

# Notice of Council

Date: Tuesday, 23 April 2024 at 7.00 pm

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



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**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 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  
Vacancy

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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=5387>

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](mailto:democratic.services@bcpCouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or [email.press.office@bcpCouncil.gov.uk](mailto:email.press.office@bcpCouncil.gov.uk)

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

GRAHAM FARRANT  
CHIEF EXECUTIVE

15 April 2024

**DEBATE  
NOT HATE**



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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](mailto: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 20 February 2024, reconvened on 27 February 2024.

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## 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 on Wednesday 17 April 2024 [mid-day 3 clear working days before the meeting].

The deadline for the submission of a statement is mid-day on Monday 22 April 2024 [mid-day the working day before the meeting].

The deadline for the submission of a petition is Tuesday 9 April 2024 [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 11 below.

## 6. Cabinet 6 March 2024 - Minute No. 120 - Our People and Communities: 20mph Options Appraisal

43 - 74

**RECOMMENDED** that a dedicated budget is included in the Local Transport Plan (LTP) Capital programme for 2024/25 financial year to recommence delivery of 20mph speed limits on a neighbourhood basis with a focus on residential roads and this is continued into future years subject to the availability of capital funding.

7.	<p><b>Cabinet 6 March 2024 - Minute No. 121 - Our Place and Environment: LTP Capital Programme 2024/25</b></p> <p><b>RECOMMENDED that: -</b></p> <p>(a) Council approves the 2024/25 LTP Capital Programme as set out in Appendix A and delegates the delivery to the Director of Infrastructure in consultation with the Portfolio Holder for Dynamic Places;</p> <p>(b) Council approves the indicative 2025/26 and 2026/27 Highways Maintenance Programmes as set out in Appendix B to the submitted report.</p>	75 - 84
8.	<p><b>Audit and Governance Committee 7 March 2024 - Minute No. 68 - Financial Regulations - Annual Evolution of the Financial Year 2024/25</b></p> <p><b>RECOMMENDED that that the Financial Regulations as shown in Appendix A (with the updated amendment to Paragraph 16 in Part G) be approved for adoption, with the operational ‘go live’ date being 24 April 2024.</b></p> <p>Paragraph 16 in Part G to be amended to read <i>“All procurement processes of any value covered by The Health Care Services (Provider Selection Regime) Regulations 2023 must be agreed with and run by the SPT.”</i></p>	85 - 156
9.	<p><b>Cabinet 10 April 2024 - Minute No. 132 - Disposal of Land at Wessex Fields, Riverside Avenue</b></p> <p>PLEASE NOTE: Should the Council wish to discuss the detail of Appendices 1, 2, 3, 5, 6 or 7 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><b>RECOMMENDED that Council approve the disposal of the council owned land at Wessex Fields to the University Hospitals Dorset NHS Foundation Trust on such terms to be approved by the Director of Finance acting in his capacity as Corporate Property Officer, in consultation with the Portfolio Holder for Finance.</b></p>	157 - 248
10.	<p><b>Cabinet 10 April 2024 - Minute No. 136 - SEND Programme of Expansion - Canford Heath Infant and Junior Schools</b></p> <p>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:</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</i></p>	249 - 258

*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 the total project budget as contained in **Appendix 1 (Exempt)** be approved. This will enable the scheme to progress in line with the project programme set out in paragraph 18. The project is fully funded from the Council’s high needs specialist provision capital grant allocation.

**11. Audit and Governance Committee 11 April 2024 - Minute No. 78 - Review of the Council's Constitution - Recommendations of the Constitution Review Working Group**

259 - 270

**RECOMMENDED** that: -

- (a) in relation to Issue 1 (Budget and Policy Framework Approval Procedure Rules) the proposed amendment to insert the new Procedure Rules into Part 4E of the Constitution, as set out in Appendix 1 to this report, be approved;**
- (b) any necessary and consequential technical and formatting related updates and revisions to the Constitution be delegated to the Monitoring Officer.**

**12. Consultation on the draft BCP Community Infrastructure Levy (CIL) Charging Schedule**

271 - 284

Following agreement to the draft CIL Charging Schedule at the 9 January 2024 Council meeting, further viability testing has been carried out resulting in more positive results for some areas of CIL charging. These changes could not be considered as minor and so Council is being asked to consider an updated charging schedule for public consultation.

**13. Acceptance of the Household Support Fund 5**

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On 6 March 2024 in the Spring Budget the Chancellor announced that the Household Support Fund (HSF) would be extended for a further six months, from 1 April 2024 to 30 September 2024, with a further £421m of funding. As has been done for previous schemes, the fund will be made available to County Councils and Unitary Authorities in England to support those most in need due to the Cost-of-Living situation.

BCP Council has been awarded an allocation of £2,653,367.04 by the Department for Work and Pensions (DWP). Council is requested to formally accept the funding in line with the Council’s Financial Regulations to enable plans to be put in place to support residents.

**14. Notices of Motion in accordance with Procedure Rule 10**  
**Cashless Only Council facilities**

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: -



**1. Council resolves to:**

- a. acknowledge the importance of inclusivity and recognises the diverse financial circumstances of residents, including those who may be unbanked or underbanked.
- b. commit to ensuring that all policies and provisions are designed to be inclusive and considerate of the needs of all residents, regardless of their banking status.
- c. be aware of the significance of maintaining accessibility for all residents to council facilities, regardless of their financial situation, and express a commitment to finding solutions that do not disproportionately burden those without regular access to banking services.

**2. Council:**

- a. instructs the relevant officers to bring a report to the Portfolio Holder for Finance that reviews the decision and impact of the implementation of cashless-only provision at council facilities that covers:
  - The implications of the cashless-only policy on residents who are currently unbanked or underbanked
  - The reduction of income due to council service users and customers taking the business elsewhere
  - The consequences of encouraging cashless spending which can be more risky for those in financial difficulty
  - The future financial savings anticipated and those already realised from the move to cashless
- b. considers reinstating the acceptance of cash at council facilities if the review indicates that the cashless-only provision disproportionately impacts residents negatively relative to the envisioned savings.

**15. Questions from Councillors**

The deadline for questions to be submitted to the Monitoring Officer is Monday 15 April 2024.

**16. 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 20 February 2024 at 7.00 pm

Present:-

Cllr L Dedman – Chairman

Cllr S Bull – Vice-Chairman

Present: Cllr C Adams, Cllr S Aitkenhead, Cllr H Allen (20 Feb only), Cllr M Andrews, Cllr S Armstrong, Cllr J Bagwell (20 Feb only), Cllr S Bartlett, Cllr J Beesley (20 Feb only), Cllr P Broadhead (20 Feb only), Cllr D Brown, Cllr O Brown, Cllr R Burton, Cllr J J Butt, Cllr P Canavan (20 Feb only), Cllr S Carr-Brown (20 Feb only), Cllr B Castle (20 Feb only), Cllr A Chapmanlaw, Cllr B Chick, Cllr E Connolly, Cllr P Cooper (20 Feb only), Cllr M Cox, Cllr D d'Orton-Gibson, Cllr B Dove (20 Feb only), Cllr M Dower, Cllr M Earl, Cllr J Edwards, Cllr G Farquhar, Cllr D Farr (20 Feb only), Cllr A Filer, Cllr M Gillett, Cllr C Goodall (20 Feb only), Cllr A Hadley, Cllr M Haines, Cllr J Hanna (20 Feb only), Cllr E Harman, Cllr R Herrett, Cllr P Hilliard, Cllr B Hitchcock, Cllr M Howell (20 Feb only), Cllr A Keddie, Cllr M Le Poidevin, Cllr S Mackrow, Cllr R Maidment (20 Feb only), Cllr A Martin, Cllr D Martin, Cllr G Martin, Cllr J Martin, Cllr C Matthews (20 Feb only), Cllr S McCormack, Cllr P Miles (20 Feb only), Cllr S Moore, Cllr A-M Moriarty, Cllr B Nanovo, Cllr L Northover, Cllr M Phipps, Cllr K Rampton (20 Feb only), 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 (20 Feb only), Cllr T Trent, Cllr O Walters, Cllr C Weight, Cllr L Williams (20 Feb only) and Cllr K Wilson

67. Apologies

Apologies were received from Councillors J Challinor, J Clements, and D Flagg for that part of the meeting held on 20 February 2024.

Apologies for absence were received from Councillors H Allen, J Bagwell, J Beesley, P Broadhead, J Butt, P Canavan, B Castle, J Challinor, J Clements, P Cooper, B Dove, D Farr, D Flagg, C Goodall, J Hanna, M Howell, R Maidment, C Matthews, P Miles, K Rampton, M Tarling and L Williams for the reconvened meeting on the 27 February 2024.

68. Declarations of Interests

The Chairman advised that the Monitoring Officer had granted all Members dispensations in respect of the following agenda items:

- Item 11: Budget including Council Tax;
- Item 6: Safety Valve - debate on petition/motion.

Councillor L Northover declared an interest in respect of agenda item 16, as she was a Council appointed trustee for Russell Cotes. Councillor Northover advised that she would leave the room for the duration of the item.

69. Confirmation of Minutes

**RESOLVED: That the minutes of the meeting held on 9 January 2024 be agreed as a correct record.**

Voting: Nem.Con.

70. Announcements and Introductions from the Chairman

The Chairman announced the passing of former Poole Councillor Geoff James and former colleague Karl Hopton. Cllr Haines paid tribute to Mr James.

Council stood to mark their passing with a minute's silence.

The Chairman updated Council on their activity since the last meeting, which included:

- Woodhouse community chest event;
- Holocaust Remembrance Service;
- Youth Parliament hustings;
- Bereavement Umbrella;
- Royal Visit at the Coastal Lookouts.

71. Public Issues

The Chair confirmed that all public questions and statements would be taken in the order in which they had been received. Any questions and statements remaining at the end of the 15-minute time limit for public issues would be circulated to all parties within two working days and included in the minutes of the meeting.

**Public Questions from Jo Keeling:**

During a meeting chaired by MP Conor Burns with regards to the Highmoor Farm Planning Application, David McNair, Director of Bournemouth Nuffield Hospital stated that the Nuffield had made enquiries with the council to purchase Wessex Fields in order to build a replacement hospital in this location. Talks were progressing 2019/2020 however they came to an end for reasons he stated he was not privy to.

May I ask who the talks were with? When these talks concluded? Who in the council stopped the potential sale of this land to the Nuffield as I am led to believe it was during the leadership of the first administration? Why did the Nuffield move from Wessex Fields to Talbot Village? Is it indeed a fact



they were 'put off' from the Wessex Fields site as is rumoured to be the case. If so, why?

**Response from Councillor Vikki Slade, Leader of the Council and Portfolio Holder for Dynamic Places:**

Thank you for your question. I can confirm that in early 2020 a community meeting was held at The Bridge to discuss the options for the Wessex Fields site which I was involved with alongside the Chief Executive. This resulted in the agreement to go out to tender with a soft market testing of the site to determine what the interest might be around its use.

A significant number of responses were received to this exercise which was conducted by an external organisation which sent its report to the Council in October 2020. One of these organisations was the Nuffield Hospital.

Just to clarify that the reason that it took so long was due to the global pandemic. The Council moved to a response phase with non-essential work being paused, which included the tendering for the soft market testing, and that was let in June 2020 with the report received by the Council sometime in October 2020. Our period of leadership ended on 30 September 2020.

No meetings were held with any of the potential users who had responded to that market testing, and beyond the initial expression of interest, BCP had no record of further discussions once the pandemic commenced. No direct offer to purchase the site was made by Nuffield or anyone else during my leadership of the council.

In December 2020, when the Conservative administration had taken control, a paper was brought to Cabinet sharing the results of the soft market testing. I have just been sighted on this for the first time in preparation for this answer. The Cabinet paper sought a decision to sell all or part of the Wessex Field site, and the recommendation which was passed was for part of the site to be sold to the Bournemouth Hospital Trust, now known as UHD, University Hospital's Dorset, and this was progressed. The Cabinet report can be read online, but the external soft market test was provided as a confidential appendix.

I cannot tell you why Nuffield decided to start negotiations with Talbot Village Trust, or why they decided not to pursue their initial interest in the site. They are, of course, a private business, so I have no information available for that.

**Public Question from Susan Stockwell**

Will you control waste collection, ensuring bins are returned to and collected by council staff from premises where the waste is generated, instead of being left on pavements/public land where they attract fly tipping and vandalism? This also breaches the Public Sector Equality Duty by

obstructing the highway, particularly for young, elderly and disabled. During high winds recently my car came very close to being damaged by a large commercial bin on wheels left in Bournemouth Square after emptying instead of being returned to the premises.

**Response from Councillor Andy Hadley, Portfolio Holder for Climate response, Environment and Energy**

Susan, thank you for your question. The Waste service acknowledge that bins left out on public land for extended periods of time can be a particular problem for elderly individuals, disabled people and parents with pushchairs.

The Council like the vast majority of local authorities operates a kerbside waste collection service. Our adopted Waste Collection Guidance can be viewed online. It is the responsibility of the householder or business to avoid causing an obstruction to pedestrians where possible, and to store their bins as soon as possible on the collection day.

Leaving a bin out on the pavement is not a criminal matter, but it is a civil one. The government has given local authorities the power to issue fines for persistent breaches of the rules. The government's advice to councils is that fixed penalty notices should be issued as a last resort.

The Council is currently reviewing options and taking learning from other Local Authorities to consider introducing a new standard for how commercial waste should be stored and how waste bins or sacks are presented on the highway and public land within our town centre retail areas which will be considered at a future cabinet meeting.

**Public Question from Adam Sofianos**

Councillors will be aware that the Council has submitted a 15-year plan to Government, in relation to the Safety Valve scheme.

During a Committee meeting last month, it was confirmed by an officer that this plan “doesn’t tackle the deficit currently projected for the end of this financial year.”

In other words, this plan will not pay off a penny of the £63m accumulated deficit – a deficit which already leaves the Council in “technical insolvency”.

Can Council confirm, for the avoidance of doubt, that the 15-year Safety Valve plan does not tackle the £63m deficit, and does not remove the associated risk of insolvency?

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

Thank you, Adam, for the question. Before I answer your question specifically, you will notice that I have five questions to answer tonight and I

have tried not to repeat myself in any of them. I must also thank you very much for the interest in this. It is really heartening to know the number of people who are interested in children's services and particularly SEND at the moment.

Adam, you are quite correct. After 15 years the in-year position is planned to have a small surplus and the accumulated deficit will start to reduce at that point. The £63m deficit will have risen by that point. Further conversations will need to take place with government about how the projected £63m accumulated deficit can be funded in the meantime. Knowing that we have addressed the increase in the deficit will aid those conversations.

**Public Question from Rachel Filmer**

In January, over 30 residents gathered to protest against Safety Valve. 20 stayed for the Children's Services Committee meeting, where 20 questions and 10 statements were submitted.

Families spoke eloquently and bravely about the ways they've been failed by inadequate services. Young people Maisie and Will said they feel unworthy of funding, and they find the Safety Valve plan details terrifying.

Yet the council glosses over legitimate concerns. The 15 year outline mentions the risk of more tribunals and judicial review, acknowledging that statutory duties will not be met. Councillors and officers may be listening, but are we being heard?

By the Council's own admission, services are already "not good enough". The choices made here will define our children's entire lives, and determine quality of life for parents and carers, for decades to come.

Will Council commit to oppose any plan which involves a reduction in services?

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

Thank you very much for your question Rachel.

The 15 year plan is based on all statutory duties being met and children remaining in their current placements for as long as they remain appropriate. The plan includes some assumptions for improved demand management but the main way of reducing budget pressures is through creating new high quality lower cost places through the capital programme.

The plan takes an estimated 15 years to achieve balance because there are no plans to change the commitments already made, it takes time to create new local places, and these are to be filled by children who are not yet placed in any provision. There are no plans to change placements for Children and young people who are in the most appropriate placement. This will only be considered if it is in the best interest of the young person.

An associated Improvement Plan for the Local Area SEND partnership has

been developed and is with DfE for approval. This will be shared with all stakeholders as soon as possible. The implementation of the Improvement Plan will be overseen by the SEND Improvement Board and this is chaired by the DfE appointed Improvement Advisor and has representatives across all Local Authority, Education and Health structures. I also sit on that Board.

**Public Question from Sarah Cooper (read by Adam Sofianos)**

It is well-documented that the Council's SEND service has not been consistently meeting statutory requirements. This is evident in tribunal outcomes, where Council decisions are overturned in the overwhelming majority of cases.

A Cabinet paper published in September 2023 described BCP as "the fifth-lowest performing authority in the country". Although some improved data has been returned, performance is still below statutory minimums and parents tell us of long waits for statutory advice while newer requests are prioritised.

Yet the 15-year Safety Valve plan would mean not only a considerable reorganisation of services, but specific reductions in service – such as the need for 50% reduction in EHCPs in Year 1 – to meet financial targets.

How can the Council guarantee that any Safety Valve plan would meet statutory levels, when they are already unmet?

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

Thank you, Adam, for reading the question and could you pass my thanks to Sarah for asking it.

Currently 95% for decisions to assess are within 6 weeks. There is a large historic backlog of annual reviews. Back when the cabinet paper that you refer to was written, and I remember that paper well, as you can imagine; the backlog was over 600. It is now down to at 310. Although this is still too high it is due to be caught up by May 24 (May this year) based on current progress.

Looking at the EHCP 20-week deadline, I was embarrassed by the number completed in a timely manner at that point. If you remember rightly, it was 0%. This has consistently improved over the last 3 months: In November it was up to 3.5%, December 12.5% and January at 28.6%. Due to the nature of the time of indicator it will take some months to reach our 100% target, but clear improvements can be evidenced. This is still not good enough, however, I am pleased with the progress and thank officers for their work in this.

Looking at the 50% reduction in EHCPs mentioned. From the around 60 plans per month currently in the system, about 30 are to clear backlog.

Going forward the underlying number of new plans in 2023/24 should only be about 30 per month where it is assumed this level will continue in 2024/25 and then reduce by only 1 plan per month over the remaining years due to falling overall child numbers. There is a falling number of school age children within BCP following on from a “bulge” that is going through the secondary school aged children.

You are quite right to be concerned about the impact that the Safety Valve plan might have on the SEND services improvement journey. This is the primary reason that BCP has entered a 15-year plan rather than a 4 or 7 year plan entered by the other authorities.

**Public Question from Aimee Surman**

Some parents are concerned that Safety Valve will mean that their child’s school placement may be changed. Often these children have been placed in Independent or Non Maintained Special Schools because there were no suitable maintained school places available at the time.

We feel it is unfair that our children’s education could be disrupted and damaged when they are thriving. Responsibility for this issue falls with the local authority for failing to commission sufficient maintained places. Can BCP commit to maintaining all current placements, and not moving children in cases where costs are the only issue?

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

Thank you Aimee for asking the question and allowing me to offer some further explanation and reassurance. No child current school placements are planned to be changed. As you will understand there are normal transition points which should always be a time to review needs and suitable provision however these will always be child focus and all decisions will be made in the best interest of the children and young people.

**Public Question from Lexi Cox**

Information released in December states that, in order to meet Safety Valve financial targets, you will need to halve the number of Education Health and Care plans issued. Last month we heard 53% of EHC needs assessment requests are refused. Local policy states any request without supporting evidence from a school will be refused, and schools are confused about how much evidence is needed. As you are aware, this is an unlawful policy - the legal test makes no mention of this.

You note that risks of your 15 year plan include increased appeals and judicial review, demonstrating awareness that your statutory duties will be breached. You are already artificially halving the number of assessments carried out. How will you further reduce the number of assessments and plans issued while meeting statutory duties?

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

Thank you, Lexi, for your question. I think that the first part of your question is answered as part of Sarah Cooper's and Rachel Filmer's answer. The 53% of requests for assessment that you refer to is the percentage that are returned seeking further evidence. Many of these are subsequently processed when further evidence is received. We will continue to work with partners on this as asking for further evidence slows down the process. We need to seek ways of removing this obstacle.

In January 58% of new EHCP requests were direct to the Local Authority and not through their education provider. There are occasions where direct requests are the best and correct course of action, however we will continue to encourage parents to work with their education setting at the earliest opportunity to ensure that universal support is accessed where possible. Education providers are often the most suitable places for support and using their expertise can often make the process easier. In January we witnessed an acceptance rate of 80% to assess. We are working with Bedford Council our Sector Lead Improvement Partner and school colleagues to review our decisions. A new Quality Assurance process is in place to support and review such decisions.

To meet the normal Safety Valve timescale the plan would have needed to balance over 5 years, but all have agreed, that is the council and DfE advisers, that this could not be done and meet statutory duties.

**Public Question from Susan Lennon**

Poole Park gate closure: I am a disability campaigner and radio station owner. There is 14 million disabled in the UK. I am against temporary closure of Whitecliff gate on grounds of disability access. Please reconsider and take into account the needs of disabled people. The closure disregards the principles of the equality act. Alternative solutions need to be explored and taken into the needs of the disabled. We need an inclusive environment for all visitors to the park. The people of Poole should have been consulted. Please will you publish the findings of the consultation and clarify your full intentions for Poole Park in the future. I have a live petition: 1,201 as of 12/2/24.

**Response from Councillor Andy Hadley, Portfolio Holder for Climate response, Environment and Energy**

Susan, thanks for your question.

As I'm sure you are aware, there are a wide range of disabilities, and we very much appreciate the importance of balancing their needs. As part of the Poole Park Life improvements (2017-21), a range of dedicated disabled parking spaces were created, and changes were also made to improve access for people walking and wheeling throughout the park.



We have heard from people with disabilities who feel that their cause has been used during the campaigning. Some disabled people were dissuaded from visiting the park as a result of misrepresentation of the measure. This was very unfortunate.

The results of the public consultation relating to the trial closure of one entrance into Poole Park will be made available to the public as part of the Cabinet process. The papers will include an Equalities Impact Assessment and ensure the Council meets the necessary requirements under the Equality Act 2010 and in particular, the Council's Public Sector Equality Duty.

I agree that it is important we take particular account of the needs of those with Disabilities and other protected characteristics, and we intend to do that, whatever the outcome.

### **Public Question from Martin Woodgate**

In 2021 BCP Council pledged to support the BCP Poverty Truth Commission. In late 2023 we submitted to you our end of commission report. I hope someone has read this report; it's on our website if you can't find your copy. Could you tell me what you have done and how you are supporting this work in a language I can understand?

### **Response from Cllr Millie Earl, Deputy Leader of the Council and the Portfolio Holder for Connected Communities**

Thank you for your question Martin. Here is my response:

Since the commission was submitted to BCP Council we have appointed Cllr Simon McCormack as the Lead Member for Homelessness and Cost of Living. He is looking at how we include the voice of those who have lived experience as we develop our services and work in partnership with a wide range of organisations to tackle the impact of the cost-of-living crisis on communities in Bournemouth, Christchurch & Poole.

I attended the Poverty Truth Commission Celebration event last summer and was moved by the stories shared by commissioners and have also had the opportunity to read the report and meet with you alongside Cllr McCormack and Cllr Wilson.

The Poverty Truth Commission focussed on three common themes: Humanising the Process; Housing & Home; and Empowered Communities. We are developing the delivery plan for the Council's new Corporate Strategy and this looks at our approach to 'working closely with partners, removing barriers and empowering others', 'Providing services that are accessible and inclusive' and 'Using data, insights and feedback to shape services and solutions'.

A number of Council staff will be taking part in the 'Art of Hosting' training in March that the PTC has arranged so that we can look to further develop our

skills around engaging with people who use council services and using their feedback to help shape services. All of these will look to ensure that lived experiences and empowering communities will be at the heart of the Council's work.

The 'Together We Can' Steering Group was set up during the covid pandemic in 2020. It now works to mitigate the impacts of the cost-of-living crisis, share information and identify gaps in support. We focus on food and energy security, financial resilience, health and wellbeing as well as how we effectively communicate what support is available.

We are working to make the language in letters that are sent to people impacted by homelessness easier to understand, with clearer summaries of decisions and explanations about the housing support and assistance that is available to people in need. This work continues with regular conversations with the Homelessness Partnership lived experience Oracle group.

The government is introducing new standards in April, that we, as a social housing provider, will have to meet. At the heart of these new standards is putting the tenant voice first, listening to them and involving them as part of the decision-making process. These new standards should ensure that, houses are safe and of a good quality to live in. Whilst we do a lot of this work already, such as a 'rapid response' service to deal with damp and mould, these standards will be monitored regularly and will be inspected by the Regulator of Social Housing. And residents through our Advisory Board will be able to hold us to account.

Finally, the Household Support Fund was a grant from Government to help our most vulnerable households with the rising cost-of-living. Organisations such as Citizen's Advice BCP, schools and the food banks have helped shape how we make the best use of the fund to reach those most in need and provide practical support. We are very concerned that many of our residents depend on the vital support that is available through this fund and there is currently no confirmation from the Government on whether it will continue beyond March 2024. Alongside other councils, charities and organisations, we have called on Government to reinstate this lifeline for those in BCP who are facing crisis through poverty.

### **Public Question from Carrie Burch**

12 Community Commissioners like me, who have lived experience of poverty, and 13 Civic and Business Commissioners who, like you, make decisions about our lives, have worked together to build our first successful Poverty Truth Commission in BCP. This has allowed my voice, and those of my community commissioner friends, to be heard. To show that I do matter and my views and opinions are important.

As BCP Council has been one of the lead organisations benefiting from our work, will you commit to financially supporting a second BCP

Poverty Truth Commission to ensure the voice of lived experience of poverty continues to change the lives of people in our communities?

**Response from Cllr Millie Earl, Deputy Leader of the Council and the Portfolio Holder for Connected Communities**

Thank you Carrie for your work as a community commissioner and for your part in producing the Poverty Truth Commission Report which has helped so much in identifying the areas where we can make a difference, as a local council, in tackling the issues faced by those who have experienced poverty. I hope my response to Martin's question demonstrates some of the work we have been doing to include the voices of those with lived experience in decision making and provide support to those currently in or close to destitution.

As we will be discussing later on in this meeting as we set the council's budget for the coming year, local government finance is at crisis point and, like the majority of other councils, we are having to make savings across a wide range of service areas to continue delivering core services, such as children's services and adult social care.

Due to this financial uncertainty, we can't commit funding to the next phase of the Poverty Truth Commission directly as a council at this point, but we can, and have, tried to help by providing information about other potential funding sources and also sponsorship so that you can continue this important work.

**Statement from Bob and Jeanie Francis**

There have been many articles discussing Safety Valve. SEN children are being discussed as percentages and financial burdens. There is little evidence that BCP are aware a child is at the heart of this.

SEN children come with a price tag, their needs are greater than a neuro-typical child, many are unable to flourish in a mainstream setting. Some need a specialist environment, equipment, support and specialist teaching. We need more specialist schools, hold on though, doesn't that cost money, can't have that, shove that child in mainstream it costs less, doesn't matter what parents views are, or what child needs, BCP need to save money.

There is a massive deficit in Adult Social Care, you are now contributing to this further by not addressing these issues at an earlier age. If you think they're a burden now, just wait. All children including SEN children are our future.

**Statement from Philip Gatrell**

Attention is drawn to rising trends in maladministration and service failure complaints by residents and the decisions against BCP shown by the following local government and social care ombudsman data:

Total Complaints Processed by the Ombudsman

2019/20 - 43

2020/21 - 40

2021/22 - 73

2022/23 - 72

10 Months to 2 February 2024 - 62

Total - 290 Complaints

Complaints Upheld by the Ombudsman after Full Investigation

2019/20 - 5 (42%)

2020/21 - 9 (69%)

2021/22 - 22 (65%)

2022/23 - 26 (68%)

10 Months to 2 February 2024 - 23 (85%)

Total - 85 Cases Upheld

The stated complaints upheld numbers and ratio percentages relate to the 124 cases fully investigated by the Ombudsman excluding complaints not proceeded with after initial enquiries.

BCP complied with the Ombudsman's recommendations for upheld complaints regarding the four completed years. However, BCP's remedial rates prior to the Ombudsman's determination were:

2019/20 40%

2020/21 0%

2021/22 5%

2022/23 12%

**Public Question from Nick West**

Question following the closure of the Whitecliff Gate in Poole Park resulting in a build up of traffic around the one way system and Sandbanks Road.

Now it seems that a 20mph speed limit is being discussed for the whole of the whole of BCP which may lead to a 15-minute city. My understanding is that this is not about road safety. See below:  
[https://en.m.wikipedia.org/wiki/Reported\\_Road\\_Casualties\\_Great\\_Britain](https://en.m.wikipedia.org/wiki/Reported_Road_Casualties_Great_Britain)

So, are you going to take vehicles off our roads and create a 15 minute city in BCP because of very weak evidence of climate emergency? If so, it will not be in the interest of the public.

I suggest that 15 minute Cities are nothing less than dystopian and wish to hear from the Council that this will never be the case here.

Yours sincerely, from very concerned constituents.

**Response from Cllr Millie Earl, Deputy Leader of the Council and the Portfolio Holder for Connected Communities**

Thank you Nick for your question. A report on 20mph speed limits shall be

debated at Cabinet on 6 March 2024 and in advance of that at Overview and Scrutiny Board on 26 February 2024. The soon to be published Cabinet paper includes the outputs of a review of the areas across BCP where 20mph speed limits have already been introduced.

The outputs of the review are positive which is why more 20mph speed limits in residential areas across the three towns are recommended. The objective is to reduce the number of residents and/or visitors that are killed or seriously injured in their neighbourhoods. The recommendation is not being driven by a desire to take vehicles off the roads by creating a 15-minute city, or as part of a climate emergency initiative.

I'd also like to thank Mr West for sharing a link representing the fact that tens of thousands of people are still seriously injured and killed on roads across Great Britain with the vast majority of casualties occurring in built up areas.

### **Public Statement from Shaun Hayward and Ruth Crook, Trustees of the People First Forum**

You have signed up to our Bill of Rights. This says we have:

- The right to say no;
- The right to have our voices heard;

Our members with learning disabilities have spoken up about your proposals:

- 1) Keep 3 centres
- 2) lose all 8.

We did not know about proposal 2.

People with profound and multiple learning disabilities use the centres. They are a very vulnerable group. We think everyone should have their say - "Nothing about Us, Without Us."

Our members are upset, fearful and angry. They say you should not close the centres. People need centres that are:

- Accessible and give us enough space to move freely
- Safe
- Have staff with specialist skills who know us well

"It is terrible, shouldn't shut them down. They should stay open."

"Where will I go to be with my friends?"

"Respect us, listen and keep our centre!"

### **Public Question from Daniel Parkin**

Why was the initial consultation period for the BCP local plan delayed until shortly after 19<sup>th</sup> March and why are the council not releasing the site assessments for the Gypsy and Travellers site until the consultation period starts next month?

Disgruntled residents, over 250 signatures already on a petition in just 2 days campaigning against this, would like to know exactly why the council feel they can designate a potentially contaminated unsuitable site for this community group?

Why has the LP Timeline not provided enough time for their complaints process/ombudsman's complaints process to be worked through?

Why was the government's Traveller planning policy not followed?

Please could you update me on the current status of the Creekmoor former Park and Ride site?

What is the deadline for submitting the LP to the Inspectorate?

**Response from Councillor Vikki Slade, Leader of the Council and Portfolio Holder for Dynamic Places:**

On 23 December 2023, Government published the updated National Planning Policy Framework (NPPF). This had been highly anticipated and the draft local plan had been written based on the expected changes. This updated version of the NPPF had been delayed and includes transitional arrangements (in Para 230) that make it necessary for us to delay the public consultation until after 19 March 2024. If we had consulted immediately after the draft local plan was agreed in January, the whole plan would have had to be based on the previous NPPF.

This amendment was reported to Council on 9 January when the Local Plan was agreed, where they are detailed in Revised Appendices 4 and 6 to Item 57 to the Council papers. The site assessments are part of our Housing and Economic Land Availability Assessment that provides the evidence to support all the local plan allocations and the sites that were not allocated. This work will be published at the same time as all of the other Local Plan evidence, as part of the public consultation. The draft Local Plan and the supporting evidence relating to all aspects of the plan, will be the subject of the forthcoming public consultation. The responses will be provided to the Inspectorate as detailed in the council paper.

The site is allocated in the Draft Local Plan as it is on public land that is available, is self-contained and has good access to services and facilities. We have positively prepared our Draft Local Plan in accordance with the Government's planning policy for traveller sites and the NPPF.

We are following a statutory process for preparation of a local plan. If the public examination is successful the Local Plan will come back to Council for adoption in Summer 2025, and it is not until this point that the site is formally agreed or allocated for gypsy and traveller provision.

If we decide to bring the site forward for development we will need to submit



a planning application where there will be further public scrutiny. This timetable provides ample time to submit a complaint, but it would be preferable if you provide your feedback during the mandatory six week public consultation that will commence on or shortly after the 20 March.

Your comments will be passed to an independent planning inspector who will examine the local plan. The inspector will assess whether the local plan process has been correctly followed and the allocated sites, including the gypsy and traveller site, are suitable and deliverable. This is the proper process if you have concerns over the process undertaken by the Council.

The Creekmoor Park and Ride site is safeguarded for a future use for a park and ride. The site was discounted as a permanent gypsy and traveller site as the site floods.

We must submit the Local Plan to the Planning Inspectorate at the very latest by June 2025. However we are planning to submit the Local Plan in June 2024 as we need a BCP Local Plan in place at the earliest opportunity to provide certainty for our communities and developers on development in the BCP area.

#### **Statement from Daniel Glennon**

I asked a question to full council a few months ago to ask that the council take action on the climate emergency. Three key ways the council can do this is by switching to plant-based catering in its own internal meetings and events; prioritising plant-based menu options in other external sites where the council has an influence; and promoting plant-based eating to residents.

This isn't about mandatory veganism, rather these actions will help to normalise plant-based eating and send a powerful message that this is the direction we need to be heading in as a society to mitigate the worst effects of climate change that are contributed to massively by meat and dairy. Having declared a climate emergency, it is essential that the council takes action on this. These are all simple steps the council can take that can have a huge impact.

#### **Statement from Philip Gatrell**

Regarding the local government and social care ombudsman's investigation of service failures and maladministration:

*Local Government Act 1974 subsections state –*

- 30(4): Ombudsman's reports be available without charge for 3 weeks public inspection at council offices.
- 30(5): Public notice required within 2 weeks of receiving reports, via appropriate advertisement by the "proper officer" – namely "Director of Law & Governance" and "Chief Executive" per Council's Constitution.

- 30(7): Provides Ombudsman's discretionary individual case exemptions to the above. Local media and the Council's website however indicate absence of any notices.
- 30(6): Custodians obstructing inspection incur summary fine.
- 31(2): Reports "be laid before the authority". *Local Government and Housing Act 1989 subsections 5(2)(aa), 5A(3)(b) require Monitoring Officer reporting to each Member regarding Ombudsman investigations.*

By 2nd February 2024 the Ombudsman upheld 85 cases. One 1989 Act report - not by a Monitoring Officer - was issued to Full Council.

### **Statement from Charles Ross Illingworth**

I am concerned about 15-minute neighbourhoods, Low Traffic Neighbourhoods, and the proposed 20mph limit on BCP area residential streets. These policies if enacted may have a disproportionate and negative effect on constituents, human rights, and the local economy.

Given the objectives and strategies outlined in the Decarbonisation of Transport Plan published by the Department of Transport, with their publicly available Local Authority Toolkits, surely Council policy in this regard is already pre-ordained by central government in line with the stated wishes of the unelected and unaccountable World Economic Forum and UN Agenda 2030?

If BCP Council follows state policy, the outcome is de facto already decided. Draft policy is already set out in the Local Plan. Accordingly any public discussion or consultation now is just mere theatre and sham to deliberately give the false impression that there has been a transparent democratic process to the general public.

### **Statement from Nick Greenwood**

The 2030 Agenda for Sustainable Development drafted by the UN and World Economic Forum currently appears to be a serious ambition of the BCP. There is emerging evidence (to be presented in a fuller Statement later) that this agenda is preordained making consultations nothing more than lip service and deceptive Theatre for the Public. The Agenda has been drafted by unelected off-shore bodies and adaptation would be in breach the Nolan Principles and likely be an act of treason.

### **Statement from Peter Schroeder**

Selling a large part of the Beach Road carpark would be a major and irreversible mistake. For both residents and our vitally needed influx of visitors, we require a properly developed parking strategy for the area. The premise that it is not needed because of underuse is false. It is underused because it has been seriously neglected. It is badly signed and publicised; poorly lit and marked, and closed for months even as with the opening of Rockwater, winter parking for Branksome Chine is in short supply.

The council needs to think again about the whole parking issue.

**Statement from Roy Pointer**

Is this what we have come to – selling off the family silver to make ends meet?

What has happened to the economic dividend from creating BCP?

What has become of Britain's Premier seaside destination?

With a town centre in decline, rubbish and graffiti everywhere, we must maximise the one fantastic asset we have – the miles of sandy beach.

But no. Neglect and hide a beach car park for long enough and people will be glad to see it gone. Forget the visitors, ignore the residents, shun families – we're closing down! I urge you - don't sell up!

**Statement from Philip Stanley Watts**

I understand BCP council is under financial pressure but the team of CSAS officers and youth services should be maintained and extended to offset the problems of knife crime and ASB behaviour and promote wellbeing in local communities. CSAS officers are a vital cog to deter and detect as well as support and engage with communities.

**Statement from Celine Spearing**

I am a mother of 3 young children who attend their local primary school in BCP. We are in the process of applying for an EHCP plan for our third son. I come from a teaching background whereby I taught Modern Foreign Languages for several years. Throughout my career, I have seen so many pupils left behind because there wasn't enough support available to them.

As one teacher facing 30 students, I tried my best, but I reached a point where my best wasn't enough for them. I am now standing on the other side as a parent, trying my best once again to support our son who needs help at school. To me, the safety valve means that the government will cut down more on this support. What is the goal, I ask? Have these lawmakers spent any time in schools to see how dire the situation is?

72. Petition - Reject Safety Valve

Consideration was given to a petition calling for BCP Council to reject the Government's Safety Valve project, with the following as justification:

"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."

The petition organiser, Mr Adam Sofianos, provided Council with background relating to the submitted petition and reported that the petition was the most signed petition in BCP Council history.

Members sought clarity from Mr Sofianos on a number of points.

Cllr P Canavan moved a motion regarding the Safety Valve, seconded by Cllr P Cooper, requesting that 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.

Council debated the petition and motion and it was:

**RESOLVED: That 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.**

Voting: Nem.Con.

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

Councillor M Cox presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor D Brown.

Council moved to a vote where the motion as follows was carried.

**RESOLVED 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.**

Voting: Nem.Con.

74. 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

Councillor M Andrews presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor E Connolly.

Council moved to a vote where the motion as follows was carried.

**RESOLVED that:-**

- (a) **the Minimum Revenue Provision (MRP) change for 2023/24 set out in paragraphs 16-32 of the report be approved; and**
- (b) **the Treasury Management Strategy 2024/25 set out at Appendix 4 of the report be approved.**

Voting: Nem.Con.

75. Cabinet 7 February 2024 - Minute No. 98 - Mainstream Schools and Early Years Funding Formulae 2024/25 Report

Councillor R Burton presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor M Cox.

Council moved to a vote on each recommendation separately, where the motion as follows was carried.

**RESOLVED that Council: -**

- (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**

Voting: For - 60; Against - 0; Abstentions - 13.



- (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.

Voting: For - 38; Against - 25; Abstentions - 10.

76. Cabinet 7 February 2024 - Minute No. 99 - Housing Revenue Account (HRA) Budget Setting 2024/25

Cllr T Trent and Cllr J Bagwell declared a pecuniary interest as they were subject to proposed increases to garage rental prices and left the room for the duration of the item.

Councillor K Wilson presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor M Cox.

Council moved to a vote where the motion as follows was carried.

**RESOLVED that Council: -**

- (a) That revenue budgets for 2024/25 and provisionally for 2025/26 to 2028/29 are set using the following principles:
- 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 percent of total expenditure in line with good practice at £2.2million
- (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.

Voting: Nem.Con.

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

Councillor M Cox presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor D Brown.

Councillor P Broadhead moved an amended budget, seconded by Councillor J Beesley.

**Conservative Group – Amendment (1) to the 2024/24 Budget**

**Funding Source:**

- (a) **To only be implemented if** the specific one-off contingency set aside to manage the risk of delivery or delay in the £41.2m in savings, efficiencies and additional resources is not needed.

£1.177m Use of funds from the one-off contingency budget if not required

- (b) Ongoing resources from not disposing of an income generating asset.

£0.160m Net operating income from cancelling sale of Christchurch Bypass Car Park

Application of the **one-off** resources set out as follows.

Amount £000s	Service Area	Description
642	Operations	Town Centre Improvement Fund (in addition to £358k allocated by the substantive budget)
300	Commercial Operations	Air Festival funding for 2025
150	Environment	Play Park Boost
85	Commercial Operations	Defer Kings Park Plant Nursery closure – Subsidy. (budgeted saving)

1,177	<b>Total – One Off Resources</b>
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Application of the **ongoing** resources set out as follows.

Amount £000s	Service Area	Description
153	Housing & Communities	Additional investment in CSAS and Community Safety
7	Commercial Operations	Littledown Paddling Pool ( <i>budgeted saving</i> )
<b>160</b>	<b>Total – Ongoing Resources</b>	

Councillors C McCormack and M Tarling declared a non-pecuniary interest in that they were members of the Christchurch Premises Committee which was debating the future of the Christchurch By-pass car park. Councillors McCormack and Tarling left the room while the amendment was debated.

Councillors M Cox and Cllr P Hilliard declared a non-pecuniary interest in that they were members of Christchurch Town Council but not members of the Premises Committee. The Councillors confirmed that they would remain in the room and deliberate on the item.

Following debate on the amendment, Council moved to a vote, as follows:  
For – 13; Against – 42; Abstentions – 16.  
The amendment was lost.

Councillor P Broadhead moved a second amended budget, seconded by Councillor J Beesley.

### **Conservative Group – Amendment (2) to the 2024/24 Budget**

#### **Funding Source:**

**To only be implemented if** the specific one-off contingency set aside to manage the risk of delivery or delay in the £41.2m in savings, efficiencies and additional resources is not needed.

£1.537m Use of funds from the one-off contingency budget if not required  
**£1.537m Total**

Application of these **one-off** resources set out as follows.

Amount £000s	Service Area	Description
684	Commissioning & Procurement	Defer savings from the review of day services proposals for one-year. ( <i>budgeted saving</i> )

396	Children's Services	Defer Education Revised delivery models for one-year. ( <i>budgeted saving</i> )
57	Children's Services	Defer Early Years Workforce for one-year. ( <i>budgeted saving</i> )
300	Children's Services	Create one-off Mental Health support in schools fund
100	Children's Services	Create a one-off Youth Centre Fund
<b>1,537</b>	<b>Total – One Off Resources</b>	

Cllr Slade declared a non-pecuniary interest as she was the Chair and lead Member for youth clubs, and left the room for the duration of the amendment.

