

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
OVERVIEW AND SCRUTINY BOARD

Minutes of the Meeting held on 09 September 2019 at 10.00 am

Present:-

Cllr P Broadhead – Chairman

Cllr M Haines – Vice-Chairman

Present: Cllr M Anderson, Cllr M F Brooke, Cllr M Earl, Cllr G Farquhar,
Cllr M Greene, Cllr N Greene, Cllr M Iyengar, Cllr R Lawton,
Cllr R Maidment, Cllr C Rigby, Cllr P Hilliard (In place of Cllr N
Brooks), Cllr L-J Evans and Cllr B Dove

Also in Cllr S Bartlett, Cllr J Beesley, Cllr D Brown, Cllr S Moore,
attendance: Cllr L Northover, Cllr M Phipps, Cllr Dr F Rice and Cllr K Wilson

21. Apologies

Apologies were received from Cllrs N Brookes, L Fear, R Maidment and P Miles.

22. Substitute Members

Notification was received from the appropriate group leaders or their nominated representative of the following substitutes Cllr P Hilliard substituted for Cllr N Brookes, Cllr L Evans substituted for Councillor P Miles and Cllr B Dove substituted for Cllr L Fear.

23. Declarations of Interests

Councillors declared the following issues for the purpose of transparency. All remained in the room and participated in the debate and voting for each item:

Cllr M Greene and Cllr N Greene declared, in relation to the Project Admiral Leasehold Considerations and Acquisition Proposals report, that they and their spouse had an interest in property in Poole town centre.

Cllr L Evans declared, in relation to the Project Admiral Leasehold Considerations and Acquisition Proposals report, that she had an interest in property in Poole town centre.

Cllr M Brooke declared in relation to the reports on planning issues, that he was the Chairman of the Broadstone Neighbourhood Forum and involved with developing neighbourhood plans.

Cllr M Anderson declared in relation to the reports on planning issues that he was involved in the Queen's Park Neighbourhood Forum.

Cllr M Haines declared in relation to the reports on planning issues that she was involved with the Sandbanks Neighbourhood Forum.

Cllr P Hilliard declared in relation to the report on BCP Council investment that he was a BCP nominated Governor at Bournemouth Hospital.

24. Confirmation of Minutes

RESOVLED that the Minutes of the meeting held on 8 July 2019 be confirmed as a correct record and signed by the Chairman.

25. Action Sheet

RESOLVED that the action sheet be noted.

26. Public Speaking

The following question was submitted to the Overview and Scrutiny Board from local resident David Brown:

“Given what Dr Sharon Goldberg, professor and doctor of internal medicine, states: “Wireless radiation has biological effects... This is no longer a subject for debate when you look at PubMed and the peer-review literature. These effects are seen in all life forms... evidence of cancer... of DNA damage, cardiomyopathy, which is the precursor of congestive heart failure, neuropsychiatric effects... 5G is an untested application of a technology that we know is harmful... In academics, this is called human subjects research,” will the council follow the precautionary principle and halt the roll out of 5g in BCP?”

MR Brown was unable to attend the meeting and the following response from the Chairman was provided:

“We are hoping to have a call-for evidence around the 5G issue on 23 September meeting so we have also invited him along to that meeting to submit his evidence there and to take part in that process as well and we will discuss this issue further when we come to the Forward Plan item.”

27. Scrutiny of Planning Related Cabinet Reports

Statement of Community Involvement

The Chairman introduced the item. He reminded the Board that it was focussing on risk based policy decision making and therefore questions should be directed to the Cabinet Members. He explained that the Overview and Scrutiny Board had chosen to look at four forthcoming Cabinet reports in relation to Planning issues and invited the Cabinet Portfolio Holder for Strategic Planning to introduce each of the reports:

Statement of Community Involvement (SCI): The Cabinet Portfolio Holder explained that the SCI was a statutory requirement that set out how a local planning authority engaged with its residents when preparing local plans and through the planning application process. In respect of planning applications, different options for notification had been assessed and

Cabinet would be asked to approve the recommendation for Option 3 and the SCI proposals for public consultation. The Chairman invited questions from the Board, the following issues were raised:

- A Councillor commented that only 1 in 10 notification letters for planning applications received a response. Therefore why was option 1, which was for site notices only and presented a significant cost saving and reduced environmental impact, not being pursued? The Board was advised that the three preceding authorities had different systems in place at transition and removing letter notifications would come as a shock to residents in Poole and Christchurch and an open and engaging system was needed. Option 3 would allow time for a transition towards more digital communications and was recommended by officers. It was also noted that it was hoped to reduce the estimated cost of letters – possibly by just reproducing site notices and hand posting to immediate neighbours when site notices were posted.
- A Board member outlined that other planning authorities used an opt-in method for residents to choose to receive digital communications of planning applications of interest to them. The Councillor felt that option 3 was the worst of all options as it would mean an arbitrary number of properties would be notified and raised the point that those in higher density accommodation may have less access to technology.
- The Board requested information on complaints received by the preceding authorities about the current processes. It was explained that there was the odd complaint received but records were not available at the meeting. There were pros and cons to each system. The effect in Poole and Christchurch of change would be quite large. A Councillor commented that the statistics for complaints would be useful.
- Another Board member felt that residents in Poole were used to the system currently in place there and to remove it immediately would be a problem. They would be happy to retain letters based on officers' judgement.
- The Portfolio Holder was asked if they had reviewed the process which took place in Bournemouth when it stopped sending letters. A Councillor suggested there may be some confusion with the change and that there was a role for ward Councillors to play in promoting planning applications with significant public interest. The Cabinet Member responded that there was a statutory obligation to advertise planning applications. Option 3 provided the preferred transition option and savings may be more than outlined. It was felt that eventually BCP Council would move to site notices only and reminded the Board that this was for consultation prior to a final decision.
- A Councillor commented that they would be concerned with the impact of option 1 on the equalities act and felt that option 3 was the best chance of good communication. However, another Councillor commented that a number of planning authorities already used the system set out in option 1 and the equalities act would have been raised on this by now if it was an issue. The Cabinet member suggested that to move to option 1 immediately would risk not engaging properly with residents and there was an opportunity to look into how technology could be utilised in this process.

- The transition element of the decision was not clear from the paper nor was there a timetable for resolution of the SCI. A number of residents would be subject to two sessions of change for no great gain and in reality, this was an issue which was dealt with rarely by residents. A cost-effective solution was needed as soon as possible.
- Another Board member commented that the decision made by Cabinet would go out to consultation and therefore there would be an opportunity to let the public decide.
- Other Councillors not on the Overview and Scrutiny Board spoke in support of letters being sent to affected properties.

Following the questions and debate it was moved and seconded and then subsequently,

RECOMMENDED that:

At recommendation 'b' of the Cabinet report, the Cabinet should agree Option 1 as set out in paragraph 11 of the report.

Voting: For: 7; Against: 6; 1 Abstention

The Chairman suggested that paragraph 2.30 of the Statement of Community Involvement be amended to add the following words to the first sentence after the word will "... have the opportunity to ...".

A Board member suggested that Page 12 of the Statement of Community Involvement should be amended to remove Primary Care Trusts and replace it with Clinical Commissioning Groups.

Local Development Scheme – BCP Local Plan

The Portfolio Holder advised that the Cabinet report sought approval of the BCP Council Local Development Scheme (LDS) in order to come into effect from 23 September 2019. The LDS provided the community and other interested parties with an indication of what local plan documents would be prepared by the Council and when. It was noted that BCP Council must produce and adopt a new local plan by 2024. The Chairman asked the Portfolio Holder if there were any risks involved in possible changes to housing requirement numbers from the previous local plans and those being developed in Christchurch and Bournemouth. It was confirmed that until a new local plan was developed the three existing local plans were in operation anyway. All legacy work on emerging existing plans would cease. There was a greater risk in not developing an area wide local plan as Bournemouth could not accommodate the housing figures within the Bournemouth area alone and the area wide plan would enable the issues to be dealt with holistically.

BCP Local Plan Issues and Call for Sites

The Portfolio Holder explained that this report was to seek approval to undertake an initial consultation on possible issues the BCP Local Plan will need to address, as well as to carry out a 'Call for Sites' to invite anyone

with a potential development site to submit it to the Council for consideration as part of the Local Plan process. In response to a question it was noted that any sites identified by the preceding authorities would be incorporated into the new call for sites. The Portfolio Holder was also asked about the communications plan and it was noted that this was outlined in the report and corporate communications would be heavily involved. A Councillor suggested that they previously found workshops to be a useful tool and suggested that they be included.

