

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
OVERVIEW AND SCRUTINY BOARD

Minutes of the Meeting held on 04 October 2019 at 10.00 am

Present:-

Cllr P Broadhead – Chairman

Present: Cllr M Anderson, Cllr S Bartlett, Cllr M F Brooke, Cllr G Farquhar, Cllr M Greene, Cllr N Greene, Cllr M Iyengar, Cllr R Lawton, Cllr C Rigby, Cllr M Cox (In place of Cllr R Maidment), Cllr T Johnson (In place of Cllr M Earl), Cllr D Kelsey (In place of Cllr L Fear) and Cllr L Williams (In place of Cllr M Haines)

Also in attendance: Cllr L Allison, Cllr C Johnson, Cllr K Rampton and Cllr V Slade

41. Apologies

Apologies were received from Cllrs M Haines, M Earl, L Fear, R Maidment and P Miles

42. Substitute Members

Notification had been received from the appropriate group leaders of the following changes in membership for this meeting of the Board:

Cllr L Williams substituted for Cllr M Haines
Cllr T Johnson substituted for Cllr M Earl
Cllr D Kelsey substituted for Cllr L Fear
Cllr M Cox substituted for Cllr R Maidment

43. Declarations of Interests

There were no declarations of disclosable pecuniary interest.

Councillors made other declarations for the purpose of transparency in relation to the agenda item on Community Infrastructure Levy (CIL), as follows. They remained in the room and spoke and voted on the item:

Cllr M Brooke declared that he was Chairman of Broadstone Neighbourhood Forum.

Cllr M Anderson reported that he was a member of the Queens Park Neighbourhood Forum.

44. Public Speaking

The Board received the following statement presented by a local resident, Susan Chapman:

“Today’s Board must scrutinise the upcoming Cabinet Agenda which means public questions should be in by 27th Sept for a matter discussed nearly two weeks later. Please address this democratic handicap. My question for Cabinet queries the word “None” regarding number 30, “Summary of Equality Implications” of the BCP Public Report “Response to Climate Change Emergency”. 30 years of global climate inaction will impose huge so-far hidden and disproportionate costs on both poorer members of society as well as subsequent generations. Such inequity needs to be addressed.”

The Chairman on behalf of the Board acknowledged the issue raised by Mrs Chapman in relation to the deadline for submitting public questions. This was considerably earlier than the deadline for submitting statements and petitions. In this instance the deadline had been prior to the publication of the Cabinet reports which were due to be considered by the Board at this meeting. The Board agreed that the deadline should be reviewed through the appropriate channels to promote better public engagement.

RESOLVED that the Audit & Governance Committee be asked to review the deadline for public questions, and take into account the Board’s view that there should be a later deadline (which could be the same as that for statements and petitions), to enable members of the public to access reports on the agenda prior to submitting questions.

Voting: Unanimous

The Board was advised that a number of people had responded to the invitation to address the Board about the Community Infrastructure Levy. The Board agreed to hear these representations when the matter was considered at agenda item 6.

45. Scrutiny of Corporate Cabinet Reports

The Chairman introduced the item, the purpose of which was to enable the Board to scrutinise three forthcoming Cabinet reports on corporate related issues. He invited the Leader of the Council to present each of the reports.

Corporate Strategy

The Leader explained that the draft Corporate Strategy set out the Council’s longer-term priorities and high level objectives. She reported that it had been subject to stakeholder engagement between 5 August and 6 September 2019. This had included a range of public and partner events across the Bournemouth Christchurch and Poole area and a survey. The Leader of the Opposition had been consulted on the direction of the strategy. It was hoped that the strategy could be adopted by the Council unanimously. She thanked councillors for their engagement individually and in their wards.

The Leader provided a summary of feedback received and some suggestions for improvement which had been incorporated into the revised strategy now circulated. These included:

- Widening the lens of the strategy to acknowledge the importance of working in partnership with the voluntary/third sector and with the local economy.
- Changing the title of the document from 'plan' to 'strategy', as a better reflection of its purpose, with a more detailed plan now being developed.
- The reference to a dynamic 'region' had been changed to dynamic 'places', to recognise that there were individual dynamic areas within Bournemouth, Christchurch and Poole.