Following debate on the amendment, Council moved to a vote, as follows:  
For – 14; Against – 43; Abstentions – 15.  
The amendment was lost.

Council considered the substantive budget proposals.

Following debate, Council moved to a named vote where the motion as follows was carried.

#### **Recommendations A – E:**

<b>For</b>		
Marcus Andrews	Stephen Bartlett	David Brown
Olivia Brown	Richard Burton	Brian Castle
Adrian Chapmanlaw	Brian Chick	Mike Cox
Lesley Dedman	Millie Earl	Jackie Edwards
Matthew Gillett	Crispin Goodall	Andy Hadley
Jeff Hanna	Emily Harman	Richard Herrett
Paul Hilliard	Brian Hitchcock	Mark Howell
Marion Le Poidevin	Sandra Mackrow	Rachel Maidment
Andy Martin	David Martin	Chris Matthews
Simon McCormack	Pete Miles	Sandra Moore
Bernadette Nanovo	Lisa Northover	Margaret Phipps
Dr Felicity Rice	Judy Richardson	Vanessa Ricketts

Peter Sidaway	Paul Slade	Vikki Slade
Michael Tarling	Tony Trent	Oliver Walters
Clare Weight	Kieron Wilson	

<b>Against</b>		
Cameron Adams	Sue Aitkenhead	Hazel Allen
Julie Bagwell	John Beesley	Philip Broadhead
Judy Butt	Patrick Canavan	Sharon Carr-Brown
Eleanor Connolly	Peter Cooper	David d'Orton-Gibson
Bobbie Dove	Michelle Dower	George Farquhar
Duane Farr	Anne Filer	May Haines
Gillian Martin	Jamie Martin	Anne-Marie Moriarty
Karen Rampton	Lawrence Williams	

<b>Abstention</b>		
Sara Armstrong	Simon Bull	Alasdair Keddie
Chris Rigby	Joe Salmon	Kate Salmon

**Recommendation F:**

<b>For</b>		
Cameron Adams	Bobbie Dove	Gillian Martin
Sue Aitkenhead	Michelle Dower	Jamie Martin
Hazel Allen	Millie Earl	Chris Matthews
Marcus Andrews	Jackie Edwards	Simon McCormack
Julie Bagwell	George Farquhar	Pete Miles
Stephen Bartlett	Duane Farr	Sandra Moore
John Beesley	Anne Filer	Anne-Marie Moriarty
Philip Broadhead	David Flagg	Bernadette Nanovo
David Brown	Matthew Gillett	Lisa Northover
Olivia Brown	Crispin Goodall	Margaret Phipps
Richard Burton	Andy Hadley	Karen Rampton
Judy Butt	May Haines	Dr Felicity Rice

Patrick Canavan	Jeff Hanna	Judy Richardson
Sharon Carr-Brown	Emily Harman	Vanessa Ricketts
Brian Castle	Richard Herrett	Peter Sidaway
John Challinor	Paul Hilliard	Paul Slade
Adrian Chapmanlaw	Brian Hitchcock	Vikki Slade
Brian Chick	Mark Howell	Michael Tarling
Jo Clements	Alasdair Keddie	Tony Trent
Eleanor Connolly	Marion Le Poidevin	Oliver Walters
Peter Cooper	Sandra Mackrow	Clare Weight
Mike Cox	Rachel Maidment	Lawrence Williams
Lesley Dedman	Andy Martin	Kieron Wilson
David d'Orton-Gibson	David Martin	

<b>Abstention</b>		
Sara Armstrong	Simon Bull	Chris Rigby
Joe Salmon	Kate Salmon	

**RESOLVED 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.**

The Chair amended the running order to next determine agenda item 19: Recruitment of Chief Operations Officer.

78. Recruitment of Chief Operations Officer

The Leader of the Council, Councillor V Slade, presented the 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, and proposed the recommendations as set out therein.

The proposal was seconded by Councillor M Phipps.

Council moved to a vote where the motion as follows was carried.

**RESOLVED that Council approves the appointment of the candidate named in Appendix 1 to the position of Chief Operations Officer.**

Voting: Nem. Con.

The Chair moved an adjournment of the meeting. This was seconded by the Vice Chair.

Council agreed by majority to adjourn until 7pm, Tuesday 27 February 2024.

The meeting was adjourned at 23:23.

79. Cabinet 10 January 2024 - Minute No. 83 - BCP Council - Tenancy Strategy for Registered Providers of Social Housing - 2024-2029

Following further recording of Apologies for Absence and Declarations of Interests, the reconvened meeting resumed at 7pm on 27 February 2024, at agenda item 12.

Councillor K Wilson presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor M Earl.

Council moved to a vote where the motion as follows was carried.

**RESOLVED that the revised BCP Council Tenancy Strategy 2024-2029 as set out in appendix 1 to the report be approved.**

Voting: Nem. Con.

80. Cabinet 10 January 2024 - Minute No. 84 - Active Travel Fund 4 (ATF4)

Councillor A Hadley, presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor R Burton.

Council moved to a vote where the motion as follows was carried.

**RESOLVED 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.**

Voting: Nem. Con. Abstentions – 1.



81. Cabinet 10 January 2024 - Minute No. 86 - South Part of Beach Road Car Park

Councillor M Cox, presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor V Slade.

Council moved to a vote where the motion as follows was carried.

**RESOLVED 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.**

Voting: For - 34; Against - 5; Abstentions – 13.

82. Cabinet 7 February 2024 - Minute No. 97 - Budget Monitoring 2023-24 at Quarter Three

Councillor M Cox presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor D Brown.

Council moved to a vote where the motion as follows was carried.

**RESOLVED 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.**

Voting: Nem. Con.

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

83. Cabinet 7 February 2024 - Minute No. 101 - Funding Agreement to support Russell-Cotes Art Gallery & Museum to become an Independent Trust

Following her earlier declaration, Cllr L Northover left the meeting for the duration of the item.

Cllr O Brown left the meeting at 19:37.

Councillor Andy Martin presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor Mike Cox.

Council moved to a vote where the motion as follows was carried.

**RESOLVED 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.**

Voting: For - 40; Against - 0; Abstentions – 9.

Note – resolutions (c) to (f) were resolved matters by the Cabinet.

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

Cllr O Brown returned to the meeting at 20:01.

The Leader of the Council, Councillor V Slade, presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor A Martin.

Council moved to a vote where the motion as follows was carried.

**RESOLVED 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.**

Voting: For - 39; Against - 9; Abstentions – 5.

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

The Leader of the Council, Councillor V Slade, presented the report and recommendations as set out on the agenda.

The proposal was seconded by Councillor M Earl.

Cllr A Hadley declared a non-pecuniary interest as he was a director of Poole Business Improvement District.

Council moved to a vote where the motion as follows was carried.

**RESOLVED 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;**
- (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.**

Voting: Nem. Con. Abstentions – 1.

86. Questions from Councillors

The Chair confirmed that in Councillor P Canavan's absence his question, and the Portfolio Holder's answer, would be circulated by email and included in the minutes of the meeting.

**Question from Councillor P Canavan:**

Bournemouth's culture sector is a strong Unique Selling Point for the town and one I would suggest should form a central pillar of any strategy to regenerate the town centre. I welcome the additional one-off money

announced at Cabinet on 7 February but could the Leader tell me the exact amount of money allocated and what this will be spent on?

Also, what concrete & achievable plans has the Council developed as a result of the Town Centre Summit and the so-called Days of Action to regenerate Bournemouth Town Centre and does it include a strong cultural offer that compensates for the loss of GIANT and The Ivy.

**Response from Councillor V Slade, Leader of the Council and Portfolio Holder for Dynamic Places:**

The financial constraints that BCP council is having to work under have made it necessary to find savings and efficiencies across every department of the council, including culture.

We recognise the importance of culture to the wellbeing and prosperity of the residents of BCP and as part of our tourism offer. The additional funding provided by the revised Local Government settlement and reported to Cabinet on 7<sup>th</sup> February enabled us to restore £76,000 towards culture. Cabinet have agreed that this should go to grassroots and community based cultural organisations but given that this fund has only been agreed at the meeting this evening, it would be premature for us to make further plans about how it will be used. The intention is for the fund to be used as a grant pot through which community organisations can bid, but the details around this have not yet been confirmed.

One of the key priorities of this administration is Bournemouth Town Centre and we were quick to seek the ideas of the community through the Summer Survey, which was followed up in the autumn by the Town Centre Summit where we asked key partners to work with us to revitalise the town centre. The opportunity to invest additional funds through the final settlement which we are referring to as the Town Centre Improvement Fund. Although details are still to be finalised, this is proposed to be split across the 3 town centres as follows: Bournemouth £179K, Poole £119K, Christchurch £60K.

In terms of the Town Centre Summit, this has been successful in bringing partners together to take collective action on priorities raised and in terms of lobbying Government to support us.

Work achieved by the council to date includes the use of UKSPF funding for increased cleansing and graffiti teams including new reporting systems, the purchase of new bins (due to be delivered in march), restoration and planting of planters at Beale Place, The Triangle and Lansdowne, increased parking enforcement and a change to the late evening closure at Horseshoe Common to support restaurants. Additional trading standards and environmental hygiene visits are being undertaken and the town team that we launched in the autumn with Dorset Police continues.

Days and Evenings of Actions were started in January and will continue through the spring. We are working to develop an inward investment

brochure based on the town centre and we are working on empty shops and with our landlords. We are making good progress on the bus improvement plan corridor between Bournemouth Railway Station and Gervis Place and we are continuing to support Westover Road traders with bespoke meetings.

We have announced today the appointment of Sir Conor Burns as the chair of the new Bournemouth Action Partnership which will continue the work started through the summit and We are meeting with the Secretary of State to seek Government support for a range of measures that can help to progress the town centre revitalisation.

I will update council on the outcome of this meeting in due course and continue to work with partners, investors and communities to restore pride in Bournemouth and turn its fortunes around.

**Question from Councillor G Farquhar:**

At Cabinet on the 7<sup>th</sup> February I asked a question relating to definition of non-essential spending and how as Members we can challenge a refusal by a decision maker to not to allow for preventative or essential maintenance, repairs, replacement remedial works. The reply from the Section 151 Officer confirmed there is the ability for people to argue their case and that conversation can be reflected on.

My question is; how does a Member escalate an argument to a higher Decision Maker or Director/Leadership when a Manager or Officer has given a no answer within their area of responsibility/authorisation level?

**Response from Councillor V Slade, Leader of the Council and Portfolio Holder for Dynamic Places:**

Thank you, Councillor Farquhar, for your question.

The financial pressures facing local government are well documented and BCP Council is no different. The budget that we have been working to deliver since we formed the Administration last year has required every department to consider its spending and to ensure that budget holders actively drive down the cost of the service. Current and previous procedures adopted in respect of a freeze on non-essential expenditure place a lot of onus on the budget holder to be satisfied that they are adhering to the established criteria. It also allows for escalation as high up as the chief executive, although it would be expected that this would be exercised through the budget holders line management structures to service and corporate directors in the first instance.

If a Member is not happy with the decision of a budget holder it is suggested they email the budget holder's line manager or service director to consider it further. Furthermore, there are regular meetings that involve group leaders with the leader of the Council and Democratic services and this sort of issue can always be flagged during such meetings. As I

confirmed in my email to all Members today, my door is always open and if there are specific issues I am always happy to talk them through and see if we can unlock the problem.

**Supplementary question from Councillor G Farquhar:**

Thank you for that reply. It does give me some degree of understanding of the decision-making process to say ‘yea’ or ‘nay’ based upon the circumstance of the issue. So my question is this:

I believe as a Ward Councillor that some things which are not beneficial to or even hazardous to the health of residents are being overlooked because we need to save money. So is there a ‘nuclear button’ that I can press to say I have a fear or a concern for public health, or for the services which are agreed to be delivered by the council to escalate, and would that be listened to? Thank you.

**Response from Councillor V Slade, Leader of the Council and Portfolio Holder for Dynamic Places:**

Speaking as a Ward Councillor, if I was concerned that there was a matter of public safety, health and safety, or personal safety, I would automatically pick up the phone to the appropriate service director. I think we all have a responsibility if there is a genuine problem.

However, I would say that we should use those things cautiously because I would not want every one of the 76 Members suddenly running to our service directors and claiming ‘health and safety’ because we all know what trouble that gets us all into. We do have to use common sense. We do have to understand that our staff are put under pressure. They have to work within their budgets. And last week we heard the aspirations of all of the other Groups and we know the aspirations of all of these people here are the things we’re not able to do because we don’t have enough money. And therefore it would be wrong for us to just say “go ahead and spend the money” when actually we know the things we can’t do and that other people are being told “no” because someone over here is being told “yes.” So I think it’s right that we respect our officers when they make a decision and that we go through a proper process of escalating it and saying “help me understand what went wrong there”.

But if it’s a matter of public safety or personal safety, pick up the phone, use Teams, drop an email to somebody who can make that decision. And if necessary, you can go all the way to Graham Farrant.

**Question from Councillor G Farquhar:**

What steps is the Local Authority taking to alert, report and monitor to rectification the reporting of graffiti on non-public installations i.e. Commercial premises, service buildings and installations such as cable boxes and roadside furniture, post boxes and telephone boxes? And how can these be improved to ensure that graffiti is removed in a timely fashion

and Service Level expectations for ensuring our public realm and amenity does not deteriorate to the point of neglect?

**Response from Councillor K Wilson, Portfolio Holder for Housing and Regulatory Services:**

Thank you for your question. As a local authority BCP Council have limited powers to secure action by private property owners to remove graffiti from their own property.

There are powers under Section 215 of the Town and Country Planning Act and Section 43 Anti-Social Behaviour Crime and Policing Act 2014 which can be utilised for specific cases, but it is far from a timely solution due to the administration, investigation and legal challenges and has to be prioritised in line with other statutory duties within the Environmental Protection Team where demands are significant.

Where resource permits and certain thresholds are met with regards to offensiveness and/or severity of the adverse impact, officers will identify those responsible and where necessary, serve the relevant notices. This can be challenging and understandably owners can feel victimised twice by having criminal damage to their property and enforcement from the Council to clear afterwards.

Residents can report incidences of graffiti to relevant utility companies and other asset holders requesting action as detailed on our webpage.

Incidents of graffiti are the responsibility of the property owner, and they should be contacted directly.

**Supplementary question from Councillor G Farquhar:**

Thank you very much for that answer. Based upon the answer and the fact that appropriate legislation is referred to, because of the limitations of the local authority, will the portfolio holder undertake to explore Section 215 and the appropriate Acts such as the 2005 Cleaner Neighbourhoods and Environment Acts to see what pressure could be brought to bear, particularly on features of our environment.

I'm a great believer that like attracts like, and should a franchise or a retail outlet or a cable provider not look after their equipment, then very quickly, as we've all seen on our own wards, that further graffiti gets attracted. That sense of neglect, that sense of loss of community, continues desperately.

My question to the portfolio holder is, will we once again look at how we can improve our reporting to those parties that are responsible for that property, such as telephone boxes, and ensure that it goes through to a reasonable level of service level agreement? Because at the moment, I'm sure that they are making some effort, but perhaps that's not serving the residents of our three towns.

**Response from Councillor K Wilson, Portfolio Holder for Housing and Regulatory Services:**

Thank you, Councillor. Yes, I'm more than happy to go away and work with you, have a meeting with you and with officers on how we can improve this. I do understand, though, that it is a very resource-heavy thing. And if you have individual cases, I'm happy to contact the utility companies directly if there are particular ones that have been causing particular issues. But in general, I think the initial part of my answer still stands. But I'm happy to go away with you and discuss this with you. Hopefully that's helpful.

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

The Chief Executive reported on an urgent decision taken in respect of the DHSC Accelerating Reform Fund Grant.

The meeting of 20 February 2024 ended at 23:23.  
The meeting of 27 February 2024 ended at 20:40.

The meeting ended at 11.23 pm

CHAIRMAN



## CABINET



Report subject	<b>Our People and Communities: 20mph options appraisal</b>
Meeting date	6 March 2024
Status	Public Report
Executive summary	The purpose of this report is to present the outputs of a review of local and national 20mph initiatives and to seek endorsement for a programme to enable the delivery of 20mph speed limits to create safer neighbourhoods across the three towns and make journeys by all modes safer. This will be achieved in areas through consultation with residents in priority communities, and through the reinstatement of a dedicated 20mph speed limit budget allocation within the Council's Local Transport Plan (LTP) Capital programme.
Recommendation	<b>It is RECOMMENDED that Cabinet recommend to Council:</b> <b>a) that a dedicated budget is included in the Local Transport Plan (LTP) Capital programme for 2024/25 financial year to recommence delivery of 20mph speed limits on a neighbourhood basis with a focus on residential roads and this is continued into future years subject to the availability of capital funding.</b>
Reason for recommendation	There are approximately 77 areas across the conurbation that already have 20mph limits in place as shown in Appendix A.  The installation of further 20mph limits would create safer neighbourhoods and streets which is aligned with both the Our People and Communities and Our Place and Environment vision and ambitions within the Corporate Strategy.  Local evidence suggests that 20mph speed limit only schemes are effective at reducing the number and severity of collisions that result in injuries and death on roads. This report therefore recommends that a dedicated 20mph speed limit budget is established.

Portfolio Holder(s):	<p>Cllr Vikki Slade Leader of the Council and Portfolio Holder for Dynamic Places</p> <p>Cllr Millie Earl Deputy Leader of the Council and the Portfolio Holder for Connected Communities</p> <p>Cllr Andy Hadley Portfolio Holder for Climate Response, Environment and Energy</p>
Corporate Director	Jess Gibbons - Chief Operations Officer
Report Authors	<p>Julian McLaughlin - Director for Infrastructure</p> <p>Richard Pincroft - Head of Transport and Sustainable Travel</p> <p>Richard Pearson - Transport Network Manager</p>
Wards	Council-wide
Classification	For Recommendation

## Background

### National and International data linked to traffic speed and impact of the speed of traffic

1. Speed is a key factor in the number and severity of collisions and studies by the Royal Society for the Prevention of Accidents and Road Wise (and others) have shown that there is a significant link between speed of motor vehicles and the severity of the outcome of a collision. At 20mph a pedestrian has an 97.5% chance of survival when struck by a vehicle whereas at 30mph that drops significantly to 80%<sup>1</sup>. A vehicle's stopping distance is 12m at 20mph and 23m at 30mph<sup>2</sup>.
2. If motor vehicles are travelling at 20mph, instead of 30mph, this reduces the differential speed between them and people walking or cycling, which improves actual and perceived safety. People generally cycle at between 10 and 15mph. Safety concerns are a key barrier to more people using active modes. The current Cycle Infrastructure Design guidance, Local Transport Note 1/20 recommends that where traffic speeds are in excess of 20mph, then segregated cycling infrastructure is required in order for that route to be suitable for the majority of people to be able to cycle. Dedicated cycle infrastructure is expensive and introducing more 20mph speed limits therefore means more roads would be inherently safer for cyclists (subject to vehicle

<sup>1</sup> [The chance of a pedestrian surviving - Roadwise](#)

<sup>2</sup> [Highway Code Stopping Distances \(publishing.service.gov.uk\)](#)

speeds reducing) without the costs and disruption associated with the introduction of segregated cycle facilities.

3. The International Transport Forum at the Organisation for Economic Co-operation and Development (OECD), World Health Organisation (WHO), the Parliamentary Advisory Council for Transport Safety and the National Institute for Health and Care Excellence (NICE) all recommend 20mph speed limits in residential areas for reasons including improving safety, reducing conflicts and enabling more walking and cycling.
4. The RAC Foundation (motoring research organisation) supports “the introduction of 20mph limits wherever there is an over-riding road safety case”, but states that “the mobility and productivity needs of road users must also be taken into account”.
5. ‘20 is Plenty’ is a not-for-profit national group founded in 2007 based mainly on the concept that reducing speed limits reduces traffic speeds and this in turn reduces road casualties and creates a more pleasant road environment. 30mph is the national default speed set in UK legislation for urban roads (Section 81 of The Road Traffic Regulation Act 1984) and this group campaigns for the introduction of 20mph limits in all residential streets.

### **UK guidance and research for 20mph speed limits and zones**

6. Before 1991, local authorities were not permitted to set speed limits below 30mph (according to the Road Traffic Regulation Act 1984). Since then, amendments to the Act and a number of Department for Transport (DfT) Circulars (providing advice to transport professionals and local councils) have allowed reduced speed limits to be applied in appropriate circumstances in accordance with the following guidance: Setting Local Speed Limits (DfT Circular 01/2013).
7. The current DfT guidance (2013) on setting local speed limits says that the speed limit on a road should be set to reflect the characteristics of the road so that any speed limit is mainly self-enforcing, i.e., most drivers will naturally drive at a speed close to the limit because they will recognise the character of the road and adjust their speed to suit:  
*“Speed limits should be evidence-led and self-explaining and seek to reinforce people’s assessment of what is a safe speed to travel. They should encourage self-compliance. Speed limits should be seen by drivers as the maximum rather than a target speed.”*
8. In this context any speed enforcement conducted by local Police forces is rational, proportionate and justifiable and this approach therefore helps maintain public support for policing by consent. The DfT guidance advises that 20mph limits are permitted where the mean (average) vehicle speed on a road has been measured as being 24mph or less.
9. There are two types of 20mph treatments, 1) 20mph zones; which have physical measures to reduce speed e.g., road humps/cushions, point closures

for motorised vehicles, mini-roundabouts, pedestrian crossings, chicanes, painted 20mph roundels and 2) 20mph limit; which have signs and no physical measures albeit can be complemented with painted 20mph roundels at regular intervals. The physical measures associated with zones make them significantly more expensive to implement than limit only schemes.

10. There have been two major studies on 20mph schemes in the UK in recent years. The Atkins report (2018) and the PACTS (Parliamentary Advisory Council for Transport Safety) report (2023) The outcomes of these are summarised in Appendix D and E respectively. Atkins highlights acceptance levels of the change amongst different groups, and that these increased after implementation. PACTS supports lower speed limits in urban areas but stresses that it is important that these deliver real benefits and not the illusion of change.
11. National research suggests (refer to appendices D and E and DfT Circular 01/2013):
  - a. 20mph limit schemes typically reduce traffic speeds by up to approximately 1mph but on some routes can reduce speed by up to 2mph, where the mean traffic speed was 25mph before the intervention. There is some evidence to suggest that greater speed reductions can arise; 3 to 5mph where speeds were approximately 30mph before.
  - b. 20mph limit schemes reduce casualties by 0 to 11%.
  - c. 20mph zones reduce casualties by between 40 and 60%.
12. A summary of what some other authorities have implemented and learnt is included in Appendix F.

### **Assessment of local (existing) 20mph zones and speed limits**

13. There are currently approximately 55 x 20mph zones (with physical measures) already across BCP (many are very small outside of schools) and 22 x 20mph speed limit schemes (signs only) in total across the Council's highway network as shown in Appendix A.
14. A review of these 20mph zones and limit schemes has been undertaken and analysis of the data is summarised as follows:
  - a. 20mph limit schemes have achieved a casualty collision reduction of 48%.
  - b. 20mph zone schemes have achieved a casualty collision reduction of 37%.
  - c. The average casualty collision reduction across all types of 20mph scheme is 40%.

Noting:

- i. In the majority of cases there is 5 years of before and after casualty data.
  - ii. There are fewer limit schemes than zones and therefore the reduction for limit schemes may be statistically less certain than for zones and this may account for the significant variance between the performance of local schemes and more comprehensive national studies.
  - iii. The ongoing average financial benefit of the current 20mph schemes across BCP is approximately £3.9m per annum based on Department for Transport (DfT) figures for the assessment of the cost benefit of reducing casualties. No economic assessment has been carried out to understand the benefits relating to increases in active travel or the financial disbenefits of increase in journey times.
15. Casualty reduction is generally achieved where there is a historic road casualty problem. If there is no history of casualties, then casualty reduction is likely to be minimal or zero, albeit there could be perceptions of improved safety and wider active travel benefits. The assessment of 20mph limit schemes (mainly in Poole) suggests that the outcome locally has been significantly better than national studies found in regard to casualty reduction.
16. Prior to the 2023/24 financial year, the Council had a dedicated 20mph speed limit and/or zone budget allocation in the Local Transport Plan (LTP) Capital programme and the officer process for assessment and prioritisation of these schemes forms part of the minor transport guidance<sup>3</sup> (refer to page 12 of the guidance). The council continues to receive regular requests for new 20mph schemes and there are currently 60 scheme requests on the list.

### Partnership engagement

17. Dorset Police are a partner, and statutory consultee regarding the Traffic Regulation Orders (TRO) needed to make a speed limit change. They are the only authority with powers to enforce speed limits and have commented as follows:
  - a. *'Dorset Police would support a reduction in speed limit from 30mph to 20mph where a clear evidenced based approach has been taken, to demonstrate that the measure will initiate a reduction in speed and where possible to quantify and relevant, a related drop in collisions.'*
  - b. *It's important to note that Dorset Police will not be able to supply additional resource to monitor and enforce any proposed reduction in speed limits from 30mph to 20mph, and that operations to do so, would have to be built into existing operational capability.*

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<sup>3</sup> [BCP Council Minor Transport Scheme Request Guidance](#)

- c. *As with any speed limit, Dorset Police would focus its monitoring and enforcement activity based on risk, and in line with National Police Chief Council guidelines. With 20mph limits, and specifically in line with those guidelines, Dorset Police would only enforce where there is a significant risk from continuous high speeds, i.e. a proportionate approach'.*
- 18. Dorset Police and the council work together as part of the Dorset Road Safe Partnership which includes community speed watch groups to encourage speed compliance in areas of concern.
- 19. The council and Go South Coast (GSC) trading locally as Morebus are members of the Enhanced Bus Partnership. Agreed formal objectives of the partnership are to increase the average speed of buses and increase the number of passenger journeys made by bus. GSC does not support the implementation of 20mph speed limits in roads and streets used by bus routes other than in limited exceptional circumstances but has no objection to 20mph limits elsewhere. A reduction in speed limit from 30mph to 20mph is likely to increase bus journey times and worsen service reliability. This would make buses slower and less attractive to users whilst the increased journey times will result in additional resources and therefore cost being required to maintain service levels or, more likely, service frequency reductions and/or service withdrawals as seen in Wales.

### **Options appraisal for 20mph speed limit and/or zone delivery across BCP**

- 20. The following options have been considered:
  - a. Do nothing. **NOT RECOMMENDED.** This would only see 20mph speed limit schemes or zones introduced as part of the delivery of schemes around schools and where historically significant numbers of casualties and or casualty clusters have arisen. Or as part of developer funded projects where relevant or as part of other capital improvement projects.
  - b. **RECOMMENDED OPTION.** Commitment to deliver 20mph speed limits in residential roads and along appropriate routes across the three towns; delivery facilitated using the Local Transport Plan (LTP) Capital Programme to ensure that 20mph speed limit changes are delivered across areas annually (refer to plan in Appendix B showing indicative neighbourhoods for prioritisation). This would lead to neighbourhood areas and localised sections of non-residential routes where appropriate e.g. local high streets/centres being made safer and help to promote an increase in active travel.

The programme would be prioritised by ranking areas with reference to the Local Cycle and Walking Infrastructure Plan (LCWIP)<sup>4</sup> to bring forward 20mph limits across areas that offer the best opportunity to reduce casualties and also promote active travel. The amount of

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<sup>4</sup> [BCP Council LCWIP 2022 \(bcpccouncil.gov.uk\)](https://www.bcpccouncil.gov.uk/lcwip-2022)

funding available each year would be confirmed as part of the annual LTP Capital Programme approval process. Note: for the 2024/25 financial year the recommended allocation is £149k.

All roads within and on the boundaries of proposed areas or zones would be considered for 20mph treatment including for example local centres on distribution roads e.g., Wimborne Road through the Winton High St. area. Noting: Many other examples exist and could be feasible. Following delivery the impacts to be monitored to inform future delivery.

The impact of delivered schemes would be reviewed regularly to ensure value for money and if required following completion of the 20mph speed limits a programme of installing physical features shall follow where the evidence demonstrates they are needed.

- c. Council to deliver 20mph zones (includes physical features) to cover all residential roads and suitable local centres: **NOT RECOMMENDED**

Although desirable in some regards, the estimated cost of installing zones across residential areas of BCP is in excess of £300m and therefore unfortunately this option is considered beyond the scope of any funding that is, or likely to become available. Furthermore, analysis of the local evidence suggests that 20mph speed limit only schemes are better value for money.

21. Table showing summarised impacts (approximated) of options:

Options ->	a (No change)	b (Some annual capital allocation to deliver limit schemes in prioritised areas)	c (Commitment to deliver 20mph zones across BCP)
Affordable	✓	✓	x
Likely casualty reduction impact	✓	✓✓	✓✓✓
Effectiveness at promoting active travel	✓	✓✓	✓✓✓
Noise reduction	✓	✓✓	✓ to ✓✓✓
Probable impact on emissions	Negligible	Probably None	Probably None
Probable impact on brake and rubber particulates.	Some reduction	Some reduction	Some reduction
Overall Economic Impact	unknown	unknown	unknown
		Recommended	

### Summary of financial implications

22. Summary of financial implications of the options:

- a. Do nothing = No change when compared to 2023/24 financial year.
- b. Do something (20mph limits) = Affordable as part of the LTP Capital Programme budget setting process if there is a dedicated 20mph speed limit budget to enable phased delivery. Note: there are no revenue implications because all resources and works associated with the implementation of speed limits and/or zones can be recharged to the LTP programme. The LTP 2024/25 Cabinet report recommends a £149k budget for 20mph Speed Limit implementation.  
**RECOMMENDED**



- c. Do something (20mph zones in all residential roads) = unaffordable.
23. The recommended option b), is affordable within the scope of existing capital budgets and has the advantage of maximising the benefits of 20mph speed limits whilst minimising their disbenefits through more detailed assessment and consultation in regard to how and over what extent the 20mph speed limits would be applied - this would not be a blanket 20mph speed limit everywhere approach. Further to the above, it has the advantage that the programme can be accelerated in future years if/when more LTP Capital Programme grant is available. The intention would be to focus on areas where 20mph speed limit is likely to have the greatest benefit using an evidenced based approach. In addition, any proposed areas would be subject engagement with local Members to ensure transparency and buy-in from the start.
24. The impact of any new 20mph speed limits would be monitored in future years to ensure that they are effective and therefore, represent value for money. This would be assessed by pre-implementation surveys and then analysis 3-years post-implementation.
25. The total cost of implementing 20mph across all BCP neighbourhoods is difficult to calculate accurately due to the varied characteristics of local areas. Implementation costs of any early phases would be monitored to inform the number of areas that could be implemented in future years.

#### **Summary of legal implications**

26. The Council, as Highway Authority can make traffic regulation orders (TROs) under the Road Traffic Regulation Act 1984, including moving orders relating to speed so can lawfully proceed with any of the options subject to it following the legally prescribed process for TROs.
27. The recommended option would enable the Council to progress with a prioritised programme of 20mph speed limit schemes local schemes that would be consulted on locally prior to a formal decision to progress.

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

28. If the option b) is supported, then officers in the Transport and Sustainable Travel Unit would develop an updated prioritised list and implementation programme for delivery based on the neighbourhood areas shown in Appendix B and prioritised according to the available evidence including likely casualty reduction and propensity for increases in active travel noted in the LCWIP.
29. The cost of preparing the lists and forward scheme programme would be recharged to the LTP capital programme.
30. The Council's consultation and communication teams would be required to promote, facilitate and report the outputs of public engagement regarding proposed 20mph speed limit changes. The costs associated with this activity including officer time would be rechargeable to the LTP capital programme. This is also the case for any finance (inc. procurement) and legal resource.

## **Summary of sustainability impact**

31. A Transport for London (TfL) report<sup>5</sup> suggests that 20mph zones have no net negative effect on emissions and that the resulting reduced acceleration and braking reduces brake and tyre particulate emissions. If a speed reduction is achieved, the study suggests that a noise reduction would also arise. Other studies suggest that vehicles operate less efficiently below 30mph and with higher resulting tailpipe emissions.
32. If vehicle speeds are reduced, then there should be an increase in walking, wheeling, cycling and scooting.

## **Summary of public health implications**

33. TfL reported (see reference in section 31 above) that lowering vehicle speeds in urban areas supports a shift to walking and cycling. It refers to an evaluation of 20mph zones in Edinburgh which found the proportion of primary school children walking to school rose from 58% to 74%, cycling to school rose from 3% to 22% and taking the car to school fell from 21% to 13%. There is also some evidence in national studies that 20mph schemes help encourage active travel.
34. Active travel is strongly supported by Public Health organisations due to the positive physical and mental health and wellbeing impacts.
35. The possible changes in emissions of all types are considered to be marginal as there are both positive and negative impacts that are relatively small and difficult to accurately quantify.
36. The average casualty collision reduction across all types of 20mph scheme is 40%. Public Health work in partnership with the Police and council to reduce road related casualties as part of the Dorset Road Safety Partnership.
37. Public Health Dorset (PHD) have offered their support to the proposal as a means of improving safety and enabling more people to walk, wheel and cycle (active travel). Increasing active travel offers significant opportunity for improving and protecting the health and wellbeing of people in BCP through increasing physical activity, reducing death and injury from crashes, and improving air quality. The proposal aligns with the objective of 'Building movement into daily life' in Dorset's physical activity strategy: A Movement for Movement which has been endorsed by BCP Health and Wellbeing Board. Measures to increase safety and create environments that support active travel and the public health benefits it can bring are most effective when accompanied by multi component or 'mixed' interventions to encourage behaviour change e.g. 20 mph speed limits along with School Streets programmes, travel plans, cycle skills training etc.

## **Summary of equality implications**

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<sup>5</sup> [Speed, emissions & health \(tfl.gov.uk\)](https://www.tfl.gov.uk) 2018

38. A brief Equalities Impact Assessment (EIA) screening has been prepared, see Appendix C. The extent of equality implications will depend on the scale, nature of and areas/places considered, and an EIA will be undertaken for each scheme. At this stage general impacts can be identified but the degree to how people are affected will be proportionate to the level of change from the current position.
39. The Road Safety community generally accepts that reduction of speed limits will reduce the number and severity of road traffic accidents. Some protected groups are more likely to be involved in and have more severe accidents. Further inequalities arise from recovery times and the health impacts of accidents. Research has shown age and disability impacts with children, much younger adults, older people and disabled people disproportionately negatively impacted. People covered by pregnancy and maternity are also affected. The costs to society of road traffic accidents needs consideration as a counterpoint to the additional time costs through slower residential driving speeds when 20mph areas are introduced.
40. Reduction of accidents is the main reason for introducing 20mph areas, but a more equal highway environment, reducing the dominance of motor vehicles, improves conditions for active travel. This is of benefit for people that regularly walk, wheel or cycle. This also could encourage under-represented groups to travel differently as some specific concerns raised to a higher extent by these groups are addressed. By enabling safer travel choices there will be a particular positive impact on lower income households who are less likely to have access to a car.
41. Creating 20mph zones prioritises decreasing accidents and reduction of the impact of motor traffic in neighbourhoods over personal mobility freedoms for drivers and passengers. Additional economic costs arise from longer journey times and any displacement of traffic will impact other areas where 20mph zones are not implemented. (Unless all residential areas are covered which means speed limits are equal – eliminating time advantages by taking another route). The economic impact of any extent of 20-mph limits will affect all, but some groups who rely on cars or works vehicles will be particularly affected, including care workers, people that rely on taxis, some parents with young children and disabled people where the car is their only possible means of travel. The profile of people who proportionately drive more – men, middle aged groups, people without a disability, white British, heterosexuals and Christians will generally consider their freedoms associated with driving are being compromised, though individual views may vary.
42. At this stage equality considerations are generic and to guide the high-level options for BCP future strategy in this area. Detailed and local impacts and mitigations to resolve concerns need to be evaluated at a later stage. The perspective is whether to prioritise reducing the number and severity of traffic accidents – which do negatively impact the more vulnerable in society to a higher extent. Or whether to highlight wider economic considerations which are likely to affect far more people but with a much lesser individual impact than that of a serious road accident.

43. Public consultation on specific area proposals should be carried out to evaluate the likely impact more fully on those with protected characteristics before any final decision is taken to progress a local scheme.

### **Summary of risk assessment**

44. There is a risk that the delivery of 20mph speed limits with no consideration of the characteristics of the roads could create a culture of non-compliance. This is because if the roads are not characteristically roads that drivers would tend to drive at 24mph or slower they may perceive the speed limit to be inappropriate or unjustified and may therefore ignore it. Police enforcement is likely to be limited and in combination this may cause a culture of general non-compliance to speed limits. These risks are hard to quantify and essentially relate to public attitudes and levels of acceptance of any interventions. In Wales there is some emerging evidence that vehicles speeds may be increasing following the national rollout of 20mph. The more rational and well evidenced an approach is, the higher the likely acceptance and compliance. Public engagement on an area-by-area basis should minimise this risk.
45. The implementation of any highway measures involves traffic management and there is an element of risk to the public and the workforce during delivery although this can be mitigated by the correct and lawful use of traffic management in line with statutory guidance and best practice.
46. The Transport Secretary and DfT have recently launched a Plan for Drivers to focus more on drivers and this may conflict with some recommendations within this report, in particular options c) and d):

[Plan for drivers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/757307/20mph-headline-report.pdf)

This policy position only recently emerged but suggests that widespread (blanket) use of 20mph limits is not appropriate.

It states the Government will:

*Update guidance (in England) on 20mph speed limits. While 20mph zones are an important tool in improving road safety in residential areas, over-use risks undermining public acceptance, so we are clear that 20mph zones should be considered on a road-by-road basis to ensure local consent, not as blanket measures.*

### **Background papers**

Atkins Report:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/757307/20mph-headline-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757307/20mph-headline-report.pdf)

PACTs report (funded by Road Safety Trust):

<https://www.roadsafetytrust.org.uk/news/20mph-more-effective-when-accompanied-by-traffic-calming-o313y>

Speed, emissions & health The impact of vehicle speed on emissions & health:

an Evidence summary June 2018: <https://content.tfl.gov.uk/speed-emissions-and-health.pdf>

Welsh 20mph assessment report:

<https://senedd.wales/media/fo3ibze5/sub-ld15187-em-e.pdf>

## **Appendices**

Appendix A – Maps showing existing roads with 20mph speed limits across BCP

Appendix B – Map showing indicative future 20mph speed limit areas for prioritisation

Appendix C – EIA Screening

Appendix D – Summary of Atkins Report

Appendix E – Summary of PACTS Report

Appendix F – A Summary of What Some Other Authorities Have Implemented and Learnt

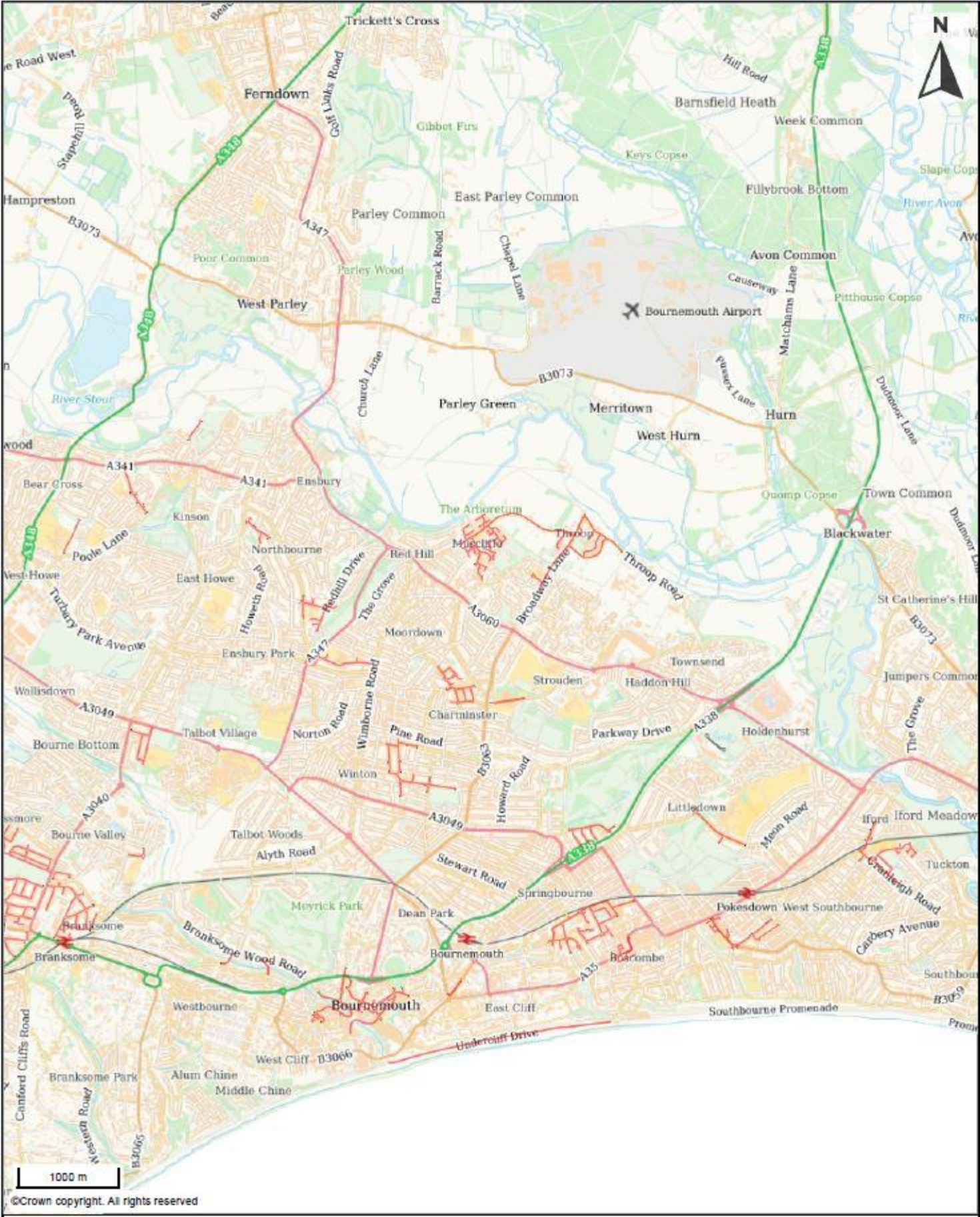


## Appendix A - Maps showing existing roads with 20mph speed limits across BCP

## BCP West





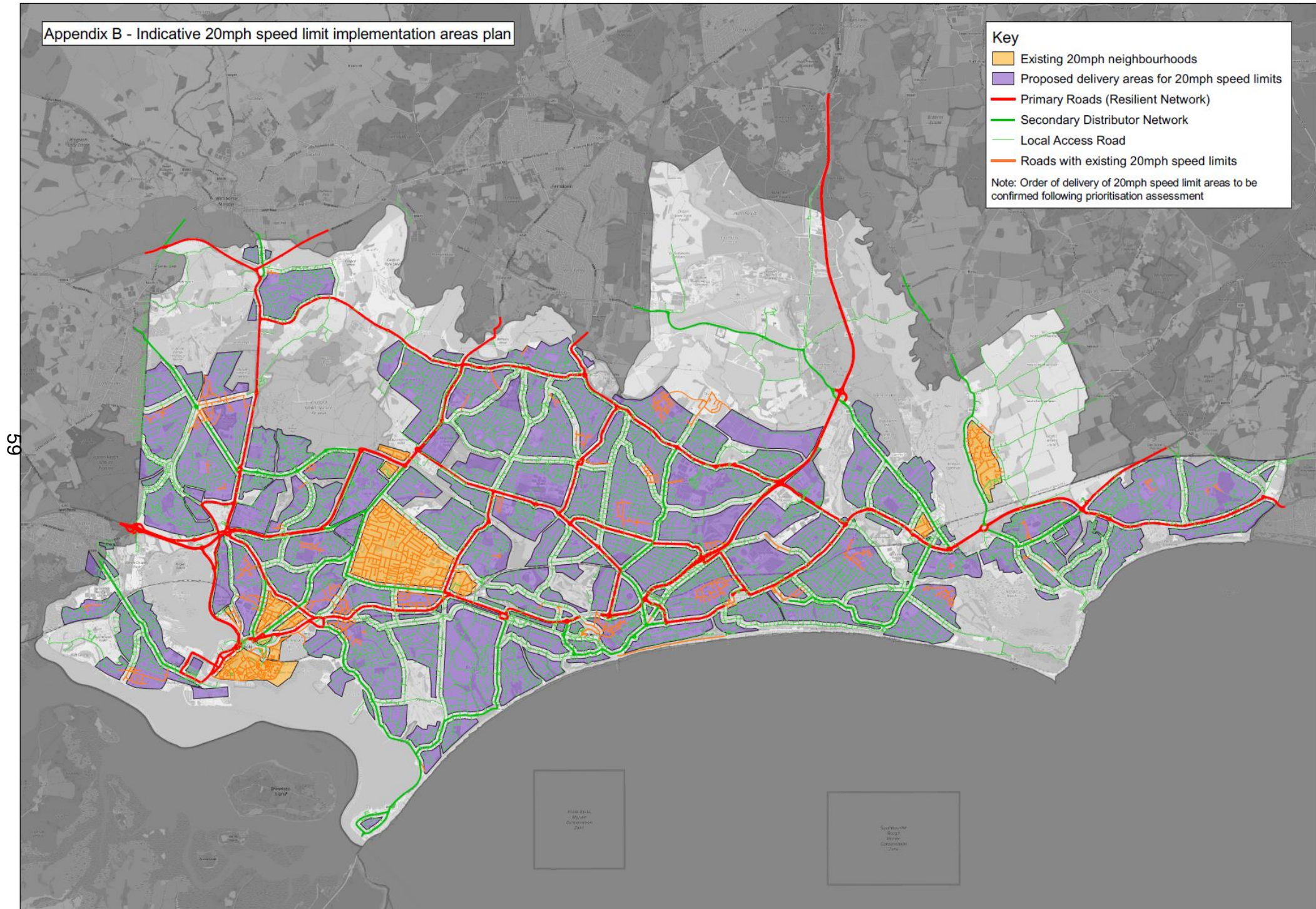








Appendix B - Map showing indicative future 20mph speed limit areas for prioritisation.