Boscombe & Pokesdown Neighbourhood Plan Decision Statement

The Cabinet Portfolio Holder Introduced the report and advised the Board of a couple of amendments to the wards and the period of time in which the referendum should take place. The local community had put in a lot of work to producing the Neighbourhood Plan which had been examined by an independent Examiner who had recommended that, subject to modifications to the Plan, it may proceed to referendum. The Cabinet report asked Members to agree the Examiner's recommendations to enable the Neighbourhood Plan to proceed to referendum.

The Chairman expressed some concern that the date may become clouded by other issues and suggested that it should be carefully considered. The date was chosen because the neighbourhood forum had requested to have the referendum as soon as possible and this was the first possible date. It was noted that if it was possible a referendum would likely be combined with another election if one was called. There were some concerns raised about the process for making residents aware of the referendum and what it was for. The Portfolio Holder was asked how the Council would include this within its communication of the referendum. It was confirmed that the local planning authority could apply for £20k of funding to conduct the referendum but a shortfall was expected to be met from within existing budgets. The elections team would prepare a communications plan which would provide residents information on issues around what a neighbourhood plan was and the process but it needed to be careful in not promoting a particular view.

The Board congratulated the Neighbourhood Forum members on the development of the excellent plan. It was noted that there was also funding available to neighbourhood Forums for developing plans and this could be applied for in stages. It was probable that the Forum had already applied for and received all funding it was entitled to at this stage.

The Chairman thanked the Portfolio Holder for attending and providing response to the Board's enquiries.

28. Scrutiny of Housing Related Cabinet Reports

Project Admiral Leasehold Considerations and Acquisition Proposals

As this item included exempt information the Chairman explained the process for dealing with any issues arising from the exempt section of the

report. The Cabinet Portfolio Holder for Housing was invited to introduce the Cabinet report to the Board. The Board was advised that the Cabinet report provided an update on the current position in respect of Project Admiral with particular reference to the need to consider leaseholder representations. The report made recommendations in respect of the position of leaseholders following the consultation. Option 4 of the report offered to re-purchase a number of leaseholder properties.

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 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.

The Board members put a number of questions to the Portfolio Holder and the Portfolio Holder and Chief Executive of the Poole Housing Partnership provided responses to a number of these. A number of Councillors raised concerns with the proposed Cabinet recommendation. A number of options for the way forward were outlined and the Board considered various risks associated with these and the Portfolio Holder responded accordingly.

The Board agreed to move back into open session.

Board Members questioned the proposal to buy back properties from leaseholders when the value of the properties would not increase in line with the cost of works and suggested that the burden of this would be borne by the council tax payers. It was noted that whilst the options were being given to everybody there was only sufficient funding for 5 or 6 properties and those who might experience hardship were prioritised. The PHP wanted to find a solution which was fair for all whilst managing disruption and providing for those who were elderly and frail whilst taking into account financial abilities.

Other suggestions included a lease extension to 125 years and members of the Board suggested that this should be looked into. It was noted that legal advice was being sought on this point.

RECOMMENDED that:

- (a) **Cabinet should carefully consider the recommendations as set out in the report and the options set out in the exempt part of the report.**
- (b) **Cabinet be advised that the Overview and Scrutiny Board do not support Recommendation B on the grounds of fairness to leaseholders due to there only being a small number of properties able to be re-purchased, of fairness to the rest of BCP Council's tenants and to those on the Council's Housing Registers due to the way in which it is proposed to use HRA finances to support the recommendations as set out in the report.**

Voting: For: 7; Against 5; 2 abstentions

29. Scrutiny of People Related Cabinet Reports

The Chairman invited the Portfolio Holder and Leader of the Council to introduce the next reports on the agenda.

People Strategy

The Leader advised that the report was being brought to Cabinet to approve the draft BCP Council 2019 – 2023 People Strategy. The strategy had been developed on the basis of staff surveys from the three preceding Councils which provided feedback on how members of staff wished the Council to work. The Leader of the Council was asked a number of questions regarding the strategy including:

In response to a question the Leader explained that the strategy aligned to the values as set out in the Council Plan, but it did not bare a relationship to the priorities outlined therein.

