

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
CABINET

Minutes of the Meeting held on 15 December 2021 at 10.00 am

Present:-

Cllr D Mellor – Chairman

Cllr P Broadhead – Vice-Chairman

Present: Cllr M Anderson, Cllr B Dove, Cllr B Dunlop, Cllr M Greene,
Cllr N Greene, Cllr M Iyengar, Cllr K Rampton and Cllr M White

Present virtually: Lead Members: Cllr N Brooks and Cllr L Fear

Also in attendance virtually: Cllr S Bartlett and Cllr M Howell

93. Declarations of Interests

There were no declarations of interest made on this occasion.

94. Confirmation of Minutes

The Minutes of the Cabinet meeting held on 24 November were confirmed and signed as a correct record.

95. Public Issues

The Leader advised that there had been no questions or petitions received on this occasion but that nine statements had been received from members of the public in relation to Agenda Item 17 (Call-in of Decision – Tatnam Road ETRO – Advice to Cabinet).

Statement from Brian Gracey

As a resident of Tatnam Road my belief is that this Road should be reopened. It already is, effectively to motorcycles and motor scooters.

Continuing closure will have an equally negative effect, particularly when the similarly ill-thought-out changes to Wimborne Road take place in the near future.

I would make one further observation. HGV traffic could usefully be banned from Tatnam Road; it really is not wide enough and was regularly used as an escape route for vehicles missing signs noting the weight limit over the nearby railway bridge.

Statement from Linda Naylor

I am a grandparent of a child at Oakdale Junior school where I am also Chair of Governors.

As a cyclist I am delighted with the blocking of Tatnam Road and Birds Hill. Both make my cycle to SML church and to school meetings much safer which encourages me not to use my car.

My granddaughter now cycles home from school because the Tatnam road closure allows her to cycle to Old Town area without crossing any roads. If reopened she will no longer be safe cycling home. I used to pick her up at Tatnam Road and Poole High and Oakdale parents can now safely collect there.

Statement from Teresa Trafford

As a resident of Tatnam Road I wish to put the case forward to continue with the closure.

- 1) This is a residential road not a cut through to save a few minutes journey time.
- 2) The closure has been welcomed by walkers, runners, and cyclists.
- 3) There has been no significant increase in traffic on neighbouring roads.
- 4) The road is no longer a rat run, putting children at risk.
- 5) The closure is in line with government policy on reducing traffic and encouraging people to exercise.

Statement from the Keyhole Bridge User Safety Group

Your LCWIP identifies Tatnam Road as part of the primary cycling network, creating a corridor stretching from Stanley Green Road to Whitecliff, via Garland Road, Birds Hill Road, Poole Park and Keyhole Bridge. Reopening Tatnam Road will increase traffic in Garland Road and Tatnam Road, making the route unsuitable for cycling without significant alternative, and potentially costly, mitigation. We therefore support Councillor Greene's decision to retain the Tatnam Road ETRO. We appreciate that the referral to Cabinet is on procedural grounds but note that Councillor Greene's decision to retain the Tatnam Road ETRO is procedurally entirely consistent with previous decisions.

Statement from Corinne and Oliver Martin

We are in full support of Cllr Greene's decision to keep the end point closure on Tatnam Road.

How will the council ensure the safety of school children, pedestrians and cyclists on Tatnam Road, should the decision be made to remove the closure?

Would the council be installing severe traffic calming measures such as on Recreation Road prior to removal?

The 20mph limit made no changes to speeding prior to the road closure and cannot be seen as a solution to the problem of speeding and reckless driving on this residential road.

Statement from David Ricketts

Tatnam road was closed in relation to Conservative government, travel guidelines. However, it's Poole Conservatives who are attempting to reverse this positive decision.

On the day of the Dec. 6th meeting, I read on BCP's website the initiative for making school runs much safer. Therefore, completely at odds with Poole Conservatives actions.

This is obviously a political issue rather than about safety for resident and pedestrians.

Poole People Party, were voted in because they care about local ward issues, as proven by their support of the road closure. The same wards are disillusioned by Poole Conservatives and their irresponsible actions.

Statement from Clive & Bernadett Matlock

We believe clear bias was shown in the room at the 6 December meeting, the outcome was premeditated and a pointless exercise of "going through the motions" to justify that predetermined outcome.

Our concern is the 15 December Cabinet meeting will be just as undemocratic.

Councillor Greene's logical decision was in support of **Safety Concerns, BCP's "Local Cycling and Walking Infrastructure Plan" and "The new you can walk, cycle or scoot to school"**

Cabinet members must show vision for the long-term safety and environmental benefits of the road closure, and not just seeking populist votes for outlying areas.

Statement from Paul Blunden

"I support upholding the original closure of Tatnam Road and disregarding the call-in, which was unconstitutional. It lacked any evidence the original decision was driven by a bias towards minority opinions. No causal correlation was proven.

The committee failed to appreciate that the decision was not based solely on opinions but drew on other factual sources of information. It's no surprise that local residents are closest to those same facts, in particular road safety issues. Thus, resident views corroborated rather than biased the report. Re-opening the road will reduce road safety and consequently make councillors personally liable for accidents."

Statement from Caroline Blunden

I support keeping Tatnam Road closed permanently.

Local ward councillors who are closest to the local traffic situation fairly laid out all the facts and could see the untrue objections. I feared the closure would increase my own commute but in practice this turned out to be untrue, therefore the safety benefits outweigh any perceived inconvenience. The call-in sets a dangerous precedent where every decision is subject to individual public opinion rather than councillors fulfilling their duty to act for

all constituents, not just a loud minority, who have been fuelled by misinformation and overstated the impact of the closure.