## Equality Impact Assessment: conversation screening tool

The Council is legally required by the Equality Act 2010 to evidence how it has considered its equality duties in its decision-making process.

The Council must have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to -

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

A link to the full text of [s149 of the Equality Act 2010](#) which must be considered when making decisions.

	<b>Policy/Service under development/review:</b>	<p>Progression of options as part of our road safety remit, to evaluate the policy for 20-mph speed limits on residential roads in BCP. These include maintaining the current position and consideration of expansion of the number of roads with a 20-mph speed limit.</p> <p>The Council had a statutory duty under section 39 of the 1988 Road Traffic Act to take steps to both reduce and prevent road collisions and casualties. In general, reducing speed limits is considered to contribute to reduction of numbers of and severity of Road Traffic Collisions – RTC's.</p>
	<b>Are changes being made to the policy/service?</b>	<p>The proposal is options, to review the extent of 20-mph speed limits in residential areas in accordance with the council Road Safety remit. Initially this will involve a consultation to establish a consensus on the extent to increase the number of locations where a 20-mph limit applies. Specific locations or projects are not being evaluated at this stage.</p> <p>There are three broad options –</p>

		<ol style="list-style-type: none"> <li>1. Continue to use the existing ranking process – assessing schemes on their merit and progressing subject to existing budgets.</li> <li>2. Implement 1 to 4 targeted 20 mph speed limit zones each year.</li> <li>3. Commitment to 20 mph speed limits on residential roads to be implemented incrementally, so all of applicable areas of BCP are in place by 2035.</li> </ol> <p>As background, 20-mph speeds limits are introduced in two ways. Either through physical measures – road humps, cushions, pedestrian crossings; or by signage only for a particular stretch of road or zone.</p> <p>Implementing 20-mph zones in the BCP area is not new as there are currently 76 roads or zones where a 20mph limit exists. These are shown on a map – appendix 1, at the end of the screening tool. The location of these roads/zones is based on the willingness of the legacy authorities to introduce them with more areas in Poole and fewer proportionately in Bournemouth and Christchurch. There is not any conclusive link with the level of social deprivation in an area - as 20-mph areas are spread geographically over the BCP area with varying levels of prosperity.</p>
	<b>Service Unit:</b>	Infrastructure
	<b>Persons present in the conversation and their role/experience in the service:</b>	<p>Richard Pearson – Transport Network Manager/Professionally qualified with more than 30 years' experience.</p> <p>Richard Barnes – Service Unit Equality Champion.</p>
	<b>Conversation dates:</b>	19/9/2023, 16/10/23.
	<b>Do you know your current or potential client base? Who are the key stakeholders?</b>	<p>All road users – but specifically –</p> <p>Residents in streets considered for introduction of a 20-mph limit and people that travel using these streets – motorists, pedestrians, bus passengers, cyclists/wheelers. Changes to speed limits can influence how people travel, so all travel is potentially relevant.</p> <p>Emergency services – as changes in speed limits are likely to affect response times.</p>

		<p>Businesses/organisations that particularly rely on road transport – bus operators, taxis, haulage companies, delivery drivers.</p> <p>Agencies in healthcare, road safety, accident prevention, the police where changes in speed limits impact on the number and severity of road traffic accidents.</p>
	<p><b>Do different groups have different needs or experiences in relation to the policy/service?</b></p>	<p>The progression of 20-mph zones in residential areas is often divisive, with polarised views. The equality challenge is to identify the impacts on different groups considering information from campaigning road safety organisations and the opposite libertarian perspective citing impact on driving freedoms. There are many different needs or experiences in-between.</p> <p>Reducing the speed limit to 20-mph, is a key factor in reducing the number and severity of collisions according to the Royal Society for the Prevention of Accidents - ROSPA. At 20-mph a pedestrian has a 97.5% chance of survival when struck by a vehicle. At 30-mph the chance of survival falls to 80%.</p> <p>RTC's disproportionately affect people that drive powered two wheelers, pedal cyclists and pedestrians. Termed Vulnerable Road Users – VRU's – 77% of those killed or seriously injured are VRU's.</p> <p>Accidents rates are also higher in more deprived areas. In Wales a country wide 20-mph speed limit for residential roads has recently been introduced. A report making the case for implementation cited accident rates – particularly for child pedestrians, as figures were much higher for children from more deprived areas.</p> <p>Residents of residential roads where speed limits are reduced to 20 mph will have less vehicle noise and intrusion from motor vehicles.</p> <p>Reducing the speed limit is also considered beneficial to increase active travel – encouraging more people to walk, cycle or wheel as the environment on a 20-mph road is safer and the car less dominant. Studies have shown that where 20-mph zones are introduced, journeys by foot and bicycle have increased. In Edinburgh there was a 7% increase in journeys on foot and 5% by cycle, In Bristol the mode share of cyclists related to a scheme increased by 4%.</p> <p>Motorists where the speed limit has been reduced to 20-mph are likely to have different needs or experiences with views expressed that this is an impact on personal freedoms and causes longer journey times</p>



		<p>with related economic impacts. The Royal Automotive Club – RAC foundation, mentions that the “Mobility and productivity needs of road users must also be taken into account”. (when 20 mph areas are being considered).</p> <p>Changes to reduce the speed possible on a particular road or area will impact people and business/organisations using the area where changes are made. Where travel is by car or delivery vehicle, reducing speed is likely to be viewed as negative due to increased journey times.</p> <p>For others using active travel – walking/cycling/wheeling – an improved road environment for their needs is likely to be seen as positive.</p> <p>The link between reduction of speed limits and fewer and less severe accidents varies according to local conditions, specific scheme implemented and accident records. Accepting this, any reductions in speeds are going to benefit certain <b>age</b> groups – specifically children, younger adults and much older elderly people. All of which statistically are more prone to accidents. <b>Disabled</b> people are likely to be more seriously affected by an accident and any reduction in the likelihood of an accident will be a benefit. Lower speed limits will also help pregnant women and children with their parents/guardians feel safer on traffic calmed roads, so a <b>Pregnancy and Maternity</b> benefit applies.</p> <p>Lower speeds limits, with motor traffic less dominant on roads will encourage active travel -with benefits based on the profile of people that already walk and cycle. A BCP Council travel survey (October 2018-January 2019) showed that more men, middle aged people, people that do not have a disability, white other (in terms of race) and non-Christians are more likely to cycle. Much younger, much older age groups, people without a disability and LGBT+ (non-heterosexual people) are more likely to walk. As a result, creating a better environment for walking and cycling through reducing the speed of traffic is likely to be seen as positive to the groups above. Women according to the same survey are less likely to cycle, citing concerns about personal safety. Reducing speed limits may alleviate some of these concerns and encourage women and others put off due to safety concerns to now consider cycling.</p> <p>Negative impacts from additional journey times through additional costs potentially affect all, whether they drive or not as this affects transit costs. The BCP Council</p>
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		<p>travel survey showed that men, middle aged groups, people without a disability, white British people, heterosexuals and Christians were more likely to drive so they are likely to be proportionately impacted by any longer journey times. The profile of car passengers is also known with women and much younger age groups far more likely to undertake car journeys as passengers, so these groups will also be affected.</p> <p>The Measurement Framework for Equality and Human Rights (from the Human Rights Commission) has Health as one of its domains. Reducing the numbers and severity of accidents will contribute to this area, as well as benefits from healthier lifestyles resulting from more active travel.</p>
8.	<b>Will the policy or service change affect any of these service users?</b>	<p>Yes – the benefits and concerns outlined above will affect people that live and travel through the areas affected and also through related economic impacts and changes in accident profiles.</p> <p>The extent that people and organisations will be impacted will depend on the extent of any increase in the areas covered by a 20-mph limit. Targeted local schemes will mainly affect the immediate area; if the coverage of 20 mph is extended to all residential areas in BCP any impacts, both positive and negative will be more significant. At this stage this EIA can only cover general impacts as specific issues will arise from individual schemes which are not yet decided.</p>
9.	<b>What are the benefits or positive impacts of the policy/service change on current or potential service users?</b>	<p>Lower traffic speeds are likely to improve road safety and improve the road environment. This will reduce road casualties – notably in areas where there is a record of RTC's, but far less likely in locations where there is not a history of accidents. RTC's disproportionately impact the more vulnerable in society – the very young (children), younger, elderly and disabled people. Women who are pregnant and people with young children are also more vulnerable.</p> <p>As an example - in BCP the 2021 Road Safety Report cites the 16-25 yr age group are the most likely to be involved in a Killed or Seriously Injured - KSI Accident, at 27% of all such accidents– yet they form 12% of the total BCP population.</p> <p>Vulnerable Road Users are both more likely to be involved in an RTC and also more likely to be hurt more seriously and take longer to recover. Where the speed limit is reduced in an area prone to accidents a positive impact will result for those more vulnerable to accidents. As some evidence suggests, people - especially children who live in more deprived areas –</p>

		<p>are more prone to being involved in an RTC. Where a scheme is implemented in areas of higher social deprivation benefits are likely to be greater due to a higher accident rate. This is a positive for such areas and their residents.</p> <p>Where a reduced speed limit encourages greater take up of active travel some health benefits will result from higher levels of physical activity and wellbeing. Some groups notably those on lower incomes, who are less likely to have access to a car will see a positive impact from an environment that encourages sustainable travel. The 2018/19 BCP Travel survey showed a correlation between car ownership and deprivation – households in the lowest 10% according to the deprivation index had car ownership at 75% compared to 96% of households in the highest 10% - i.e. the most prosperous areas.</p> <p>The same BCP Travel survey asked for reasons that put people off cycling and walking. Personal safety was proportionately higher for women and for cycling - the under 35 age group. Where speed limits are reduced this could particularly encourage cycling for women and younger people and walking for women.</p> <p>The Department for Transport Road Casualties report 2018, estimated that the cost to society of RTC's was £11.8 billion. Implementing 20 mph areas where there is a record of accidents is likely to provide significant economic benefits. As RTC's impact the more vulnerable in society any means to reduce the numbers will also reduce impacts on relatives and households of these people, those likely to be closely connected to an individual more likely to have an accident could include – those who are a parent or have an elderly partner.</p>
10.	<b>What are the negative impacts of the policy/service change on current or potential service users?</b>	<p>Any significant increase in the coverage of roads restricted to 20mph will have economic costs through longer journey times, noting the RAC point that the mobility and productivity of road users' needs taking into account. These economic costs will affect some groups to a greater extent. Some disabled people rely on their motor vehicle for all their mobility needs as they are unable to use other means of transport. People with young children (pregnancy and maternity) may view that a car is the only practical means of transport for their circumstances. Care workers usually very much rely on cars to enable necessary visits. People on lower incomes (socio-economic status) will be disproportionately impacted by increased costs arising from longer journeys. Current cost of living</p>

		<p>pressures will heighten any increased costs resulting from implementing additional 20 mph locations.</p> <p>Introduction of 20-mph areas focused on residential streets is likely to displace traffic onto roads where higher speed limits remain. Predicting impact on the wider road network is uncertain, but increased congestion could result in impacts to those living on non-residential roads from higher traffic levels – noise and pollution. Those people are likely to be on lower incomes as prosperous residential areas are often away from main roads.</p> <p>People that use taxis may experience higher charges due to longer journey times resulting in higher fares and also by longer routes where a taxi avoids 20-mph zones – say due to traffic calming. The BCP Travel survey did not provide any equality information relative to taxi use, but some elderly and disabled people are likely to use taxis more than others.</p> <p>Where changes are made to road layouts studies have shown, that people react in different ways. A Transport for All study - 'Pave the Way' January 2021, covered the impact of Low Traffic Neighbourhoods – LTN's, on disabled people. It mentioned that 'Any change implemented which affects the movement of vehicles and pedestrians as well as flow of traffic will inevitably have some sort of impact on disabled people who feel the changes more strongly due to limited alternative options for travel'. The report also mentioned that change itself can be an access barrier. (Creating 20mph zones, especially those with physical traffic calming features are similar to LTN's)</p>
11.	<b>Will the policy or service change affect employees?</b>	Yes, particularly for employees with the characteristics highlighted as being impacted above. BCP Council employees, to different extents travel to, from work and for work purposes. Those who travel by car are more likely to view 20 mph areas as negative, alternatively a better environment for walking, cycling and wheeling provided through additional 20 mph area will be more positive for employees that travel as such.
12.	<b>Will the policy or service change affect the wider community?</b>	Yes. As described in the benefits and disbenefits above.
13.	<b>What mitigating actions are planned or already in place for those negatively affected by</b>	This screening tool forms part of a BCP Council Cabinet Report to provide information for options in relation to 20 mph roads/zones. Only general impacts are able to be considered at this point. If a different approach from the existing policy is proposed,



	<p><b>the policy/service change?</b></p>	<p>consultation will provide detail of different viewpoints and provide equality perspectives. Detail on mitigating actions will follow resulting from individual schemes; If a BCP wide 20 mph rollout is proposed, then equality issues raised in the consultation will be proportionately greater and need applicable mitigation.</p> <p>As a general point local and national transport policy is to encourage sustainable and active travel to reduce car use and provide viable options for people that do not have access to a car. Levels of car ownership result in congestion, pressure on parking spaces and car dependency. Investing in other means of transport and facilities that make active travel safer are a mitigating action which reduce some negative impacts on motorists of introducing new 20 mph areas.</p> <p>Parking pressures are high where vehicle ownership and available parking spaces are insufficient to accommodate the demand. As an alternative to car ownership and use, the Council is investing in arrangements and options that provide alternative transport choices such as facilities that make active travel safer and more attractive, bus subsidies, car share and Beryl Bikes.</p> <p>An area wide approach covering all of BCP will increase the scale of some impacts, but others will be reduced. A consistent approach will mean that impacts from traffic will not transfer to other residential roads as all areas will be covered by a 20-mph limit.</p>
14.	<p><b>Summary of Equality Implications:</b></p>	<p>The extent of equality implications from any changes to the existing council policy and then introduction of additional locations will depend on the scale, nature of and areas/places considered. At this stage general impacts can be identified but the degree to how people are affected will be proportionate to the level of change from the current position.</p> <p>The Road Safety community generally accepts that reduction of speed limits will reduce the number of and severity of road traffic accidents. Some protected groups are more likely to be involved in and have more severe accidents. Further inequalities arise from recovery times and the health impacts of accidents. Research has shown age and disability impacts with children, much younger adults, older people and disabled people disproportionately negatively impacted. People covered by pregnancy and maternity are also affected. The costs to society of road traffic accidents needs consideration as a counterpoint to the additional</p>

	<p>time costs through slower residential driving speeds when 20-mph areas are introduced.</p> <p>Reduction of accidents is the main reason for introducing 20mph areas, but a more equal highway environment, reducing the dominance of motor vehicles, improves conditions for active travel. This is of benefit for people that regularly walk, wheel or cycle. This also could encourage under-represented groups to travel differently as some specific concerns raised to a higher extent by these groups are addressed. By enabling safer travel choices there will be a particular positive impact on lower income households who are less likely to have access to a car.</p> <p>Creating 20-mph zones prioritises decreasing accidents and reduction of the impact of motor traffic in neighbourhoods over personal mobility freedoms for drivers and passengers. Additional economic costs arise from longer journey times and any displacement of traffic will impact other areas where 20-mph zones are not implemented. (Unless all residential areas are covered which means speed limits are equal – eliminating time advantages by taking another route). The economic impact of any extent of 20-mph limits will affect all, but some groups who rely on cars or works vehicles will be particularly affected, including care workers, people that rely on taxis, some parents with young children and disabled people where the car is their only possible means of travel. The profile of people who proportionately drive more – men, middle aged groups, people without a disability, white British, heterosexuals and Christians will generally consider their freedoms associated with driving are being compromised, though individual views may vary.</p> <p>At this stage equality considerations are generic and to guide the high-level options for BCP future strategy in this area. Detailed and local impacts and mitigations to resolve concerns need to be evaluated at a later stage. The perspective is whether to prioritise reducing the number and severity of traffic accidents – which do negatively impact the more vulnerable in society to a higher extent. Or whether to highlight wider economic and liberty considerations which are likely to affect far more people but with a much lesser individual impact than that of a serious road accident.</p>
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## Appendix D – Summary of Atkins Report

Key points from Atkins report 2018 are as follows:

- a. Based on 12 study areas of limit only 20mph schemes with a combined length of over 700km across England that had been implemented more than 3 years before the report was published (i.e. there is monitoring data) and where the median speed was 24mph or less prior to the change.
- b. The stated reasons for the scheme's introduction were:
  - i. Transport related (Casualty reduction, rat running, reduce negative impact of cars)
  - ii. Community or political reasons (Community concerns about speed, safety and the quality of the environment. Community pressure on the Council. Cllr led – seen as a low-cost solution.)
- iii. Health related (To encourage active travel and improve health and wellbeing)
- c. The study examined the level of support for 20mph (signed only) limits amongst different user groups through questionnaire surveys. This showed high levels of post implementation support amongst cyclists (81%), residents (75%), and non-resident drivers (66%); but less support amongst residents in neighbouring 30mph areas (44%) and opposition from motorcyclists (29% supportive, 47% unsupportive). There was limited call for the limit to be changed back to 30mph (12% support amongst residents and 21% amongst non-resident drivers).
- d. Overall support amongst residents increased after the implementation of the schemes (from +58% to +63%), suggesting that some pre-implementation concerns did not materialise or became more acceptable.
- e. The most common area of concern across all user groups considered was around compliance, with most focus groups and survey participants of the opinion that stronger enforcement measures are needed if 20mph limits are to be effective.
- f. The journey speed analysis showed that the median speed fell by 0.7mph in residential areas and 0.9mph in city centre areas.
- g. The study concluded that there was no measurable reduction in road casualties.
- h. There was some evidence of a small perceived or real reduction in the volume of vehicles using the roads.
- i. Journey times were found to have increased by approximately 4%.
- j. 5% of residents surveyed said they were walking more and 2% said they were cycling more.
- k. Local authorities have responded positively to revised guidelines on the setting of local speed limits (DfT Circular 01/2013), resulting in a substantial growth in signed only 20mph area-wide limits in recent years, covering larger areas and often entire urban areas. The majority of 20mph limits have been implemented on roads where the average speed prior to implementation was typically less than

24mph; and the case studies have generally been implemented on the basis that they should be self-enforcing, with no expectation of additional police enforcement - in line with DfT guidance.

A logic map approach, articulating the process by which the scheme is expected to deliver outcomes and wider impacts, can help identify the monitoring priorities. For example, where speed reduction is a key objective then data on observed speeds will be important; but where the scheme is focused on improving the attractiveness of the area for walking and cycling, then attitudinal surveys are arguably more informative.

## **Appendix E – Summary of PACTS Report**

A more recent (2023) study carried out by the Parliamentary Advisory Council for Transport Safety (PACTS) together with an international team of road safety experts was funded by The Road Safety Trust.

The study considered examples from the UK, France, Germany, The Netherlands, Norway, Sweden and Switzerland. The report drew evidence from 24 previous studies in the UK.

It found great variability in the quality and amount of data available to enable objective findings to be drawn, however it did reach some useful overall conclusions.

In brief summary the PACTS report concluded:

- a) The use of 20mph speed limits can help support a Safe Systems approach to road casualty reduction.
- b) 20mph limit only schemes reduce speed by 1 to 2mph where speeds were approximately 25mph before, and 3 to 5mph where speeds were approximately 30mph before.
- c) 20mph limit only schemes reduce road casualties by 11%.
- d) 20mph zones reduce road casualties by 40%. (DfT suggests 60% in DfT Circular 01/2013)
- e) Speed plays an important role in delivering casualty reduction and increasing active travel.
- f) Traffic speeds of around 20mph also make walking and cycling more appealing – a crucial step towards the Government's desire that 50% of journeys will be walked or cycled by 2030.
- g) Compliance to 20mph limit only schemes is poor.
- h) The emergence and use of Intelligent Speed Assistance (ISA) is the most effective in-vehicle system for reducing speed in 20mph limit only areas.

- i) That public money spent on self-enforcing 20mph zones has substantially greater effects than when it is spent on just the signs and road markings of 20mph limits.
- j) It also refers to DfT guidance that states that there should be no expectation on the police to provide enforcement beyond their routine activity.

## **Appendix F – A Summary of What Some Other Authorities Have Implemented and Learnt.**

Bristol: In 2012, Bristol City Council voted to introduce 20mph speed limits throughout the city. The 20mph speed limit was introduced in six phases between January 2014 and September 2015. The roll-out sought to improve health and well-being across the city, taking a holistic perspective as to how slower traffic speeds might impact on people's lives. In 2018 the council commissioned University West of England (UWE) to undertake an analysis of the 20mph roll out project<sup>6</sup> and the conclusions included the following:

- This study has found statistically significant reductions in average traffic speeds of 2.7mph across the city of Bristol, following the introduction of 20mph speed limits. This is a larger reduction than seen in previous evaluations in other cities, but may reflect the study methodology.
- Over the period of the 20mph limit implementation, there has been a reduction in the number of fatal, serious and slight injuries from road traffic collisions, equating to estimated cost savings of over £15 million per year.
- Although there is still majority support for 20mph speed limits in Bristol, there remains concern about compliance and behaviour of other drivers.
- Walking and cycling across Bristol has increased, both among children travelling to school and adults travelling to work.
- The introduction of 20mph speed limits in Bristol offers a model for other towns and cities across the UK, who are seeking to reduce traffic speeds, cut road traffic casualties, and promote community health and well-being through road danger reduction.

Cornwall: Has stated intention to reduce the speed limit on residential and urban roads to 20mph. This is being delivered on the basis of an area-by-area approach following consultation with communities, with priority being given to Urban areas with high pedestrian and cyclist movements, including areas around schools, shops, markets, playgrounds. It introduced 3 pilot areas in 2022 in Camelford, Falmouth and Penryn. It has set out a forward programme from 2023/24 to 2026/27 to deliver 30 more areas across these years.

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<sup>6</sup> <https://uwe-repository.worktribe.com/output/875541>

Oxfordshire: Oxfordshire approved expenditure of up to £8m to implement 20mph schemes and has stated an intent to bring in 20mph areas to 234 of their 310 parishes. In December 2023 it announced the first 18 areas. It is considering 20mph in areas that must meet the following criteria:

- be supported by the local town or parish council **and** the local County Councillors **and**
- be within the extent of the built-up environment of the town or village where vulnerable road users and vehicles mix in a frequent and planned manner **and**
- have an existing speed limit of no greater than 40mph **and**
- be in an environment that explains and justifies a lower speed limit to the driver.

Dorset: Dorset has allocated annual provision of £75k from LTP capital programme to implement 20mph schemes in areas that meet the following criteria:

- In towns or villages where there is a depth of residential development and high levels of pedestrian and cycle movement or there is a potential for high levels of pedestrian and cycle movement if a 20mph scheme was introduced; they should not be on roads where the movement of motor vehicles is the primary function.
- Where existing mean speeds provide a realistic opportunity for compliance: DfT guidance states that 20mph schemes should be self-enforcing. If the mean speed is already at or below 24mph, introducing a 20mph speed limit through signing alone is likely to lead to general compliance with the new speed limit. Means speeds above 24mph are likely to require additional traffic management or enforcement measures.
- Conservation areas.

Their intent is to focus on areas where there is significant Cllr and public support.

Wales: The Welsh Government took a decision to roll 20mph speed limit only schemes on residential roads nationally on 17 September 2023 at a reported cost of around £32.5m. The Government report concluded the following:

- Improved road safety resulting from a reduction in average speeds could result in a positive financial return to government from the policy over 30 years of around £25 million, due to cost savings associated with reduced emergency services and hospital treatment, with savings of ca. £58 million.
- The policy could also create substantial wider economic benefits due to improved road safety (£1.4bn), environmental and health benefits from more active travel (£0.5bn) and further heretofore unquantified benefits from more vibrant and connected local economies.

- However, set against this is the potential for dis-benefits to businesses and households from increased journey times. Based on the current assessment, when included, the value of such dis-benefits (£6.4bn) could outweigh the other positive economic benefits, though the range around those journey time disbenefits is wide (£2.8bn-£8.9bn) and around three quarters of those disbenefits are likely to be attributable to trips with journey time impacts of less than 2 minutes.
- Overall an indicative central estimate of the monetised net present value of the policy is calculated to be a negative £4.54bn.
- Excluding the journey time disbenefits the net present value of the policy is a positive £1.9bn.
- In real terms the central estimate (including journey time benefits) of the policy trades off a journey time cost of 1 min per journey against an average annual reduction of 9 fatalities, 98 serious injuries and 219 slight injuries, and an average annual increase in cycling and walking trips of around 11 million.
- It is important to note that there are a number of wider benefits such as reduced noise pollution, broader impacts health impacts from active travel, increased social interactions, retail spending and land values that are not included in this calculation. Moreover the increases in individuals' travel time are likely to be small and so there is uncertainty about the opportunity cost of that time.
- The exceptions process creates scope to further reduce the impact on journey times while maintaining safety benefits.
- Once the 20mph policy has been fully implemented, it is expected that a wider range of data will become available through monitoring activities. This may enable analysis of the policy's broader impacts to be undertaken, which could improve the overall assessment of economic benefits delivered by the policy.

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# CABINET



Report subject	<b>Our Place and Environment: LTP Capital Programme 2024/25</b>
Meeting date	6 March 2024
Status	Public Report
Executive summary	<p>This report sets out and seeks financial approval for investment of the 2024/25 Local Transport Plan (LTP) grant allocation (capital funding) from the Department for Transport (DfT).</p> <p>The 2024/25 LTP Capital grant allocation is £8.49m comprising £3.1m of Integrated Transport Block (ITB) funding and £5.39m of Highway Maintenance and Pothole funding.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <ul style="list-style-type: none"> <li><b>a. Cabinet recommends to Council approval of the 2024/25 LTP Capital Programme as set out in Appendix A and delegates the delivery to the Director of Infrastructure in consultation with the Portfolio Holder for Dynamic Places</b></li> <li><b>b. Cabinet recommends to Council approval of the indicative 2025/26 and 2026/27 Highways Maintenance Programmes as set out in Appendix B</b></li> </ul>
Reason for recommendations	Delegate delivery of the LTP Capital Programme in line with financial regulations. The purpose of approving indicative 2025/26 and 2026/27 Highways Maintenance programmes is to demonstrate forward planning to satisfy criteria associated with assessment of the incentive fund element.
Portfolio Holder(s):	<p>Cllr Vikki Slade Leader of the Council and Portfolio Holder for Dynamic Places</p> <p>Cllr Millie Earl Deputy Leader of the Council and the Portfolio Holder for Connected Communities</p> <p>Cllr Andy Hadley Portfolio Holder for Climate Response, Environment and Energy</p>
Corporate Director	Jess Gibbons – Chief Operations Officer

Report Authors	Julian McLaughlin – Director for Infrastructure Richard Pincroft – Head of Transport and Sustainable Travel Bob Askew – Transport Improvement Manager Susan Fox – LTP and Capital Programme Manager
Wards	Council-wide
Classification	For Decision and Information

## Background

1. The Local Transport Plan (LTP) Capital Programme implements schemes (see Appendix A) that align with the Council's Local Transport Plan (LTP 3) and the vision, key ambitions and priorities set out in the Corporate Strategy including the council's commitments to sustainability, equality, and diversity.
2. The Local Transport Plan (LTP3) covers the period from 2011 to 2026 and came into effect from April 2011. In south east Dorset, the LTP 3 draws heavily on the South East Dorset Transport Study. Local Transport Plan objectives include:
  - Reducing the need to travel
  - Manage and maintain the existing network more efficiently
  - Active travel and 'greener' travel choices
  - Public transport alternatives to the car
  - Car parking measures
  - Travel safety measures
  - Strategic infrastructure improvements

Note: work is underway via a separate workstream to create a new Local Transport Plan 4 (LTP4) for adoption during 2025.

3. Government funding is provided by the Department for Transport (DfT) to deliver the Local Transport Plan in the form of Local Transport Plan Funding Capital Grant. The grant comprises of two main areas; Integrated Transport and Highway Maintenance. The proposed expenditure of the grant in 2024/25 is set out in Appendix A. Noting: that approval is being sought via this report for the funding shaded in grey and in bold type.
4. The council has secured additional funding streams which for indicative purposes have been presented in Appendix A to provide context for the recommended investment of the grant. In many instances the LTP grant has been utilised as a local contribution to secure the external grant.

## Integrated Transport

5. The council was allocated £1.89m government grant in 2023/24 from the Safer Roads Fund. This is being used to reduce the risk and severity of collisions along the A35 between Iford and St Paul's roundabouts in Bournemouth. Public engagement is

being progressed and in full consideration of the outputs delivery of these positive measures is scheduled to commence in September 2024.

6. The council has also benefited from a further award of £3.78m grant from the government's Active Travel Fund 4 programme to invest in the delivery and development of several walking, wheeling, and cycling infrastructure improvements. Delivery is phased across 2023/24 and 2024/25. The next round of ATF grant (Tranche 5) is expected to be launched in Spring/Summer 2024.
7. The council successfully secured funding from the DfT to deliver the 3-year Bus Service Improvement Plan (BSIP) in 2022. The Capital grant of £6.1m is facilitating improvements as follows:
  - A programme of Bus Priority Measures is being developed to ensure increased reliability of services at 7 locations. This includes the key Bournemouth Station-Town Centre corridor where high frequency bus services experience significant delays. Initial engagement on these proposals is scheduled to commence in March this year.
  - Enhancements to passenger facilities are being delivered, with 10 new bus shelters being installed this financial year. New Real Time Information displays are being provided, whilst existing screens are being upgraded to the latest communications with in built CCTV. This footage will be live streamed to the council's Control Room for added passenger security. Poole Bus station will benefit from new information screens and a comprehensive CCTV system. The CCTV works complement the introduction of Transport Safety Officers who will be patrolling on buses and at key interchanges from February this year.
8. During 2024/25, the Council will continue with the delivery of the final stages of the Transforming Cities Fund (TCF) programme.
9. Local Electric Vehicle Infrastructure (LEVI) grant has been indicatively awarded to the council subject to assessment of a full business approval process by the DfT.
10. In December 2023 the Council submitted an Intelligent Transport Systems and Signal bid for £500k to the DfT to upgrade obsolete technology. Confirmation of a grant award of £167k via letter has already been received from the DfT.

### **Highway Maintenance**

11. Funding for Highway Maintenance is allocated annually by the DfT on a 'needs' basis. The nationally available budget is shared between authorities based on network length, number of bridge and number of street lights. The total funding is ordinarily made up from three streams, the needs based element, pothole fund and incentive fund. However, the council has recently been advised that an additional allocation from Network North Fund shall boost the 2024/25 programme by £604k. BCP council's total allocation from this new fund is £18.9 million up to 2034/35.
12. For 2024/25 the Incentive element has been awarded without the need to complete the self-assessment process. This is currently under review by the DfT with the expectation that an enhanced scheme will be introduced from 2025/26 onwards.
13. Within the structural maintenance section of the programme there is an ongoing commitment to deliver over £2 million of additional highway maintenance schemes as part of the Challenge Fund award secured and approved by Cabinet in 2020. The A341 Wimborne Road, Northbourne and Castle Lane West schemes will be delivered alongside planned Transforming Cities Fund works.

14. In advance of a new scheme being put in place by the DfT and to continue to satisfy the 'incentive' requirements for Band 3 status which requires Councils to publish a rolling 3-year Highways Maintenance Programme on their websites. Appendix B comprises proposed Highways Maintenance Programmes for 2025/26 & 2026/27. The 3-year Highways Maintenance Programme is compiled using the Highways Asset Management Policy and Strategy, previously approved by Cabinet in 2021. Note: the specific amounts to be allocated in each year up to 2034/35 from the new Network North Fund have not been confirmed to date, hence, it is not included in the indicative programmes set out in Appendix B for 2025/26 and 2026/27.

### Summary of financial implications

15. Table 1. shows the indicative values for the elements that form the 2024/25 LTP capital programme .

Table 1.

LTP Capital Funding		2024/25 Allocation
<b>Integrated Transport Block total</b>		<b>£3,102,000</b>
Highway Maintenance	Needs element	£2,127,000
	Incentive element	£532,000
	Potholes Fund	£2,127,000
	Network North fund	£604,000
	<b>Highway Maintenance total</b>	<b>£5,390,000</b>
<b>LTP Capital Programme 2024/25 total</b>		<b>£8,492,000</b>

16. To ensure continuity with delivery this report seeks approval of the programme including delegation of authority to amend the LTP Capital Programme to the Director of Infrastructure in consultation with Leader of the Council and Portfolio Holder for Dynamic Places.
17. The Highway Maintenance allocations include £1.05m funding to support Neighbourhood Services planned maintenance / pre-patching work. This allocation has been assumed in the MTFP revenue budget for 2024/25.
18. The programme also includes other allocations that are required to deliver MTFP proposals linked to School Crossing Patrols and Road Safety.
19. LTP funding shall be used to fund direct staff time allocated to delivering the capital programme.

### Summary of legal implications

20. The programme includes local contributions to committed to programmes. Adjustment of these contributions would have implications for the respective programmes and would likely output in the council defaulting on legal agreements thereby requiring it to pay back any awarded monies related to the impacted programmes.

21. Public engagement and/or consultation shall be undertaken for the projects and programmes delivered by the overarching LTP Capital Programme.

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

22. Continuity of delivery of the LTP Capital Programme for 2024/25 is subject to securing appropriate resources, both within the Transport and Engineering Structure and through the ongoing partnering contract for technical consultancy support.

#### **Summary of sustainability impact**

23. The Local Transport Plan capital programme aims to promote sustainable/active travel and to minimise congestion to reduce carbon emissions from transport.

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

24. The Local Transport Plan and associated LTP schemes aim to promote sustainable/active travel and/or minimise congestion and as such aim to deliver improvements to air quality and increase levels of activity.

#### **Summary of equality implications**

25. The LTP Capital Programme has been Equality Impact Assessment (EQIA) screened and a full EQIA for the programme itself is not required, however, individual projects within the programme will be EQIA screened and full EQIAs completed should a need be identified during screening.

#### **Summary of risk assessment**

26. No significant risk implications with regards to approval of the respective programmes have been identified.
27. Schemes of significant scale would be subject to specific risk assessments and risk registers as part of the overarching programme delivery process.