- A Board Member questioned whether the strategy was too inward looking as evidenced by ‘customer focused’ was listed as priority seven. It was suggested that this should be moved forward and be a greater focus. The Leader explained that although the priorities within the strategy were outlined in a linear fashion it did not mean that some priorities were more important than others and all priorities would be moved forward together. However, the Leader accepted that the priorities could be displayed or configured differently.
- Again, a Board member commented that celebrating success was only listed as priority twelve. It was reconfirmed that these were not linear but they were also based on responses to previous surveys with an aim to be employee led and this issue was not ranked as highly as some of the others within the strategy. However, the linear rankings would be reviewed.
- A Member asked about priority behaviours and about feeding back on action taken, which was not a specific point contained within. The Leader advised that this would be encompassed by act and based on the specific circumstances this may be included.
- It was confirmed that the responses from the most recent staff survey had not yet been fully analysed and therefore there were lots of issues which were currently unknown for BCP. There was an extensive piece of work underway to extrapolate information from past surveys.
- In response to a question the Director for Organisational Development explained that there were a number of ambitions targets within the strategy and these would be reviewed on an annual basis. It was explained that there was a staff engagement group in place and issues and ideas could be sent to the group and information received back as part of a two-way processes. There would be ongoing dialogue with staff on the contents of the plan.

- A Councillor commented that the wording in the document, “where good things happen to good people,” seemed at odds with ensuring equity amongst the workforce and made it appear that some jobs may be more valued than others. The Leader did not feel that ensuring equity and rewards was incompatible. However, she would look into the wording in this section and suggested that it may be amended. In response to a query it was noted that the reference to ‘community’ could apply to members of the public, other members of staff or partners.

Implementation of Pay and Reward Strategy

The Leader advised the Board that the report to be considered by Cabinet set out the aspirations and the details for the arrangements, for implementing the pay and reward strategy. The purpose of the proposals was to mitigate risks and to ensure good practice and create a positive way forward. It was felt that the best way to do this and the only way to ensure the necessary levels of expertise and independence was to use an external organisation. The process of selecting an external organisation would be carried out by competitive tender but with a recognition that only a small number of companies would be able to provide the services required. The Board was advised that it was not expected to have either a positive or negative impact on the overall wage bill for the Council.

The Chairman acknowledged that the process of harmonisation needed to be fair overall but the changes to the pay structure will affect real people. It was noted that 38 percent of employees would see a wage reduction and in some cases a significant reduction. The Leader responded that if pay was above the median amount other staff could not be brought up due to the financial impact. It was thought staff who were ‘overpaid’ would be expecting it. Although it may not be considered fair to individuals it would be fair to members of the public. A Member questioned what evidence there was that certain staff would be expecting a pay cut? There was no evidence that this was expected but staff were aware of the need for equal pay and the necessity of budget cuts.

In response to a question the Leader advised that negotiations would take place with the trade unions but that contracts could be terminated, and staff reengaged on new terms and pay. The Leader felt that the fairest way to harmonise pay was to do it quickly and decisively with an external organisation. In further discussion the Leader confirmed that the wage bill needed to represent a figure which did not place a strain in the public purse and harmonisation was needed across the Council.

The Board questioned what had been learnt from other Councils who had undergone a similar reorganisation and from the unions experience of it, particularly from Christchurch and East Dorset. The Council was in early stages of negotiations with the unions and different organisations could adopt very different approaches. The approach being taken would deal with both equal pay and achieving competitive levels of pay for staff.

A Councillor commented that the recommendation that authority to make the final decision on the strategy should be delegated to the Leader and Chief Executive seemed disproportionate for such an important decision.

A Councillor not on the Overview and Scrutiny Board suggested a more transitional approach of pay freezes to achieve equal pay. However, this would not be cost neutral and it would be that harmonisation of pay would take many years and it was felt best that it should be achieved as soon as possible.

RECOMMENDED that:

- (a) Cabinet agree the recommendations at 1 – 5 of the report.**
- (b) Cabinet resolve that the recommendation at 6 in the Cabinet report be amended to end after the words “Trade Unions”.**
- (c) Cabinet approve the following additional recommendation to be added at 7, “To agree that a report be brought back to Cabinet to approve the final pay and reward arrangements in due course”**
- (d) Subject to the approval of the above recommendations Cabinet agree that the recommendation at 7 in the Cabinet report becomes recommendation 8.**

Voting: Unanimous

The O&S Board agreed that it would want to consider this issue again before the final report to Cabinet and would appreciate as much time as possible to consider future Cabinet reports. The Leader responded that she expected the level of Cabinet reports and timing would begin to ease over the next few months.

The Chairman thanked the Leader for attending the meeting and responding to the Board’s questions.

