State for Levelling Up, Housing and Communities, seeking an urgent extension to the statutory override, to give local authorities time and space to address the crisis in SEND funding and services;**
- (c) Ask the Leader and/or Chief Executive of the Council to write to the Secretary of State for Education, expressing the urgent need for additional funding (or deficit write-off) for all local authorities;**
- (d) Ask the Leader and/or Chief Executive of the Council to write to the Chair and/or Chief Executive of the Local Government Association, expressing the urgent need for local authorities to demand together that the Government supports local authorities through this crisis, to avoid unnecessary insolvencies without punishing vulnerable families.**

ITEMS OF BUSINESS

Recommendations from the Cabinet and Committees

Please refer to the recommendations detailed in items 7 to 18 below.

7. Cabinet 10 January 2024 - Minute No. 81 - Council Tax Base 2024/25

37 - 42

RECOMMENDED that Council: -

- (a) approves the report for the calculation of the council's tax base for the year 2024/25 and recommends the tax base to Full Council; and**
- (b) pursuant to the report, and in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as amended, the amount calculated as the council tax base for Bournemouth, Christchurch and Poole Council for 2024/25 is 146,342.**

| | |
|---|------------------|
| <p>8. Audit and Governance Committee 11 January 2024 - Minute No. 54 - Treasury Management Monitoring report for the period April to December 2023 and Treasury Management Strategy 2024/25</p> <p>RECOMMENDED TO COUNCIL that:</p> <p>(a) the Minimum Revenue Provision (MRP) change for 2023/24 set out in paragraphs 16-32 of the report be approved; and</p> <p>(b) the Treasury Management Strategy 2024/25 set out at Appendix 4 of the report be approved.</p> | <p>43 - 82</p> |
| <p>9. Cabinet 7 February 2024 - Minute No. 98 - Mainstream Schools and Early Years Funding Formulae 2024/25 Report</p> <p>RECOMMENDED that Council: -</p> <p>(a) delegate the decision for the early years formula to Cabinet on 6 March to allow time for the consultation with the sector and Schools Forum to conclude; and</p> <p>(b) agree the local mainstream formula as set out in paragraphs 45 to 47 and appendix 3a, which remains dependent on final decisions from the DfE. In the event that these decisions have not been received by the time of the Council meeting, then the final decision is delegated to the Corporate Director for Children's Services in consultation with the Portfolio Holder for Children's Services.</p> | <p>83 - 102</p> |
| <p>10. Cabinet 7 February 2024 - Minute No. 99 - Housing Revenue Account (HRA) Budget Setting 2024/25</p> <p>RECOMMENDED to Council: -</p> <p>(a) That revenue budgets for 2024/25 and provisionally for 2025/26 to 2028/29 are set using the following principles:</p> <ul style="list-style-type: none"> i. That dwelling rents are increased by 7.7 per cent (CPI for September 2023 + 1 per cent) from 1 April 2024 in line with the Department of Levelling Up, Housing and Communities Policy statement on rents for social housing published in February 2019 (Rent Policy Statement). ii. That garage, garage bases and parking plot rental charges are increased by 7.7% from 1 April 2024. iii. That leasehold services are charged to leaseholders in line with actual costs incurred. iv. That shared ownership dwelling rents are increased in line with lease terms. v. That the changes to services charges are agreed as set out in appendix 2. vi. That the bad debt provision is set at £0.4 million. vii. That the depreciation budget is set at £12.4 million. viii. That HRA reserves are maintained at a minimum level of 5 per | <p>103 - 146</p> |

cent of total expenditure in line with good practice at £2.2 million.

(b) That capital budgets for 2024/25 and provisionally for 2025/26 to 2028/29 are set using the following principles.

- i. That the planned maintenance programme as set out in Appendix 5 is agreed.**
- ii. That the major project capital programme as set out in Appendix 6 is noted.**
- iii. That the 2024/25 budgets of £0.4 million for feasibility works and £3 million for the acquisition of individual properties (Acquire and Repair) are approved.**

(c) The HRA Delivery Plan is approved as set out in appendix 7.