#### **Background papers**

None

#### **Appendices**

1. Appendix A – 2024/25 Local Transport Plan Capital Programme
2. Appendix B – 2025/26 and 2025/27 Highways Maintenance Programmes

## Appendix A - Local Transport Plan 2024/25 BCP Capital Programme

**Note: the funding within the column headed “2024/25 LTP Funding” in bold type and shaded is that for which approval is being sought in this report.**

Integrated Transport Block	Funding Source (£)		
	2024/25 LTP Funding [£]	External grant *indicative spend during 2024/25 [£]	Total funding (including indicative spend) 2024/25 [£]
<b>Strategic network improvements</b>			
South East Dorset Strategic Transport Model	<b>65,000</b>	0	65,000
Advanced design for future year schemes	<b>80,000</b>	0	80,000
STB, LTP, DfT, LCWIP, OBC Development & Bidding	<b>220,000</b>	0	220,000
Boscombe Towns Fund - LOCAL CONTRIBUTION	<b>141,000</b>	0	141,000
<b>Sub-total</b>	<b>506,000</b>	0	506,000
<b>Active travel &amp; 'greener' travel choices</b>			
Walking and Cycling (priorities derived from Local Cycling and Walking Infrastructure Plan)	<b>50,000</b>	0	50,000
School Streets	<b>30,000</b>	0	30,000
Accessibility improvements	<b>50,000</b>	0	50,000
Public Rights of Way	<b>75,000</b>	0	75,000
Local Electric Vehicle Infrastructure (LEVI) (2023/24 and 2024/25)	<b>0</b>	1,447,000*	1,447,000
DLEP: Ferndown, Wallisdown, Poole (FWP) Corridors - LOCAL CONTRIBUTION	<b>650,000</b>	0	650,000
Active Travel England - Ambition Fund. Tranche 4 (2023/24 and 2024/25)	<b>0</b>	3,780,000*	3,780,000
TCF Cycle Corridors - C1/C2/C5	<b>0</b>	2,175,000*	2,175,000
TCF Sustainable Transport Corridors - S5/S6	<b>0</b>	22,546,000*	22,546,000
<b>Sub-total</b>	<b>855,000</b>	29,948,000*	30,803,000
<b>Continued on next page</b>			

<b>Integrated Transport Block (cont'd)</b>	<b>Funding Source (£)</b>		
	<b>2024/25 LTP Funding [£]</b>	<b>External grant *indicative spend during 2024/25 [£]</b>	<b>Total funding  [£]</b>
<b>Public transport alternatives to the car</b>			
National Passenger Travel Information	<b>25,000</b>	0	25,000
Bus Service Improvement Plan (BSIP) - LOCAL CONTRIBUTION	<b>377,000</b>	2,732,250*	3,109,250
<b>Sub-total</b>	<b>402,000</b>	2,732,250*	3,134,250
<b>Travel Safety Measures</b>			
Road Safety – Safety improvements - 20mph speed limit areas	<b>149,000</b>	0	149,000
Road Safety – Safety improvements - Pedestrian Crossings	<b>220,000</b>	0	220,000
Road Safety – Casualty reduction measures/cluster sites - MTFP	<b>100,000</b>	0	100,000
Safer Routes to Schools and School Crossing upgrades - MTFP	<b>500,000</b>	0	500,000
Safer Roads Fund - A35	<b>0</b>	1,899,000*	1,899,000
<b>Sub-total</b>	<b>969,000</b>	1,899,000*	2,868,000
<b>Manage and maintain the existing network more efficiently</b>			
Intelligent Transport Systems (ITS) (Note: £500k of the £667k pending subject to DfT award)	<b>50,000</b>	667,000*	717,000
Data Collection	<b>25,000</b>	0	25,000
Network Management Interventions	<b>100,000</b>	0	100,000
Minor Transportation Schemes - MTFP	<b>100,000</b>	0	100,000
<b>Sub-total</b>	<b>275,000</b>	667,000*	942,000
<b>Programme Management Fees</b>	<b>95,000</b>	0	95,000
<b>Total for Integrated Transport Block</b>	<b>3,102,000</b>	<b>35,246,250*</b>	<b>38,348,250</b>
<b>Appendix A continued on next page</b>			

Highway Maintenance	Funding Source (£)		
	2024/25 LTP Funding [£]	External grant *indicative spend during 2024/25 [£]	Total funding  [£]
<b>Structural Maintenance</b>			
Resurfacing Programme	1,600,000	0	1,600,000
Surface Treatments (Micro asphalt, prevention treatments, pre-patching etc)	1,064,000	0	1,064,000
Pothole investment (Environment) – MTFP	500,000	0	500,000
Planned/Pre-Patching (Environment) – MTFP	550,000	0	550,000
Footways (resurfacing & footway slurry)	150,000	0	150,000
Highway Drainage	120,000	0	120,000
Surveys & software	80,000	0	80,000
Maintenance Programme Management Fees	200,000	0	200,000
Challenge Fund	0	2,255,000*	2,255,000
<b>Sub-total</b>	<b>4,264,000</b>	<b>2,255,000*</b>	<b>6,519,000</b>
<b>Bridge &amp; Structures Maintenance</b>			
Bridge Maintenance	450,000	0	450,000
Principal Inspection	100,000	0	100,000
<b>Sub-total</b>	<b>550,000</b>	<b>0</b>	<b>550,000</b>
<b>Street Lighting Maintenance</b>			
Street Lighting Maintenance	400,000	0	400,000
<b>Sub-total</b>	<b>400,000</b>	<b>0</b>	<b>400,000</b>
<b>Signals &amp; Sensor Maintenance</b>			
Traffic Signals and Crossings Maintenance	176,000	0	176,000
<b>Sub-total</b>	<b>176,000</b>	<b>0</b>	<b>176,000</b>
<b>Total for Highway Maintenance</b>	<b>5,390,000</b>	<b>2,255,000*</b>	<b>7,645,000</b>
<b>Total Local Transport Plan (LTP) 2024/25 Capital Programme</b>	<b>8,492,000</b>	<b>37,334,250*</b>	<b>45,826,250</b>



**Appendix B - Local Transport Plan 2025/26 and 2026/27 Highways  
Maintenance elements**

**Note: the funding within the column headed “2025/26 LTP Funding” in bold type and shaded is that for which approval is being sought in this report.**

Highway Maintenance	Funding Source [£]		
	2025/26 LTP funding [£]	Columns intentionally blank	
Structural Maintenance			
Resurfacing Programme	1,500,000		
Surface Treatments (Micro asphalt, prevention treatments, pre-patching etc)	900,000		
Pothole investment (Environment)	500,000		
Planned/Pre-Patching (Environment)	200,000		
Footways (resurfacing & footway slurry)	150,000		
Highway Drainage	100,000		
Surveys & software	100,000		
Maintenance Programme Management Fees	110,000		
Sub-total	3,560,000		
Bridge & Structures Maintenance			
Bridge Maintenance	550,000		
Principal Inspection	100,000		
Sub-total	650,000		
Street Lighting Maintenance			
Street Lighting Maintenance	400,000		
Sub-total	400,000		
Signals & Sensor Maintenance			
Traffic Signals and Crossings Maintenance	176,000		
Sub-total	176,000		
Total 2025/26 Highway Maintenance	4,786,000		
Continued on next page			

**Appendix B- Local Transport Plan 2025/26 and 2026/27 Highways  
Maintenance element of BCP Capital Programme (continued)**

Highway Maintenance	Funding Source [£]		
	2026/27LTP Funding	Columns intentionally blank	
Structural Maintenance			
Resurfacing Programme	1,500,000		
Surface Treatments (Micro asphalt, prevention treatments, pre-patching etc)	900,000		
Pothole investment (Environment)	500,000		
Planned/Pre-Patching (Environment)	200,000		
Footways (resurfacing & footway slurry)	150,000		
Highway Drainage	100,000		
Surveys & software	100,000		
Maintenance Programme Management Fees	110,000		
Sub-total	3,560,000		
Bridge & Structures Maintenance			
Bridge Maintenance	550,000		
Principal Inspection	100,000		
Sub-total	650,000		
Street Lighting Maintenance			
Street Lighting Maintenance	400,000		
Sub-total	400,000		
Signals & Sensor Maintenance			
Traffic Signals and Crossings Maintenance	176,000		
Sub-total	176,000		
Total 2026/27 Highway Maintenance	4,786,000		

*Figures provided in the table for 2025/26 and 2026/27 are subject to possible variation based on DfT confirmation of allocations. DfT funding levels, including the allocation of further Network North funds, for 2025/26 and beyond are not yet confirmed and therefore an assumption has been made that they will at least remain at 2024/25 funding level.*

## AUDIT AND GOVERNANCE COMMITTEE



Report subject	<b>Financial Regulations - Annual evolution for the financial year 2024/25</b>
Meeting date	7 March 2024
Status	Public Report
Executive summary	<p>Evolutionary changes to the Council's Financial Regulations are summarised in this report and shown in red text throughout the document at Appendix A and include:</p> <p>Key changes exist in Part G and include:</p> <p><b>Change 1 - Threshold adjustment</b>        Base change throughout from the £25,000 excluding VAT threshold to £30,000 inclusive of VAT to reflect the changes required by the Public Contracts Regulations which also includes the requirement to calculate the estimated value of the contract to be inclusive of VAT.</p> <p><b>Change 2 - Procurement &amp; Contracts Board</b>        A new entry in regulation 3 – Standards, has been added to reflect the formation of a new Procurement &amp; Contracts Board that will have oversight over all planned spend decisions across the entire Council and will have the authority to require any Officer to attend a meeting and provide information and/or explanation as required by The Board.</p> <p><b>Change 3 - Removal of waivers (of Financial Regulations)</b>        Reference to waivers throughout have been removed and replaced with the requirement for those decisions to be signed off as part of the existing Procurement Decision Records (PDRs) approval process in regulation 5 and soon to be required by legislation changes. This change has clarified any ambiguity and will remove duplication of processes. The existing reporting requirements to the Audit &amp; Governance Committee will remain – the annual report that was Waivers and Breaches of Financial Regulations will now be PDR's and Breaches of Financial Regulations.</p> <p><b>Change 4 - Competition Requirements</b>        Reformatted and update to regulation 22 - Competition Requirements, which combines several previous regulations into one consistent regulation and clarifies the requirement at each threshold:</p> <ul style="list-style-type: none"> <li>• Under £5,000</li> <li>• £5,000 to £30,000</li> <li>• Over £30,000</li> </ul>

	<p><b>Change 5 – Other minor editing and re-ordering</b></p> <p>Other minor changes throughout have been added for clarification and to address any previous ambiguities. Some reordering and aggregation of previous regulations have also taken place which makes direct comparison to previous versions more challenging. Such reordering and aggregation are not shown in red text because the regulation(s) has not been changed.</p> <p>Legislative changes resulting from the Procurement Act 2023 are explained and the likely resulting impact on Financial Regulations will be that there may be some in-year changes required to ensure alignment.</p>
<b>Recommendations</b>	<p><b>It is RECOMMENDED that Audit &amp; Governance Committee:</b></p> <p><b>1. Approve the Financial Regulations as shown in Appendix A before referral to Council for adoption. The operational go live date will be 24 April 2024.</b></p> <p><b>2. Approve a delegation to the Chief Finance Officer and the Monitoring Officer to amend the Financial Regulations, in year, if the Procurement Act 2023 or the secondary legislation Public Procurement Regulations 24 (PCR24) require such an amendment. The Head of Audit &amp; Management Assurance will report any necessary changes to the first available Audit &amp; Governance Committee.</b></p>
Reason for recommendations	The Council's Financial Regulations are subject to annual evolution to align to the start of each financial year, or as close as is reasonably possible subject to how Council meetings fall.
Portfolio Holder(s):	Cllr Mike Cox, Portfolio Holder for Finance
Corporate Director	Graham Farrant, Chief Executive
Report Authors	<p>Nigel Stannard Head of Audit &amp; Management Assurance ☎01202 128784 ✉ <a href="mailto:nigel.stannard@bcpcouncil.gov.uk">nigel.stannard@bcpcouncil.gov.uk</a></p>
Wards	Council-wide
Classification	For Recommendation Approval

## Background

1. BCP Council's Financial Regulations currently form Part 5 of The Constitution.
2. Council agreed that the Financial Regulations (the Regulations) will be subject to a business as usual 'annual evolution' so they remain up-to-date and receptive to the rapidly changing internal and external environment in which the Council operates. Such 'annual evolution' will be approved by Council.

3. As far as is practical, subject to when Council meetings fall, the evolution of the Regulations will align to as close to the start of the financial year as possible. For 2024/25 Council meets on 23 April 2024 so this evolution of Financial Regulations will be operationally live from 24 April 2024.
4. Evolutionary changes are shown in red text; this method transparently highlights the changes and negates the need for a page turn comparison to find out what has changed. Only the latest evolution is shown in red text, changes from previous year revert to standard black text.
5. BCP Council Colleagues are now generally well versed in the annual evolution of Financial Regulations. Nevertheless a communication, training and awareness process will take place to ensure all colleagues, and particularly new colleagues, are aware of the annual evolution.
6. The Chief Finance Officer (CFO) is responsible for maintaining and updating the Regulations and the Corporate Schedule of Financial Delegations, which is Appendix 1 of the Regulations. The CFO has delegated authority from Council to make in-year amendments and editing changes which may be occasionally necessary, such as in cases of new or revised legislation or UK law or to correct errors, ambiguity or where unintended interpretation matters arise. This delegation will also be used if any officer designations (job or role names) need changing, as a result of any restructuring for example, most likely within Appendix 1.
7. This annual evolution is formally known as BCP Financial Regulations EVO24.v1, where 24 stands for the financial year and v1 stands for the version agreed by Council. If the CFO makes any delegated amendments as per paragraph 5 above then this will be shown as v2, v3 and so on, as required.

## **Changes in BCP Financial Regulations EVO24.v1 - PART G PROCUREMENT & CONTRACT PROCEDURES**

8. It has been necessary to update Part G of the Financial Regulations for 24/25 to reflect changes in procurement language, internal procedures and legislation.
9. Key changes are summarised below:

### **Change 1 - Threshold adjustment**

Base change throughout from the £25,000 excluding VAT threshold to £30,000 inclusive of VAT to reflect the changes required by the Public Contracts Regulations which also includes the requirement to calculate the estimated value of the contract to be inclusive of VAT.

### **Change 2 - Procurement & Contracts Board**

A new entry in regulation 3 – Standards, has been added to reflect the formation of a new Procurement & Contracts Board that will have oversight over all planned spend decisions across the entire Council and will have the authority to require any Officer to attend a meeting and provide information and/or explanation as required by The Board.

### **Change 3 - Removal of waivers (of Financial Regulations)**

Reference to waivers throughout have been removed and replaced with the requirement for those decisions to be signed off as part of the existing Procurement Decision Records (PDRs) approval process in regulation 5 (soon to be required by legislation changes). This change has clarified any ambiguity and will remove duplication of processes. The existing reporting requirements to the Audit & Governance Committee will remain – the annual report that was Waivers and Breaches of Financial Regulations will now be PDR's and Breaches of Financial Regulations.

#### **Change 4 - Competition Requirements**

Reformatted and update to regulation 22 - Competition Requirements, which combines several previous regulations into one consistent regulation and clarifies the requirement at each threshold:

- Under £5,000
- £5,000 to £30,000
- Over £30,000

#### **Change 5 – Other minor editing and re-ordering**

Other minor changes throughout have been added for clarification and to address any previous ambiguities. Some reordering and aggregation of previous regulations have also taken place which makes direct comparison to previous versions more challenging. Such reordering and aggregation are not shown in red text because the regulation(s) has not been changed.

### **Public Procurement Regulations Reform**

9. In October 2023 the Procurement Act 2023 received Royal Assent but does not become enforceable until October 2024. The reforms within will place value for money, public benefit, transparency and integrity at the heart of our procurement and contract management operating framework; they will modernise and unify our systems and processes.
10. The Act will introduce a new regime that is based on value for money, competition and objective criteria in decision-making. It will create a simpler and more flexible, commercial system that better meets our country's needs. It will more effectively open up public procurement to new entrants such as small businesses and social enterprises so that they can compete for and win more public contracts.
11. Secondary legislation (statutory instrument) will also be laid by the end of March 2024, subject to parliamentary timescales, that sits under the Procurement Act 2023 and will be called the Procurement Regulations 2024 (PCR24).

### **The Act - summary of Provisions**

12. This is a large and technical Act. It includes a number of regulation-making powers which are necessary to ensure that the legislation will facilitate a modern procurement structure.

#### **Coverage:**

- The Act sets out which authorities and contracts the Act applies to. It covers contracts awarded by most central government departments, their arm's length bodies and the wider public sector including local government and health authorities.
- It also sets out a small number of simpler rules which apply to lower value contracts, and the Act makes provision to carve out those procurements regulated by the Health and Care Act, to ensure clarity about which regime applies.

#### **Principles and objectives:**

- The Act is focussed on the principles and objectives that must underlie the awarding of a public contract.
- Contracting authorities must have regard to delivering value for money, maximising public benefit, transparency and acting with integrity.

- Integrity must sit at the heart of the process. It means there must be good management, prevention of misconduct, and control in order to prevent fraud and corruption.
- The Act also includes a duty on contracting authorities to have regard to the particular barriers facing SMEs, and to consider what can be done to overcome them.

#### Undertaking a procurement:

- The Act sets out how a contracting authority can undertake a procurement and award a contract. Competition is at the heart of the regime.
- The Act introduces new procedures for running competitive tendering processes – the competitive flexible procedure - ensuring for the very first time that contracting authorities can design a competition to best suit the particular needs of their contract and market.
- There will continue to be a special regime for certain social, health and education services, specifically identified by secondary legislation, which may be procured as ‘Light Touch Contracts’ or the separate ‘Provider Selection Regime’ legislation reserved for Public Health Services, leaving room for authorities to design procurement procedures that are more appropriate for these types of services. These Light Touch Contracts are still subject to the necessary safeguarding requirements.
- There are a limited number of circumstances in which it may be necessary to award a contract without competition. The Act sets these out including new rules governing the award of contracts to protect life and public order.

#### Contract management:

- The important work on procurement does not stop once a contract has been awarded. The Act sets out steps that must be taken to manage a contract. This includes the strengthening of rules ensuring that suppliers are paid on time and new requirements to assess and publish information about how suppliers are performing.

#### Transparency notices:

- Running throughout the Act are requirements to publish notices and decisions (PDRs). These are the foundations for the new standards of transparency which will play such a crucial role in the new regime. The ambitions are high, and we want to ensure that procurement information is publicly available not only to support effective competition, but to provide the public with insight into how their money is being spent.

### **Provider Selection Regime (PSR)**

13. The Provider Selection Regime (PSR) came into force on 1 January 2024 and is separate legislation for procuring health and care services. The PSR was introduced by The Health Care Services (Provider Selection Regime) Regulations 2023 made under the Health and Care Act 2022.
14. In keeping with the intent of the Act, the PSR has been designed to:
  - introduce a flexible and proportionate process for deciding who should provide health care services;
  - provide a framework that allows collaboration to flourish across systems;
  - ensure that all decisions are made in the best interest of patients and service users.
15. The PSR does **not** apply to the procurement of goods or non-health care services (unless as part of a mixed procurement) by health or care bodies.

## **Getting ready for the new Procurement Act and PCR24**

16. The Procurement Act will introduce significant changes to the way the Council buy goods, services, works and concessions. These changes will not come into force until October 2024 at the earliest with a six-month advance preparation period.
17. The Council has started planning now to ensure we are ready to take advantage of the new regime and this evolution of Financial Regulations has been aligned to the new Procurement Act wherever possible based on what we already know.
18. The Act and PCR24 will however likely mean that Financial Regulations, and part G in particular, may need to be changed in year to align exactly with legislation. A delegation to the Chief Finance Officer and Monitoring Officer to make any necessary adjustments is sought. The Head of Audit & Management Assurance will report any such changes to the Audit and Governance Committee.

## **Changes in BCP Financial Regulations EVO24.v1 – Other changes**

19. No material changes have been made to other sections of Financial Regulations. Very minor changes have been made to Appendix 1 Corporate Schedule of Financial Delegations, to align with changes mentioned above at paragraph 8 above, or to recognise the roles and responsibilities changes of certain officers following restructuring.

## **BCP Debt Management Policy**

20. The Financial Regulations, Part F, Financial Systems and Procedures, Income, provides the strategic framework for debt collection and debt management within BCP Council. The BCP Debt Management Policy contains the operational detail and procedures to supplement the Regulations.
21. This detailed operational policy is also subject to annual evolution to ensure it remains up-to-date and is approved by the Corporate Management Board for the 2024/25 financial year. Some very minor operational changes have been made.

## **Options Appraisal**

22. The Council could choose to update, refresh, evolve the Financial Regulations on a less frequent basis than annually. There is an inherent and obvious risk with such an approach that the Financial Regulations could become out of date and fail to keep pace with the rapidly changing internal and external environment in which the Council operates.

## **Summary of financial implications**

23. The Financial Regulations provide the governance framework for managing the Council's financial affairs. 'How to' guidance and procedures are in place to compliment the specific requirements of the Regulations.

## **Summary of legal implications**

24. The Financial Regulations are Part 5 of the Council's Constitution and apply to every councillor and officer acting behalf of the Council.
25. The Local Government Act 1972 (Section 151) makes the Chief Finance Officer responsible for the proper administration of the Council's financial affairs. The Regulations are issued pursuant to these responsibilities.



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

26. The Financial Regulations apply to every councillor and officer acting behalf of the Council.

### **Summary of sustainability impact**

27. Part G of the Financial Regulations includes requirements for commissioning officers and the Strategic Procurement Team (SPT) to follow to ensure the Council considers environmental sustainability when procuring works, goods and services.
28. A requirement to obtain local supplier quotes (BH, DT and SO postcodes) is included for purchases which are less than £30,000.

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

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

### **Summary of equality implications**

30. There are no direct equality implications from this report.

### **Summary of risk assessment**

31. Lack of compliance and awareness is the most significant and impactful risk in a Financial Regulations context. A continuous and evolving training, supporting and promoting programme exist utilising a range of activities including formal training, one-off bespoke awareness sessions, blogs and staff communications.

### **Background papers**

None

### **Appendices**

Appendix A - BCP Financial Regulations EVO24.v1

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# PART 5

## FINANCIAL REGULATIONS

# BOURNEMOUTH, CHRISTCHURCH AND POOLE (BCP) COUNCIL



## FINANCIAL REGULATIONS

Live from 24-04-2024 (EVO24v1)

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<b>PART B</b>	<b>FINANCIAL MANAGEMENT ROLES AND RESPONSIBILITIES</b>
<b>PART C</b>	<b>FINANCIAL PLANNING AND BUDGETING</b>
<b>PART D</b>	<b>FINANCIAL MONITORING AND CONTROL</b>
<b>PART E</b>	<b>INTERNAL CONTROL, AUDIT AND RISK MANAGEMENT</b>
<b>PART F</b>	<b>FINANCIAL SYSTEMS AND PROCEDURES</b>
<b>PART G</b>	<b>PROCUREMENT AND CONTRACT PROCEDURES</b>
<b>PART H</b>	<b>EXTERNAL ARRANGEMENTS (Including Partnerships, External funding bids and Trading)</b>
<b>APPENDIX 1</b>	<b>CORPORATE SCHEDULE OF FINANCIAL DELEGATIONS</b>
<b>APPENDIX 2</b>	<b>FUNCTIONS OF THE AUDIT &amp; GOVERNANCE COMMITTEE</b>
<b>APPENDIX 3</b>	<b>MINOR AMENDMENTS AND EDITING LOG</b>

Within these Regulations **Chief Finance Officer (CFO)** means:

- Officer with statutory responsibility for the proper administration of the Council's financial affairs in accordance with S151 of the Local Government Act 1972, i.e. Chief Operating Officer.
- Or those officers authorised to act on their behalf. (in accordance with Financial Services Scheme of Delegation)

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## PART A STATUS OF FINANCIAL REGULATIONS

### PURPOSE

- 1 These Financial Regulations (Regulations) provide the governance framework for managing the Council's financial affairs.

### STATUTE

- 2 The Local Government Act 1972 (Section 151) makes the Chief Finance Officer (CFO) responsible for the proper administration of the Council's financial affairs. These Regulations are issued pursuant to these responsibilities and form part of the Council's Constitution (part 5).

### SCOPE

- 3 The Regulations set out the Council's requirements in respect of:
  - Financial management roles and responsibilities
  - Financial planning and budgeting
  - Financial monitoring and control
  - Internal control, audit and risk
  - Financial systems and procedures
  - Procurement activity
  - External arrangements
- 4 The Regulations apply to the control of both the General Fund finances (including BCP maintained schools) and the Housing Revenue Account (including any neighbourhood accounts therein). Wholly owned companies of BCP Council will adhere to the Regulations unless exceptions are agreed by their respective Boards.
- 5 Appendix 1 to the Regulations comprises the 'Corporate Schedule of Financial Delegations' which sets out the approved financial limits within which officers and councillors may conduct the Council's business. This schedule does not apply to BCP maintained schools who will operate their own schemes of delegation and other processes such as procurement decisions and waiver sign off of Part G to these Regulations vary accordingly.
- 6 The Regulations are supported by a series of financial procedures and strategies which provide more detailed direction on the arrangements in respect of:
  - Anti-fraud and corruption policy (including money laundering guidance and reporting)
  - Risk management strategy
  - Financial document retention
  - Income collection and local debt recovery systems
  - Asset management including disposals and acquisitions
  - Procurement strategy and code

### COMPLIANCE

- 7 These Regulations, and the appendices, apply to every councillor and officer of the Council and to anyone acting on its behalf, including agencies and partnerships with whom the Council does business and for whom the Council is the relevant accounting body.
- 8 All councillors and officers have a general responsibility for taking reasonable action to provide for the security of assets under their control and for ensuring that the use of these resources is undertaken in accordance with the law, properly authorised, and achieves value for money. In doing so, proper consideration must be given at all times

to matters of probity and propriety in managing the assets, income and expenditure of the Council.

- 9 Failure to comply with any part of these Regulations may constitute misconduct and lead to formal disciplinary action.
- 10 The term 'Manager' used throughout the Regulations refers to members of the Council's extended management team including the Chief Executive, Corporate Directors, Service Directors, Heads of Service and Team Managers as appropriate and as they relate to the specific matters set out within these Regulations. For maintained schools the Governing Body is defined as the 'Manager' for the purposes of these Regulations.
- 11 If decisions have been formally delegated to others, such as to The Head Teacher or to individuals as specified in Service Schemes of Delegation, reference to the term 'manager' in these Regulations should be read as referring to them.

## **MAINTAINING AND UPHOLDING THE REGULATIONS**

- 12 The CFO is responsible for:
  - a. Maintaining and updating these Regulations and the Corporate Schedule of Financial Delegations. Minor amendments and editing changes, including in year changes necessary to align with new or revised legislation or UK law, are logged on page 61.
  - b. Ensuring that any revisions affecting the powers of councillors are approved by Council on the recommendation of the Council Leader and in consultation with the Monitoring Officer (MO).
  - c. Reviewing and reissuing the financial procedures as necessary to support the effective operation of these Regulations.
  - d. Reporting, where appropriate, any breaches of these Regulations to councillors on at least an annual basis.
  - e. Reporting to councillors all waivers and exemptions of Regulations, requested by Services and approved (by the CFO) during the course of any financial year which they have delegated authority to determine.
  - f. Interpreting and/or arbitrating should any uncertainty or dispute arise pursuant to these Regulations in consultation with the MO.
- 13 The Regulations are subject to an annual 'evolution' which will be approved by Council and will incorporate:
  - a. Minor amendments and editing changes, described at 12a above, into the relevant section of the Regulations.
  - b. Changes of a more fundamental nature, as identified by a proportionate officer working group made up from representatives of Services and Schools.
- 14 For transparency purposes all changes in the annual 'evolution' will be flagged using red text, this will enable both experienced and inexperienced users of the Regulations to clearly identify where changes have occurred year on year. Changes from previous years 'evolution' will be incorporated into standard colour text, only the latest 'evolution' is shown in red text.



## PART B FINANCIAL MANAGEMENT ROLES & RESPONSIBILITIES

### PRINCIPLES

- 1 A transparent framework of financial management responsibilities and decision making is essential to the effective management of the Council's financial affairs.
- 2 All councillors and officers have a common duty to abide by the highest standards of integrity and propriety when making decisions about the use of public monies.

### COUNCILLORS

- 3 Councillors' responsibilities for the overall management of the Council's financial affairs are exercised through:
  - **Council**, which is responsible for approving the Council's Key Policy Framework as defined within the Constitution and for setting the budget.
  - **The Leader and Cabinet – “the Executive”**, which is responsible for recommending the key policy framework and budget to Council; making decisions in respect of the executive functions of the Council in accordance with the Key Policy Framework and Budget approved by Council. Executive decision making can be delegated to a formally constituted committee of the Cabinet, an individual cabinet member, an officer or a joint committee in accordance with the Scheme of Delegation as set out in the Council's Constitution.
  - **The Audit & Governance Committee**, which is responsible for maintaining a continuous review of the Council's regulatory framework, approving the Annual Statement of Accounts for publication, oversight of audit, governance, counter fraud and corruption, risk management and treasury management activity. This Committee's full functions and responsibilities are set out in Appendix 2.
  - **The Standards Committee**, which is responsible for promoting and maintaining high standards of conduct amongst councillors. In particular, it is responsible for advising the Council on the adoption and revision of the Councillors' Code of Conduct, and for monitoring the operation of the Code.

### OFFICERS

- 4 Officer responsibilities for the overall management of the Council's financial affairs are variously set out by legislation, the provisions of the Council's Constitution and the Council's Corporate and Service Schemes of Delegation.
- 5 Certain legislation requires the Council to designate particular officers as the 'appropriate officer' for the performance of certain functions. 'Appropriate Officer' functions include the responsibilities of the Head of Paid Service (HPS), the Monitoring Officer (MO) and Chief Finance Officer (CFO) in managing the overall financial affairs of the Council. Formal recognition is also given to the particular responsibilities and functions of the Council's Chief Internal Auditor (CIA) in accordance with best practice advice and guidance. The role of the CIA is set out in CIPFA's 'The Role of The Head of Internal Audit'.

## **THE HEAD OF PAID SERVICE (HPS)**

- 6 The HPS is designated as the Chief Executive and is responsible for the corporate and strategic management of the Council. The HPS is responsible for establishing the management style, direction and leadership of the organisation including overall staff management arrangements, monitoring performance and achievement. The HPS is responsible, together with the MO, for the system of record keeping in relation to Councils' decisions.

## **THE MONITORING OFFICER (MO)**

- 7 The MO is responsible for promoting and maintaining high standards of financial conduct and provides support to the Standards Committee. The MO is also specifically responsible for:
- a. Reporting any actual or potential breaches of the law or maladministration to Council and/or to Cabinet.
  - b. Ensuring that procedures for recording and reporting key decisions are operating effectively.
  - c. Ensuring that Cabinet decisions and the reasons for them are made public.
  - d. Ensuring that all councillors are aware of decisions made by the Cabinet and of those made by cabinet member, officers, or a joint committee which has delegated Cabinet responsibility.
  - e. Advising all councillors and officers about who has authority to take a particular decision.
  - f. Maintaining an up-to-date Constitution and reporting any proposed changes to Council for approval.

## **THE CHIEF FINANCE OFFICER (CFO)**

- 8 The CFO has statutory and delegated duties in relation to the financial administration and stewardship of the Council. The statutory responsibilities cannot be overridden and arise from:
- Section 151 of the Local Government Act 1972
  - The Local Government Finance Act 1988
  - The Local Government and Housing Act 1989
  - The Accounts and Audit Regulations 2015 (and as amended)
  - The Local Authorities Goods and Services Act 1970
  - The Local Government Acts 2000 and 2003
  - The Localism Act 2011
- 9 The CFO's responsibilities include:
- a. The proper administration of the Council's financial affairs including all arrangements concerning financial planning, financial control, accounting, taxation, income, debt management, insurances, investments, banking, bonds, loans, leasing, borrowing, trust and pension funds, and the payment of creditors, salaries, wages and pensions.
  - b. Determining the contents of Financial Procedures and ensuring compliance with these and Financial Regulations.
  - c. Preparing the Revenue Budget and reporting to the Council on the robustness of the estimates and the adequacy of reserves.

- d. Preparing the Capital Programme, ensuring effective forward planning and sound financial management in its compilation.
  - e. Ensuring that accurate and timely financial information is available to enable effective budget monitoring and reporting and taking action if overspends or shortfalls in income emerge.
  - f. Reporting to Council if it is likely that any proposed action or decision will lead to unbudgeted or unlawful expenditure or activity.
  - g. Advising on the systems of internal control necessary for sound financial management and decision making, and to ensure that public funds are properly safeguarded and used economically, efficiently, and effectively.
  - h. Maintaining an adequate and effective internal audit function and effective counter theft, fraud and corruption arrangements.
  - i. Preparing the Council's risk management strategy and advising on the management of strategic, financial and operational risks.
  - j. Determining the accounting procedures and records for the Council and ensuring that they are applied consistently.
  - k. Preparing and publishing the Council's annual statement of accounts and governance statement for approval by Audit & Governance Committee in accordance with all applicable codes of practice on local authority accounting.
  - l. Making proper arrangements for the audit of the Council's accounts in accordance with statutory and legislative provisions.
  - m. Preparing and implementing an effective treasury management strategy and effecting all investments and borrowings within the limits imposed by the Council.
  - n. Advising on, monitoring and reporting on performance in relation to Prudential Indicators set by the Council for capital expenditure, external debt and treasury management.
  - o. Ensuring that effective asset management arrangements are in place.
  - p. Advising on the risks and financial implications associated with joint working, external funding and trading opportunities.
- 10 The CFO may allocate their day-to-day responsibilities to an appropriate representative in accordance with the Financial Services Scheme of Delegated Authority to Officers and/or the Corporate Schedule of Financial Delegations.

## **THE CHIEF INTERNAL AUDITOR (CIA)**

- 11 The CIA is designated by the CFO as part of the Service Scheme of Delegation further to Part 3 (Schedule 1) of the Council's Constitution and plays a key role in providing assurance to the councillors, the CFO, the HPS and Corporate Management Board about the probity, practical deployment and effectiveness of financial management at the Council.
- 12 The CIA has rights of access to information and data held by officers or councillors of the Council at all reasonable times and is responsible for the overall co-ordination and deployment of external and internal audit resources at the Council. The CIA also has the right to report on any relevant matter of concern to senior management and councillors outside normal line management arrangements should they deem this necessary in protecting the interests of the Council and/or local taxpayers.

## MANAGERS

- 13 Whilst the CFO has overall responsibility for the finances of the Council, managers are responsible for the day-to-day management of their respective Unit's finances. Their responsibilities in relation to financial management include:
- a. Promoting and ensuring compliance with these Regulations and associated Financial Procedures and taking corrective action in the event of any non-compliance.
  - b. Preparing annual Revenue Budget estimates and Capital Programme estimates in accordance with the guidance issued by the CFO.
  - c. Ensuring that the financial implications of all proposals, or any matter which is liable to materially affect the resources of the Council, are agreed with the CFO or their nominated representative in advance of any decision making report to councillors.
  - d. Managing service delivery and containing expenditure within the agreed revenue and capital budgets.
  - e. Maintaining sound systems of internal control and implementing agreed internal and external audit recommendations.
  - f. Complying with the Council's counter theft, fraud and corruption policy and reporting suspected fraud and financial irregularities immediately to internal audit for investigation.
  - g. Complying with the Council's risk management strategy and notifying the CFO immediately of significant risks to the Council's financial position.
  - h. Ensuring that all financial transactions are recorded through the main accounting system.
  - i. Assisting cash flow through timely billing of income due and minimising advance payments wherever possible.
  - j. Ensuring that all expenditure incurred complies with the requirements of these Regulations, the procurement code and has the necessary budgetary approval.
  - k. Controlling resources and containing staff numbers within approved establishment and budget levels and ensuring that all employee appointments and payments are properly authorised in compliance with the Council's policies.
  - l. Ensuring that all claims for funds, including grants, are compiled and submitted by the due dates.
  - m. Ensuring the proper security and safe custody of all assets under their control.
  - n. Ensuring that the risks and financial implications associated with joint working, external funding and trading opportunities are properly evaluated, and that no such arrangements are entered into without the prior approval of the CFO.
  - o. Ensuring that financial authorities are operated in accordance with the limits contained within the Corporate Schedule of Financial Delegations (Appendix 1), and that a written record of authorised officers is maintained.

## ALL EMPLOYEES

- 14 In addition to the specific responsibilities set out above the Council expects all employees to:
- a. Act in good faith, adopting the highest standards of integrity, propriety and impartiality in accordance with the 'Nolan principles' (7 principles of public life which apply to all people appointed to work in local government).

### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

## **2. Integrity**

Holders of public office 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.

## **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## **4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

## **5. Openness**

Holders of public office 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.

## **6. Honesty**

Holders of public office should be truthful.

## **7. Leadership**

Holders of public office should exhibit these principles in their own behavior. They should actively promote and robustly support the principles and be willing to challenge poor behavior wherever it occurs.

- b. Exercise due care in relation to all resources, assets, income and expenditure within their care or control.
- c. Ensure that proper records and documentation are maintained of the Council's assets and financial transactions in accordance with advice and requirements of the CFO.
- d. Comply with these Regulations, the associated financial procedures and any additional guidance issued to ensure the effective control of the Council's resources.
- e. Co-operate in audits of the Council's financial systems.
- f. Report any suspected financial irregularities for investigation to the Chief Internal Auditor.

### PRINCIPLES

- 1 The purpose of financial planning and budgeting is to set out and communicate the Council's objectives, resource allocations and related performance targets, and to provide an agreed basis for subsequent management control, accountability and reporting.
- 2 Budgets are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. The Budget is the financial expression of the Council's ambitions and priorities. The budget process must ensure that resources are:
  - Required in accordance with the law and properly authorised.
  - Used only for the purpose of achieving approved policies, objectives and service priorities.
  - Held securely for use when required.
  - Used appropriately to avoid waste, inefficiency and/or loss.

It is unlawful for the Council to budget for a deficit.

- 3 As such the Budget sets agreed parameters around the annual resource allocations, activities and functions of Services and is constructed within the context of a medium term financial plan (MTFP). The MTFP represents a multi-year forecast (usually 3 or more years) to identify and address those issues which have medium to long term implications for the Council.
- 4 The Capital Programme sets out the resource allocations to be made to capital schemes. Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the organisation, such as land, buildings, and major items of plant, equipment and vehicles.
- 5 To enable councillors to make informed decisions, all Council, Cabinet and Committee reports must incorporate a separate section on 'financial implications'. Reports must show the costs or savings of proposals together with any approved budget provision, future commitments, potential risks, tax implications, and any other financial consequences which may arise from the options and recommendations and must be produced in consultation with the CFO or their nominated representative.

### COUNCILLORS

- 6 Councillors' responsibilities for financial planning and budgeting are exercised through:
  - **Council**, which is responsible for approving the Council's key policy framework and for setting the Budget. This approval encompasses:
    - All the plans and strategies making up the Policy Framework, including the Council's corporate plan/strategy.
    - The MTFP.
    - The revenue budget (The Budget), proposed by the Cabinet to Council for approval on the advice of the CFO. The Budget will include details of proposals for local taxation levels, contingency funds and use of and levels of all reserves.
    - The capital budget (The Capital Programme).

Council may amend the Budget and the Capital Programme or ask the Cabinet to reconsider it before approving in exceptional circumstances in consultation with the CFO. Any councillor or group of councillors who wish to submit alternative budget proposals must do so no less than 3 clear working days before the Budget setting meeting. The CFO will only support alternative proposals which deliver a balanced budget to be taken forward to the Council for consideration.

- **The Cabinet** is responsible for proposing the key policy framework and budget to Council. Cabinet is also responsible for monitoring performance against revenue and capital budgets and taking executive decisions to deliver priorities, within the Budget and key policy framework agreed by the Council. It is responsible for issuing guidance on the detail of the Budget in consultation with the CFO as soon as possible following the Budget's approval by Council.

## REVENUE BUDGET (THE BUDGET)

7 The CFO is responsible for:

- a. Advising the Council on the Cabinet's budget proposals in accordance with their responsibilities under S151 of the Local Government Act 1972. (Council may amend the Revenue Budget or ask the Cabinet, in consultation with the CFO, to reconsider it before approving)
- b. Ensuring that an annual Revenue Budget and Council Tax Report are prepared in the context of a medium term financial plan for consideration by Cabinet and approval by Council.
- c. Maintaining a resource allocation process that properly reflects the Council's policy framework, ambitions and priorities.
- d. Advising the Cabinet on the format of the budget and its responsibility for issuing guidance on budget preparation taking due account of:
  - legal requirements
  - medium-term planning prospects and known issues
  - the corporate strategy and Council priorities
  - available resources
  - spending pressures
  - government initiatives and public policy requirements
  - internal policy directives
- e. Advising the Cabinet and Council on a prudent level of reserves and any appropriate contingency provisions.
- f. Undertaking the statutory consultation with NDR payers.
- g. Issuing detailed procedures to managers on the preparation of Revenue Budget estimates.

8 Managers are responsible for:

- a. Preparing annual Revenue Budget estimates in accordance with the guidance issued by Cabinet and the detailed procedures issued by the CFO, ensuring that these are a realistic reflection of agreed priorities, and advising cabinet members on service implications. (see d. above)
- b. Establishing detailed budgets for each service area in advance of the financial year (along with indicative estimates for the two years thereafter) and requiring such budgets to be properly managed by responsible named budget holders.
- c. Integrating financial and budget plans with service planning.
- d. Ensuring that any earmarked reserves held are applied to their intended purposes.
- e. Giving due and proper regard to the asset management concerns of the wider organisation in planning service delivery, consulting in advance with the Corporate

Property Officer (CPO) in any financial planning or budgeting decision to be made relating to the use of Council land and property.

## **CAPITAL BUDGET (THE CAPITAL PROGRAMME)**

9 The CFO is responsible for:

- a. Ensuring that a multi-year rolling Capital Programme (usually 3,4 or 5 years) is prepared for consideration by the Cabinet for recommendation to Council for approval as part of the MTFP and annual budget setting process.
- b. Issuing strategic guidance on capital schemes and controls and defining what will be regarded as capital having proper regard to Government regulations and accounting conventions.
- c. Issuing detailed guidelines which take account of legal, regulatory and code of practice requirements, medium-term planning prospects, affordability and whole life costing.
- d. Ensuring that the revenue implications of the Capital Programme are contained within the Revenue Budget and MTFP.
- e. Ensuring that all schemes relying on the use of prudential borrowing powers are properly appraised and provide value for money.
- f. Reporting to Cabinet on the overall position and the availability of resources to support the Capital Programme.
- g. Issuing detailed procedures to managers on the preparation of capital budget estimates.
- h. Ensuring that sources of funding (general fund, capital grants, self-financing, etc.) are identified for the entire Capital Programme.

10 Managers are responsible for:

- a. Complying with the guidance issued by the CFO regarding capital schemes and controls and in the preparation of the Capital Programme.
- b. Ensuring that all capital schemes put forward for consideration have been properly appraised and that each scheme and estimate includes a project plan, progress targets, and sets out the funding sources including all associated revenue expenditure.
- c. Undertaking a comprehensive annual review of the Capital Programme and consequential revenue expenditure, for inclusion in the MTFP.

## **FINANCIAL IMPLICATIONS OF DECISIONS**

11 The CFO is responsible for:

- a. Issuing guidance in relation to the presentation of financial implications within the Council's decision making processes.
- b. Ensuring the adequacy of the financial implications information presented within individual decision making reports and for appropriate sign-off.

12 Managers are responsible for:

- a. Ensuring that all decision making reports properly set out the financial implications of the proposed actions in accordance with guidance issued by the CFO.
- b. Arranging for all financial implications to be validated and formally signed-off by the CFO, or their nominated representative, prior to their progression through the approval process.
- c. Consulting with relevant parties where there may be financial implications for other cabinet members, committees or services.



### PRINCIPLES

- 1 To ensure the Council does not exceed its overall budget, Services (and appropriate corporate projects and programmes where relevant) are required to manage their own income and expenditure within the cash limited budgets allocated to them to be spent on agreed service activities and functions.
- 2 Any forecasted revenue overspends, or income shortfalls should be mitigated through a compensating underspend or over-achievement of income elsewhere. Any under-spending or over-achievement of income cannot be carried forward from one year to the next without the approval of the CFO and should generally be restricted to specific items of a 'one off' nature where monies will be spent for an identified purpose in the following financial year.
- 3 No expenditure may be incurred on a capital project unless the project has been approved in accordance with the Corporate Schedule of Financial Delegations (Appendix 1) or as part of the annual Council approval of the Capital Programme. Any forecast overspending must be contained within the overall Capital Programme and reported to the approved senior officer Capital Programme Board. Similarly, variations to the approved budgets for capital schemes and re-phasing or slippage between years must be reported to the approved senior officer Capital Programme Board and approved in accordance with the limits set out in the Corporate Schedule of Financial Delegations (Appendix 1).
- 4 The term virement refers to transfers of budgets between or within cost centres. Virement may only be used in the very specific circumstances set out in the Regulations and the Corporate Schedule of Financial Delegations (Appendix 1).

### CONTROL OF REVENUE BUDGETS

- 5 The CFO is responsible for:
  - a. Establishing and maintaining a robust framework of budget management and control which ensures that:
    - Budget management is exercised within annual cash limits and the MTFP.
    - Appropriate, accurate and timely information is available to Corporate Management Board, managers and budget holders that enable budgets to be monitored and controlled effectively.
    - Revenue expenditure is recorded on the Council's financial systems and is committed only against approved budget headings and associated structure of detailed cost centres.
    - All officers responsible for committing expenditure comply with these Regulations.
    - Each cost centre is allocated to a named budget holder determined by the relevant manager.
    - Significant variances from budget are investigated and reported by budget holders on a regular basis.
  - b. Monitoring and controlling the quantum of income and expenditure against budget allocations overall. They must ensure monitoring reports are prepared for Corporate Management Board and councillors' consideration on a regular basis

throughout the financial year (to be determined and advised by the CFO) and a report after the year end setting out the revenue outturn.

- c. Ensuring that budget monitoring reports include:
- Sufficient information and explanatory notes to allow cabinet members to fully exercise their duties in respect of the resources for which they have portfolio responsibilities.
  - Explanations of all variations to cost centres which are projected to be in excess of £100,000.
  - Information which summarises the delivery of any savings programmes.
  - Information which summarises available contingencies, balances and reserves.

6 Managers are responsible for:

- Ensuring that effective budgetary control arrangements exist and are observed within their respective Service, or in respect of any projects or programmes for which they are responsible in accordance with these Regulations.
- Ensuring spending remains within the relevant cash limits by controlling income and expenditure, monitoring performance and taking corrective action where variations from budget are forecast.
- Ensuring that expenditure is coded correctly and committed only against approved budget headings.
- Supporting the regular reporting of financial performance, variances, and forecasts within the areas of their responsibility to Cabinet by the CFO.
- Reporting to Cabinet and Council as necessary the financial implications of any new in-year proposal or amendment that will:
  - Create financial commitments in future years;
  - Change existing policies, initiate new policies or result in existing policies ceasing to operate;
  - Materially extend or reduce the Council's services.