Once the strategy was adopted the delivery plan would follow, to set out in detail the priorities for each area and how these aligned with the budget to ensure they were delivered.

The Leader of the Opposition confirmed that he had met with the Leader and was in agreement with the priorities and general direction of the strategy. He was glad to see that feedback from the engagement process had been incorporated into the revised document, particularly the points made in relation to the voluntary sector and the local economy. A number of Board members commented positively on the engagement process. The opportunity for the public and councillors to be consulted in the development of the corporate strategy at the beginning of the process was welcomed.

The Leader responded to questions and comments on the report from members of the Board:

- How would any additional public engagement on the detail of the plan take place? It was explained that no further public engagement was anticipated. It was now the Council's responsibility to develop and adopt the delivery plan, having taken into account the views of the public provided at the formative stage of the process.
- When was the strategy likely to be reviewed, bearing in mind its need to evolve alongside the new council? The Leader explained that although there was no set date for a review, this could be programmed at an appropriate time once the plan had been given the opportunity to achieve some of its aims. She agreed to recommend that the strategy be subject to regular refresh when she presented the report to Cabinet.

The Leader thanked the Policy and Engagement teams for their work. She highlighted the achievement of receiving over 2,000 individual responses, and the positive feedback from people in being able to engage online and through social media.

The Chairman commented on the need to keep up to speed with methods of engagement as they evolved, to make it easier for people to get involved in matters they cared about.

Equality and Diversity Strategy

The Leader explained that the Council was required to have a policy to explain how it met its responsibilities under the Equality Act 2010, including the Public Sector Equality Duty.

The draft Equality and Diversity Policy and Governance Framework at Appendix A replaced all legacy councils' equality and diversity policies and procedures. It was intended to make sure that all key decision changes to Council policy or services had considered and reflected positive and negative equality impacts. The Leader referred to the structure of the internal governance and implementation framework which was designed to ensure that equality and diversity was properly embedded in the Council's activities and decisions, rather than being a tick box exercise.

The Leader drew attention to the following changes which she had requested since the report had been published, partly resulting from feedback she had received from Cllr B Dunlop regarding the use of language:

Amend Part 2: Who the policy applies to – to delete the list on page 2.
Reason: The policy applies to everyone, therefore there is no need to specify particular examples.

Amend Paragraph 5.2, page 2 – 'Dynamic Region' to read 'Dynamic Places'.

Reason: To reflect updated wording in Corporate Strategy.

Amend Paragraph 6.5, page 3 - Add 'Impact Assessments must at least consider but not be limited to the 9 Protected Characteristics as set out in the Equality Act 2010 (to be listed). Other locally appropriate characteristics which are evidenced as suffering inequality.'

Reason: The legislation does not preclude the Council from considering other groups where appropriate, for example, socio-economic groups which do not benefit from automatic rights. It will enable an impact assessment to be made where separate reference is made in reports to any other groups which may be disadvantaged by a proposed decision. The Council will be going above and beyond what it is required to do. It may also help to address inconsistency of language in reports.

Amend Appendix A, Structure Chart – include the Opposition Spokesperson for Equalities in the membership of the Strategy Equality Leadership Group.

Reason: To provide cross party representation and a better councillor/officer ratio.

It was noted that Appendix B of the Cabinet report had been omitted due to an administrative error. The report had been subsequently updated and republished.