11. Cabinet 7 February 2024 - Minute No. 100 - Budget 2024/25 and Medium Term Financial Plan

147 – 364

RECOMMENDED that Council: -

(a) Undertakes a recorded vote in relation to the following items as required by the Local Authorities (Standing Orders) (England) (Amendments) Regulations 2014.

- i. Agrees that a net budget of £356.9m, resulting in a total council tax requirement of £258.6m, is set for 2024/25 based on the draft local government financial settlement figures published by government in December 2023.**
- ii. Agrees an increase in council tax of 2.99% for 2024/25 in respect of the basic annual threshold and the collection of the additional social care precept of 2%.**
- iii. Confirms the key assumptions and provisions made in the budget as proposed and as set out in Appendix 3.**
- iv. Agrees the allocations to service areas in the budget as set out in Appendix 5.**
- v. Agrees the implementation of £41m of savings as set out in Appendix 5a.**
- vi. Approves the flexible use of capital receipts efficiency strategy as set out in Appendix 6.**
- vii. Approves the asset management plan as set out in Appendix 8.**
- viii. Agrees the treasury management strategy (TMS) and prudential indicators as set out in paragraphs 74 to 79 and Appendix 9.**
- ix. Accepts and supports the formal advice of the chief finance officer on the robustness of the budget and the adequacy of the reserves as set out in paragraphs 95 to 101 and Appendix 10.**

(b) Approves the implementation of a freeze on all non-essential expenditure from 1 April 2024 and until such time as the Corporate

Management Board have provided Cabinet Members with assurance that all the £41m of 2024/25 budget savings have been delivered.

- (c) Delegate to the Chief Executive, in consultation with the Director of Finance, Leader, and Portfolio Holder for Finance, the allocation of any additional resources that become available through the final 2024/25 local government finance settlement or any other means.
- (d) Requests that the Corporate Director for Children's Services produces for the April Cabinet a detailed delivery plan to limit the high needs expenditure projections to those included within the DSG management plan presented to the Department for Education and Schools Forum in January 2024.
- (e) Approves the chief officers' pay policy statement 2024/2025 for consideration and approval by the council in accordance with the provisions of the Localism Act 2011 as set out in paragraphs 103 to 105 and Appendix 12.
- (f) Requests that the Director of Finance provides Council with a schedule setting out the rate of council tax for each category of dwelling further to councillors' consideration of the decision required in respect of (1) above and after taking account of the precepts to be levied by the local police and fire authorities, neighbourhood, town and parish councils, and chartered trustees once these have been determined prior to the Council meeting on the 20 February 2024.

Note – in respect of recommendation (f) above the schedule setting out the rate of council tax for each category of dwelling after taking account of the precepts to be levied by the local police and fire authorities, neighbourhood, town and parish councils, and charter trustees is appended to this agenda.

The decision taken on the Council Tax Resolution and Council Tax levels for 2023/24 will also be the subject of a recorded vote for each Councillor present in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

357 - 364

12. **Cabinet 10 January 2024 - Minute No. 83 - BCP Council - Tenancy Strategy for Registered Providers of Social Housing - 2024-2029**
RECOMMENDED that the revised BCP Council Tenancy Strategy 2024-2029 as set out in appendix 1 be approved.

365 – 380

13. **Cabinet 10 January 2024 - Minute No. 84 - Active Travel Fund 4 (ATF4)**
RECOMMENDED that Council delegate the investment of the Active Travel Fund 4 grant to the Service Director for Infrastructure in consultation with the Portfolio Holder for Climate Response, Environment and Energy.