## **CONTROL OF CAPITAL BUDGETS**

7 The CFO is responsible for:

- Ensuring that governance arrangements are in place to regularly review progress against the Capital Programme.
- Maintaining a record of the current capital budget and expenditure on the Council's financial systems and ensuring compliance with financial reporting standards.
- Reporting to Cabinet the financial position against the approved Capital Programme.
- Ensuring that governance arrangements are in place, via an approved senior officer Capital Programme Board, to review proposed changes to the Capital Programme before subsequent approval by Cabinet.

8 Managers are responsible for:

- Ensuring that no expenditure is incurred on a capital project prior to its agreed inclusion within the Capital Programme and until a financial report has been approved by Cabinet. Equally, no scheme requiring Government or other body sanction and/or funding either in full or part may begin until the sanction and/or funding has been officially confirmed.
- Support the monitoring and reporting of capital expenditure and receipts against approved capital budgets, on project slippage and variations, and on any changes in projected expenditure.

- c. Reporting to Cabinet if proposed sources of funding are not secured.
- d. Ensuring that adequate records and audit trails are maintained in respect of all capital contracts.

## **VIREMENT**

- 9 The term virement refers to transfers of resources between or within approved cost centres or budget headings and Service/Business Plans for both revenue and capital purposes. A virement does not create any net additional budget. Instead the virement mechanism exists to enable the Cabinet, Managers and their staff to manage their budgets with a degree of flexibility within the overall Policy Framework and Budget set by Council, thereby optimising the use of resources throughout the financial year. The virement schemes for revenue and capital do not exist as a means of remedying poor budgetary control or financial planning for known commitments and service priorities, or otherwise excuse Managers and budget holders from the need to manage their budgets prudently and responsibly. Nor may virements be affected after the year end to retrospectively fund over or under spending unless approved in advance by the CFO.
- 10 The CFO is responsible for:
  - a. Controlling and administering the virement mechanism in accordance with guidance and limits set out in the Corporate Schedule of Financial Delegations, Appendix 1.
  - b. Recording approved virements in the Council's financial systems and reflecting the impact of these in budget monitoring reports to the Cabinet.
- 11 Managers are responsible for:
  - a. Ensuring all proposed virements complies with the limits and approval requirements set out in the Corporate Schedule of Financial Delegations, Appendix 1.
  - b. Notifying all proposed virements in writing to the CFO or their representative.
- 12 Council shall approve allocations of resources from approved contingencies and reserves in excess of the approved contingencies and reserves recommended by Cabinet.
- 13 Cabinet shall approve allocations of resources from approved contingencies and reserves.

## **REVENUE CARRY FORWARDS (VIREMENTS) BETWEEN YEARS**

- 14 Medium term financial planning (usually between 3 to 5 years) allows the Council to think beyond the constraints of any given financial year and annual budget and prepare for future events. In doing so it is important to ensure a suitable mechanism to allow for the carry forward of in-year budget under or overspends - in effect a virement of resources between accounting years – as deemed necessary by the CFO for MTFP purposes. The ability to choose to do so can serve to:
  - Empower budget holders to think beyond immediate service needs and plan over longer time frames to achieve significant changes and improvements and make best use of resources.
  - Hold budget holders to account for their budget management performance in so far as budget overspends will not be written down at the end of each financial year but will have to be dealt with on an on-going basis.

- 15 Carry forwards (virements) between years are not 'automatic' and will not be routinely determined. Where they are determined to be necessary by the CFO, in the context of the MTFP, and are subsequently approved by the Cabinet:
- Carry forward (previous year) overspending will constitute a first call on in year service budgets.
  - Carry forward (previous year) underspending must normally be spent in year on one-off proposals/projects usually of an 'invest to save' nature aimed at reducing on-going service pressures in future.
- 16 All internal surpluses arising from in-house trading activities/business units shall be retained for the benefit of the Council subject to any provision to do otherwise set out in the MTFP.
- 17 BCP maintained schools' balances will be treated in accordance with the provisions set out in the DfE Framework.as agreed and applied locally in the Scheme for Financing Schools.

## PART E INTERNAL CONTROL, AUDIT AND RISK MANAGEMENT (including prevention of theft, fraud and corruption)

### PRINCIPLES

- 1 Sound systems of internal control are essential to the proper economic, efficient and effective use of resources, the achievement of objectives, and the safeguarding of public funds.
- 2 Audit is a key management tool that councillors and senior officers should rely on to provide an independent and objective assessment of the probity, legality and value for money of Council arrangements.
- 3 Legislation requires that the Council provides for both internal and external audit.

**External audit** provides an independent assessment of the Council's financial statements and the adequacy of its arrangements for securing value for money.

**Internal audit** evaluates and reports on the adequacy of the Council's control systems in securing the proper, economic, efficient and effective use of resources.

- 4 There is a basic expectation that councillors and all officers will act with integrity and with due regard to matters of probity and propriety, and comply with all relevant rules, regulations, procedures and codes of conduct, including those in relation to receipt of gifts and hospitality and declaration of conflicts of interest.
- 5 The Council will not tolerate fraud or corruption in the administration of its responsibilities, whether perpetrated by councillors, employees, customers of its services, third party organisations contracting with it, or other agencies or individuals with which it has any business dealings.
- 6 Risk management is an integral part of effective management and planning. It is concerned with identifying and managing key obstacles to the achievement of objectives.

### COUNCILLORS

- 7 Councillors' responsibilities for internal control, audit and risk management are exercised through:
  - **Council**, which has formal responsibility for upholding proper practice and the good governance of the Council as a whole.
  - **The Cabinet**, which is responsible for ensuring effective systems of management and financial control are exercised across the organisation.
  - **The Audit & Governance Committee**, which is responsible for keeping under review all aspects of the Council's audit and governance arrangements, risk management framework and internal control environment. A full list of the Audit & Governance Committee's responsibilities can be found at Appendix 2.
- 8 Councillors have a role to support and promote a zero-tolerance culture towards theft, fraud and corruption.

## INTERNAL CONTROL

9 The CFO is responsible for:

- a. Advising on effective systems of internal control to ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with statutes, regulations and other relevant statements of best practice.
- b. Conducting an annual review of the effectiveness of the system of internal control and publishing the results of this within the Annual Governance Statement (AGS) for inclusion in the Council's Annual Statement of Accounts.

10 Managers are responsible for:

- a. Implementing effective systems of internal control including adequate separation of duties, clear authorisation levels, and appropriate arrangements for supervision and performance monitoring.
- b. Complying with the controls set down in these Regulations and any financial procedures.
- c. Taking corrective action in respect of any non-compliance by staff with relevant rules, regulations, procedures and codes of conduct.
- d. Planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their objectives, standards and targets.

## INTERNAL AND EXTERNAL AUDIT (and other inspections)

11 The CFO is responsible for:

- a. Maintaining an adequate and effective internal audit service in accordance with the Accounts and Audit Regulations Act 2015 and further to Section 151 of the Local Government Act 1972.
- b. Ensuring that the rights and powers of internal and external auditors and fraud investigators are upheld at all times across the organisation.
- c. Ensuring that the statutory requirements for external audit are complied with and that the external auditor is able to effectively scrutinise the Council's records.
- d. Ensuring that audit plans and resulting activities are reported to the Audit & Governance Committee.

12 The CIA is responsible for:

- a. Notifying the External Auditors of any matter that they would rightly expect to be informed of in order to support the function of an effective and robust external audit service.
- b. Ensuring effective liaison between internal and external audit functions.
- c. Overseeing the management, planning, reporting and conduct of all internal audits and counter fraud work.
- d. Preparing an annual report and opinion for councillors' consideration.

13 Managers are responsible for:

- a. Ensuring that auditors (internal and external) have access to all documents and records for the purposes of the audit and are afforded all facilities, co-operation and explanation deemed necessary.

- b. Cooperating in the production of annual audit plans by highlighting any areas of risk that may benefit from audit review.
  - c. Implementing audit recommendations within agreed timescales.
- 14 The Council may be subject to audit, inspection or investigation by external bodies such as HM Revenues & Customs, and various other Inspectors of service at any time, all councillors and officers of the Council will cooperate fully with such inspections as necessary.

## PREVENTION OF THEFT, FRAUD AND CORRUPTION (including Bribery)

- 15 The CFO is responsible for:
- a. Developing, maintaining and implementing an Anti-Fraud & Corruption Policy (and in conjunction with Human Resources a Whistleblowing Policy) that stipulates the arrangements to be followed for preventing, detecting, reporting and investigating suspected fraud and irregularity.
  - b. Advising on the controls required for fraud prevention and detection.
  - c. Appointing a Money Laundering Reporting Officer and Deputy to ensure that systems are in place to counter opportunities for money laundering and that appropriate reports are made.
  - d. Ensuring that effective preventative measures are in place to reduce the opportunity for bribery occurring in accordance with statutory requirements of the Bribery Act 2010. *(or as updated)*
- 16 The Chief Internal Auditor (CIA) has the right to:
- a. Determine the nature of any investigation work required in respect of any allegation of wrongdoing, and/or any other action required.
  - b. Require any councillor or staff of the Council to provide any information or explanation needed in the course of an investigation subject to the lawful limits set out in relevant legislation.
  - c. Refer investigations to the Police in consultation with the CFO and MO; under normal circumstances the relevant service manager would also be consulted.
  - d. Access all Council premises and property, all data, records, documents, and correspondence relating to any financial matter or any other activity of the Council.
  - e. Refer cases directly to the Police, in consultation with the CFO and MO, if it is believed an internal enquiry would compromise the integrity of the investigation and /or otherwise prejudice the interests of the Council or the general public.
- 17 Managers are responsible for:
- a. Complying with the Council's Anti-Fraud & Corruption Policy.
  - b. Ensuring that there are sound systems of internal control within their respective service areas for fraud prevention and detection.
  - c. Reporting cases of suspected theft, fraud or irregularity to the Chief Internal Auditor immediately for investigation and complying with the Council's Whistleblowing Policy.
  - d. Reporting any vulnerabilities or suspicions of money laundering in accordance with guidance issued by the Money Laundering Reporting Officer.
  - e. Maintaining local staff registers of interest, gifts and hospitality within their service areas.

- 18 All employees are responsible for:
- a. Complying with the Council's Anti-Fraud & Corruption Policy.
  - b. Reporting cases of suspected theft, fraud or irregularity immediately for investigation, if needs be via the Council's Whistleblowing Policy.
  - c. Reporting any vulnerabilities or suspicions of money laundering in accordance with guidance issued by the Money Laundering Reporting Officer.
  - d. Ensuring that they are familiar with the Employee Code of Conduct, or relevant local school's Code of Conduct, for school employees, and requirements to declare personal interests and record offers of gifts and hospitality.

## **RISK MANAGEMENT**

- 19 The CFO is responsible for preparing the Council's Risk Management Strategy and its promotion throughout the Council and for advising on the management of strategic, financial and operational risks.
- 20 Managers are responsible for:
- a. Implementing the Council's Risk Management Strategy.
  - b. Integrating risk management within business planning and performance management arrangements.
  - c. Mitigating, monitoring and reporting on risks.
  - d. Maintaining and testing business continuity plans.
  - e. Giving due regard to specialist advice in areas such as health and safety, insurance, crime and fire prevention.



### PRINCIPLES

- 1 Good systems and procedures are essential to the effective management and administration of the Council's financial affairs. A financial system is defined as any system (computerised or not) and associated procedures used for making and recording the financial transactions of the Council. This includes:
  - **Accounting**-The main accounting system provides the prime source of financial data for management accounts, statutory accounts and government returns. It is essential that this system complies with legislation and proper accounting practice and that all information is recorded accurately, completely and in a timely manner, and that any errors are detected promptly and rectified. Financial information recorded in the main accounting system should require a minimum amount of manipulation in order to create management accounts, returns and budget reports.
  - **Income**-Effective systems are necessary to ensure that all income due is collected, receipted, recorded and banked properly. Where possible income should be collected in advance to improve cash flow and avoid costs of debt collection. All reasonable efforts will be made to collect monies owed to the Council and debts will only be written off once all reasonable actions to pursue the debt have been exhausted or where it would prove uneconomical to pursue. The CFO agreed corporate system must be used unless agreed.
  - **Expenditure on works, goods and services**-Expenditure may only be incurred where budgetary provision is available. Payment should be made through the corporate ordering and invoicing process, using a corporately approved purchasing card, by entering into a formal contract arrangement or through raising a purchase order. Exceptionally a payment requisition may be raised.
  - **Expenditure on salaries, wages, allowances and expenses**-Expenditure may be incurred where budgetary provision is available and where payment is made through the Council's combined human resource and payroll system.
  - **Banking**-All transactions through the Council's bank accounts must be properly processed, recorded and reconciled. Reconciliations must be subject to management review and sign off in a timely manner.
  - **Treasury management, financing and leasing**-Decisions relating to the management of the Council's investments, cash flows, borrowing and leasing must be in accordance with the annual Treasury Management Strategy Statement.
  - **Taxation**-Effective systems must be in place to ensure that all tax liabilities and obligations are properly reported and accounted for, and that losses, fines and penalties are avoided. Procedures must be in place to ensure that taxation issues are properly considered during the options appraisal stage of projects.
  - **Asset management**-The Council's assets must be properly recorded, safeguarded from loss/harm and utilised effectively, and any acquisitions/disposals undertaken in accordance with the Corporate Schedule of Financial Delegations, Appendix 1.
  - **Insurance**-Appropriate insurance cover is necessary to indemnify the Council against the possibility of financial costs which may arise from certain unplanned events and claims such as damage to its property, injury to employees or to the public.
  - **Recharges and internal trading accounts**-Where required for financial reporting purposes, back office costs should be allocated to services using a relevant basis of apportionment and in accordance with accounting codes of practice. Where

relevant and strictly necessary, internal charges between services should be accounted for on a timely basis using CFO agreed recharge mechanisms.

## ACCOUNTING

### 2 The CFO is responsible for:

- a. Determining the Council's main accounting (and budgeting) system for the preparation of the Council's accounts and for monitoring all income and expenditure.
- b. Determining any other financial systems which may sit outside of the main accounting system and ensuring that these are sound and properly integrated and interfaced. It is a requirement that the options appraisal for new systems should include ease of integration and interfacing with the main accounting system. Any such interface must require little or no manual intervention.
- c. Issuing guidance on the use and maintenance of the main accounting system and related financial systems and ensuring that supporting records and documents are retained.
- d. Ensuring that regular balance sheet and holding account reconciliations are undertaken.
- e. Preparing the Council's consolidated accounts, balance sheet and Annual Governance Statement (AGS) for audit and publication and issuing guidance (including a detailed timetable and plan) to ensure achievement of the statutory deadline.
- f. Ensuring all relevant staff are trained and competent in the use of the main accounting system and any subsidiary finance systems managed under the CFO's control.
- g. Ensuring there is a documented and tested disaster recovery plan as part of an agreed business resilience strategy for the Council's main accounting system and any subsidiary finance systems.

### 3 Managers are responsible for:

- a. The financial management of services, cost centres, projects or programmes for which they are responsible, further ensuring that proper accounting and financial systems exist incorporating adequate internal controls to safeguard against waste, loss or fraud.
- b. Ensuring that the main accounting system is used to accurately record financial transactions in accordance with guidance issued by the CFO.
- c. Ensuring an adequate audit trail of financial information and compliance with the Council's policies in respect of the retention of documents.
- d. Ensuring that the use of any service specific financial system (and changes to existing, including upgrades/new versions) has the express approval of the CFO, and is adequately documented, tested and interfaced with the main accounting system and all relevant staff have been properly trained in its use. It is a requirement that the option appraisal for new systems should include ease of integration and interfacing with the main accounting system, and that automatic interfaces that require no manual intervention are required.
- e. Complying with the timetables required by the CFO to enable the production of consolidated accounts, budgets and statutory information.
- f. Ensuring staff are aware of and have access to these Regulations and any supplementary advice and guidance issued by the CFO.
- g. Ensuring there is a documented and tested disaster recovery plan as part of an agreed business resilience strategy for any service specific financial system.

**4 The CFO is responsible for:**

- a. Providing all necessary corporate systems for the administering of invoicing, credit notes, income collection and debt recovery.
- b. Approving any local Service specific procedures, systems and documentation used where for whatever good reason corporate systems cannot be used.
- c. Ensuring that claims for Government grants and other monies are made properly and promptly.
- d. Ensuring that all monies received are properly receipted and recorded and banked promptly.
- e. Administering the process for writing off irrecoverable debts and monitoring and reporting on write off levels.
- f. Issuing advice and guidance on the detailed procedures to be followed in writing off bad debts from the accounts.
- g. Recommending and implementing the Council's debt management policy in consultation with Corporate Management Board.

**5 Managers are responsible for:**

- a. Using the CFO approved corporate systems for invoicing, income collection and debt recovery.
- b. Administering any local systems for invoicing, income collection and debt recovery as approved by the CFO which must properly segregate duties between staff raising accounts and those responsible for income collection. (where the CFO has agreed that compliance with 5a. is not possible or in the Council's best interest).
- c. Ensuring that fees and charges for the supply of goods and services are reviewed at least annually, consulting with the CFO and cabinet member on the financial effect of the review and obtaining Cabinet approval for any proposal to introduce new charges. (For managers in BCP maintained schools consultation/approval is instead required from the Chair of Governors)
- d. Collecting all income from within the budgets for which they are responsible.
- e. Collecting payment at point of sale wherever possible, to improve cash flow, using the system provided by the CFO.
- f. Timely initiation of 'sales invoices' in respect of all fees and charges due using the system provided by the CFO.
- g. Complying with the Corporate Schedule of Financial Delegations, Appendix 1, when writing off debts, when waiving, suspending or refunding fees, charges or contributions and maintaining appropriate records of those decisions.  
Once raised on the accounting system, no bona fide debt can be cancelled except by full payment or by being formally written off in the accounts. Cancellations/Credit notes can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt and must not be used for any other purpose.
- h. Providing operational data and information to ensure that claims for Government grants and other monies due are made properly and promptly.
- i. Issuing official receipts for all cash and cheque income and maintaining all other documentation for income collection purposes and ensuring controlled stationery is securely stored. (except in BCP maintained schools where the Chair of Governors can agree proportionate arrangements)
- j. Keeping all income received in secure storage prior to banking and ensuring cash holdings do not exceed insurance limits.
- k. Ensuring that cash income is never used to cash personal cheques or used to make any other payments.
- l. Ensuring that where post, likely to contain money, is opened locally at least two staff are present to properly identify, record and safeguard. (It is accepted this may not always be practical, in such cases managers must agree alternative arrangements with the CFO).

- m. Ensuring all income received is paid in fully and promptly in the form in which it was received into an approved Council bank account, income kiosk or cash office, also ensuring all details are properly recorded on paying in slips which are retained for audit purposes.
- n. Reporting immediately, to the Money Laundering Reporting Officer (MLRO) (the Chief Internal Auditor), all instances of attempts by customers to pay for works, goods or services in cash:
  - that are in excess of £5,000 but lower than £10,000;
  - that are suspicious in any way such as, but not limited to, multiple use of high denomination notes, multiple and frequent disaggregation of payment of a higher value outstanding debt;

In such instances the Manager must accept the cash and not make any further enquiries into the matter themselves or share the information with anyone except the MLRO and their respective Service Director. Under no circumstance should the customer handing over the cash be told of the reporting to the MLRO nor should a formal record on any personal file of the reporting to the MLRO be made otherwise a criminal offence may be committed.

- o. Any cash payment in excess of £10,000 must be refused.

## EXPENDITURE ON WORKS, GOODS AND SERVICES

### 6 The CFO is responsible for:

- a. Ensuring that an effective overarching Procurement Strategy is in place (Purpose, Principles and Priorities).
- b. Ensuring that effective Procurement Regulations (Part G) are in place, and which are supported by detailed procurement guidance on the ordering, certification and payment for all works, goods and services. (The Procurement Code).
- c. Agreeing any exceptions to the normal procurement process outlined in the Procurement Regulations (Part G).
- d. Providing a corporate purchase to pay system for the electronic ordering, receipt and payment for works, goods and services.
- e. Processing all payments due on receipt of a valid invoice or contract certificate which satisfies VAT regulations, and confirmation that works, goods and services have been received.
- f. Agreeing any exceptions to the requirement to raise purchase orders for all works, goods and services outside of the Council's main purchasing/ordering system.
- g. Agreeing the use and administering the issuing of p-cards and processing of resulting payments.
- h. Agreeing the use of all pre-loaded payment cards.
- i. Approving any payment in advance for goods or services exceeding **£30,000 (inclusive of VAT)** or in excess of 6 months if the amount exceeds £1,000.
- j. Approving any payments in advance for works.

### 7 Managers incurring expenditure on works, goods and services are responsible for:

- a. Complying with the requirements of the Council's Procurement arrangements set out in Part G of these Regulations.
- b. Ensuring that all purchase orders are raised using the Council's corporate purchasing system prior to any works, goods and services being received or paid for. The Council has a "No Purchase Order, No Pay Policy" except for the following circumstances where a purchase order is not required for:
  - payments made on the basis of a formal stage payment contract
  - payments made on the basis of a formal periodic payment contract (the periodic payment may be fixed or variable in value)
  - statutory or legislative charges, levies or fines (including those for taxation, pension fund)
  - purchases appropriately made through p-card (procurement /payment cards) or pre-loaded card

- continuous charges for utilities supply
  - periodic payments such as rents or rates
  - treasury management payments
  - payments to volunteers
  - payments made from CFO approved interfaced Council database systems (such as Children's and Adult Social Care systems and Libraries)
  - exceptions agreed with the CFO (for BCP maintained schools the Chair of Governors may agree other circumstances where purchase orders are not required)
- c. Ensuring that no purchase orders are placed without the proper approvals and financial authorities set out in the Corporate Schedule of Financial Delegations (Appendix1).
- d. Receipting all works, goods and services on the corporate purchasing system.
- e. Ensuring the proper completion and authorisation of payment certification vouchers, including confirming that the invoice has not previously been paid.

1 BCP maintained schools may use alternative purchase order systems

2 In exceptional circumstances, to be agreed by the CFO, verbal, email or in person orders may need to be raised retrospectively in the Council's corporate purchasing system using the 'Confirmation order' facility

- f. Ensuring that payments are made only where works, goods and services have been received to the correct price, quantity and quality standards.
- g. Gaining CFO approval for any payments in advance for goods or services exceeding **£30,000 (inclusive of VAT)** or in excess of 6 months if the amount exceeds £1,000.
- h. Gaining CFO approval for any payments in advance for works.
- i. Gaining CFO approval for the use of p-cards and pre-loaded cards.
- j. Ensuring that all p-cards and pre-loaded cards are appropriately controlled, that transactions are reviewed and authorised by the relevant line manager, are for proper business purposes and are supported by receipts which must be stored electronically on the 'receipt imaging' function.
- k. Reporting any lost or stolen p-cards or pre-loaded cards immediately to the Chief Internal Auditor.

#### **EXPENDITURE ON SALARIES, WAGES, ALLOWANCES & EXPENSES (including making 'on-payroll' payments for non-salaries as directed in law by HMRC)**

- 8 Council is responsible for determining how officer support for executive and non-executive roles within the Council will be organised. The Head of Paid Services/Chief Executive Officer is responsible for overall staff management arrangements including ensuring that proper systems of evaluation are used in determining remuneration.
- 9 The CFO is responsible for ensuring that the Head of Human Resources (HHR) operates sound arrangements for the payment of salaries, pensions and expenses to officers and councillors.
- 10 The HHR is responsible for:
- a. Providing a corporate payroll system for recording all payroll data and generating payments to employees and councillors, including payment of pensions and expenses.
  - b. Ensuring the corporate payroll system properly and efficiently interfaces with the main accounting system and that any chart of accounts held within the payroll system is kept up to date.
  - c. The proper calculation of all pay and allowances, National Insurance and pension contributions, income tax and other deductions.
  - d. Completing all HM Revenues & Customs (HMRC) returns regarding PAYE and providing advice and guidance on employment related taxation.

- e. Maintaining an accurate and up to date record of the Council's establishment.
- f. Agreeing with BCP maintained schools the use of any local payroll arrangements having been adequately assured that the alternative system is well controlled, managed and resulting in the correct payments being made to the correct staff.
- g. Agreeing with managers all circumstances where a wage or salary is to be paid outside of the main HR/payroll system.
- h. Agreeing all 'on payroll' arrangements, required by HMRC, for payments to individuals not directly employed by the Council (e.g. IR35 tax).
- i. Agreeing the use of the corporate payroll system for recording payroll data and generating payments to employees of third-party organisations (and where a fee or charge is applied agreeing this with CFO).

11 Managers incurring expenditure on salaries, wages, allowances and expenses are responsible for:

- a. Controlling resources and containing staff numbers within approved establishment and budget levels.
- b. Ensuring that all employee appointments, including temporary staff, are made in compliance with the Council's policies.
- c. Ensuring that the HR/Payroll system is updated promptly of starters and leavers, and all information relating to employees pay and expenses.
- d. Ensuring that all payments made to employees are properly authorised in compliance with the requirements and financial limits set out in the Council's human resources policies.
- e. Ensuring that any overpayment (error) is recovered. Managers do not have delegated authority to write-off any overpayment.
- f. Ensuring that all expenses claims are reviewed and authorised by the relevant line manager prior to payment. Staff subsistences should never be paid or reimbursed using p-cards or pre-loaded cards, the Council's HR/payroll system must be used to reimburse staff expenses in all such cases.
- g. Ensuring that all persons employed by the Council are paid through the Council's corporate payroll system.
- h. Ensuring that any proposal to engage a person via a contract of service\* (rather than a contract of employment) is assessed by the HHR for compliance with relevant legislation to determine if payments need to be 'on payroll' or 'off payroll' via invoice. This includes engagements via Employment Agencies and Single Person Companies or Partnerships.  
\*Where a Contract of Service is proposed see Appendix 1 section EX9 for required approval route
- i. Managers in BCP maintained schools must have the approval of the HHR if they wish to use their own alternative payroll arrangements.

## **BANKING (including 'Client Cash Floats' and local Bank Accounts)**

12 It is the responsibility of Cabinet to approve the banking arrangements of the Council.

13 The CFO is responsible for:

- a. Managing the Cabinet approved banking contract on a day-to-day basis.
- b. Managing and operating all the Council's bank accounts and ensuring that all payment methods, whether physical or electronic, have the appropriate authorisations, approvals and signatures.
- c. Ensuring that adequate controls are in place for the control of payment methods (including cheques) covering access, ordering, custody, preparation, signing and despatch as appropriate.
- d. Ensuring regular reconciliations are carried out between all bank accounts and the financial records of the Council.
- e. Approving the operation of any 'client cash floats' for disbursement of cash to clients.

- f. The Council will not operate petty cash accounts and therefore no cash payments will be made to purchase works, goods or services.
- g. Approving the operation of any local bank accounts in Services.

14 Managers are responsible for:

- a. Ensuring that no bank accounts are opened in the name of the Council other than with the express written authority of the CFO.
- b. Reporting to the CFO on the nature and state of any bank accounts for which they are responsible. Reconciliations must be subject to management review and sign off in a timely manner.
- c. The proper administration of any 'client cash floats' or local bank accounts including record keeping, document retention, paying in income, reconciliation and control of cheques including ordering, custody and security, preparation, signing and despatch.
- d. Using 'client cash floats' for client cash disbursements only and ensuring such floats are not used to purchase works, goods or services or to reimburse staff expenses.

## TREASURY MANAGEMENT, FINANCING AND LEASING

15 The CFO is responsible for:

- a. Preparing and presenting an annual Treasury Management Strategy to Audit & Governance Committee and/or Cabinet prior to submission to Council for approval.
- b. Implementing, reviewing and reporting on the progress and performance of the strategy and recommending any changes to Audit & Governance Committee on a quarterly basis.
- c. Effecting all investments and arranging borrowings within the limits imposed by the Council and reporting on the funding methods used.
- d. Advising on any proposal for leases, borrowings, credit arrangements, and hire purchase arrangements to Council for approval.
- e. Advising on any proposals to set up or acquire interest in a company, joint company, joint venture or partnership to Council for approval.
- f. Ensuring that the use of any financial derivatives is intra vires and properly risk assessed and monitored.
- g. Ensuring compliance with all applicable laws, regulations and codes of practice relating to treasury management and capital finance including the registration of all Council owned stocks, bonds, mortgages and loans.
- h. Ensuring that cash flow forecasting and monitoring systems are in place.

16 Managers are responsible for:

- a. Assisting cash flow through timely billing of income due, due consideration of contracts payment terms and minimising advance payments wherever possible.
- b. Supporting cash flow forecasting and notifying the treasury team in advance of any high value receipts or payments that may impact on investments and borrowings.
- c. Ensuring no loans or guarantees are given to third parties and that interest in companies, joint ventures or other enterprises are not acquired without the approval of Council and following advice from the CFO.
- d. Ensuring that no leases, borrowings, credit arrangements or hire purchase arrangements are entered into without the approval of Council and following advice from the CFO.
- e. Arranging for all trust funds to be held in the name of the Council wherever possible and ensuring that trust funds operate within the law and the specific requirements for each trust. All officers acting as trustees by virtue of their position with the

Council shall deposit securities relating to the trust to the custody of the CFO unless the deeds specifically require otherwise.

- f. Arranging the secure administration of funds held on behalf of third parties and ensuring that the systems and controls for administering such funds are approved by the CFO and subject to regular audit.

## **TAXATION**

17 The CFO is responsible for:

- a. Ensuring that transactions comply with relevant statutory requirements and authorities.
- b. Approving the systems for all PAYE returns to HM Revenues & Customs (HMRC).
- c. Completing a monthly return of VAT inputs and outputs to HMRC, ensuring prompt recovery of sums due, and reconciliation of tax records to the main accounting system.
- d. Making monthly Construction Industry Scheme returns to HMRC.
- e. Managing the Council's partial exemption position.
- f. Preparing and submitting Voluntary Disclosure Notices to HMRC and recovery of any revenues due.
- g. Providing advice and guidance on taxation issues.

18 Managers are responsible for:

- a. Ensuring that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HMRC regulations.
- b. Seeking advice on the potential tax implication of any new initiatives for the delivery of Council activity and services.
- c. Ensuring that the taxation implications of proposed land and building acquisitions and sales and proposed capital schemes are properly identified and considered at the planning stage.
- d. Ensuring that contractors fulfil the necessary construction industry tax deduction scheme requirements where construction and maintenance works are undertaken.
- e. Ensuring that advice and guidance on taxation issued by the CFO is followed and adhered to by staff in their service, project or programme.
- f. Ensuring that all persons employed by the Council are added to the Council's payroll and tax deductions forms part of payments made to them. (with approved exceptions agreed by the CFO and HHR where individuals concerned are bona fide self-employed or are employed by a recognised agency)

## **ASSET MANAGEMENT**

19 The CFO is responsible for:

- a. Ensuring that asset registers are maintained in the appropriate format for accounting purposes for all fixed assets valued in excess of the limit set out in the Schedule of Financial Delegations to Officers, and that valuations are made in accordance with the local authority accounting code of practice.
- b. Establishing an asset management plan that details short, medium and long term use of assets, and establishes arrangements for monitoring and reporting asset performance.
- c. Ensuring that all asset acquisitions and disposals are properly recorded within asset records by the CPO.
- d. Arranging for all assets to be adequately insured.
- e. Prescribing the records to be maintained for any stocks and stores and for inventories of moveable assets.



- f. Approving the write off of deficiencies in any stocks, stores and inventory items subject to the limits set out in the Schedule of Financial Delegation to Officers.

20 The Corporate Property Officer (CPO) is responsible for:

- a. Maintaining up to date records of all land and buildings, including values and plans, for inclusion in the corporate fixed asset register, and of the Council's housing stock in the format prescribed by the CFO and at least on an annual basis.
- b. Arranging for the regular valuation of assets for accounting purposes to meet the requirements specified by the CFO.
- c. Ensuring that all land and buildings are maintained so as to best protect and safeguard the Council's interests.
- d. Arranging the disposal of surplus assets in compliance with any approved asset management strategy/plan(s) that apply and subject to the necessary approvals.
- e. The acquisition of land and buildings on behalf of the Council in accordance with any asset management strategy/plan(s) that apply, Capital Programme and medium term financial plan, and subject to the necessary approvals.
- f. Notifying the CFO of acquisitions and disposals so that the accounting records can be updated.
- g. Ensuring all rents, charges or fees due in respect of investment land and buildings are raised and all income is collected and accounted for in the Council's accounting systems.
- h. Ensuring all lessees and other prospective occupiers of Council land or buildings are not allowed to occupy the property until a lease or agreement in a form approved by the Monitoring Officer has been completed.
- i. Ensuring all title deeds are passed to Legal Services who act as custodian for all title deeds for Council properties and land.

21 The Head of ICT & Customer Support is responsible for:

- a. Maintaining up to date records of all ICT equipment, including values, for inclusion in the corporate fixed asset register in the format prescribed by the CFO.
- b. Purchasing, maintenance and disposal of all ICT equipment.

22 Managers are responsible for:

- a. Providing the Corporate Property Officer (CPO) with all relevant information and documentation for the purposes of maintaining an up to date and complete fixed asset register.
- b. Ensuring the proper security and safe custody of assets under their day-to-day operational control and reporting any assets that are lost, stolen or destroyed to the insurance team, facilities management and internal audit as appropriate.
- c. Complying with guidance issued by the CFO on the disposal of assets including selling, gifting, swapping or donating the asset subject to the limits set out in the Schedule of Financial Delegations to Officers.
- d. Ensuring all rents, charges or fees due in respect of operational land and buildings, under their day-to-day service control, are raised and all income is collected and accounted for in the Council's accounting systems.
- e. Complying with guidance issued by the Head of ICT & Customer Support including the purchase, maintenance and security, maintenance of ICT asset registers and disposal of ICT equipment.
- f. Maintaining local inventories of moveable assets (non-ICT) for all items with a purchase price exceeding £1,000 (and for determining a lower £ value if deemed appropriate, such as for desirable items e.g. digital cameras).
- g. Ensuring that stocks, stores and inventory items are held securely and kept to a minimum, proportionate to the needs of the service.

- h. Ensuring that any cash holdings are kept to a minimum, within insurance limits and held securely.
- i. Seeking approval to write off deficiencies in any stocks, stores, or inventory items, subject to the limits set out in the Corporate Schedule of Financial Delegations (Appendix 1).
- j. Ensuring that assets are used only in the course of the Council's business unless specific permission has been given otherwise by a designated officer as shown in the Corporate Schedule of Financial Delegations (AM10).

## **INSURANCE**

- 23 The CFO is responsible for:
  - a. Determining the nature and level of insurance cover to be effected.
  - b. Effecting insurance cover and processing and settlement of all claims.
- 24 Managers are responsible for notifying the CFO promptly of:
  - a. All new risks, properties or vehicles which require to be insured.
  - b. Any alterations affecting insurance arrangements.
  - c. Any loss, damage or claim.
- 25 Managers must not effect any local insurance arrangements without the approval of the CFO.

## **RECHARGES AND INTERNAL TRADING ACCOUNTS**

- 26 The CFO is responsible for:
  - a. Maintaining an appropriate system of internal recharges which ensures that the full cost of each service is identified in accordance with reporting requirements.
  - b. Where relevant and strictly necessary all internal charges and recharges should be processed in a regular and timely basis using relevant bases of apportionment, allocation or recharging mechanisms.
  - c. Advising on the operation of internal trading accounts.
- 27 Managers are responsible for:
  - a. Agreeing the basis of internal charges/recharges in advance of the financial year as part of the budget setting process.
  - b. Maintaining appropriate systems to calculate recharges or justify their apportionment.
  - c. Providing data to enable recharges to be processed on a regular and timely basis and responding in the event of any disputed charges.
  - d. Complying with guidance issued by the CFO in relation to the operation of trading accounts.

## PART G PROCUREMENT & CONTRACT PROCEDURES

BCP maintained schools should augment this section of Financial Regulations with Buying Procedures and Procurement Law for Schools guidance issued by the DfE. <https://www.gov.uk/guidance/buying-procedures-and-procurement-law-for-schools>. If specific DfE guidance content differs to Part G, BCP Council requirements, then DfE guidance content applies.

### PRINCIPLES

1. Goods, services, works and concessions must be procured in a way that is lawful, ensures transparency, **integrity** and accountability, **covering all funding sources (Revenue, Capital, Grant or Partner Funding, HRA)**, represents value for money (VFM), **maximises public benefit** and serves to deter fraud and corruption.
2. All procurement and contractual commitments made by the Council must:
  - a. **Ensure when calculating the estimated value of a contract it must be inclusive of VAT.**
  - b. Involve the Strategic Procurement Team (SPT) in all procurement processes where the whole life contract value is over **£30,000 (vat inclusive)**.
  - c. **Ensure** standard tender processes or documentation cannot be changed without the approval of the Head of Strategic Procurement.
  - d. Comply with all relevant statutory provisions including the Public Contracts Regulations 2015 (PCR15) and the Concession Contracts Regulations 2016 (CCR16) (or as amended).
  - e. Ensure goods, services, works and concessions are procured by the most efficient, transparent processes, by sustainable and ethical means, ensuring accountability, achieving value for money and deriving maximum benefit to support BCP Council's corporate strategies and plans.
  - f. Cover the whole life value, from the initial definition of the business need through to the end of the useful life of the asset or service contract including any licensing upgrades, maintenance, parts, recycling, staffing costs and disposals.
  - g. Offer best value and protect the Council from any loss arising from the failure of a contractor to perform the contract.
  - h. Ensure that the Council pays a fair and proper price (or receives a fair and proper price in the case of concessions).
  - i. Follow procurement guidance which provides further advice and support pursuant to these Regulations (found on Financial Services - Procurement intranet pages).
  - j. Feature early planning to put us in a position to conduct orderly transitions to new contract arrangements, whether extending, re-tendering.

### STANDARDS

3. The following standards must be adopted:
  - a. The highest standards of probity and ethical governance are always maintained and adhered to.
  - b. All Officers and Councillors must declare any personal interest or conflict of interest **during the whole life** in any procurement or contract, failure to do so could be deemed to be either corrupt practice or maladministration or could not withstand public scrutiny.
  - c. All suppliers are treated equally, and procurement takes place in an open and transparent manner which does not favour unfairly one supplier over another.

- d. Legal, Finance, IT, Human Resources, Property, Sustainability Team, Insurance and other professional advice appropriate to the individual procurement exercise will be obtained.
- e. The tender and procurement processes are as accessible as possible to SME/VCSE suppliers.
- f. The contract value of all goods, services and works, for the purposes of determining the correct threshold, is an aggregation of the whole life value from award and includes implementation prior to live service and extends to contract end, not just annual, including any optional extensions and including VAT (where applicable). Consideration should also be given to costs related to, but not limited to, delivery, licensing, implementation, upgrades, maintenance, parts, recycling, staffing costs, decommissioning and disposals.
- g. In the case of a works concession contract or a services concession contract, the value shall be calculated on the basis of the total net turnover (where *turnover* is defined as equivalent to revenue or sales (net of discounts and sales taxes) i.e. total money in (not net of expenditure)) of the concessionaire generated over the duration of the contract, as estimated by the Council, in consideration for the works and services that are the object of the concession.
- h. No goods will be delivered, nor services or works begun without a proper contractual commitment and/or purchase order being in place.
- i. All contracts must have a clearly defined duration, including extensions where required, provision(s) for modifications and termination and must not have a provision to automatically renew.
- j. Industry and/or Council standard contracts/terms/conditions must be used wherever possible as approved by Legal Services.
- k. Where bespoke advice or drafting of contracts is required, the MO must approve the document prior to tendering or obtaining quotes and in any event before any contract is executed and any terms and conditions must not be held against the best interests of the Council.
- l. The general principle is that unlimited liability is not permitted because it is disproportionate, can have the effect of deterring bidders, raising prices due to the inclusion of large risk premiums and it runs contrary to government policy on growth and supporting business.
- m. All tender processes over **£30,000** are to be undertaken using the Council's e-tendering system unless other than agreed by the Head of Procurement (e.g., for a collaborative procurement where BCP Council is not the lead, or a Framework requires otherwise).
- n. When appointing interim staff or consultancy services (contract of employment or contract for service) refer also to the Corporate Schedule of Financial Delegations in Appendix 1 (EX9, 10 & 11).
- o. The Procurement & Contracts Board has oversight over all planned spend decisions across the entire Council and has the authority to require any Officer to attend a meeting and provide information and/or explanation as required by the Board.**

## BREACHES

- 4. Breaches of Financial Regulations (Part G) are extremely serious matters and will be fully investigated and reported on following referral or discovery. Any breach of these Regulations could lead to disciplinary action being taken against the individual(s) concerned.

- a. Where it is evident that any part of Part G has not been followed then a breach has occurred.
- b. Service Directors and managers are responsible for reporting all known or discovered breaches of these Regulations to the CFO as soon as they become aware of such instances.
- c. Service Directors may be required to supplement the CFO's annual report on breaches to the Audit & Governance Committee with a more detailed report explaining the circumstances of the breach and the remedial action taken or planned by way of remedy.

## PROCUREMENT DECISION RECORDS (PDRs)

5. In advance of any requirement over £5,000, the manager must inform the SPT who will ensure that the relevant Procurement Decision Record (PDR) is completed with managers and authorised at the relevant stages before proceeding with any purchase/contract.

- a. Relevant PDRs are also required to record the following procurement circumstances:

PDRs of all contract values	i. Accelerated procurement where the Council would suffer significant negative impact if the full operational or strategic procurement approach is applied.
	ii. Unable to invite or obtain 3 bids or competition absent for technical reasons
	iii. Payments in advance for goods, services or works
	iv. Propose not to use an available Corporate Contract

- b. PDRs will not be granted retrospectively unless under emergency requirements (Section 7) and any such requests will be treated seriously and constitute a breach.
- c. Where a PDR has been granted, the SPT are responsible for publishing a contract award notice on Contracts Finder and entering the details of the contract onto the Contract Register where required.
- d. The CFO will be responsible for producing an annual report on relevant PDRs and submit this report to the Audit & Governance Committee for scrutiny and potential follow up action.

## PROCUREMENT & CONCESSION PIPELINES

6. The SPT will prepare and maintain a comprehensive pipeline of recurrent contracts and planned new contracts.
  - a. Procurement pipelines must look ahead a minimum of 18 months to support procurement resourcing and bidder planning as well as service preparation and planning.
  - b. The SPT are responsible for publishing the Council's pipeline in the public domain. This includes the Council's planned procurements and commercial activity, looking forward at least 18 months and up to five years ahead.