30. Scrutiny of Finance Related Cabinet Reports

Quarter One Budget and Performance Monitoring Report 2019/20

The Portfolio Holder for Finance introduced the item explaining that this was the first budget monitoring report for the year and at this point there were often several pressures. However, work was already underway to reduce those pressures. There was detail included within the report on budget pressures within each area. Board Members asked the Portfolio holder a number of questions on the details of the report including:

The Board asked about the increase in the number of cases of Children in Care inherited from the Christchurch area which was higher than previously expected and about the increased number of Education Health and Care Plans inherited and acknowledged that it was difficult to plan for something not anticipated.

A Councillor questioned the increased amount paid to bus companies for concessionary fares. It was noted that this was to harmonise and the rates to bus companies had increased and the bus subsidy renegotiated at the

same time. The increase in cost of street lighting was questioned and it was noted that this was down to price inflation. Further information was sought on the cost of staffing pressures at the Two Rivers Meet Leisure Centre and the proportion of the total staffing cost of the pressure. The Councillor requested further information on this.

It was noted that all service areas in which there was a budget pressure would be required to report back on the action which was being taken to manage the budget. The Corporate Management Board was made aware of and addressed budget pressure monthly basis. In response to a question the Board was advised that there was an appreciation by Cabinet Members of the impact of policy decisions on budgets and the budget position was discussed on a weekly basis with Cabinet.

A Board Member explained that there seemed to be a lack of coordination amongst different areas of the Council and suggested that the Board should make a recommendation to Cabinet to request that it practices sustainable budgeting and that whilst reserves could help with long term cost, they should not be used for day to day needs. The move was duly seconded. The Portfolio Holder explained that £2.7million was the base budget contingency decided by the shadow authority. Earmarked reserves were used for a specific purpose but not for ongoing revenue costs. The Chief Financial Officer explained that there was still a huge amount of uncertainty regarding the local government settlement, not helped by current political turbulence. Information may not be received until 5-6 weeks prior to budget setting.

The Chairman commented that the move was in line with the aims of the Board to cement the aspirations of good sustainable decision making with a balanced budget at its heart.

RECOMMENDED that Cabinet should practise sustainable budgeting and avoid using reserves for day to day revenue needs.

Voting: For: 11; Against 0; 3 abstentions

Cllrs M Anderson, B Dove, N Greene, M Greene and M Haines asked to be recorded as voting for the motion.

BCP Council Investment to Support the One Dorset Pathology Unit

The Portfolio Holder introduced the report and explained that the decision would also be considered by the Audit and Governance Committee in November. The Council was interested in different investment opportunities and explained that this would support sustainable budgeting and it would also create an income for the Council.

The Chairman commented that he supported the idea but asked where the funds were coming from in order to finance the loan. It was explained that the loan would use the Council's treasury management fund. The Chairman requested that he would appreciate it being outlined where funds were coming from within future reports.

A Councillor commented on the recommendation to delegate detailed terms to the Chief Financial Officer and what this would encompass. The Officer explained that he would exercise delegation within acceptable tolerances, in particular, relatively minor finer details but would refer back to Cabinet anything significant.

The Chairman raised a query about approving an investment outside the framework of an approved investment strategy. It was noted that an investment strategy would come to the budget council as part of the new budget setting process.

The Board also questioned the timing of the process and when the loan would begin and start to be repaid and where the Unit would be located. It was noted that these issues were dependent upon the NHS and the timing of when they make decisions on this. The Portfolio Holder was also asked if he was confident on the return in investment and questioned if it should be inflation linked in some way. The Board was advised that in terms of other investment opportunities available the Council could not achieve anywhere near this. It was noted that although this was an unsecured loan it would have the backing of the Department of Health and therefore central government. It was noted that there was a very low risk involved with this but there was also the positive aspect that the residents of Dorset would be getting a top-class facility.

The Chairman advised that the next meeting scheduled for 23 September would be a 4.00pm start to accommodate the 5G connectivity call for evidence session. The Chairman also confirmed that the meeting on 7 October was likely to be a daytime meeting.

31. Future Meeting Dates

The Chairman advised that the next meeting scheduled for 23 September would be a 4.00pm start to accommodate the 5G connectivity call for evidence session. The Chairman also confirmed that the meeting on 7 October was likely to be a daytime meeting.

The meeting ended at 3.22 pm

CHAIRMAN