381 - 422

| | | |
|-----|---|-----------|
| 14. | Cabinet 10 January 2024 - Minute No. 86 - South Part of Beach Road Car Park PLEASE NOTE: Should the Council wish to discuss the detail of Appendix 4 it will be necessary to exclude the press and public and move into exempt session. If applicable, the following resolution should be moved: <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> RECOMMENDED that Council agrees: - (a) the disposal of the south section of the car park on the open market, subject to a future Cabinet resolution to appropriate the site for planning purposes once the South Car Park is formally closed; (b) to delegate authority to the Corporate Property Officer, in consultation with the Director of Finance, the Director of Law and Governance and the Portfolio Holder for Dynamic Places to select the preferred offer and finalise the detailed terms of the disposal; and (c) to support the reprovision of the car park and the development of a business case by the Director of Infrastructure for the modernisation and improvement of the retained car parking area, based on the use of prudential borrowing, in consultation with the Director of Commercial Operations, the Ward Councillors and the relevant Portfolio Holder. | 423 - 460 |
| 15. | Cabinet 7 February 2024 - Minute No. 97 - Budget Monitoring 2023-24 at Quarter Three RECOMMENDED that Council:- (c) agree the acceptance of grants, delegations for delivery and capital virements for schemes over £1m as set out in Appendix C to the submitted report. Note – resolutions (a) and (b) were resolved matters by the Cabinet. | 461 - 506 |
| 16. | Cabinet 7 February 2024 - Minute No. 101 - Funding Agreement to support Russell-Cotes Art Gallery & Museum to become an Independent Trust RECOMMENDED that Council approve: - (a) An upfront grant of £2million to enable the Russell-Cotes to establish themselves as an independent organisation (b) Asset Transfer of the study centre, Exeter Road storage to the Charity (estimated value £500,000), subject to appropriate overage clause. Note – resolutions (c) to (f) were resolved matters by the Cabinet. | 507 - 516 |

17. Cabinet 7 February 2024 - Minute No. 108 - The Royal Arcade, Boscombe - Bournemouth Towns Fund Update

517 - 564

PLEASE NOTE: Should the Council wish to discuss the detail of Appendix 1 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:

- (a) approve option 2 to progress the scheme to planning approval only and request that DLUHC approve the remaining Towns Fund Grant for re-allocation across the remaining programme;**
- (b) authorise officers to submit a Project Adjustment Request to DLUHC for reallocation of the remaining Royal Arcade grant towards other approved Boscombe Towns Fund projects;**
- (c) delegate agreement of the grant re-profiling to the Director of Investment and Development, the Chief Operations Officer, Director of Finance and Director of Law and Governance in consultation with the Leader of the Council and Portfolio Holder for Dynamic Places;**
- (d) approve the removal of £3.4m council prudential borrowing from the capital programme originally approved as part of the Towns Fund Update Cabinet paper on 11 January 2023.**

18. Cabinet 7 February 2024 - Minute No. 109 - Dolphin Shopping Centre Poole Update

565 - 578

PLEASE NOTE: Should the Council wish to discuss the detail of Appendix 1 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:

- (a) approve the release of the parties from their obligations under the Development Agreement dated 26th May 2017, subject to the financial settlement outlined in paragraph 21 to 23 of the Exempt Report at Appendix 1; and**
- (b) delegate authority to the Corporate Director for Resources, Chief Operations Officer, the Director of Finance, the Director of Law and Governance and the Corporate Property Officer in**

consultation with the Portfolio Holder for Dynamic Places and the Portfolio Holder for Transformation and Resources to explore terms and make recommendations in a future cabinet report for a further head lease restructure to facilitate an alternative scheme on the Development Agreement site with L & G or its successor.

19. Recruitment of Chief Operations Officer

579 - 582

PLEASE NOTE: Should the Council wish to discuss the detail of Appendix 1 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 1 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.”

This report invites the Council to approve the appointment of the recommended candidate to the position of Chief Operations Officer in accordance with the Council’s Constitution and statutory requirements.

Because of the timescales involved, it has not been possible to complete the recruitment process before the agenda has to be published for the Council meeting, so the details of the recommended candidate will be circulated as soon as possible and before the meeting.

A summary of the recommended candidate’s skills, experience and employment history will be circulated as Appendix 1 of this report, before the meeting.

20. Questions from Councillors

The deadline for questions to be submitted to the Monitoring Officer is 12 February 2024.

21. 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.