## EMERGENCIES

7. Emergencies (serious risk to life or serious and immediate risk of loss or damage), only applies to extreme major incidents or unforeseen events such as a natural disaster and does not allow for accelerated procurement due to urgency, in which case the **PDR** process applies.
  - a. In the case of an extreme emergency where there is immediate danger to the safety of persons or serious risk of immediate loss or damage to the Council's assets or interests, or the interests of another party, the Chief Executive, Corporate Director, CFO, MO or Service Director, may place such emergency contracts/orders as necessary by means that are reasonable under the circumstances.
  - b. The Chief Executive, Corporate Director, CFO, MO or Service Director may delegate another officer of the Council to place such emergency contracts/orders but remains accountable for any resulting expenditure or activity.
  - c. The CFO and appropriate Cabinet Member must be advised of any emergency contract/order within five working days.
  - d. In such an event, the Head of Procurement shall be advised of the use of the procedure and **an emergency PDR** be sent as soon as reasonably practicable for all procurements of any value.

## USE OF CORPORATE CONTRACTS

8. At all levels of category spend, where an appropriate corporate contract exists, it must be used.
  - a. If a corporate contract is deemed not suitable by SPT, this must be recorded under the PDR Gateway 1, describing reason why a current corporate contract cannot deliver the Council's requirements/specifications and that VFM must be demonstrated.
  - b. Where a corporate contract does not exist, the service(s) is responsible for ensuring they:
    - i. Contact the SPT who are responsible for selecting the most appropriate procurement route to market and tender processes.
    - ii. The SPT will identify if similar contracts are being let, or due to be let, with a view to aggregating requirements and/or modifying existing contracts.
  - c. Although such contracts are available to them, this is not a requirement for BCP maintained schools.

## EARLY ENGAGEMENT

9. Proportionate preliminary early engagement should be undertaken to inform the development and understand the deliverability of your requirements including the feasibility of alternative options that could help us better deliver services. Over **£30,000** the SPT must be consulted **and involved**.
  - a. The early engagement must be conducted in a fair and transparent manner and must not to be treated as a call for competition and a contract must not be awarded.

- b. It can be conducted with a view to informing suppliers of the procurement plans and requirements and inform the Pipeline.

## LEGAL OBLIGATIONS AND COUNCIL POLICY OBJECTIVES

- 10. Legal obligations and Council policy objectives must be considered in all procurement processes and where **relevant** and proportionate, incorporated into the specification, evaluation process and the terms and conditions of the contract.
  - a. Legal obligations and Council policy objectives that must be met as a minimum are:
    - i. Risk Assessment and Business Continuity Impact Assessment
    - ii. Sustainability Decision Impact Assessment
    - iii. Social Value Considerations (The Public Services (Social Value) Act 2012)
    - iv. Equality Impact Assessment
    - v. UK General Data Protection Regulation (UK GDPR)
    - vi. **Transfer of Undertakings (Protection of Employment) Regulations (TUPE)**

## PROCUREMENT TIMELINE

- 11. **The** SPT will determine minimum & maximum **procurement** timeline(s) depending on the proportionality and complexity of the **requirements** against procurement legislation, which must be set out in the tender documents and in recorded in the PDR Gateway 1.

## CONTRACT LENGTH

- 12. The SPT with the manager will decide the length of a contract, consideration should be given to the complexity of the requirement, as well as the resources and investment at stake. The timeframe should be realistic and sufficient for both sides to perform their contractual obligations.

## FRAMEWORKS

- 13. **The access to and use of any Framework or Dynamic Market must be agreed by and signed off by the Head of Procurement before use.**

## PROCURING WHEN FUNDED BY EXTERNAL GRANTS

- 14. Officers must, in advance of undertaking any procurement activity, ensure the SPT has full access to any relevant paperwork and guidance to ensure they are fully conversant and compliant with all the requirements of the relevant funding bodies.

## LIGHT TOUCH REGIME

- 15. Only Light Touch service contracts defined under PCR15 can use this process. All procurement processes covered by the Light Touch Regime must be agreed **with** and run by the SPT.

## PROVIDER SELECTION REGIME (PSR)

- 16. **The access to and use of any Framework or Dynamic Market must be agreed by and signed off by the Head of Procurement before use.**

## CONCESSIONS

17. Where a manager is considering entering into a **Concession Contract of any value**, the **process** must be **agreed with and run by** the SPT.

## SPECIFICATIONS

18. References are avoided within specifications which have the effect of favouring or eliminating any suppliers by specifying a particular material or a specific make.

a. Under <b>£30,000</b>	The manager is responsible for ensuring a specification is created that describes the Councils requirements in sufficient detail including the considerations required in Legal obligations and Council policy objectives, to enable the submission of equal and transparent competitive bids.
b. Over <b>£30,000</b>	The manager must consult the SPT to ensure a specification is created that describes the Councils requirements in sufficient detail including the considerations required in Legal obligations and Council policy objectives, to enable the submission of equal and transparent competitive bids.

## PAYMENT IN ADVANCE

19. The manager is responsible for ensuring approval for a payment in advance must be made in accordance with Part F (7)(g) & (h). Examples that may apply, but not limited to, include lease arrangements, ICT software licensing and support agreements, subscriptions, maintenance agreements and works, goods or services received from utility companies.
- a. Requirements of such must be included in the relevant specifications and T&C's and the payment in advance is limited to the actual requirement of the T&C's and no more.
  - b. Whilst a contract and agreement may be for longer than 12 months, no payment in advance may exceed 12 months.
  - c. A **PDR** must be obtained for all types of payments in advance.

## PERFORMANCE BONDS

20. The manager is responsible for ensuring:
- a. In a contract for the execution of works the requirements for any performance bond or guarantee are as follows:

i. £0 to £500,000	Consider the requirement, or not, for and value of performance bond or guarantee further to their risk assessment.
i. £500,000 up to PCR15 works threshold	Consult the CFO and MO to consider the requirement, or not, for and value of performance bond or guarantee further to their joint risk assessment.



ii. Over PCR15 works threshold	Bond or guarantee is normally required, the terms to be approved by the MO. The CFO must agree the value or percentage value of the contract of such a bond or guarantee.
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- b. The risk assessment considers other ongoing contracts with the same contractor and the aggregate contract values in determining the need for a performance bond or guarantee.
- c. Such bonds or guarantees be taken up by the contractor with an insurance company, bank or other financial institution or body approved by the CFO. (Except for 'schedule of rates' contracts or any other contract exception agreed by the MO and CFO).
- d. Where the works contract has been let via an available Framework Agreement, then any retention or performance bond requirements of that framework agreement must prevail.

## EVALUATION CRITERIA AND SCORING MATRIX

21. The SPT is responsible for ensuring that a scoring matrix is prepared for all tenders over **£30,000** against criteria derived from the requirements in the specification and price elements. The evaluation criteria, weightings and price elements must be issued with the tender and are clear and transparent to bidders.
  - a. Invitations to tender **will** include relevant and proportionate evaluation criteria, derived from the elements defined under Legal obligations and Council policy objectives that might improve and secure improvement in respect of the economic, social and environmental well-being of the relevant area.
  - b. **Where relevant and proportional**, tenders are to be assessed with a minimum of 10% of the quality score being allocated to **economic, social and environmental considerations**.

## COMPETITION REQUIREMENTS

### 22. Competition Requirements

- a. Local Suppliers must be used wherever possible under £30,000. A local supplier is defined, for this purpose, as operating within the BH, DT and SO postcode regions.
- b. All requirements of any value relating to the Provider Selection Regime (PSR) and Concessions must go through the SPT.
- c. **Competition Requirements: £0 - £5,000**

<b>Procurement Decision Record</b> – Not required (unless circumstances at 5a apply)
<b>Responsibility:</b> Manager
<ol style="list-style-type: none"> <li>i. Obtain at least <b>one written, value for money quote</b>.</li> <li>ii. Ensure verbal quotes are retrospectively followed up by a written quote (by email if preferred) before placing the order.</li> <li>iii. The quote should, where possible, be from a local supplier prior to placing order.</li> </ol>

**d. Competition Requirements: £5,000 - £30,000**

**Procurement Decision Record** is required

**Responsibility:** Manager and SPT

- i. Ensure a PDR has been approved prior to obtaining quotes.
- ii. If a manager considers advertising under £30,000 is appropriate, it must be discussed with the SPT to develop a solution.
- iii. Otherwise, invite sufficient suppliers by e-mail to ensure **a minimum of three comparative written quotations** are received back (to declared in the PDR if less than three).
- iv. Ensure at least one of these quotes, where possible, must be from a local supplier.
- v. You must provide the same specification, evaluation criteria (where not price only) and the Council's standard terms and conditions to suppliers.
- vi. Set a quotation return date and time and evaluate accordingly.
- vii. For BCP maintained schools the Department for Education statutory guidance in respect of schemes for financing schools (normally updated annually) requires three quotes to be obtained for all spend to exceed £10,000 in any one year.
- viii. For quotes originally estimated to be under £30,000 in the PDR, the manager must ensure that, where the value of a requirement has subsequently been identified as being over £30,000, advice from the SPT must be sought.

**e. Competition Requirements: £30,000 including PSR or Concessions.**

**Procurement Decision Record** is required

**Responsibility:** SPT

- i. The SPT are responsible for selecting the most appropriate procurement route to market and tender processes.
- ii. The SPT will identify if similar contracts are being let, or due to be let, with a view to aggregating requirements, creating corporate contracts and/or modifying existing contracts.
- iii. The SPT will ensure, where relevant, the appropriate contract notice(s) are placed on the Contracts Finder website and the Council's e-tendering portal.
- iv. In addition, for all procurements over the relevant PCR15 or CCR16 thresholds, the SPT where relevant, will publish the appropriate contract notice(s) on the Find a Tender Service (FTS) website.
- iii. The SPT are responsible for ensuring that clarification questions (direct or public), received during the tender period are answered within the set tender period and appropriate responses provided by the Service are uploaded via the e-Tendering system by the SPT.

## EVALUATIONS

23. The evaluation criteria, weightings and price elements for procurements must be scored against the score guide issued with the tender documents, **where applied**, and as recorded in the PDR.
- a. The SPT are responsible for ensuring:
- i. Compliance and due diligence checks are undertaken before evaluation begins.
  - ii. Evaluators are provided with the compliant tender(s) and scorecards with instructions for individual evaluation purposes.
  - iii. A date and time are agreed with the evaluators for the return of all evaluation scores and the evaluators record responses/comments against all criteria and are concise and accurately recorded for audit and transparency purposes.
  - iv. Appropriate moderation is completed in accordance with published documents.
  - v. Evaluation of price and quality is in accordance with the tender and that evaluator scores are based on the question asked against the requirement (specification) and not a predefined opinion or experience.

## ABNORMALLY LOW BIDS

24. Abnormally Low Bids will be reviewed by the SPT in accordance with the SPT's specific guidance relating to abnormally low bids.

## FINANCIAL APPRAISALS

25. The Council has a responsibility to assure ourselves of the solvency and competency of suppliers that bid for our contracts. The key principle is to safeguard the delivery of public services, while being proportionate, fair and not overly risk averse.
- a. The SPT and Accountancy are responsible for ensuring:
- i. That a financial appraisal risk assessment is completed on procurements valued over **£30,000** to determine the level of financial checking required on a supplier as part of the procurement process.
  - ii. That the appropriate financial appraisal as determined by the financial appraisal risk assessment is completed on the preferred supplier prior to notification of the procurement outcome to bidders.
  - iii. That the method for each level of financial appraisal has been determined and agreed by the CFO.
  - iv. That any risks identified through the financial appraisal of a preferred supplier are notified to the Head of Procurement prior to the notification of the outcome to bidders. The Head of Procurement will be responsible for the making the decision as to whether to continue with contract award.

## AWARD PROCESS

### 26. Award Process

- a. The award process for all contracts over £30,000 including all PSR contracts and concessions of any value is the responsibility of the SPT who will ensure that the relevant unsuccessful and successful letter(s) are issued to the relevant suppliers.
- b. The SPT is responsible for ensuring:
  - i. The mandatory standstill period of a minimum of 10 calendar days is observed here applicable for above threshold procurements.
  - ii. The relevant standstill letter(s) are issued to the successful and unsuccessful suppliers, giving the reasons for the decision and time to challenge the decision within the standstill period.
  - iii. No Officer of the council, other than those authorised from the SPT or Legal Services, should be in contact with the suppliers during the standstill period if applicable.
  - iv. That provided the standstill period, if applicable, has ended without challenge, the SPT will issue an award letter to the successful supplier(s).

## AWARD NOTICES

### 27. Award Notices

- a. For contracts over £30,000 the SPT must ensure an award notice is placed on the Contracts Finder website, the Council's e-tendering portal and record the contract award in the Council's Contract Register.
- b. In addition, for all procurements over the relevant PCR15 or CCR16 thresholds, SPT must publish an award notice on the Find a Tender Service (FTS) website.
- c. The SPT is responsible for ensuring that all relevant contract awards over £5,000 are entered onto the Contracts Register.

## CONTRACT COMPLETION

28. Legal Services must support the drawing up of the contract documentation (derived from the original tender process) to be signed by both BCP Council and the successful supplier.

## CONTRACT IMPLEMENTATION

29. Immediately following contract award and prior to the contract start date, contract implementation is a key phase in setting up a new procurement project for success:
  - a. The SPT and the manager are responsible for engaging with the Contractor after the contract has been awarded to ensure the implementation requirements are delivered, activities identified, timescales are established, and expectations met as set out in the tender.
  - b. Adequate time should be set aside for mobilisation activities in the planning of a procurement to make sure that the right contract management processes and relationship can be developed prior to contract going live.

## ORDERING

30. After a tender or quotation has been accepted in writing (via BCP Councils e-tendering system if over £30,000) it must have a written contract **agreed** and a proper Council purchase order, in accordance with Part F (7) **and must be** issued before goods are supplied, services delivered or works begin.

## CONTRACT & SUPPLIER RELATIONSHIP MANAGEMENT

31. Manager and SPT responsibilities

- a. **Contract management involves the oversight and administration of a contract throughout its lifecycle, this process includes:**
- i. **Ensuring** there is compliance with the specification, pricing and contract terms.
  - ii. Contract performance and key performance indicators (where applied) are monitored and enforced on a regular basis with any reduction in performance addressed.
  - iii. Regular budget monitoring and cost reconciliation of payments takes place to ensure the contract sum is not exceeded.
  - iv. Effectively managing disputes and resolutions using appropriate contractual and non-contractual levers.
  - v. Conducting contract risk assessments.
- b. In the case of Corporate Contracts / Frameworks the SPT shall be responsible for **the contract management** with support from the key managers of the **Corporate Contract / Framework**.
- c. Managers responsibilities:
- i. Understanding the practicalities of how the goods, services, works or concessions are delivered under the contract.
  - ii. Day-to-day management including robust administration.
  - iii. Consulting the SPT where there is any deviation identified **in the contract**, to ensure compliance.

## CONTRACT EXTENSIONS

32. The manager must consult the SPT to ensure no contract extensions are instructed or implied without a signed PDR to extend by the Head of Procurement.

## CONTRACT MODIFICATIONS & VARIATIONS

33. The manager must consult the SPT to ensure:
- a. All proposed contract modifications or variations (i.e., change to scope, price, period) are made well in advance of the requirement.
  - b. No contract modification or variation is instructed without a signed PDR from the Head of Procurement.

## CONTRACT END - DECOMMISSIONING CONTRACTS

34. When exiting a contract, the manager is responsible for preparing and planning for the end of the contract in advance of the expiry date and, as a minimum consider:
- a. The notice period required for termination and to avoid any potential penalties.
  - b. How to prevent service disruption.
  - c. Any data needing transfer from the supplier back to the Council.
  - d. Suppliers' equipment is returned (if applicable).
  - e. TUPE implications.
  - f. Disposals.

## DISPOSALS

35. Managers are responsible for:
- a. Complying with guidance issued by the CFO on the disposal of assets including selling, gifting, swapping or donating the asset subject to the limits set out in the Schedule of Financial Delegations to Officers in Appendix 1.
  - b. Disposal of surplus or obsolete plant and machinery or other non-land or buildings asset (and excluding ICT equipment) – must be undertaken in consultation discussed with the SPT.

## DOCUMENT RETENTION

36. SPT are responsible for ensuring that:
- a. For all tender and contract management documentation over £5,000 proportionate records, which must include a copy of the contract, must be maintained and retained throughout the life of the contract and retained for a minimum of 7 years after the contract end date.

## **PART H EXTERNAL ARRANGEMENTS**

### **PRINCIPLES**

- 1 All partnerships, shared services and joint working arrangements with outside bodies must be properly evaluated for risk before they are entered into and be supported by clear governance, accounting and audit arrangements.
- 2 External funding can prove an important source of income, but funding conditions must be carefully examined and evaluated for risk before any agreement is entered into to ensure they are compatible with the aims and objectives of the Council.
- 3 Legislation enables the Council to trade and/or to provide discretionary services to third parties including the general public, in the main through the establishment of trading companies/other delivery models. All such work must be within the legal framework and the respective risks and financial benefits associated with such work must be properly considered and a proportionate business case approved before any trading activities take place.

### **PARTNERSHIPS, SHARED SERVICES, POOLED BUDGETS AND JOINT WORKING**

- 4 The CFO is responsible for advising on the financing, accounting and control of partnership, shared service, pooled budget and joint working arrangements including:
  - a. Financial viability in current and future years.
  - b. Risk appraisal and risk management arrangements.
  - c. Resourcing and taxation.
  - d. Audit, security and control requirements.
  - e. Carry forward arrangements (between accounting periods).
- 5 The Monitoring Officer (MO) is responsible for advising on legal and legislative arrangements and for promoting and maintaining the same high standards of conduct in such arrangements as normally apply throughout the Council.
- 6 Managers are responsible for:
  - a. Ensuring that the CFO and MO are involved in the planning for any such arrangements at an early stage.
  - b. Ensuring that any such arrangements do not impact adversely upon Council services, that risk assessments have been carried out and that appropriate approvals have been obtained before entering into any agreements.
  - c. Ensuring that agreements and arrangements are properly documented.
  - d. Maintaining local registers of partnerships entered into.
  - e. Providing appropriate information to the CFO to enable relevant entries to be made in the Council's accounts.
  - f. Ensuring that appropriate mechanisms are in place to monitor and report on performance.
  - g. Consulting with the Corporate Property Officer if there is any proposal to utilise Council land or buildings in pursuit of a partnership, shared service, pooled budget or joint working initiative.

## EXTERNAL FUNDING

- 7 The CFO is responsible for:
- Approving bids for external funding that may be put forward by councillors or managers prior to submission of any bid.
  - Ensuring that any match funding or part funding requirements are considered prior to entering into any agreement, that future Revenue Budgets reflect these requirements, and that any longer-term sustainability costs have been properly assessed.
  - Approving bids where delegated to do so in line with the requirements of the Corporate Scheme of Financial Delegations (Appendix 1).
  - Ensuring that all external funding is received and properly recorded in the Council's accounts and in the name of the Council.
  - Maintaining a central register of external funding/grant arrangements.
  - Ensuring that all audit requirements are met.
- 8 Managers are responsible for ensuring that:
- The CFO is involved in preparing for, and approving, any bid for external funding prior to submission of such bids. (This includes joint bids where the Council is not lead body)
  - The sustainability of funding is assessed for risk; all agreements entered into are consistent with and support the Council's service priorities.
  - The necessary approvals are obtained to accept funding in line with the requirements of the Corporate Scheme of Financial Delegations (Appendix 1).
  - All claims for funds are made by the due date.
  - Work is progressed in accordance with the agreed project plan and all expenditure is properly incurred and recorded.

## TRADING (including providing discretionary services to third parties and the public)

- 9 The MO is responsible for providing or obtaining all necessary legal advice to ensure that all such proposals are undertaken within the legal framework.
- 10 The CFO is responsible for:
- Issuing guidance on the assessment of trading opportunities and options.
  - Advising on and approving the financial implications of any proposed trading arrangements between the Council and third parties.
  - Advising on the establishment and operation of trading accounts to ensure that the accounting and control processes comply with Council and statutory requirements and that the results of trading operations are properly recorded and reported.
  - Ensuring appropriate insurance arrangements are in place.
- 11 Managers are responsible for:
- Identifying trading opportunities and evaluating the respective risks and financial benefits in accordance with the guidance issued by the CFO.
  - Obtaining all necessary legal advice to ensure the terms and conditions of all trading contracts are reasonable and are proportionately documented.
  - Obtaining business case approval, in line with the requirements of the Corporate Scheme of Financial Delegations (Appendix 1), before any negotiations are concluded to trade or work for third parties.
  - Maintaining a local register of all trading contracts entered into.
  - Collecting all contractual income due and ensuring the Council is not put at risk from any bad debts.



- f. Ensuring that no contract will be subsidised by the Council providing financial assistance either directly or indirectly.
- g. Ensuring that such contracts do not impact adversely impact upon services provided by the Council.
- h. Ensuring that the service has the appropriate expertise to undertake the contract.
- i. Complying with guidance issued by the CFO in relation to the operation of trading accounts and the proper recording and reporting of trading results.

## **Glossary of Common Terms**

<b>Budget</b>	A plan expressed in financial terms that is an estimate of the resource required to deliver the services/priorities of the Council
<b>Budget Heads</b>	A main area of revenue or capital spend as defined by the Budget and/or Capital Programme
<b>Business Plan</b>	A plan defined for the purposes of service planning and reporting at the Council as specified by the Chief Executive
<b>Cost centre</b>	A budgeting level which usually reflects a whole service area, or main sub-category of a service. It encompasses a number of standard 'subjective' coding areas such as those used for staffing related costs, supplies & services, income etc.
<b>Capital</b>	The organisation's total assets less its liabilities
<b>Capital expenditure</b>	Expenditure to acquire fixed assets that will be of use for more than the year in which they are acquired, and which adds to the Council's tangible assets rather than simply maintaining existing ones
<b>Intra Vires</b>	Acting within the statutory powers of the organisation
<b>Joint Venture</b>	Collaboration between two or more economically independent organisations (in practice one of which will be from the private sector) to achieve a joint aim, either contractually (gain/share) or through setting up a separate jointly owned entity
<b>Outsourcing</b>	The entering into of a contract with a provider (private sector, social enterprise/third sector, mutual or joint venture) to deliver services
<b>p-cards</b>	A term to describe all forms of 'purchasing/payment cards' including credit cards, debit card, store cards (excludes pre-loaded card)
<b>Revenue</b>	Income or expenditure, arising from or spent on, day to day activities and short-lived commodities or consumables
<b>Service plan</b>	A plan setting out priorities and service ambitions
<b>A service specific financial system</b>	Any system that supplements, integrates or interfaces with the main accounting system – examples (but not limited to) HR system, social care records system, asset management systems
<b>Shared Service</b>	A voluntary collaboration between public sector bodies to deliver services/provide facilities
<b>Ultra Vires</b>	Acting beyond the statutory powers of the organisation
<b>Value for Money (VFM)</b>	The simple National Audit Office definition is 'Optimal use of resources to achieve intended outcomes and purpose'. The more complex Audit Commission definition is 'obtaining maximum benefit over time with the resources available, achieving the right local balance between economy, efficiency and effectiveness, or spending less, spending well and spending wisely to achieve local priorities. VFM is high when there is optimum balance between all three elements, when costs are relatively and comparatively low, productivity is high and successful outcomes have been achieved'.

## **Acronyms**

<b>AGS</b>	Annual Governance Statement
<b>CCR16</b>	Concession Contracts Regulations 2016
<b>CFO</b>	The Chief Finance Officer
<b>CIA</b>	The Chief Internal Auditor
<b>CPO</b>	Corporate Property Officer (the CFO)
<b>CPV (code)</b>	Common Procurement Vocabulary Code
<b>CPQ</b>	Construction Pre-qualification Questionnaire
<b>FTS</b>	Find a Tender Service (Replacement to OJEU as of 23:00 on 31.12.2020)
<b>FMS</b>	The budgeting and <u>financial management system</u> used at the Council (Dynamics F&O)
<b>HHR</b>	Head of Human Resources
<b>HMRC</b>	Her Majesty's Revenue and Customs
<b>HPS</b>	The Head of Paid Service (designated as the Chief Executive)
<b>ICE</b>	Institution of Civil Engineers
<b>ITQ</b>	Invitation to quote
<b>ITT</b>	Invitation to tender
<b>LEA</b>	Local Education Authority
<b>LMS</b>	Local Management for Schools Scheme
<b>MO</b>	The Monitoring Officer
<b>MLRO</b>	The Money Laundering Reporting Officer (the Chief Internal Auditor)
<b>MTFP</b>	Medium Term Financial Plan
<b>NI(C)</b>	National Insurance (contributions)
<b>OJEU</b>	Official Journal of the European Union – Replaced by UK e-Notification Service (Find a Tender Service - FTS) as of 23:00 on 31.12.2020
<b>PAYE</b>	Pay as you earn
<b>PCR15</b>	Public Contracts Regulations 2015
<b>PCN</b>	Penalty Charge Notice
<b>SOPPs</b>	Accounting <u>Standards of Professional Practice</u> (Code of Practice on Local Authority Accounting:)
<b>SORP</b>	Statement of Recommended Practice
<b>SQ</b>	Selection Questionnaire
<b>TMS</b>	Treasury Management Strategy
<b>SeRCOP</b>	Service (expenditure)Reporting Code of Practice
<b>SPT</b>	Strategic Procurement Team
<b>VFM</b>	Value for Money
<b>VAT</b>	Value Added Tax

## CORPORATE SCHEDULE OF FINANCIAL DELEGATIONS

### INTRODUCTION

- 1 The Corporate Schedule of Financial Delegations sets out the powers and duties delegated to various senior officers in the Council. Senior officers may appoint appropriate 'authorised officers' to act on their behalf (see 3 below), these delegations must be recorded in local Service Schemes of Delegation. (This schedule (appendix 1) does not apply to BCP maintained schools who will operate their own schemes of delegation).
- 2 This Corporate Schedule also sets out the approved financial limits within which senior officers may conduct the Council's business. Changes to the limits/values contained within this Corporate Schedule may only be made with the approval of the Chief Executive Officer. Additionally, any changes to councillor's approval levels also require the approval of Council.
- 3 For those items marked \* (asterisk) the relevant senior officer has discretion to appoint appropriate authorised officers to act on their behalf. In all cases the relevant senior officer remains accountable for the effective operation of the financial thresholds and authorities and must:
  - Maintain a local written record of delegations to authorised officers and post this on the Council's intranet pages.
  - Provide the MO/CFO with the local written record of delegations to authorised officers at any time they require it (if not transparently posted on the intranet).
  - Ensure that an appropriate segregation of duties is in operation, for example between ordering and paying for goods, between claiming and approving expenses.
  - Ensure compliance (from those authorised officers) with the financial limits in this Schedule and any within the Financial Regulations (e.g. limits relating to waivers, extensions and variations) and HR Policies (e.g. limits relating to overtime, allowances, honoraria and expenses).

Note – If an individual has a formal 'Power to Deputise' delegation via a properly job evaluated Job Description then this Corporate Schedule of Financial Delegations can be read as apply to them (i.e. without formal delegation recording requirements as per 3 above).

- 4 This Corporate Schedule is not a standalone document and should be read in conjunction with the relevant section of the Council's Financial Regulations and Constitution which is shown in brackets at the top of each section within this Corporate Schedule. The 'Approver' is responsible for obtaining all appropriate advice from support services such as Human Resources (HR), Legal, Finance, ICT, Property services before making decisions to approve.
- 5 Legacy Councils in this schedule mean Bournemouth Borough Council, Christchurch Borough Council and Borough of Poole (but not Dorset County Council (DCC)).
- 6 The term cabinet member, in the approver column, means the appropriate or relevant cabinet member pertaining to the decision (not any available cabinet member). Alternatively, the Leader may determine who the appropriate or relevant cabinet member is.

## FINANCIAL MONITORING AND CONTROL (FINANCIAL REGULATIONS – PART D)

REF	DESCRIPTION	LIMIT / VALUE / THRESHOLD	APPROVER
<b>Revenue Virement (RV)</b> - the term 'either individually or in aggregate for the financial year' is being used to prevent disaggregation or fragmentation of virement to circumvent the required approvals			
RV1	To approve any virement (either individually or in aggregate for the financial year).	Over £1M	Council (after advice from the CFO)
RV2	To approve any virement (either individually or in aggregate for the financial year).	Over £500k and up to £1M	Cabinet / cabinet member (after advice from the CFO)
RV3	To approve virement <b>within or between</b> Service/Business Plans and/or projects/programmes in their portfolio areas (either individually or in aggregate for the financial year).	Over £100k and up to £500k	Corporate Director (after advice from the CFO*)
RV4	To approve virement within their Service/Business Plans and/or within or between projects/programmes for which they are responsible (either individually or in aggregate for the financial year).	Up to £100k	Service Director* (after advice from the CFO*)
RV5	To approve virement from within existing Service/Business Plans or between Service/Business Plans, projects or programmes within their areas of responsibility into new or otherwise unplanned functions and activities if savings are available to be re-directed into the new activity.	Up to £100k	Service Director* (after advice from the CFO*)
RV6	To approve the: <ul style="list-style-type: none"> <li>• correction of errors to the initial budget upload</li> <li>• correction of errors to an approved virement</li> <li>• distribution of any centrally held budgets, as presented to Council agreeing the annual budget, where there is no change to the overall net budget of the Council or the council tax requirement within the main Financial System</li> </ul>	Unlimited	CFO*
Revenue virement is only permissible in the following circumstances: <ul style="list-style-type: none"> <li>• to reflect a reorganisation/restructure</li> <li>• to reflect a change in corporate priorities</li> <li>• the receipt of additional income, grant or other funding (and the associated expenditure)</li> <li>• the distribution or redistribution of centrally held budgets</li> <li>• the correction of errors to initial budget upload</li> </ul>			The following virement are generally not permitted <ul style="list-style-type: none"> <li>• virement between capital and revenue</li> <li>• virement between controllable and non-controllable (recharges and capital financing) codes</li> </ul>

## FINANCIAL MONITORING AND CONTROL (FINANCIAL REGULATIONS – PART D)

REF	DESCRIPTION	LIMIT / VALUE / THRESHOLD	APPROVER
<b><u>Capital Virement (CV)</u></b>			
CV1	To approve virement between individually approved schemes	Over £1M	Council (via Budget Monitoring Report after advice from the CFO)
		Over £500k and up to £1M	Cabinet / cabinet member (after advice from the CFO)
		Over £100k and up to £500k	Corporate Director (after advice from the CFO*)
		Up to £100k	Service Director * (after advice from the CFO*)
CV2	To approve re-phasing between years of individually approved schemes.	Any value	Service Director * (after advice from the CFO*)
CV3	To approve the correction of errors to initial budget load or approved virement within the main Financial System.	Any value	CFO*
<b><u>The Capital Programme (CP) (approving new schemes in-year and approving changes to external funding in-year)</u></b>			
CP1	To approve a new project, programme or scheme that <b>is not</b> in the Capital Programme (as approved as part of the annual budget setting process) and where a new external capital grant(s) is awarded to cover the costs of the project, programme or scheme, or it is proposed to transfer a scheme from one Council Fund to another (e.g. General Fund to HRA)	As per CV1 above	As per CV1 above
CP2	To approve a new project, programme or scheme that <b>is not</b> in the Capital Programme (as approved as part of the annual budget setting process) and CP1 does not apply – so new borrowing or other new external funding sources is required to cover the costs of the project, programme or scheme.	As per CV1 above	As per CV1 above
CP3	To approve a project, programme or scheme if the external funding or borrowing sources are different from the external funding or borrowing sources agreed at the original approval point. (e.g. prudential borrowing approved but borrowing required is now greater/less)	As per CV1 above	As per CV1 above

## FINANCIAL SYSTEMS AND PROCEDURES (FINANCIAL REGULATIONS – PART F)

### INCOME

REF	DESCRIPTION	LIMIT / VALUE / THRESHOLD	APPROVER
INC1	Sundry debt write-offs (not cancellation)  (Sundry debt 'cancellation' can only occur in circumstances where the original debt was raised in error, in all other circumstances this write-off procedure applies)	Up to £1k	Service Director *
		£1k to £25k	Service Director
		£25k to £100k	Corporate Director in consultation with CFO and cabinet member
		Over £100k	Head of Paid Service in consultation with the CFO and Leader
INC2	Council tax, NDR, write offs and housing benefits overpayment recovery	Up to £1k	Heads of Service in Revenues & Benefits *
		Over £1k and up to £10k	Heads of Service in Revenues & Benefits
		Over £10k	CFO
INC3	Council Housing tenant rent arrears write offs (including former tenants)	Up to £1k	Service Director (for Housing) *
		Over £1k and up to £5k	Service Director (for Housing)
		Over £5k	Service Director, CFO and MO
INC4	Fees & charges	Increase/decrease of existing	Service Director in consultation with cabinet member & CFO
		Any waiving, suspending or refunding of existing	Service Director
		Agreeing any new	Cabinet (and Council if over £1M annual value)
INC5	Any means tested or assessed financial contributions	Waiving, suspending or refunding up to £1k (aggregate not individual)	Service Director *
		Waiving, suspending or refunding over £1k (aggregate not individual)	Service Director in consultation with CFO *
INC6	Penalty Charge Notices (PCN) write offs	Unlimited	Service Director (responsible for Parking Services) *

EXPENDITURE (all approvals assume the availability of an approved budget/allocation, except EX7)			
REF	DESCRIPTION	CATEGORY	APPROVER
EX1	<p>Approving capital scheme details prior to the placement of any initial order/contract to start on site or commit to purchase a service.</p> <p>Such approval shall reference back to the 'three categories' of approvals agreed in the 'Annual Approval of The Capital Programme Report' or other such report where Council agreed The Capital Programme.</p> <p>The three categories of approval are Unconditional, Conditional, Requires subsequent Cabinet approval - in most cases the agreed Capital Programme is only a broad allocation of funding and not approval to proceed (unless the 'unconditional' category was approved by Council.</p>	Unconditional	Service Director *
		Conditional	Service Director and CFO to agree conditions have been met
		Requires subsequent approval	Cabinet / cabinet member
REF	DESCRIPTION	LIMIT / VALUE / THRESHOLD	APPROVER
EX2	Approving placement of orders (any commitments including contract award letters) with suppliers/contractors for goods and services	Any value	Service Director *
EX3	Receiving and receipting goods, services and works	Any value	Service Director *
EX4	Approving payment of invoices or contract stage payments (where the corporate purchasing system has not been used)	Any value	Service Director *
EX5	<p>Approving expenditure on P- Cards+ Individual transaction limit</p> <p>Monthly transaction limit</p> <p>Variations to transaction limits above (individual or monthly)</p>	Up to £1000	Service Director *
		Up to £5000	Service Director *
		Any variation	CFO *
EX6	Approving individual client cash floats (exceptional use) (client cash floats should not be confused with petty cash which have been abolished)	Up to £500	Service Director *
		Over £500	Service Director and CFO *
EX7	<p>Approving 'Emergency expenditure' – incurring such expenditure by any means that is reasonable in the circumstances</p> <p>(in response to a major civil emergency, disaster or similar such event)</p>	Any value	<p>Any one of the following in rank order</p> <p>BCP Gold Commander, Chief Executive, any Corporate Director, CFO, MO</p>
EX8	Approving all expenditure on salaries, wages, allowances and expenses, for establishment posts, in compliance with the Council's HR policies	Any value	Service Director*

+ the term p-card means purchasing card, payment card, credit card or whatever card type BCP Council chooses to use.  
EX5 does not apply to pre-loaded cards which must be approved by the CFO



REF	DESCRIPTION	LIMIT / VALUE / THRESHOLD	APPROVER
EX9	<p>Appointment of Interim Staffing (contract of employment or contract for service)</p> <p>Individuals used to fill any temporary new post and existing posts, where there is a need to pay above the job evaluated rate, in circumstances where for whatever reason it is not possible and/or desirable to make a permanent appointment into the post. Such posts will generally be senior managerial or of a specialist professional nature, but where the post-holder is appointed on a temporary basis. The focus is on the individual and their specialist skills and knowledge. Interims may be considered appropriate at a time when the service or team concerned, or the wider Council is in a phase of rapid transition or when there are specific legislative or national drivers for change which need to be implemented in a defined time period. Interims may be employed directly by the Council on a fixed-term contract (including by way of the Professional Register) or via a procurement process, either as an employee, if retained through the Professional Register, or as an agency worker, or on a self-employed basis under a contract for services. In the latter case, payment is normally negotiated on a day rate as opposed to an hourly rate and must be approved by the HHR.</p> <p>Business case must include identification of previously agreed budget source</p>	Up to <b>£30k</b>	Service Director * Additional approval of HHR if contract for service is preferred over a contract of employment to ensure IR35 tax compliance
		Over <b>£30k</b> and up to £100k	Service Director to complete a business case for approval by Corporate Director Additional approval of HHR if contract for service is preferred over a contract of employment to ensure IR35 tax compliance
		Over £100k (or if the day rate is greater than £750 per day)	Corporate Director to complete a business case for approval by the Chief Executive Additional approval of HHR if contract for service is preferred over a contract of employment to ensure IR35 tax compliance
EX10	<p>Appointment of a Consultant (contract for service)</p> <p>Individuals or organisations used to provide objective advice and assistance of a specialist nature, where existing Council employees do not have the necessary relevant expertise or where in-house capacity is insufficient. Such arrangements may relate to the strategy, structure, management, or operations of the Council, or specific professional input to a project in pursuit of the Council's purposes and objectives (typically, there will be no corresponding Council post on the authorised staffing establishment). Consultancy assistance is provided outside the Council's established staffing structure and "business as usual" environment when in-house skills are not available. As a result, the use of consultants will be for a defined (and preferably short-term) period and to achieve specific outcomes.</p> <p>Business case must include identification of previously agreed budget source</p>	Up to <b>£30k</b>	Service Director *
		Over <b>£30k</b> and Up to £100k	Service Director to complete a business case for approval by Corporate Director
		Over £100k (or if the day rate is greater than £750 per day)	Corporate Director to complete a business case for approval by the Chief Executive
EX11	Approving where a 'Contract for Service' is to be offered to a bona fide self-employed individual who has held employment with the Council in the last 3 years.	Any value	Chief Executive (with advice from CFO and HHR)

REF	DESCRIPTION	LIMIT / VALUE / THRESHOLD	APPROVER
EX12	Approving where a permanent or fixed term (exceeding 12 months) 'Contract of Employment' is to be offered to any individual made redundant (compulsory or voluntary) within the last 12 months from any role within the Council (or legacy Councils)	Any Value	Corporate Director (after advice from CFO and HHR)
EX13	Special Severance Payments (any severance exceeding statutory entitlement) Including: Payments reached under a settlement agreement, write-offs of any outstanding loans, payments to employees for retraining related to their termination of employment, pay or compensation in lieu of notice where the amount of the payment is not greater than the salary due in the period of notice set out in the employee's contract, pension strain payments arising from employer discretions to enhance standard pension benefits.	Up to £20,000	Service Director, Director of People & Culture, CFO
		£20,000 to £100,000	Service Director, Director of People & Culture, CFO, MO, HPS, Leader of the Council
		Over £100,000	Full Council (as per Localism Act)

### TREASURY MANAGEMENT, FINANCING & LEASING

REF	DESCRIPTION	LIMIT / VALUE / THRESHOLD	APPROVER
TM1	Placing of treasury investments and all approvals to borrow	In line with Treasury Management Strategy (TMS) and appended policies and within any operational lower limits	CFO* as authorised to transact in accordance with TMS. Any variation from TMS requires Council sign off.
TM2	Approving all leases, credit arrangements or hire purchase arrangements	All such arrangements	CFO* to determine approval route specific to the individual circumstance
TM3	Approving any funds (and the system of administration) to be held on behalf of third parties.	All such arrangements	Service Director* and CFO*

### ASSET MANAGEMENT

REF	DESCRIPTION	LIMIT / VALUE / THRESHOLD	APPROVER
AM1	Writing off deficiencies in stocks, stores & inventories  (limits/value/threshold is 'book' value/accounting value not estimated sales value)	Up to £1,000	Service Director *
		£1k to £50k	Service Director * and CFO
		Over £50k	Cabinet / cabinet member (after advice from CFO)
AM2	Acquisition of freehold & leasehold land & buildings. The acquisition of a freehold, leasehold, or any other interest in land or buildings subject to the purchase being no more than	Up to £350k (capital value)	Corporate Property Officer *
		£350k to £500k (capital value)	Cabinet / cabinet member
		Over £500k (capital value)	Council

	market value unless 'Special Purchaser' assumptions can be made.		
AM3	Acquisition of freehold & leasehold land & buildings at more than market value and 'Special Purchaser' assumptions cannot be made.	Any value	Council
AM4	Disposal of freehold & leasehold land & buildings. Disposal by way of a sale, lease, licence, wayleave, easement, deed of variation, renewal, surrender, modification of covenant, or other disposal of an interest in land or buildings using any method that achieves best consideration.	Up to £350k (capital value)	Corporate Property Officer *
		£350k to £500k (capital value)	Cabinet / cabinet member
		Over £500k (capital value)	Council
AM5	Agreeing disposals of any land or building asset not to the highest bidder or where there is a difference between the estimated open market value (or best consideration) and the actual sales price. (Seek legal advice if land is open space).	Up to £350k (capital value)	Corporate Property Officer in consultation with the CFO
		£350k to £500k (capital value)	Cabinet / cabinet member
		Over £500k (capital value)	Council
AM6	Value for including items in fixed assets register	Over £10k	Service Director *
AM7	Disposal of surplus or obsolete plant and machinery or other non-land or buildings asset (and excluding ICT equipment) **  (limits/value/threshold is 'book' value/accounting value not estimated sales value)	Any disposal <b>not</b> to the highest bidder (or gifted at nil value)	Service Director* and CFO*
		Any disposal £0k to £100k to the highest bidder	Service Director* and CFO*
		Any disposal £100k to £500k to the highest bidder	Corporate Director* and CFO*
		Any disposal over £500k	Cabinet / cabinet member and CFO
AM8	Any acquisition of ICT equipment and ICT services	All acquisitions	By ICT services or with the approval of the Head of ICT *
AM9	Any disposal of ICT equipment including donations to schools or charities **	Any or nil value, no exceptions	All disposals through ICT Services
AM10	Approving the use of Council assets outside of normal Council business activity and after obtaining MO* and insurance advice from the CFO*	Any land or buildings	Corporate Property Officer *
		Non land or buildings (and excluding ICT equipment)	Service Director *
		ICT equipment	Head of ICT *

\*\*Also refer to the Council's Corporate Disposals Policy

## EXTERNAL ARRANGEMENTS (FINANCIAL REGULATIONS – PART H)

REF	DESCRIPTION	LIMIT / VALUE / THRESHOLD	APPROVER (after obtaining advice from the CFO, MO and HHR)
EA1	Entering the Council into partnership, shared service, pooled budget or joint working arrangements (including Memoranda of Understanding)	Any (including where a direct financial contribution is not obvious)	In accordance with the Council's Constitution Part 2, Article 12 - Decision making, Section 3 - Types of decisions).
EA2	External trading contracts, arrangements or concepts – business case approval, (providing discretionary services to a third party, including the public, in exchange for a fee)	Any contract up to £100,000	Service Director *
		New contracts between £100,000 and £0.5M	Corporate Director
		Incremental contracts between £100,000 and £0.5M	Service Director
		All Contracts over £0.5M	Cabinet / cabinet member
EA3	Submitting any bid for external funding (including joint bids where the Council is not lead body)	Any value	Service Director * with the agreement of the CFO *
EA4	Accepting external funding (BCP aggregate total including any 'match-funding' element and partner(s) share(s) if BCP is lead body or 'host')	Up to £100,000	Service Director * and CFO *
		Between £100,000 and £1.0M	Cabinet / cabinet member (with advice from the CFO)
		Over £1.0M	Council (with advice from the CFO)

For the purposes of EA2 above the following definitions apply:

- New (trading) contracts = the contract, arrangement/concept has not previously been traded
- Incremental (trading) contracts = the contract, arrangement/concept has already been approved applying the approval thresholds above, subsequent incremental trading growth through a series of additional contracts

## OTHER DELEGATIONS - TAX RELIEF SCHEMES

REF	DESCRIPTION	APPROVER
TR1	To implement Central Government fully funded council tax, business rate or other tax rebate relief schemes where implementation requires the Council to use its discretionary powers under either Section 47 of the Local Government Finance Act 1988 or Section 13A of the Local Government Finance Act 1992.	CFO

## BCP COUNCIL - FUNCTIONS OF THE AUDIT & GOVERNANCE COMMITTEE

Functions of the Audit & Governance Committee are set out below. The Audit & Governance Committee cannot delegate for a decision any issues referred to it apart from any matter that is reserved to Council.