The Leader responded to questions and comments on the report from members of the Board:

- Clarity was sought in the terminology used in Paragraph 6.5, as the phrases ‘which are evidenced’ or ‘may be disadvantaged’ could be interpreted differently. The Leader acknowledged the importance of getting the language right and agreed to discuss this with officers and report back to the Board.
- It was noted that the representation on the Employee Equality Champion Implementation Group may need reviewing to include other locally appropriate characteristics.
- There would be an opportunity to monitor how the strategy was being implemented, through annual review by the Audit and Governance Committee.
- The role of the Member Champion in working with officers to embed the principles of the Dorset Armed Forces Covenant in policy and practice was noted. The inclusion of other locally appropriate characteristics in the impact assessment ensured that that potentially disadvantaged groups such as ex armed forces personnel could be represented.

The Leader responded to questions about the credibility and judgement of the political leadership of the Council, in light of the Deputy Leader’s opposition to a Council motion to uphold the 9 protected characteristics and condemn prejudice which was adopted in September 2019, a matter which was now on public record. The Leader explained that serious consideration had been given to referencing specific groups in the policy but on advice this was deemed to be divisive, as the purpose of the legislation was not to single out. She condemned anti semitism along with all forms of hate crime, and did not believe there was an issue with any member of the Council being anti semitic. While their views on the examples given in the definition differed, she did not believe the Deputy Leader was disadvantaging anyone through his personal beliefs, and she would expect him to be taken to task should he demonstrate at any time that he was not upholding Council policy or the duties of the Equality Act.

The Leader of the Opposition welcomed the overall view of the strategy. He thanked the Leader for the changes made in response to her correspondence with Cllr B Dunlop and for her inclusion of the Opposition Spokesperson for Equalities, Cllr A Jones, on the Strategic Equality Leadership Group.

Transforming Cities Fund Strategic Outline Business Case (SOBC)

In the absence of the Portfolio Holder for Transport the Leader introduced a report which gave an update on progress of the Department for Transport

(DfT) Transforming Cities Fund (TCF) bid and the development of the Council's Local Cycling and Walking Infrastructure Plan (LCWIP).

The Leader explained that in order to meet the bid criteria the Council had worked with Dorset to create a South East Dorset City Region which reached into urban transport corridors beyond the Bournemouth, Christchurch and Poole area. She thanked Conor Burns, the MP for Bournemouth West, for his work to ensure that the bid was shortlisted when the DfT extended the programme from ten to twelve areas. When the Council was drafting its Strategic Outline Business Case (SOBC) it had been asked to submit high, medium and low levels of ask. Since then the DfT had reported that the fund was oversubscribed and had asked the shortlisted bids to reduce their low levels of ask. The DfT had also given a clear direction that bids should focus on particular transport corridors and on increasing the use of public transport, specifically buses, cycling and walking. The Leader clarified that the redevelopment of Poole bus station was a project supported by the DfT and had been included in the preferred option for the low level of ask. As there were risks associated in delivering the bus station within the DfT's strict timescale, alternative options for consideration had been included.

The report to Cabinet sought delegated authority for the Portfolio Holder and Senior Officers to submit the final SOBC to the DfT by the deadline of 28 November 2019.

The Leader responded to a number of questions and comments on the report from members of the Board, particularly around changes made since work on the bid commenced. Additional information on technical issues was provided by officers as required.

- Why had the original £150million in the expression of interest reduced to £117million in the business case? It was explained that the DfT had rejected specific items in the original package, including technology-based elements. This had affected the transport corridor projects as these had contained technology-based elements, as well as the more obvious effect on the technology and network management projects. The DfT had indicated over the summer that funding would not be divided equally between bids and that South East Dorset would not receive anything close to its high level figure. In view of this, focus and energy had shifted to the medium and low levels of ask.
- Why was the low level of ask, already at 70% of the anticipated average, now being reduced further? In meeting with the Council in August the DfT was explicit in what it was prepared to consider. The bid was thus revised and those schemes most likely to achieve funding were developed further. It was clarified that figures given in the report were for TCF funding only and did not include Local Transport Plan match funding or developer contributions.
- Officers provided further clarification on the costs associated with the development of the LCWIP and the draft and final SOBCs, as summarised in paragraphs 22 to 26 of the report.