### Statement of Purpose

Our Audit & Governance Committee is a key component of Bournemouth, Christchurch and Poole (BCP) Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit & Governance Committee is to provide independent assurance of the adequacy of the risk management framework and the internal control environment. It provides independent review of BCP Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

### Governance, Risk & Control

To consider the arrangements for corporate governance including reviews of the Local Code of Corporate Governance and review and approval of the Annual Governance Statement (AGS).

To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

To consider arrangements for risk management including the approval of the Risk Management Strategy and review of the Council's corporate risk register.

To consider arrangements for counter-fraud and corruption, including 'whistle-blowing' including approval of the Counter Theft, Fraud & Corruption Policy and the outcomes of any investigations in relation to this policy.

To review the governance and assurance arrangements for significant partnerships or collaborations.

### Internal Audit

To approve the Internal Audit Charter.

To approve the risk-based Internal Audit Plan, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based Internal Audit Plan and resource requirements.

To consider reports from the Head of Internal Audit on Internal Audit's performance during the year, including the performance of external providers of internal audit services. These will include: a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work b) regular reports on the results of the Quality Assurance Improvement Programme (QAIP) c) reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement (AGS).

To consider the Head of Internal Audit's annual report: a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit. b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.

To consider summaries of specific internal audit reports as scheduled in the forward plan for the Committee or otherwise requested by Councillors.

To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every 5 years.

To commission work from the Internal Audit Service (with due regard to the resources available and the existing scope and breadth of their respective work programmes and the forward plan for the Committee).

### **External Audit**

To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments Ltd (PSAA).

To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.

To consider all other relevant reports from the External Auditor as scheduled in the forward plan for the Committee as agreed with the External Auditor or otherwise requested by Councillors.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To commission work from External Audit (with due regard to the resources available and the existing scope and breadth of their respective work programmes and the forward plan for the Committee).

To liaise with the national body (currently Public Sector Audit Appointments (Ltd)) (PSAA) over the appointment of the Council's External Auditors.

To consider reports dealing with the management and performance of the External Audit function.

To consider and approve the Annual Plans of the External Auditor.

### **Financial Reporting**

To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

To consider the external auditors report to those charged with governance on issues arising from the audit of the accounts.

### **Accountability Arrangements**

To report to full council and publish an annual report on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report to full council and publish an annual report on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

## **Other Functions**

To consider arrangements for treasury management including approving the Treasury Management Strategy and monitoring the performance of this function.

To maintain an overview of the Council's Constitution in respect of financial regulations, working protocols and codes of conduct and behaviour (not otherwise reserved to the Standards Committee).

To consider breaches, waivers and exemptions of these Financial Regulations.

To consider any relevant issue referred to it by the Chief Executive, Chief Finance Officer (CFO), Chief Internal Auditor (CIA), Monitoring Officer (MO) or any other Council body or cabinet member.

To consider arrangements for information governance, health and safety, fire safety, emergency planning (including business continuity).

To consider any issue of Council non-compliance with its own and other relevant published regulations, controls, operational standards and codes of practice.

To consider gifts and hospitality registers relating to officers.

## MINOR AMENDMENTS AND EDITING LOG (during 2024-25)

The Chief Finance Officer (CFO) has primary responsibilities for maintaining the Financial Regulations as outlined in Part A page 5. Where changes affect the powers or responsibilities of councillors, approval of Council is required.

It is recognised there may be a need to clarify certain elements of the Financial Regulations from time to time, this may require minor amendments or editing. The CFO has delegated to the Chief Internal Auditor (CIA) and Strategic Procurement Manager (SPM) the ability to make minor amendments and editing changes. Any such changes are logged in the table below.

No.	Description of amendments or editing	Page	Date
1			
2			
3			
4			



**FINANCIAL REGULATIONS**

**BACK COVER ONLY**

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# CABINET



Report subject	<b>Disposal of Land at Wessex Fields, Riverside Avenue</b>
Meeting date	10 April 2024
Status	Public Report with Confidential Appendices
Executive summary	This report presents a proposal to dispose of council owned land at Wessex Fields, Riverside Avenue, Bournemouth BH7 7EE, on the open market, or through direct sale, at an agreed RICS Red Book Valuation, to the University Hospital Dorset NHS Foundation Trust.
Recommendations	<p><b>It is RECOMMENDED that Cabinet recommend that Council:</b></p> <p><b>Decide whether to:</b></p> <ol style="list-style-type: none"> <li><b>1 Approve the disposal of the council owned land at Wessex Fields to the University Hospitals Dorset NHS Foundation Trust on such terms to be approved by the Director of Finance acting in his capacity as Corporate Property Officer, in consultation with the Portfolio Holder for Finance, or</b></li> <li><b>2 Approve the disposal of the council owned land at Wessex Fields by way of an Open Process and on such terms to be approved by the Director of Finance acting in his capacity as Corporate Property Officer, in consultation with the Portfolio Holder for Finance.</b></li> </ol>
Reason for recommendations	<p>To obtain approval for the disposal of land at the Wessex Fields site located at Riverside Avenue:</p> <ul style="list-style-type: none"> <li>The sale will generate a capital receipt to support the funding of the Council's Transformation Investment Programme.</li> <li>The council could achieve specific socio-economic benefits as the purchase by the hospital could unlock substantial health benefits for the wider area.</li> <li>Disposal of the site to University Hospitals Dorset NHS Foundation Trust could evidence best value in financial terms, as the capital receipt would be determined in accordance with a RICS Red Book Valuation.</li> </ul>
Portfolio Holder(s):	Cllr. Mike Cox, Portfolio Holder for Finance

Corporate Director	Graham Farrant, Chief Executive
Report Authors	Adam Richens, Director of Finance and Chief Finance Officer <a href="mailto:adam.richens@bcpcouncil.gov.uk">adam.richens@bcpcouncil.gov.uk</a> Miles Phillips, Head of Estates <a href="mailto:miles.phillips@bcpcouncil.gov.uk">miles.phillips@bcpcouncil.gov.uk</a>
Wards	Littledown and Iford
Classification	For Recommendation

## Background

1. Wessex Fields is a vacant site located 5km east to Bournemouth Town Centre. It is situated to the northeast of Castle Lane East and the Royal Bournemouth Hospital and to the southeast of The Wessex Way Spur Road (A338). The Friends of the Elderly Nursing Care Home and Stour Valley Park are located directly to the East. The Crown and County Courts, Troika Business Park and JP Morgan Business Campus are close by. The site is a subset of the wider development area called the Wessex Fields land.
2. A new connecting road to serve Royal Bournemouth Hospital from the A338 access road through the site is under contract with BCP Council. Construction of this road, called the Wessex Link Road, has just commenced on site and is due to be completed later this year.
3. The site was acquired freehold by Bournemouth Borough Council on 25 January 2017 as part of a much wider land deal with the help of grant funding from Dorset Local Enterprise Partnership. The wider land was subsequently sold leaving 2 separate plots of land within BCP ownership. In December 2023 BCP Council activated an option to buy back some land from University Hospital Dorset NHS Foundation Trust to allow these two plots to be connected and form one relatively level land holding.
4. During the period of ownership, the Council has been exploring options for development and planning permission was finally granted in 2019 for a 'spine' road and junction from it to the A338. The case was made that this would unlock the site for development and economic benefits including jobs and reducing congestion. This was the second planning application after the first was withdrawn in December 2017 to enable the Council to take account of comments from statutory consultees, key stakeholders, and members of the public. Planning permission was granted following a decision by the Secretary of State to decline to "call-in" the decision.
5. Following the creation of BCP Council in 2019, a public engagement event to generate ideas for the use of land at Wessex Fields took place locally on 7 January 2020 at The Bridge on the Littledown Centre campus, opposite the Wessex Fields site and University Hospitals Dorset.
6. A report was presented to the Cabinet in March 2020 summarising the findings.
7. The majority of feedback supported healthcare and research uses within the development, provided congestion was not made worse and the environmental impact is mitigated by plenty of green spaces and provision of

renewable energy. The addition of keyworker or affordable housing was also supported although the increased vehicles were cited as a downside. The ability for keyworkers to walk to work at the hospital could form part of a solution to this concern. Private housing schemes received no support.

8. Following this, and in line with the approved recommendation, officers were authorised to undertake soft market testing, and JLL were appointed to run this in late summer of 2020. Their report was published as part of a Cabinet report in December 2020.
9. This report reviewed the options for next steps put forward by JLL. It sought consent in principle to dispose of part of the site adjoining the hospital boundary to University Hospitals Dorset NHS Foundation Trust in partnership with Bournemouth University and determine the exact future development structure and collaboration for the remainder of the site which would be subject to a further Cabinet approval. This recommendation was approved.
10. Between 2021 and 2023 BCP Future Places Limited (BCP Council's wholly owned Urban Regeneration Company) were asked to look at the site's development potential. The company developed a masterplan that covered the BCP Council site and three other neighbouring sites in different ownerships. They proposed a development mix of commercial offices, academic research, keyworker housing, market and affordable residential housing, a care home, assisted living, recuperative living and a local retail centre offer to support these uses.
11. On 27 September 2023 BCP Council decided on the orderly closure of BCP FuturePlaces, and to reassess the future options for the Wessex Fields site. It was decided to focus the limited Council regeneration resource on bringing forward three other priority sites (Dolphin Leisure Centre, Holes Bay, and BIC/Winter Gardens) that are 100% owned by the Council and capable of providing much needed housing and other benefits as part of the wider regeneration strategy.
12. Following the publication of the reduced development list, and considering the Council's budgetary constraints, The University Hospital Dorset NHS Foundation Trust (UHD) initially approached the Council in October 2023 and then confirmed their interest in acquiring the freehold of BCP's land holding in January 2024 in accordance with the heads of terms set out in **Confidential Appendix 1**. The acceptance of the proposal is conditional on receiving full Council approval to the sale at a sale price determined via a RICS Red Book Valuation.
13. The University Hospital Dorset NHS Foundation Trust have indicated they wish to develop the site for medical, health, technology, and research development with hospital keyworker housing. They intend to build a spine road through the site to connect all uses. The aspiration is for this road to be capable of connecting the new Wessex Link Road to Deansleigh Road should UHD be able to acquire a small additional plot of land.
14. These plans are in accordance with the previous stakeholder feedback and the emerging Local Plan which states under Policy E5 that the wider Wessex Fields Land remains an important strategic employment site that must deliver health and employment uses and can also help address local area transport and movement issues. Keyworker housing will be considered but only where it does not result in the loss of any existing employment floorspace and does not compromise the delivery of the quantum of employment uses set out in the policy. Any development should include a new east-west vehicle, pedestrian, and cycle link from the A338 Wessex Way to Deansleigh Road and a north-south pedestrian

and cycle link between Riverside Avenue and Deansleigh Road. Details of the site are set out in **Confidential Appendix 2**.

15. A sale to UHD will be in line with “One Public Estate” principles, (as embodied in Principle 5 below.) This is an approach promoted by the Local Government Association and Cabinet Office to encourage public bodies to collaborate where possible and to adopt a shared vision for the use of public sector assets with the aim of unlocking public land to create economic growth (new homes and jobs) and delivering more integrated, customer focused services. Transactions undertaken to promote these principles must still comply with the existing requirements for the disposal of local authority assets.

### **Cross-Party Strategic Asset Disposal Working Group**

16. The Cross-Party Strategic Asset Disposal Working Group was created to aid transparency in the disposal process for council-owned surplus assets. It is not a formal decision-making body but makes recommendations to Cabinet in accordance with a set of principles endorsed by Cabinet on 26 July 2023. These are 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.

17. In January 2024 the Cross-Party Strategic Asset Disposal Working Group highlighted the Wessex Field site as a potential asset for disposal for the financial year 2024/25 to help fund the Transformation Programme.
18. The proposal from UHD was put to the Cross-Party Strategic Asset Disposal Working Group at a meeting held on the 8 March 2024. A copy of the report presented to the working group is presented at **Confidential Appendix 3**.
19. The report noted that the UHD proposal is in line with these principles, particularly principles 4 and 5, and that disposal is supported by the Council's 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 or vacant land and buildings.

20. The report set out that the Wessex Fields site is vacant and no longer part of the Council's priority regeneration plan. Retaining the site in the short to medium term will carry a cost to the Council. A site management plan will be required to manage ecology to ensure the site remains capable of being developed and to ensure site security (minimise incidents involving trespassers and anti-social behaviour). There is an ongoing risk of invasive plant species colonising the site.
21. The group noted the socio-economic benefit inherent in selling the site to UHD and were mindful of the need for keyworker housing, in particular homes for nurses. They recognised that this benefit may not be present if the site was purchased by a private party or developer.
22. The group was satisfied that the principles were being met by the proposal from UHD. However, the final recommendation, set out below, reflected concern over the relatively short timeline and a desire to be able to demonstrate that Best Value had been obtained via an open and transparent process which would mitigate the possibility of any legal challenges:  
  
**If Cabinet is so minded to dispose of the site, that it does so by way of an open process, marketing the site on the open market for a 2–3-month period of time, with the expectation that the highest offer being the preferred preference of disposal. In addition, the Group felt strongly that the aspiration of the site as per the Local Plan be demonstrated by the accepted bidder.**
23. Following the meeting of the Cross-Party Strategic Asset Disposal Working Group, further discussions have taken place with UHD who have confirmed that the funding earmarked for this transaction will not be available after this financial year and that they may not be in a position to make an offer at a later date should the Council proceed to sale on the open market.
24. On 15 March 2024 Rob Whiteman, the Chair of University Hospital Dorset NHS Foundation Trust, issued a letter to the Leader of the Council (**Appendix 4**) setting out their vision for the site and reiterating that a decision to sell to UHD will provide strong social value to the area, with benefits to taxpayers, patients, and NHS staff. The letter sets out that their plans will make a positive and material step to address both the housing shortage and traffic congestion of the Royal Bournemouth Hospital site whilst unlocking a net-zero carbon development. UHD aim to create much needed keyworker housing to ensure an NHS workforce with capacity to serve the community; education and training facilities; and further the goal of a Life Science Centre/Dorset Medical School, in addition to offering strong environmental benefits.
25. Senior Council Officers have revisited the proposal with the Leader and Cabinet Members and have considered the benefits of selling the land to UHD which include:
  - Selling to UHD will produce a certain land receipt to contribute to the Council's Transformation Programme within the 2024/25 financial year. To comply with the duty to obtain best consideration the sale price has been determined following an RICS valuation and an overage clause will be included in the sales agreement as per the heads of terms.

- UHD aspire to develop the site for medical, health, technology, and medical research along with hospital keyworker housing which accords with the previously stated BCP Council vision for site development.
  - The hospital owns the neighbouring site, and this transaction will give them control over the landholding to pursue their plans which are in accordance with the BCP Council emerging draft Local Plan and previously received public and stakeholder feedback.
  - Disposal to the Trust does not affect the future creation of road access to and from the site to the northbound carriageway of the A338. The Council will retain a small piece of land that will allow any future highway improvements.
  - The new Wessex Link Road and roundabout are excluded from the sale and will remain in Council ownership to be adopted as highway upon completion later this year.
26. Noting the recommendation from the Cross-Party Strategic Asset Disposal Working Group, and considering the above factors, Senior Officers are recommending sale of the site to UHD as it is considered on balance that the transaction offers substantial socio-economic and health benefits for the wider area and will evidence best consideration in financial terms, as the capital receipt has been determined in accordance with a RICS Red Book Valuation.
27. This matter is due to be considered by the Overview and Scrutiny Board on 2 April and their views will be fed into the Cabinet's consideration of the sale on 10 April, for recommendation on to the Council.
28. UHD have offered to present to Overview and Scrutiny on 2 April 2024 to reassure members that their plans for the site are both deliverable and accord with stakeholder feedback, Council aspirations, and the requirements of the emerging Local Plan. Any feedback from Overview and Scrutiny will be provided to Cabinet who will consider their preferred course of action to recommend to the Council meeting on 20 April for final decision.
29. A number of stakeholders, previously engaged by BCP FuturePlaces in plans for the site, were contacted by letter on 1 March 2024 to inform them that the Council were considering disposal. One of the parties raised concerns that the spine road might not be built if the Council sells the land. This presents a potential risk of judicial review. However, following assurances from UHD of their intentions for the site, including a desire to reduce congestion, letters of support for the sale have been offered by neighbouring businesses including Midland House LLP, Troika Developments and Ageas Insurance (copies to be appended once received), which should provide a degree of reassurance to the Council.
30. Should the Council decide not to accept the offer from UHD but still wish to dispose of the site, as per the Cross-Party Strategic Asset Disposal Working Group recommendation above, the Red Book Valuation would need to be updated prior to marketing. The current Market Value has been assessed by an RICS independent valuer and is based upon special "assumptions". These are context specific matters which can affect how a property or interest is valued, for example the cost to construct the spine road which will change over time. Once a revised Market Value is ascertained an agent would need to be appointed to openly market the site for at least two months and then manage a formal bidding process.
31. There is no guarantee that a bidding process will result in a better offer for the property than that offered by UHD.



32. Selling the land through an open market process will demonstrate the best consideration has been achieved at that time and provides the opportunity for any interested party to make a formal bid for the land. However, a sale will only be achieved if an offer exceeds the independent Red Book Valuation.

**Conditions associated with any disposal.**

33. 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 the capital receipt, we are proposing a freehold sale. Leasehold would allow the Council to retain an element of control but would generate a lower capital receipt.

**Recommended option is for a freehold disposal.**

Whole site or subdivided into small plots. The proposed sale is for the whole plot. We believe this achieves best value as this elongated site can only currently be accessed through the northeast corner.

**Recommended option is to sell the whole site.**

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.

**Recommended option sold as seen.**

34. 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.

**Options Appraisal**

35. The alternative options to selling the site are:

- a. Reignite the BCP Future Places Ltd larger development proposal – This allows BCP to retain control over what is developed on the site, the quality of build, placemaking and build programme.

However, no outline business case was prepared by BCP Future Places Ltd for the masterplan development at Wessex Fields and the financial appraisal was never formally finalised. At the time the project was put on hold in September 2023 BCP Future Places Limited were:

- Investigating the potential structure of collaboration agreements and land pooling arrangements to allow mutually agreed sharing of costs, values, and financial outcomes between different landowners.
- Investigating procurement channels to outsource development execution to competent developers and to decide the most appropriate partnership structure.
- Undertaking embryonic grant funding discussions.
- Investigating utility solutions.

This option is potentially complex and high risk involving an initial estimated development cost of £230m to £240m. There is no certainty that multiple landowners will collaborate over the long time required to execute development. Actual execution of the development works, and associated management would need to be procured. BCP Council have limited funds, the project is outside current risk appetite and does not meet priority regeneration strategy objectives.

- b. Formulate new employment development proposals for the site within BCP ownership. BCP Council have limited funds, the site does not meet priority regeneration strategy objectives and collaboration with other landowners would still be required to deliver the transport infrastructure required by the BCP emerging Local Plan. A joint venture partnership with a developer could be considered but the land value that BCP Council could contribute would be very low compared to the development construction cost. BCP would therefore need to borrow funds to equalise the partnership or accept a junior partnership role. The latter is clearly undesirable.
  - c. Do nothing. Initiate an Estate Management Plan to proactively manage ecology and security with ongoing operational cost.
36. Selling the site allows achievement of a capital receipt. Whilst BCP Council would lose control of site development the emerging BCP Local Plan clearly articulates the strategic site development objectives that need to be achieved for a purchaser to secure a planning consent. The emerging Local Plan also states that a spine road (including cycle lanes) should be constructed through the site from the Wessex Way to Deansleigh Road as part of any development proposal. The anticipation is this road will be built as publicly adopted highway. Quality of placemaking and build could be controlled via detailed planning consent conditions.

### **Summary of financial implications**

- 37. The current estimated sales value is included in **Confidential Appendix 5**. The updated market value has been determined by an independent RICS Red Book Valuation for the purposes of disposal. The Council will offset any costs associated with the disposal from this capital receipt.
- 38. Dorset Local Enterprise Partnership grant funding for the BCP Council land purchase in 2017 was to help create 500 new jobs and to protect 10,000 existing jobs in the immediate area. The Dorset Local Enterprise Partnership are unaware of any clawback provisions relating to this grant. As part of legal due diligence all documents will be reviewed to check there are no provisions that would adversely affect predicted financial receipts from a land sale.

### **Summary of legal implications**

- 39. Council is empowered (pursuant to Section 123 of the Local Government Act 1972) 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 at the best price that can be obtained or is to be at an undervalue.
- 40. 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).
- 41. 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. A disposal of land via private treaty to an adjoining landowner is acceptable provided that the Council can demonstrate it has received the best consideration from doing so and it is not a transaction at an under value.
- 42. Council must demonstrate that it has satisfied its duty in this regard, and this can be by way of marketing or through an independent valuation or both. However, case law has established that there is no requirement to follow either route as a matter of principle.

43. A RICS Red Book Valuation has been obtained to establish the sum agreed with UHD represents the best consideration that can be reasonably obtained.
44. Further, this valuation confirms that there will be no questions of subsidy to consider as the sale price is at market value.
45. The sale of the site for the highest price offered after marketing would also demonstrate that the Section 123 duty has been satisfied. However, if the site is to be offered for sale on the open market it is recommended that Council obtain further, up to date, valuations of the site prior to commencing the marketing to ensure that bids can be properly considered.
46. A person with a sufficient legal interest in a decision of a public body can apply to the court for a review of the decision-making process and a determination of whether the decision is validly made. The Courts can set aside a decision which has been made in a manner that is illegal, irrational, or procedurally unfair. During proceedings the Courts may also impose an injunction preventing implementation of the decision pending final determination and the costs to a public body of defending an application can be significant.
47. In line with the Council's Constitution, Council approval is required for any asset disposal where the receipt is predicted to be more than £500,000.
48. Contracts for the sale of land must be in writing and incorporate all of the terms agreed between the parties. All documents will need to be prepared by Legal Services for approval in accordance with any delegations.
49. Additional information on implications can be found at **Confidential Appendix 6**.

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

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

#### **Summary of sustainability impact**

51. The Asset Management Plan recognises the estate should be sustainable and carbon neutral. As there are currently no buildings on site there will be no direct carbon impact from this decision.
52. Most of the site comprises "other neutral grasslands" which are of moderate ecological value and scattered trees of local ecological value. The site does contain hedgerows which are habitats of principal importance as identified by the Natural Environment and Rural Communities Act 2006. This will need to be factored into of any future development proposal and considered as part of the planning process.
53. The site is a subset of the wider development area called the Wessex Fields land. Under Policy E5 of the BCP Council emerging draft Local Plan Wessex Fields remains an important strategic employment site that must deliver health and employment uses and can also help address local area transport and movement issues. Keyworker housing will be considered but only where it does not result in the loss of any existing employment floorspace and does not compromise the delivery of the quantum of employment uses set out in the policy. Any development should include a new east-west vehicle, pedestrian, and cycle link from the A338 Wessex Way to Deansleigh Road and a north-south pedestrian and cycle link between Riverside Avenue and Deansleigh Road. Any new homes will be built to the future homes standard as set out in the draft Local Plan.
54. A Decision Impact Assessment has been carried out (DIA Number 636) and the carbon footprint of the decision to dispose of the land is deemed to be low. No

adverse comments were received back from subject matter experts across the organisation.

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

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

### **Summary of equality implications**

56. An EIA screening tool has been completed and was reviewed by the EIA Panel on 20 March. The panel concluded that Option 1 – Disposal to UHD - had more positive equalities' impacts than Option 2 as it would see improvements in all six of the domains identified by the Equality and Human Rights Commission. In particular: work, living standards, health, and participation. The panel found it difficult to quantify what equality impacts would result from disposal on the open market.

### **Summary of risk assessment**

57. The key risk associated with the recommendation of this report is that prevailing economic conditions dampen demand for such sites and a disposal is not achieved.

58. The legal risks associated with any challenge of this decision are set out within the legal section above.

59. There are potential site risks some of which require further investigation:

- a. The site is of an irregular shape. However, the Retired Nurses National Home, that is located in the middle of the site, could be relocated to another section of the site. This could in theory be an opportunity for a purchaser to produce a more cohesive area for development.
- b. The site is not currently serviced by electricity, water, telecoms, gas, or sewers although some assets are known to exist within and around the site boundary. There is a known power capacity issue in the local area.
- c. Further ecology investigations as part of potential buyer due diligence exercises could reveal the existence of protected or notable species or invasive plant species.
- d. The river Stour is located 500m to the east of the site. Most of the site lies within Fluvial Flood Zone 1 with the extreme northeast corner of the site lying within Flood Zones 2 and 3. Flood studies undertaken to date suggest there is negligible risk of tidal flooding.
- e. The site has never been developed and therefore the risk for contamination is deemed to be low, but no studies have yet been undertaken.
- f. A purchaser will conduct title investigations however from information available to date we do not foresee any major title challenges.
- g. Access/ egress to the site will be via the southbound carriageway of the Wessex Way once construction is completed in the autumn.

### **Background papers**

- Wessex Fields Site Development Strategy Cabinet Report – 18 March 2020 - <https://democracy.bcpccouncil.gov.uk/documents/s16006/Wessex%20Fields%20Site%20Development%20Strategy.pdf>

- Wessex Fields Site Development Update Cabinet Report – 16 December 2020  
<https://democracy.bcpccouncil.gov.uk/documents/s20945/Wessex%20Fields%20Site%20Development%20Strategy.pdf>

### **Confidential Appendices**

- Appendix 1     **Confidential** - Heads of Terms agreed with UHD.
- Appendix 2     **Confidential** – Land at Wessex Fields Summary.
- Appendix 3     **Confidential** – Presentation to the 8 March 2024 Cross-Party Strategic Asset Disposal Working Group.
- Appendix 4     Letter from UHD Chair to the Leader of the Council.
- Appendix 5     **Confidential** – Current estimated sales value.
- Appendix 6     **Confidential** – Table of implications.

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15 March 2024

Cllr Vikki Slade,  
Leader of the Council

Dear Cllr Slade,

**Sale between public bodies re: Wessex Fields**

I hope you and colleagues at BCP Council are well.

I am writing to request Cabinet and Council support for the recommendation to sell a portion of Wessex Fields to the NHS at market value in line with Treasury agreed process.

This decision would provide strong social value to our area, with benefits to local taxpayers, patients and NHS staff. It will be a positive and material step to address both the housing shortage and traffic congestion of the RBH site and unlocks a net-zero carbon development.

The joint vision for the site has been developed over many years. This demonstrates that the sale will generate economic benefit to the area, and prior to your meetings we will send you under separate cover a slide deck of our ambitions for the site. We aim to create much needed key worker housing to ensure an NHS workforce with capacity to serve our community; education and training facilities; further our goal of a Life Sciences Centre/Dorset Medical School, in addition to offering strong environmental benefits.

The transfer of land between public bodies for wider social gain is common and fits within the duties of public bodies to see the wider public benefit and avoid unnecessary procurement costs by a joint independent market valuation. I would add that this builds on previous joint work between BCP Council and the NHS that had already seen important benefits; for example, the new state of the art Pathology building, which undertakes cancer and other diagnostic tests for residents.

The price of the land has been set by using the jointly commissioned, independent expert valuation, which ensures that the Council and the NHS are paying the correct value for the land. This is a highly transparent process in that it operates with the usual governance and decision-making frameworks of the consenting bodies. The valuation report makes clear that a private developer would most likely use the site for storage. This fits with the evidence to date in relation to privately owned land near the hospital, where a planning application for a large container storage has been approved. You will know that this provides only few low skilled jobs and misses the opportunity set out by the joint work over many years about how the site could boost the NHS and local economy.

In terms of resourcing, you will know that the position of centrally managed NHS capital within national, regional and local capping is very different to local government. If the transaction isn't completed now, it places considerable difficulty to assemble a new source of resources.

We are aware that an informal asset disposals group is advising the Cabinet to not adopt the Treasury compliant "Red Book" process of a mutually agreed transfer for market value in line with Council's strategy around adopting a "One Public Estate" approach. The alternative option is for the Council to sell the land through a public procurement process, most likely to private developers who would in effect "land bank" the asset. That would severely limit prospects for key worker housing and education facilities, meaning a poorer outcome for the public. Our fear is a private sale will lead to many more years of no action.

We would ask the informal asset disposals group to reconsider their recommendation which came out of the blue to us as a partner, with no opportunity to comment, after many years of joint development of our proposal. Either way, we request Cabinet and Council to transfer the site to UHD for market value. UHD Colleagues and I would of course be very happy to present to Overview & Scrutiny and any other meetings that assist to get the right outcome for our residents, patients, community and economy.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rob Whiteman'.

**Rob Whiteman CBE**  
**Chair, University Hospitals Dorset NHS Foundation Trust**

cc: Graham Farrant, Chief  
Executive BCP Council Group  
Leaders

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Report subject	<b>Canford Heath Infant &amp; Junior Schools- New Resource Base Provision</b>
Meeting date	14 April 2024
Status	Public Report with Exempt Appendix
Executive summary	As part of the Council's SEND Improvement agenda, work is underway to increase the sufficiency of specialist places and promote inclusion in mainstream schools. Within one of several schemes in development, the Council is working with Teach Trust to co-locate specialist places for children with speech, language and communication needs at Canford Heath Infant and Junior Schools. The scheme will provide a total of 35 resource base places for children with an Education, Health and Care Plan from January 2025. This is made up of 20 places at Canford Heath Infant School and 15 places at Canford Heath Junior School. The scheme comprises internal remodelling and the co-location of purpose-built modular accommodation using the Council's high needs specialist provision capital grant funding allocated by the Department for Education.
Recommendations	<b>It is RECOMMENDED that:</b> <b>Cabinet approves the total project budget as contained in Appendix 1 (Exempt). This will enable the scheme to progress in line with the project programme set out in paragraph 18. The project is fully funded from the Council's high needs specialist provision capital grant allocation.</b>
Reason for recommendations	In accordance with the Council's statutory duty, the project increases the availability of local places for local children and supports the Council's strategy to achieve cost savings in line with the Dedicated School Grant Recovery plan.
Portfolio Holder(s):	Councillor Richard Burton, Portfolio Holder for Children and Young People
Corporate Director	Cathi Hadley, Director of Children's Services
Report Authors	Jason Moors, Client Project Manager, Capital Programme Team Tanya Smith, Head of Service, School Planning and Admissions
Wards	Canford Heath
Classification	For Recommendation

## Background

1. The Council is experiencing increased demand for specialist places and there is significant pressure on the high needs budget. As part of the council's response to delivering improvements across our special educational needs service, the Council has developed a programme of expansion. Through targeted investment across the school estate, the programme was designed to increase the availability of cost-effective specialist school places locally to reduce the council's reliance on costly independent placements and promote inclusion in mainstream schools.
2. This work started in February 2022 and was initiated following an invitation to all schools in BCP to express an interest in co-locating/expanding and establishing additional places and provision to meet increased need for children with autism spectrum disorder, speech, language and communication needs and social, emotional and mental health needs. Current data indicates there is an urgent need for places for primary school age children with speech, language and communication needs with an Education, Health and Social Care Plan. It will be important to ensure that placement decisions take account of the onward pathway for children allocated a place in the infant school so that they are able to progress to the junior school as appropriate.

3. The programme delivers increased provision by utilising the existing school estate to co-locate facilities and expand provision to provide new and expanded resource base provision, graduated pathways and satellite locations of existing special schools. 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.
4. Schemes to be delivered are organised across 4 Tranches. Schemes in Tranche 1 are all complete and delivered a total of 40 places in 2022 and 2023. Schemes in Tranche 2 are at different stages with one scheme complete (30 places delivered in 2023). A further two projects are the subject of this report – namely Canford Heath Infant and Canford Heath Junior resource base provisions.

## Issues

5. **Proposed Project:** Canford Heath Infant and Junior schools provide mainstream places for children aged 4 to 7 and 7 to 11. The schools are mainstream academies located on adjacent sites and operated by the Teach Trust. It is proposed that a discrete resource base is opened in each school providing 15 places for the infant school and 20 places for the junior school. The provision will provide a pathway for children with speech, language and communication needs to progress through Early Years to the end of Key Stage 2.
6. Places will be allocated by the Council under the special educational needs code of practice. The capacity of the school for children placed under the locally co-ordinated admission scheme will remain unchanged with 120 places in each year group at each school.
7. **Business Case:** The proposal, including a full business case, was evaluated by BCP Council. A business plan has also been submitted to the Department for Education Regional Director for the Southwest as part of the work necessary to agree to a significant change to an open academy. Key features of the business case are as follows:
  - This scheme forms part of a coherent plan to expand places for children with speech, language and communication needs. The proposal has local support from families/parents/carers.
  - Teach Trust have the expertise to deliver the provision and establish the resource and has sufficient resources including appropriate governance, structure, staffing and financial health to ensure the provision of the SLCN bases is sustainable.
  - Canford Heath Infant School was given the Ofsted judgement of "Outstanding" in March 2023. The Junior School was given an Ofsted judgement of "Good" in October 2023.
  - The scheme will provide an all through primary pathway. This will provide local places for local children, help reduce reliance on the independent sector, promote sustainable travel and provide opportunities for future cost avoidance.
8. **Project Management:** Working in partnership with the Trust, the design and construction of the resource bases is being managed by BCP's in house project management team working with Children's Services who take on the role of client. The Council is working with the appointed contract administrator and cost consultant, to ensure that the project objective is achieved within agreed tolerances.
9. **Scheme Outline:** An options appraisal has been undertaken to best determine how to deliver the bases and relocate the displaced functions of the schools and Trust. Further survey investigations and design work are being undertaken to refine the cost estimate for the works. Subject to Council approval of the budget recommended in the report, the project will proceed to refine the design until we are in a position to procure a contractor or contractors to carry out the works. The investigations, assessments, design development and approvals procedures undertaken during the pre-construction stage are outlined below.

10. **Feasibility Study:** A consultant team appointed by BCP Council carried out a feasibility study for the scheme to present options of suitable locations for modular buildings to accommodate the displaced admin and music spaces, identify risks to the budget and programme, and draw up a cost estimate.
11. **Design:** To inform the feasibility study, the consultants assessed the proposed locations for the resource bases against the Department for Education's recommended room sizes set out in building bulletin 104 and identified options for displaced functions in external modular buildings.
12. Teach Trust proposed locations in the main building of the infant and junior schools that are suitably located to accommodate resource base children and ancillary learning resource rooms. As a result of this, the existing functions of these rooms (finance office, infant music room, junior music room) will be displaced and alternate accommodation needs to be provided on site.
13. This is a complex scheme involving conversion and extension of existing spaces, relocation, remodelling and refurbishing existing facilities, provision of sensory and one to one learning spaces, increased toilet provision and additional accommodation to achieve a reconfiguration of accommodation across both schools. The scheme includes a capital budget allowance for the furniture, fixtures and equipment and information communications technology (ICT) that is required to equip the new resource provisions. The main capital budget includes the supply and installation of a covered, dedicated external play space with play equipment for the infant base to meet the requirements of the Early Years Foundation Stage curriculum.
14. **Site investigations:** Geotechnical investigations, asbestos surveys, an arboriculture survey, ground scans and soakage testing have been undertaken to determine where there are any potential risks to construction that need to be mitigated during the design process. These investigations have not identified any significant risks to the construction of the new modular buildings, but contingency sums are recommended in the project budget to cover any risks uncovered during detailed design and construction. Checks on electricity, gas and water have been undertaken, and existing services have been assessed to have sufficient capacity to meet the needs of the proposed expansion of the school buildings. More detailed surveys will be undertaken at detailed design stage to inform the mechanical and electrical design of the building. Strategies are being identified for the expansion of fire alarm, ICT and CCTV systems.
15. **Sustainability:** The scheme will be designed to align with a "Very Good" Building Research Establishment Environmental Assessment Methodology (BREEAM) rating in accordance with Poole Planning policy PP37. Also compliant with PP37, 10% of consumed energy will be provided from sustainable sources as determined by the mechanical and electrical designers.
16. **Planning:** The planning applications for the building will be submitted in accordance with BCP Planning Policy. The application should be considered eligible for permitted development, however, there will be significant additional costs for the project if a full planning application, including meeting BREEAM requirements, is required. It is recommended that due to the necessity of ensuring that the provision is opened in January 2024, Council approves the scheme in lieu of a Planning approval with the financial contingency recommended in Exempt Appendix 1 used to meet any additional planning conditions.
17. **Cost estimate/Proposed Scheme Budget:** The proposed budget for the scheme is outlined in detail at Exempt Appendix 1. The technical design of the works has been developed in sufficient detail to provide an informed cost estimate for the work. The relatively early stage of design is acknowledged by the recommended 15% contingency for meeting design risks. an additional 5% contingency is included in the budget to cover inflationary risks. A further contingency is recommended as a provisional sum to deal with

the estimated additional costs associated with submitting a full planning application and meeting BREEAM requirements. In addition to this, it is recommended that a secondary contingency is included outside of the contract budget to deal with any other unanticipated costs.

18. **Programme:** The programme shows an anticipated handover in January 2025. Key dates in the project programme are summarised in the table below.

#### **Scheme Programme – Key dates/milestones**

<b>Activity</b>	<b>Date</b>
Submit Certificate of Lawfulness Application	February 2024
Submit Full Planning Application (If required)	April 2024
Certificate of Lawfulness Determination	April 2024
Full Planning Application Determination	August 2024
Start on site – Resource Bases	July 2024
Finish on site – Resource Bases	September 2024
Start on site – Modular Building	October 2024
Finish on site – Modular Building	December 2024
Resource Bases available for use	2 January 2025

#### **Options Appraisal**

19. A total of 5 options including the option of doing nothing have been considered (see Options A-E below). The preferred scheme is a combination of Options B and D and these are the being pursued. This reflects that during the development of the scheme (progressed at Royal Institute of British Architects Stage 1 and 2), it became clear that because of the site constraints, building bulletin B104 guidance, and the school's requirements, there were limited options for the location of the modular buildings and layout of the resource bases. Options focus on implications for the junior music room, the Teach Trust meeting building and the learning resource spaces all of which are major components in the scheme.

#### **Junior Music Room and Teach Trust Meeting Building Location**

- **Option A:** To install a new modular building on junior school top playground, re-locating the existing gazebo. This option is cost effective because a flat area of tarmac is available that is an appropriate distance from the building. However, the construction of this building could potentially cause more disruption due to its location on a well-used play area. This area is also likely to have “playing field” status under the Department for Education’s definition and this has implications for planning determination.
- **Option B:** To install a new modular building on land adjacent to the West boundary of the site. This area is segregated from the wider playing field. This site is more accessible than Option A due to its proximity to the site entrance, meaning that construction logistics would be simpler.

#### **Learning Resource Spaces in the Junior Resource Base**

- **Option C:** Use the existing music practice rooms to form 2 learning resource areas of 10m<sup>2</sup> and 12m<sup>2</sup>, with one used as a sensory room and one used as a small group room/ 1:1 teaching space. This option is more cost effective but does not accord with the school's preferred method of delivery for speech and language therapy, where pupils engage in two 1:1 sessions to embed their learning.
  - **Option D:** Remodel the existing music practice rooms to create 3 learning resource areas of 8m<sup>2</sup>, 6m<sup>2</sup> and 6m<sup>2</sup>. This would enable the school to deliver speech and language therapy in their preferred method while allowing a sensory room to be available for pupils who need it. This would require the formation of a



new rooflight, installation of mechanical ventilation, additional partitions and the formation of a new opening, which makes it a costlier option.

**Make no change to the existing provision at either school.**

- **Option E:** Doing nothing is not an option. Additional places are necessary to provide sufficiency of places.

**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:** At this stage, 15% contingency for design development and 5% contingency for inflation has been included in the budget. The contract between BCP and appointed contractor(s) will include an amount for contingency to cover unavoidable, not reasonably pre-ascertainable abnormal additional cost. Secondary contingency will be included in the budget cost estimate to provide the Council with mitigation for residual risks.
23. **VAT implications:** The project is to be grant funded and managed by BCP Council which bears all costs for the design and construction of the works. BCP is able to reclaim the VAT it incurs on the design and construction expenditure for the works under section 33B of the VAT Act. The project therefore does not attract VAT nor does it incur any irrecoverable VAT.
24. **Value for Money assessment:** The capital cost per pupil place of the proposed scheme is estimated at £62,857, which is below the national average cost per place for the provision of special school places of £74,920 estimated by English Buildings and Development Officers Group (EBDOG) and the Department for Education (DfE). Further details are provided in Exempt Appendix 1. The price per square metre for the conversion of the resource bases is low as this is mostly existing space, with only refurbishment and a small amount of non-structural remodelling required. Benchmark cost data is 18 months behind current prices and so is subject to uplift for the effects of inflation in the intervening period, meaning that the places are likely even better value for money.
25. **Revenue implications:** The revenue costs of running the new provision will be provided by the Council's High Needs Block through the infant and junior schools' 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 local authority as outlined in each pupil's plan and in the paragraphs below.
26. **Place Funding:** Permanent Resource Base Provision completed for academic year 24/25 offering total of 35 places. The academy will receive £10k per place. If unfilled at census, the HNB funds this in full. When places are filled, the High Needs Block contributes £6k with the remaining £4k coming from the schools' mainstream formula.
27. **Top-Up Funding:** It is anticipated that top-up funding will be paid at £10k per annum.
28. The revenue costs of the resource base are therefore projected to be £700k annually when operating at full capacity of 35 places.
29. In the case of children placed in BCP whom are resident in neighbouring local authority areas, the home authority will contribute to the funding of places in accordance with

school funding regulations. Teach Trust has examined the financial risks associated with the project and confirm they are manageable/sustainable.