- A number of concerns were put forward and maintained relating to the level of political ownership and influence in the TCF process, through direct contact with the DfT and through engagement with the local MPs. The Leader reported that she had attended a meeting with the two Bournemouth MPs, at which the TCF had been an item on the agenda for discussion. Both MPs had been helpful and supportive, and Conor Burns had offered to take the matter up directly with the Secretary of State for Transport. She had asked officers to prepare a paper to assist him in this process. She explained that there were various difficulties in engaging with the local MPs at this time, some of which previous administrations may not have faced, including the current national and local political pictures. The Board was also reminded of the time pressures involved in progressing the bid since May 2019.
- Differing views were expressed in relation to risk: on the one hand the need to focus on what was realistic and achievable, otherwise there was a risk that the bid would be rejected, and on the other hand the risk of missing out through lack of ambition and not using all the political tools available to maximise the chances of the bid's success.
- Why were there not more projects in Christchurch? The bid reflected the DfT focus on prioritising key transport corridors to the port and airport, to relieve congestion and encourage modal shift.
- The use of Fibre City ducting could have been considered for the technology-based elements, had the DfT not shifted the emphasis of the bid.
- Comment was made about the need to promote the southern region at a national level. The Leader explained the amount of positive work which was being done in representing the Council at national and regional levels. The Council did not lack ambition and continued to discuss all levels of ask in the bid, but it was prepared with alternative options for the low level of ask if this was what the DfT awarded.
- Were there any links with the Dorset Industrial Strategy, particularly around infrastructure? It was explained that the TCF was a short-term programme with specific parameters, whereas the Industrial Strategy was a long term plan, covering a wider area and different ambitions. The Industrial Strategy included elements which the TCF had specifically excluded, such as light rail and rail connectivity.
- Did the Council's priorities match those of the DfT, regardless of funding? The TCF was designed to achieve modal shift, which was a long-standing priority for local councils in the area. The options put forward in the Council's bid were those which would have the most impact on modal shift, in terms of delivering outcomes for people in getting to and travelling along the main transport corridors.
- On what basis had the focus of some of the interventions and costs changed from those in the original expression of interest, which had been deliberately spread over a number of projects to maximise modal shift – for example, what was the justification for the significant increase in funding for the Poole to Ferndown transport

corridor and the Poole Bus Station transport hub at a time when the Council was being asked to reduce its overall bid? It was explained that the DfT's shift in focus away from technology-based interventions had resulted in the reappraisal and ranking of projects in accordance with the Green Book treasury process. The outcome of the Poole to Ferndown transport corridor appraisal, which featured high levels of housing and employment, had ranked it the highest and most deliverable project in this part of the schedule. Consideration had also been given to where there was alternative funding available, for instance LTP funding could be used for the Wallisdown corridor. The bid had to focus on what was deliverable within the programme's strict three-year timescale. Previous work on the Poole Bus Station project meant that it was more ready to go than other projects.

- What additional measures was the Council looking at alongside the TCF funding to ensure that modal shift was fully realised? It was explained that the Council was working with its partners, including the bus companies, to discuss ways in which the Council could support them to be more efficient, and to provide incentives for change. This included ways in which to support the use of electric buses and cars, bicycles and mobility scooters. The Council was also due to undertake a review of car parking across Bournemouth, Christchurch and Poole.

RESOLVED that Cabinet be asked to reconsider the 'low ask' alternatives to ensure that the final ask genuinely contains the projects which will lead to the most effective modal shift for the conurbation.

Voting: For - 9, Against – 0, Abstentions – 5

46. Community Infrastructure Levy (CIL)

The Board received a representation from Cllr D Farr, a ward councillor who had submitted a request to scrutinise the current use of the BCP Community Infrastructure Levy (CIL). The CIL was a charge on new developments which could be used by the Council for community improvements. Cllr Farr explained that this funding was meant to be available for local groups to apply for, but currently no applications were being accepted by the Council. He referred to a request for a defibrillator to be purchased for the local community in his ward. He asked that the CIL funding be unlocked as soon as possible so that it could be used as intended, for the benefit of residents.

The following residents and community groups also addressed the Board with their views on the issue:

Mark Elkins, Co-ordinator, Springbourne and East Cliff Residents Meetings, explained that local residents wished to use some of their unused CIL money of £69,000 to fund a dedicated street warden to address crime and anti-social behaviour in the ward. The ward suffered from some of the

highest crime figures in the area according to police records, and there were individuals living in the ward with high levels of multiple needs who required specialist support. The request for this much needed resource was supported by all three ward councillors and Operation Galaxy.

Graham Whitehall, Treasurer, Dorset Lake Residents Association, explained that a previous application by local residents to have a village sign had been refused. It was hoped that this could be redressed by using CIL funding but nothing had been progressed to date.

Chris Allenby, Trustee, Treasurer and Membership Secretary, Poole Quays Forum, spoke about the nature of the forum and its role in being the voice of the community. He explained that many parts of the area were of high density, including the Twin Sails area which was earmarked in the Local Plan for 2,500 additional dwellings (an increase of 31%) at a rate of zero CIL. He cited a number of major developments in the area which had achieved planning permission and then reported that they were unviable. He spoke about not being able to tap into the overall neighbourhood CIL pot to proceed with the Maypole Square project, and highlighted that the Broadstone Neighbourhood Forum was in a similar position. He asked that a more transparent and fairer CIL arrangement be put in place.

John Sprackling, President - Branksome Park and Canford Cliffs District Residents Association, spoke about the need for more control over how CIL was spent. He referred to the huge amount of development and associated CIL collected in his local area, but appreciated the position of other areas with less development. There was a need to address speeding in his area and CIL could be used to undertake a traffic survey to support this.

Cllr M Anderson read out a statement on behalf of the Queens Park Neighbourhood Forum, which opposed any proposal to remove the percentage of CIL from local application. The forum was a valuable way of engaging the community in planning matters. The 15% of CIL available to the community was not much, but it did provide an incentive for people to get involved constructively in their local area, for example the forum was currently looking to improve access to Queens Park. The CIL neighbourhood provision needed to be retained. Cllr Anderson also referred to a CIL application to improve toilets in Moordown Community Centre which had been held up since before the local government elections in May.

The Chairman explained that the main purpose of the item was to consider how the immediate situation could be addressed in view of the representations received. A report on the future arrangements for CIL was due to be submitted to Cabinet in January 2020. The Board may wish to consider asking Cabinet to either bring forward this report or put in place interim arrangements in line with those previously applied.

The Monitoring Officer updated the Board on the current position. She explained that there were a number of legacy bids submitted prior to April 2019 which were awaiting allocation, especially in the Bournemouth area.

Legally the allocation panel had been unable to convene during the LGR period as its membership included councillors. Officers were aware of the need to review CIL arrangements for the new BCP Council, but this had not yet been progressed. There had been no political involvement or decision to defer CIL, and officers accepted responsibility for the current situation. She had been working with colleagues in Communities and Planning Policy to clarify the amounts involved and to put options in place to resume allocations as soon as possible. Subject to legal confirmation it was anticipated that the arrangements prior to LGR could continue until the new CIL arrangements for BCP Council were agreed.

Board members commented on the current and future arrangements for CIL. There was consensus among members that interim arrangements to allocate CIL, if possible based on preceding councils' arrangements, needed to be put in place as soon as possible. The Chairman reported that he had spoken with the Leader who was looking to push through a solution. The following main points were raised in discussion:

- The impact of CIL funded projects in making a real difference to the local community.
- There was a need to confirm arrangements for allocating CIL not only for the preceding councils, but also for the Shadow Authority period and for the new BCP Council until the new arrangements were agreed.
- The points raised in the representations needed to be addressed when considering future arrangements to ensure that the system was fair and transparent, and provided mitigation to those most affected by development, so that no area affected ended up with a zero rate.
- There was a role for O&S in influencing the development of future arrangements at an early opportunity. The Chairman reported that the Leader was in broad agreement with this principle.
- Future arrangements should make clear the type of projects CIL money could and couldn't be used (e.g. capital / revenue).
- Key to CIL was its speed and responsiveness, made easier by the small amounts of money involved, and being community driven in nature.
- Each ward had its own issues and pressures to address.
- Not all wards had neighbourhood forums or residents associations, so it was important to retain the involvement of ward councillors in future arrangements
- The impact of development was not always limited to ward level and could affect the wider community. It was noted that the remaining percentage of CIL (75-85%) was allocated by the Council to address the needs of the wider community as a whole.
- It was suggested that future arrangements consider allocating a percentage of CIL to addressing inequalities in outdoor play areas, where currently only 2 sites were classed as accessible to disabled children

The Monitoring Officer confirmed that there was no time limit to use the CIL monies awaiting allocation. She had been advised that the figures for the outstanding neighbourhood portion for the preceding councils were £400,000 for Bournemouth, £60,000 for Christchurch and £50,000 for Poole. She agreed to seek clarification on the position regarding the heathland mitigation contribution.

The Chairman thanked Cllr D Farr for highlighting the issue. He thanked the local residents who had attended to speak on behalf of their communities.

RESOLVED that:

- (a) Interim arrangements be brought forward as a matter of urgency to access the current CIL fund;**
- (b) Cabinet commits to work closely with the Overview and Scrutiny Board as future arrangements are developed on this issue.**

Voting: Unanimous

47. Scrutiny of Regeneration Related Cabinet Reports

The Board was advised that reports on York Road Car Park and Heart of Poole Regeneration Scheme originally scheduled for Cabinet consideration on 9 October 2019 had taken off the Cabinet agenda after the publication of the Board's agenda.

48. Overview and Scrutiny Forward Plan

As the previous agenda item had been withdrawn the Chairman suggested that the Board to use the time remaining in the meeting to consider items for inclusion its agenda for November.

The Board agreed to consider the following Cabinet reports (with approximate timings noted):

- Homelessness and Rough Sleeping Action Plan – To consider and approve homelessness and rough sleeping action plan (Up to 1 hour)
- Smart Places Strategy - To seek approval to develop a business case and options and to continue with the LEP project to develop a pilot in Lansdowne (30 mins)
- Organisational Design and Transformation Business Case - To consider and approve the recommended option for the future design of the Council and the associated High Level Business Case. (Up to 1 hour)

- Budget and Performance Monitoring Report - 2019/20 Quarter 2 - To receive the second quarter (July to September) budget and performance monitoring report. (30 minutes)
- Corporate Performance Management Update - To provide a quarterly update on corporate performance based on a suite of key performance indicators, and target outcomes. (30 minutes)
- Community Engagement Strategy (Up to 1 hour)

The Board agreed that no value would be added in scrutinising the reports on the adoption of Bournemouth, Christchurch, Poole and Dorset Waste Plan and Minerals Sites Plan, as both documents had been through the formal Inspection stage with limited opportunity to make changes at this stage.

The Board was mindful that the two Cabinet reports on York Road and Heart of Poole due to be considered by the O&S Board might be rescheduled for the November Cabinet. The Board had also previously agreed to consider further the issue of 5G at its next meeting on 11 November and the date for this had already been notified to those interested in participating.

The Board was advised that the current date of the Cabinet meeting on 13 November could change, which may impact on the date of the O&S Board.

In view of number of items and amount of time likely to be spent on them, the Chairman asked the Board whether it would prefer to hold one daytime meeting or split business across two evening sessions. Views differed, as some members were unable to attend in the day due to work and while others had family commitments in the evening. The Chairman agreed to discuss it further with the Vice Chairman and confirm arrangements as soon as possible.

The Chairman asked Board members to email him with suggestions for future scrutiny items. For reference it was agreed to circulate the priorities for future scrutiny which had been signed off the Shadow Authority O&S Committee.

The meeting ended at 1.55 pm

CHAIRMAN