30. **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. The new Dedicated Schools Grant Management Plan identifies a deficit with £63 million estimated by March 2024.
31. **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 independent non maintained special school place at £53k and a top end special school place cost of £28k, it is forecast that the additional places provided at Canford Heath infant and junior schools could save approximately £25k per place or £875k per annum. These savings have been built into the Dedicated Schools Grant Management Plan.
32. **Summary of legal implications**
33. **Funding Agreement:** There is no requirement for a funding agreement to be drafted in relation to the capital project as the work is being delivered by BCP. Corporate Estates will be asked to provide Consent to Works in the form of a licence letter reflecting BCP as the landlord for both academies. The provision of services is being covered by a separate contract.
34. **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 special educational needs. 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 special educational needs under review including its sufficiency.
35. **Statutory Process:** The proposal to expand the Resource Bases prompt a requirement for the Academy Trust, acting as the responsible body, to follow the process contained in the Department for Education guidance "Making Significant Changes to an Open Academy" issued in January 2023. The guidance sets out that where a local authority has instigated a proposed change and academy trusts are required to go through the significant change process. In accordance with this, the trust submitted a significant change application to the Department for Education Regions Group. This will be considered by the Regions Group in May 2024 following confirmation that the project is fully funded.
36. **Consultation:** As part of the statutory process run by Teach Trust, parents, local residents and local schools were consulted during the period 27 April 2023 through to 26 May 2023. Groups consulted include families of all pupils of both schools; the Teach Trust board; school staff and headteachers across the BCP Council area, including those of independent and non-maintained special schools. Other consultees include the local Member of Parliament, trade union representatives, local children's centres and other local authorities that may be likely to commission places within the resource base. The consultation was emailed to all parties and advertised in the local press, with

feedback received via letter and email. There were eight responses to the consultation, all of which supported the proposal.

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

37. There are no direct HR implications for the Council arising from this report. This reflects that staff are employees of The Teach Trust and not BCP Council. Teach 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**

38. The works are being designed to prioritise energy efficiency and minimise environmental impact, including utilising offsite construction, and will also comply with BCP policies for sustainable development in line with BCP Planning Policy.

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

39. The expansion of places 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 special educational needs 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**

40. Resource base provision is one of the most inclusive models of providing for the needs of children with special educational needs. 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 equalities impact screening tool which has been considered by the panel in February 2024.
41. Additionally, and as part of the statutory guidance on making a significant change to an open academy, Teach 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**

42. There is a need for additional special school places across BCP. The delivery of resource places is a central part of BCP's strategy and provides an opportunity to create places across the primary age range. The risk of the places not being needed in the foreseeable future is low.
43. Any delay to the current programme will jeopardise the delivery of the places by January 2025 and this could impact the ability of the Council to provide places for children with an EHCP in the 2024/2025 academic year.
44. BCP Council will manage the construction work at both schools. A contingency of 15% is included in the budget for design risks with a further 5% contingency included to deal with continuing inflationary pressures on labour and materials costs. When a contractor is appointed, BCP will include a contingency sum within the contract to cover any construction risk items that could not reasonably be pre-ascertained. In addition to this, BCP will hold a contingency outside of the contract to deal with any unforeseen risks.

45. The use of offsite construction with shallow foundations and pre-dominantly non-structural internal remodelling means that the chance of long delays caused by unforeseen risks during on-site construction are minimised. Likewise, the refurbishment and remodelling element of the works is mostly non-structural in nature.

### **Recommendation**

46. **It is RECOMMENDED that:**

Cabinet approves the total project budget as contained in Appendix 1 (Exempt). This will enable the scheme to progress in line with the project programme set out in paragraph 18. The project is fully funded from the Council's high needs specialist provision capital grant allocation.

### **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	<b>Review of the Council's Constitution - Recommendations of the Constitution Review Working Group</b>
Meeting date	11 April 2024
Status	Public Report
Executive summary	<p>The report summarises the issues considered by the Constitution Review Working Group and sets out a series of recommendations arising from the Working Group for consideration by the Committee relating to the introduction of budget and policy framework procedure rules.</p> <p>Any recommendations arising from the Committee shall be referred to full Council for adoption.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>(a) in relation to Issue 1 (Budget and Policy Framework Approval Procedure Rules) the proposed amendment to insert the new Procedure Rules into Part 4E of the Constitution, as set out in Appendix 1 to this report, be approved;</b></p> <p><b>(b) any necessary and consequential technical and formatting related updates and revisions to the Constitution be delegated to the Monitoring Officer.</b></p>
Reason for recommendations	To make appropriate updates and revisions to the constitution following consideration by the Working Group.

Portfolio Holder(s):	Councillor Vikki Slade (Leader of the Council and Portfolio Holder for Dynamic Places)
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Janie Berry (Director of Law and Governance and Monitoring Officer) Richard Jones (Head of Democratic Services)
Wards	Not applicable
Classification	For Recommendation

## Background

1. The Terms of Reference of the Audit and Governance Committee include 'Maintaining an overview of the Council's Constitution and governance arrangements in all respects'.
2. In discharge of this responsibility the Committee established a Constitution Review Working Group of five of its Councillors. The current members of the Working Group are Councillor Connolly (Chair) and Councillors Andrews, Beesley, Castle and Phipps. Since its establishment in July 2020, the Working Group has continued to meet on a regular basis to consider requests for change. The Group receives advice from various officers including the Monitoring Officer and Head of Democratic Services. From time to time, as required, Officers and Councillors with specialist responsibility have been invited to have an involvement.
3. Since its establishment, the Working Group has continued to meet on a regular basis and completed various phases of its work. Recommendations that were agreed by Council have been implemented and incorporated into a revised and updated version of the Constitution and published on the Council's web site.
4. The Working Group has considered suggestions received from a wide variety and range of sources including input from Councillors and Officers.

## Format

5. Throughout the work of the Group a 'Forward Plan' of issues has been maintained and added to as additional issues have arisen. This approach will continue to be adopted for capturing future issues.
6. Where appropriate, any proposed changes to the Constitution are shown with track changes in the appendices to this report (and where changes are proposed to individual paragraphs these may be embedded into the body of this report in red outline boxes) to assist members identifying the proposed changes. Page number references are to pages within the current Constitution.

## Options Appraisal

7. The Working Group considers carefully whether or not changes are necessary on each issue raised. If supported the Working Group determines the proposed



alterations to the wording which forms the basis of the recommendations to the Audit and Governance Committee. This report sets out the proposed changes following those deliberations.

8. For ease of reference, each matter considered will be referred to as an Issue with a corresponding number which will be referenced through the report and recommendations. There is only one issue for consideration in this report.

## **ISSUE 1 – BUDGET AND POLICY FRAMEWORK APPROVAL PROCEDURE RULES**

9. The DLUHC Best Value Action Plan recommended the introduction of new Procedure Rules for the Budget and Policy Framework Approval process. This was also included in the Chief Executive's Action Plan to improve governance arrangements.
10. The proposed framework is based on a review of other large unitary authorities' procedure rules and is considered to address concerns of potential weaknesses with the existing arrangements, including the prevention of a late change to an administrations budget proposal before council.
11. It was acknowledged that as a new document it would be appropriate to review these rules after 12 months of operation and the Working Group agreed to include such a review in the work plan for Spring 2025.
12. The new Procedure Rules aim to strengthen and clarify the decision-making process for the consideration, objection, amendment and approval of key policies and budget proposals.
13. The proposed new Procedure Rules which will be included in Part 4 (Procedure Rules) is set out in Appendix 1 to this report. Track changes are not shown as the whole document is new. It is proposed to reference these new procedure rules as Part 4E and to alter the referencing for the Officer Employment Procedure Rules from section 4E to 4F.

## **14. RECOMMENDATION**

**It is RECOMMENDED that in relation to Issue 1 (Budget and Policy Framework Approval Procedure Rules) the proposed rules to be added to Part 4E, as set out in Appendix 1 to this report, be approved.**

### **Summary of financial implications**

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

### **Summary of legal implications**

16. The Constitution of the BCP Council complies with relevant legislation. Where appropriate, the Constitution references relevant legislation which underpins specific procedure rules.

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

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

### **Summary of sustainability impact**

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

**Summary of public health implications**

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

**Summary of equality implications**

20. The Constitution of the BCP Council sets out the rights of public access to the democratic process. Where appropriate the Equality Officer is engaged on relevant issues.
21. The proposed Constitution changes contained within this report do not impact directly or indirectly upon service users and as a consequence there are no equality implications arising from this report.

**Summary of risk assessment**

22. The Constitution is a legally required document which prescribes the procedural and democratic arrangements for the proper governance of the Council.

**Background papers**

Published works

**Appendices**

Appendix 1 - Proposed Budget and Policy Framework Approval Procedure Rules

## PART 4E

# BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

## **E. Budget and Policy Framework Procedure Rules**

### **1. The Budget and Policy Framework**

- 1.1. The Budget and Policy framework refers to the financial and policy decisions of the Council where:
  - 1.1.1. the Leader and Cabinet makes recommendations for the budget decision to Full Council, and
  - 1.1.2. the Full Council makes the final decision to adopt the Leader and Cabinet's recommendations. If Full Council does not accept or fully accept the Leader and Cabinet's recommendations, the procedure below must be followed.
- 1.2. The Leader and Cabinet is responsible for the implementation of the Budget and Policy Framework.
- 1.3. The following rules are mandatory standing orders required to be adopted by the Council under the Local Authorities (Standing Orders) (England) Regulations 2001 to set out how the Budget Approval Rules will be agreed.

### **Policy Framework Decisions**

### **2. Leader and Cabinet policy proposals**

- 2.1. The Leader and Cabinet will formulate draft plan or strategy decisions with the support of officers and will determine whether to:
  - 2.1.1. Undertake public or other stakeholder engagement and / or consultation; and/or
  - 2.1.2. Proactively engage with Scrutiny, including as part of the annual overview and scrutiny work plan.
- 2.2. The Leader and Cabinet will take into account the outcome of these processes in the formulation of the draft plan or strategy made to Full Council.
- 2.3. The Leader and Cabinet will submit its draft plan or strategy to Full Council for adoption.

### **3. Council's Consideration of Leader and Cabinet draft plan or strategy**

- 3.1. Full Council will consider the draft plan or strategy and take one of the following decisions:
  - 3.1.1. Adopt the Leader and Cabinet's proposals and if so the draft plan or strategy is agreed as Council policy; or

- 3.1.2. Inform the Leader of any objections it has to the Leader and Cabinet's draft plan or strategy, including any amendments to the proposals.
- 3.2. If the Council has objections to the Leader and Cabinet's initial proposals, it must:
  - 3.2.1. Give the Leader instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
  - 3.2.2. Specify a period ("the relevant period") of **at least 5 working days** beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may reconsider the draft plan or strategy.

### **Leader's consideration of the Council's objections**

- 3.3. The Leader may, within the relevant period, give notice in writing to the Monitoring Officer of their intention to:
  - 3.3.1. submit a revised draft plan or strategy to Full Council including the reasons for any amendments; and
  - 3.3.2. inform Full Council of its disagreement with the Council's objections to the draft plan and strategy and the reasons for the disagreement.
- 3.4. If the Leader does not take the above action within the relevant period, the Council's decision on the draft plan or strategy (with any amendments) will become effective at the expiry of the relevant period and notice will be given in accordance with the Access to Information Rules.

### **Full Council's final decision**

- 3.5. If the Leader gives notice in writing to submit a revised draft plan or strategy, or disagrees with the Council's objections to the original draft plan or strategy, the Full Council must meet to reconsider and agree the plan or strategy either:
  - 3.5.1. at the next ordinary Council meeting; or
  - 3.5.2. at an extraordinary Council meeting for this purpose if a decision needs to be made at a sooner date.
- 3.6. The Council's final decision to adopt the plan or strategy must take into account, where applicable, the Leader's revised draft plan or strategy or disagreement with the Council's objections.

## **The Budget Framework: Setting the Annual Council Tax and Budget**

### **4. The Formulation of Budget Proposals**

- 4.1. In the financial year, the Leader and Cabinet with the support of officers will formulate draft budget proposals and will:
  - 4.1.1. determine the process for any public or other stakeholder engagement and / or consultation; and/or
  - 4.1.2. agree with Overview and Scrutiny Committees a process for the scrutiny of the proposals.
- 4.2. The Leader and Cabinet will take into account the outcome of these processes in the formulation of the draft plan or strategy made to Full Council.
- 4.3. The Leader and Cabinet will submit its draft budget proposals to Full Council in accordance with the following procedure.

### **5. Leader and Cabinet's Budget Estimates or Amounts**

- 5.1. Subject to the exception in Rule 9, in any financial year the Leader and Cabinet shall submit to Full Council for its consideration in relation to the following financial year:
  - 5.1.1. Estimates of the amount to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32-37 or 43-49 of the Local Government Finance Act 1992;
  - 5.1.2. Estimates of other amounts to be used for the purpose of such a calculation;
  - 5.1.3. Estimates of such a calculation; or
  - 5.1.4. Amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992.
- 5.2. The proposals at 5.1 shall be called collectively the "Budget Estimates or Amounts".

### **6. The Budget Setting Meeting: Full Council's Consideration of the Budget Estimates or Amounts**

- 6.1. The Full Council shall consider the Budget Estimates or Amounts at its annual budget setting meeting.
- 6.2. If the Full Council approves the Budget Estimates or Amounts without amendment, this decision will be final.

- 6.3. If the Full Council has any objections to the Budget Estimates or Amounts, it must:
- 6.3.1. before it makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in 5.1 above or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992;
  - 6.3.2. inform the Leader of any objections which it has to the Budget Estimates or Amounts; and give the Leader instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

## **7. Leader's Revised Budget Estimates or Amounts**

- 7.1. Where the Council gives instructions in accordance with rule 6 above, it must specify a period ("the relevant period") of **at least five working days** beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet, within which the Leader may:
- 7.1.1. submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with Full Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the authority for Full Council's consideration; or
  - 7.1.2. inform the Full Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

## **8. Full Council's Consideration of the Leader's Revised Budget Estimates or Amounts**

- 8.1. The Full Council must meet after the expiry of the relevant period to make calculations (whether originally or by way of substitute) in accordance with the sections referred to in 5.1 above or issue a precept under Chapter IV of Part I of the Local Government Finance Act 1992.
- 8.2. When making the decisions at 8.1, Full Council must take into account the Leader's submissions under Rule 7 including:
- 8.2.1. any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - 8.2.2. the Cabinet's reasons for those amendments;
  - 8.2.3. any disagreement that the Cabinet has with any of the Council's objections; and
  - 8.2.4. the Cabinet's reasons for that disagreement.

## **9. Exclusions**

### **9.1. Rules 5 to 8 shall not apply in relation to -**

- 9.1.1. calculations or substitute calculations which an Authority is required to make in accordance with Section 52I, 52J, 52T or 52U of the Local Government Act 1992; and
- 9.1.2. amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

## **10. Recorded Vote**

- 10.1. A recorded vote will be held for any vote taken at the Council's budget setting meeting, including in respect of amendments.

## **11. Decisions outside the Budget or Policy Framework**

- 11.1. Subject to the provisions of the Financial Regulations (Part 5 of the Constitution), the Cabinet, individual portfolio holders, individual officers, committees or joint arrangements discharging executive functions may only take decisions which are in line with the approved Budget.
- 11.2. If any of those bodies or persons wishes to make a decision which is contrary to the approved Budget Approval Rules, the decision may only be taken by Council, subject to the Rule below in respect of urgent decisions outside the Budget and Policy Framework.
- 11.3. If those bodies or persons detailed above want to make a decision which is or may be contrary to the Budget Approval Rules, they shall first consult and take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the Budget Approval Rules.
- 11.4. If the advice of the Monitoring Officer or the Section 151 Officer is that the decision would not be in line with the existing Budget Approval Rules, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 12 below (urgent decisions outside the Budget Approval Rules) shall apply.
- 11.5. Council may either:
  - 11.5.1. endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget Approval Rules. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
  - 11.5.2. amend the budget framework or policy concerned to encompass the decision or proposal of the decision taker responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the



Council be minuted and circulated to all councillors in the normal way; or

- 11.5.3. where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to, or not wholly in accordance with the budget and does not amend the existing framework to accommodate it, require the decision taker to reconsider the matter in accordance with the advice of either the Monitoring Officer/Section 151 Officer and refer it back to the Cabinet. The decision taker must reconsider within 7 working days of the Council meeting; and
- 11.5.4. Whatever decision the Cabinet takes at that meeting is final, bearing in mind that a decision taken outside the Budget Approval Rules will be unlawful.

## **12. Urgent decisions outside the Budget**

- 12.1. The Leader, the Cabinet, a Cabinet Committee, an individual member of the Cabinet, officers, or joint arrangements discharging executive functions may take a decision which is contrary to the Budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken if:
  - 12.1.1. any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest;
  - 12.1.2. it is not practical to convene a quorate meeting of the Full Council within the Access to Information Rules; and
  - 12.1.3. the Chair of a relevant Overview and Scrutiny committee agrees that the decision is a matter of urgency.
- 12.2. The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the relevant Overview and Scrutiny committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 12.3. Following the decision, the decision taker will provide a full report to the next available Full Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **13. Virement**

- 13.1. Budget virement means a process of transferring budgeted sums from one budget line to another in the light of experience or to reflect anticipated changes. The Council's rules on virement are set out in the Financial Regulations (Part 5 of the Constitution), Corporate Scheme of Financial Delegation, Appendix 1.

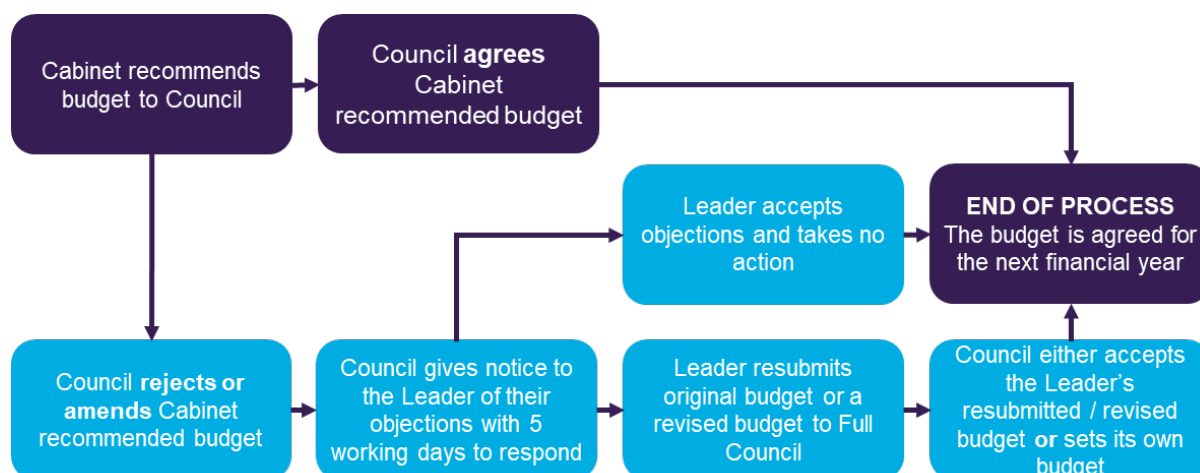
## **14. In-year changes to Policy Framework**

- 14.1. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

- 14.1.1. which will result in the closure, amendment or discontinuance of a service or part of a service to meet a budgetary constraint;
- 14.1.2. are necessary to ensure compliance with the law, ministerial direction, or government guidance; and
- 14.1.3. which are within the scope set out for in year changes in the policy document in question, or when the policy document was approved by Full Council.

## 15. Summary explanatory note and diagram : Budget and Policy Framework

- 15.1. The Budget and Policy Framework is the framework which sets out arrangements for the adoption and implementation of the Council's Budget, policies, plans and strategies.
- 15.2. These are decisions where both Full Council and the Leader and Cabinet have a role in the decision making:
  - 15.2.1. The Leader and Cabinet develop and recommend the Budget and Policy Framework decision to Full Council for approval; and
  - 15.2.2. The full Council makes the final decision.
- 15.3. The specific financial and policy decisions that are reserved for Council are set out in regulations and in Parts 3 and 5 of the Constitution.
- 15.4. Once decisions are agreed, the Leader and Cabinet has responsibility for implementing the framework.
- 15.5. The rules provide for the process to be followed if the Council disagrees with any of the Leader and Cabinet's recommendations. A summary of the budget process is set out as an example:





Report subject	<b>Consultation on the draft BCP Community Infrastructure Levy (CIL) Charging Schedule</b>
Meeting date	23 April 2024
Status	Public Report
Executive summary	Following agreement to the draft CIL Charging Schedule at the 9 January 2024 Council meeting, further viability testing has been carried out resulting in more positive results for some areas of CIL charging. These changes could not be considered as minor and so Council is being asked to consider an updated charging schedule for public consultation.
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>a) The proposed amendments to the Draft CIL Charging Schedule are approved for public consultation for a period of six weeks from April 2024.</b></p>
Reason for recommendations	The changes to the draft CIL Charging Schedule are not minor and need Council agreement.
Portfolio Holder(s):	Councillor Vikki Slade – Leader of the Council and Portfolio Holder for Dynamic Places
Corporate Director	Wendy Lane, Director of Planning and Transport
Report Authors	Caroline Peach, Head of Strategic Planning
Wards	Council-wide
Classification	For Decision

## Background

1. The draft CIL Charging Schedule was considered by Cabinet on 13 December 2023 and by Council 9 January 2024 alongside the draft BCP Local Plan. The CIL Charging Schedule sets out the charge per square metre (psm) new development must pay to fund supporting infrastructure. The two documents were due to go out to public consultation at the same time starting in March. The substantive papers relating to this item can therefore be found as part of 9 January Council meeting and this report will focus on the changes. [Welcome to BCP Council | BCP](#)
2. Since January, there has been some more testing of viability since the policies included in the draft Local Plan had been agreed by Council and were now known. This viability work is publicly available as part of the draft BCP Local Plan evidence: [BCP Local Plan Viability Study - March 2024 excl Appendices \(bcpcouncil.gov.uk\)](#)
3. This additional testing has resulted in several areas that have more positive results for CIL charging, although there are examples of the CIL rate going down, e.g residential development on

greenfield sites and some rates have stayed the same. A copy of the updated CIL Charging Schedule indicating all the proposed changes is at Appendix 1 and 2. Some areas have seen changes to their rates psm but the most significant changes are:

- town centres – a change from the £20 agreed at Council to £40 psm
  - residential development of 1 to 9 homes - a change from £150 to £280 psm
  - purpose built student accommodation – a change from £0 (zero rated for CIL) to £45 psm
  - retirement housing (use class C3) – a change from £0 to £150 psm
  - extra care (use class C3) - a change from £0 to £25 psm
4. The above changes could not be considered as minor changes which could be delegated to the Director of Planning and Destination (now Director of Planning and Transport), in consultation with the Portfolio Holder for Dynamic Places. Therefore, the draft Local Plan and the draft CIL Charging Schedule were de-coupled and only the draft Local Plan continued to consultation, which is due to conclude on 3 May 2024. This was possible because although the two pieces of work are related, they do not have to be considered at the same time. They can be consulted on and be examined separately. However, it is helpful for the purposes of clarity and delivery of the aspirations of the draft Local Plan to progress them both. It is also important to start to collect an updated level of CIL as soon as possible to mitigate development and put in place the associated infrastructure.
5. Therefore, this report seeks Council agreement to the proposed updated CIL Charging Schedule for public consultation. 9 January Council meeting previously agreed that subject to no major amendments being required following consultation, the decision to submit the Draft BCP Local Plan and the Draft CIL Charging Schedule to the Secretary of State for examination is delegated to the Director of Planning and Destination in consultation with the Portfolio Holder for Dynamic Places.

### **Options Appraisal**

6. No change in position since the substantive report to Council on 9 January 2024.

### **Summary of financial implications**

7. The updated draft CIL Charging Schedule shows an increase for several types of development. This is likely to result in an increase in funding generated by new development, to enable the associated infrastructure to be put in place.

### **Summary of legal implications**

8. No change in position since the substantive report to Council on 9 January 2024.

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

9. No change in position since the substantive report to Council on 9 January 2024.

### **Summary of sustainability impact**

10. No change in position since the substantive report to Council on 9 January 2024.

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

11. No change in position since the substantive report to Council on 9 January 2024.

### **Summary of equality implications**

12. No change in position since the substantive report to Council on 9 January 2024.

### **Summary of risk assessment**

13. No change in position since the substantive report to Council on 9 January 2024.

### **Background papers**

Council meeting papers 9 January 2024: [Welcome to BCP Council | BCP](#)

Viability Study: [BCP Local Plan Viability Study - March 2024 excl Appendices \(bcpcouncil.gov.uk\)](#)

## **Appendices**

Appendix 1: Community Infrastructure Levy Draft Charging Schedule – tracked changes version

Appendix 2: Community Infrastructure Levy Draft Charging Schedule – proposed consultation version

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# Community Infrastructure Levy

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## Draft Charging Schedule

~~January~~-April 2024

**Author:** Planning Policy

**Version:** ~~Overview and Scrutiny Board~~Post Council ChangesFinal - Draft  
Charging Schedule Consultation

**Date:** ~~4 December 23~~ April 2024 ~~2023~~



# Community Infrastructure Levy

## Draft Charging Schedule



**The Charging Authority:** Bournemouth Christchurch and Poole Council

**Date of Approval:** tbc. **Date of Commencement:** tbc

The Charging Schedule has been issued, approved and published in accordance with the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and Part 11 of the 2008 Planning Act.

**Scope of CIL:** CIL charge of '£ per sqm' will be chargeable on the net additional floorspace (gross internal area) of all new development – apart from those exempt – under the CIL Regulations 2010 (as amended).

**CIL Charge Rates:** The charging rates for development in Bournemouth Christchurch and Poole Council area are set out as follows:

Use	Land	Zones	Charge	Areas/Zones
Residential (Use Class C3) Minor developments of: • 1 to 9 homes	<del>Brownfield</del> Any	BP	£250	BP - Bournemouth & Poole town centres
	<del>Brownfield</del> Any	VA1	<del>£150</del> 280	VA1 - Value area 1
	Brownfield	VA2	<del>£300</del> 310	VA2 - Value area 2
	Brownfield	VA3	£360	VA3 - Value area 3
	Brownfield	VA4	£630	VA4 - Value area 4
Residential (Use Class C3) for Major developments of: • 10 or more homes	<del>Brownfield</del> Any	BP	<del>£20</del> 40	BP - Bournemouth & Poole town centres
	<del>Brownfield</del> Any	VA1	<del>£30</del> 40	VA1 - Value area 1
	Brownfield	VA2	<del>£120</del> 130	VA2 - Value area 2
	Brownfield	VA3	<del>£250</del> 300	VA3 - Value area 3
	Brownfield	VA4	<del>£315</del> 380	VA4 - Value area 4
Residential (Use Class C3)	Greenfield	VA2	<del>£500</del> 485	VA2 - Value area 2
	Greenfield*	VA3	<del>£650</del> 600	VA3 - Value area 3**
	Greenfield*	VA4	<del>£850</del> 800	VA4 - Value area 4
<del>Retirement housing (Use Class C3)</del>	Any		£150	VA4 - Value area 4
<del>Extra care housing (Use Class C3)</del>	Any		£25	VA4 - Value area 4
<del>Purpose Built Student Accommodation</del>	Any		£45	All zones across BCP area
Industrial and Warehousing (Use Class B2 / B8)	Any	All	<del>£400</del> 115	All zones across BCP area
Comparison retail (Use Class E(a))	Any	All	<del>£25</del> 45	All zones across BCP area (in town centre or out of town centre)
All other development			£0	

\* excluding gardens

\*\* Land north of Bearwood, Land north of Merley and Reeshot Hill – rate to be confirmed

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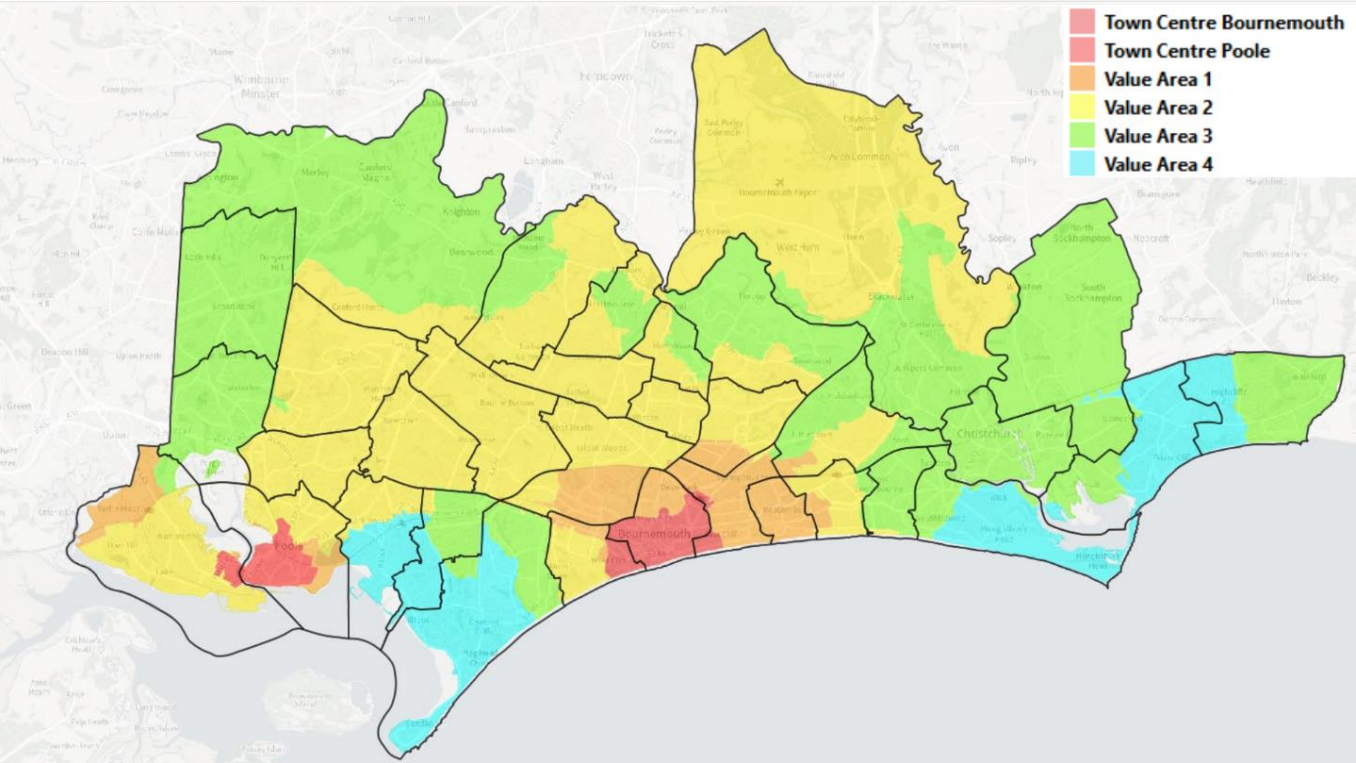
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**Calculating the Chargeable Amount:** The Council will calculate the amount of CIL payable ("chargeable amount") in respect of a chargeable development in accordance with the relevant formulae in the CIL Regulations (as amended): <https://www.legislation.gov.uk/ukdsi/2014/9780111106761/regulation/6>

**The charging zones:** The charging zones are set out in the attached map.

For more information please visit: <https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

The charging zones



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# Community Infrastructure Levy

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## Draft Charging Schedule

April 2024

**Author:** Planning Policy

**Version:** Final - Draft Charging Schedule Consultation

**Date:** 23 April 2024

# Community Infrastructure Levy

## Draft Charging Schedule



**The Charging Authority:** Bournemouth Christchurch and Poole Council

**Date of Approval:** tbc. **Date of Commencement:** tbc

The Charging Schedule has been issued, approved and published in accordance with the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and Part 11 of the 2008 Planning Act.

**Scope of CIL:** CIL charge of '£ per sqm' will be chargeable on the net additional floorspace (gross internal area) of all new development – apart from those exempt – under the CIL Regulations 2010 (as amended).

**CIL Charge Rates:** The charging rates for development in Bournemouth Christchurch and Poole Council area are set out as follows:

Use	Land	Charge	Zones
Residential (Use Class C3) Minor developments of: • 1 to 9 homes	Any	£250	BP - Bournemouth & Poole town centres
	Any	£280	VA1 - Value area 1
	Brownfield	£310	VA2 - Value area 2
	Brownfield	£360	VA3 - Value area 3
	Brownfield	£630	VA4 - Value area 4
Residential (Use Class C3) for Major developments of: • 10 or more homes	Any	£40	BP - Bournemouth & Poole town centres
	Any	£40	VA1 - Value area 1
	Brownfield	£130	VA2 - Value area 2
	Brownfield	£300	VA3 - Value area 3
	Brownfield	£380	VA4 -Value area 4
Residential (Use Class C3)	Greenfield	£485	VA2 -Value area 2
	Greenfield	£600	VA3 -Value area 3
	Greenfield	£800	VA4 -Value area 4
Retirement housing (Use Class C3)	Any	£150	VA4 -Value area 4
Extra care housing (Use Class C3)	Any	£25	VA4 -Value area 4
Purpose Built Student Accommodation	Any	£45	All zones across BCP area
Industrial and Warehousing (Use Class B2 / B8)	Any	£115	All zones across BCP area
Comparison retail (Use Class E(a))	Any	£45	All zones across BCP area
All other development £0			

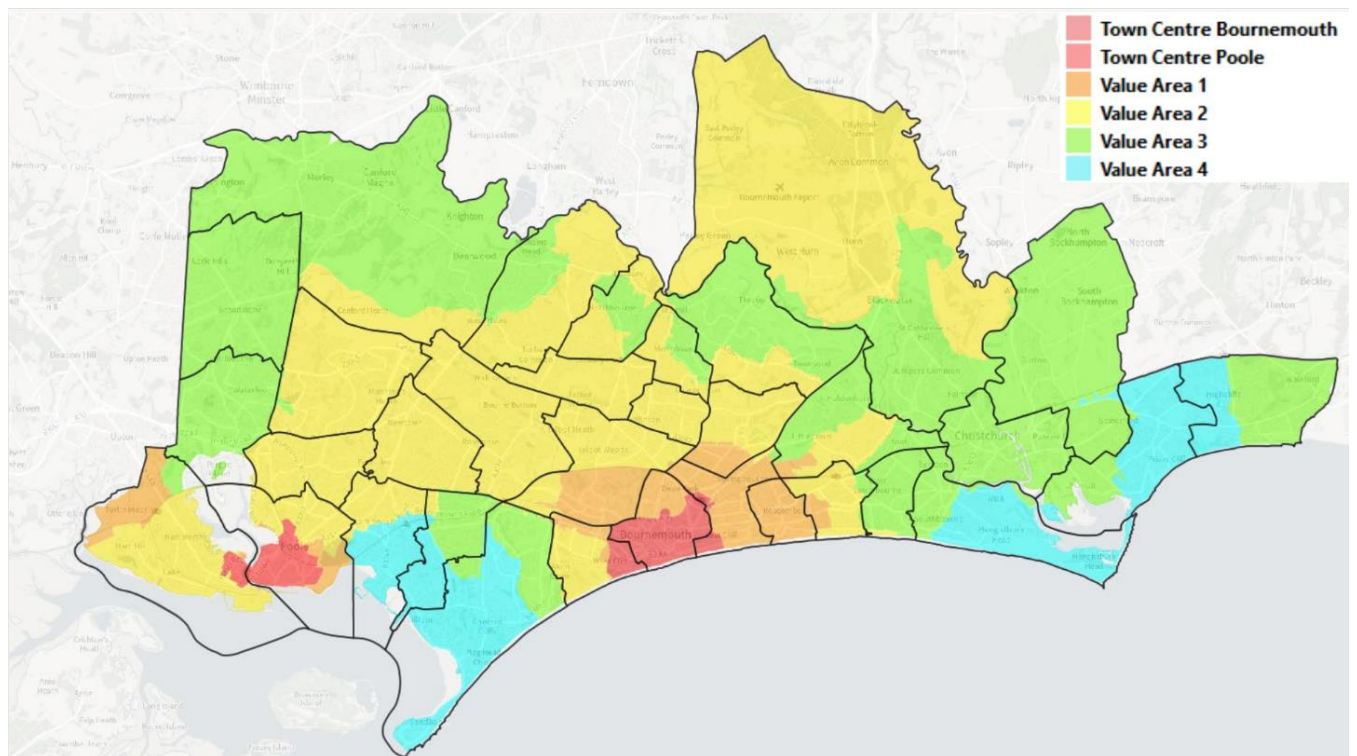
\* excluding gardens

**Calculating the Chargeable Amount:** The Council will calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with the relevant formulae in the CIL Regulations (as amended): <https://www.legislation.gov.uk/ukdsi/2014/9780111106761/regulation/6>

**The charging zones:** The charging zones are set out in the attached map.

For more information please visit: <https://www.bcpCouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

## The charging zones





## COUNCIL



Report subject	<b>Acceptance of the Household Support Fund 5</b>
Meeting date	23 April 2024
Status	Public Report
Executive summary	<p>On 6 March 2024 in the Spring Budget the Chancellor announced that the Household Support Fund (HSF) would be extended for a further six months, from 1 April 2024 to 30 September 2024, with a further £421m of funding. As has been done for previous schemes, the fund will be made available to County Councils and Unitary Authorities in England to support those most in need due to the Cost-of-Living situation.</p> <p>BCP Council has been awarded an allocation of £2,653,367.04 by the Department for Work and Pensions (DWP). Council is requested to formally accept the funding in line with the Council's Financial Regulations to enable plans to be put in place to support residents.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Council accept the Household Support Fund 5 allocated to BCP Council by the Department for Work and Pension in line with the Council's Financial Regulations.</b></p>
Reason for recommendations	To ensure that residents in Bournemouth, Christchurch and Poole who are struggling as a result of the Cost-of-living situation have access to support via the Household Support between April 2024 and September 2024.

Portfolio Holder(s):	Councillor Millie Earl, Deputy Leader for the Council and Portfolio Holder for Connected Communities
Corporate Director	Jillian Kay, Corporate Director for Wellbeing
Report Authors	Cat McMillan, Head of Community Engagement and Community Safety
Wards	Council-wide
Classification	For Decision

## Background

1. On 6 March 2024 in the Spring Budget the Chancellor announced that the Household Support Fund (HSF) would be extended for a further six months, from 1 April 2024 to 30 September 2024, with a further £421m of funding, of which BCP has been awarded £2,653,367.04. As has been done for previous schemes, the fund will be made available to County Councils and Unitary Authorities in England to support those most in need. This is the fifth round of Household Support Funding that Local Authorities have been asked to deliver.
2. In terms of type of support, the expectation is that the HSF extension should be used in a similar way as the original HSF schemes, although, with a greater emphasis on supporting households with energy bills. Food and energy and water bills also remain priorities. It can also be used to support households with essential costs related to those items and with wider essential costs.
3. Support should be available from 1 April 2024 to 30 September 2024 and authorities should aim to have arrangements in place as quickly as possible to support vulnerable households throughout the grant period.
4. Previous rounds of the Household Support Fund have supported over 110,000 households in Bournemouth, Christchurch and Poole with a range of measures such as flexible food vouchers for eligible families during school holidays, food and energy vouchers issued through Citizen's Advice BCP, replacement white goods and boilers, energy efficiency measures and grants to community food settings (food banks, pantries etc) and other measures as necessary. The work is overseen by the multi-agency Together We Can Steering Group which was established during the pandemic and has continued to operate to support our communities.
5. Council is requested to formally accept the Household Support Fund so that plans can be put in place for the delivery of support in line with the guidance.

## Options Appraisal

6. 1- Accept the Household Support Fund to enable support to be put in place for those struggling with the current Cost of Living situation.
7. 2- Do not accept the Household Support Fund- no funding is available to support those struggling with the current Cost of Living situation. No alternative funding has been identified to mitigate this.

### **Summary of financial implications**

8. Funding is claimed retrospectively in arrears at the end of quarter 1 and quarter 2 upon submission of a detailed monitoring report which is signed off by the Chief Finance Officer. All four previous rounds of Household Support Funding have been successfully claimed in full.
9. Under reference EA4 of Part H, of the Council's Financial Regulations, acceptance of any funding over the value of £1 million must be approved by Council.

### **Summary of legal implications**

10. This decision relates to the acceptance of the Household Support Fund, which is in line with the Council's Financial Regulations which form part of the Council's Constitution.

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

11. The Household Support Fund is delivered through the Community Initiatives team at BCP Council and full cost recovery for staff time is claimed as part of the Fund.

### **Summary of sustainability impact**

12. Part of the fund is used to deliver support for 'energy' which includes replacement of white goods and boilers which are inefficient in their energy use, the installation of insulation goods, distribution of heated blankets and energy efficiency talks and booklets through the Local Energy Advice Partnership.

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

13. The primary function of the Household Support Fund is to help residents affected by the Cost-of-Living situation with support around food and energy. Those most severely impacted are residents living in areas of deprivation. The support provided helps residents to stay warm and have access to food which supports a public health approach towards the wider determinants of health.

### **Summary of equality implications**

14. An Equalities Impact Assessment was undertaken for the first round of the Household Support Fund and is regularly reviewed and updated as the situation and/or grant guidance changes. It was identified that the fund has significant positive impacts for a wide range of individuals, such as children, people living in areas of deprivation, elderly residents, homeless etc. This is not an exhaustive list as anyone can find themselves in need of support as their situation changes and through the multi-agency Together We Can Partnership information is shared about any emerging needs so that we can consider how this might be addressed through the funding.

### **Summary of risk assessment**

15. There is the risk that we are both over and undersubscribed with applications for support. The actual spend is monitored over time to ensure that budgets can be reallocated as required if we experience this. We have now successfully delivered

four rounds of HSF funding within budget allocations and have a well-tested model. All spend is made in line with the Council's Procurement and Financial Regulations.

### **Background papers**

16. [Get help with the cost of living from your local council - GOV.UK \(www.gov.uk\)](https://www.gov.uk/get-help-with-the-cost-of-living-from-your-local-council)
17. [Cost of living help | BCP \(bcpcouncil.gov.uk\)](https://bcpcouncil.gov.uk/cost-of-living-help)

### **Appendices**

There are no appendices to this report.