96. Recommendations from the Overview and Scrutiny Board

Cabinet was advised that an additional item had been submitted for today's Cabinet meeting (Agenda Item 17) which dealt with a call-in of a Portfolio Holder decision discussed at the recent meeting of Overview and Scrutiny Board.

Cabinet was further advised that the report offered advice from the Overview and Scrutiny Board in relation to the call-in for the Cabinet to consider.

97. Quarter Two Budget Monitoring 2021/22

The Leader of the Council presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Cabinet was advised that the report included 2021/22 budget monitoring information as at the end of September 2021, and that the projected outturn for the revenue account can be balanced by allocating a further £4.2 million from the Covid pressures grant tranche 5.

In relation to this Cabinet was informed that the projection for the 2021/22 revenue account is an overspend of £10.2 million within services and the transformation programme, and that the application of largely one-off central resources can balance this position, including the release into the revenue account of further Covid pressures grant tranche 5, leaving £4.0 million available to support Covid pressures next year.

In addition, Cabinet was advised that the updated 2021/22 projections for reserve movements, the capital programme and housing revenue account (HRA) were also included.

The Chairman of the Overview and Scrutiny Board addressed the Cabinet advising that the Board at their recent meeting had expressed concern with regards to staff retention and that this would be taken forwards by the Board.

RESOLVED that Cabinet agree the £0.84 million allocation from the contain outbreak management fund (COMF) for additional adult social care expenditure as set out in paragraph 70 and appendix A3 of the report.

RECOMMENDED that Council: -

- (a) delegates the final decisions in spending the COMF allocations for winter planning to the director of public health in consultation with the chief executive, and leader of the council as urgent decisions may be required as considered in paragraph 72 of the report;**

- (b) approves the use of £4.2 million of the Covid pressures grant to support the net unavoidable pressures within services as set out in paragraph 67 of the report; and**
- (c) approves the capital virement to accept new grant funding as set out in paragraph 94 of the report.**

Voting: Unanimous

Portfolio Holder: Leader of the Council

98. Medium Term Financial Plan (MTFP) Update

The Leader of the Council presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

Cabinet was advised that the report detailed the progress made in the development of a robust balanced budget for 2022/23, and that the report also set out:

- The latest Medium Term Financial Plan (MTFP) position.
- An update on the key assumptions being applied to the 2022/23 budget and MTFP process.
- An update of the key financial risks faced by the Council.
- Details of the Government's Spending Review (SR21).

In addition, Cabinet was advised that the report proposed not to change the Local Council Tax Support Scheme (LCTSS) for 2022/23 and therefore the council will continue to operate the same scheme that it has operated since April 2019.

RESOLVED that Cabinet: -

- (a) agree the current budget position for 2022/23 and the further improved MTFP position;**
- (b) approve the continuation of the current Local Council Tax Support Scheme (LCTSS) into 2022/23; and**
- (c) acknowledge the update on the key financial risks.**

Voting: Unanimous

Portfolio Holder: Leader of the Council

99. Biodiversity Net Gain

The Portfolio Holder for Development, Growth and Regeneration presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'C' to these Minutes in the Minute Book.

Cabinet was advised that biodiversity net gain is an approach to development and / or land management that aims to leave biodiversity in a measurably better state than before, and that biodiversity net gain in the development process is now a statutory requirement following Environment Act coming into force in November 2021.

Cabinet was informed that the Act proposes to require all development to deliver a mandatory 10% biodiversity net gain to be maintained for at least 30 years.

In addition, Cabinet was advised that further resources and work were required for BCP Council to be ready for the implementation of biodiversity net gain on a much wider scale than at present, and that this paper advises on the actions envisaged to do this including the need to appoint 2 additional ecology officers to support the planning process once the mandatory net gain requirements are brought into force.

The Chairman of the Overview and Scrutiny Board addressed the Cabinet advising that the Board had been generally overall supportive of the report at their recent meeting.

RESOLVED that Cabinet: -

- (a) support the principle of biodiversity net gain and endorse the planning service using available tools to deliver the forthcoming statutory requirements where possible at the present time;**
- (b) note the formation of the officer Task Force between Planning and Environment and ask for a report of their work and recommendations within 6 months of the December 2021 Cabinet;**
- (c) support the £93,000 of ongoing revenue funding requested from 2022/23 onwards, to sufficiently resource the services outlined in this report; and**
- (d) notes that the £93,000 per annum from 2022/23 onwards will formally be recommended to Council as part of the 2022/23 budget and Medium-Term Financial Plan Update report in February 2022.**

Voting: Unanimous

Portfolio Holder: Development, Growth and Regeneration

100. Make Ashley Road Safe Petition

The Portfolio Holder for Community Safety and Regulatory Services presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'D' to these Minutes in the Minute Book.

Cabinet was reminded that at the Council meeting on 14 September 2021, a petition was presented entitled "Make Ashley Road Safe Petition", and that the petition stated that "Drug use, drug dealing, theft, fighting, intimidation, abuse and public indecency on Ashley Road has been causing residents, shoppers and shop workers misery over the last few of years."

In relation to this Cabinet was advised that the petition called for "BCP Council and Dorset Police to take action and end the serious anti-social behaviour issues and illegal activity that residents witness every day on Ashley Road, Poole."

Further to this Cabinet was informed that the report sets out the Community Safety Partnerships approach to tackling place based anti-social behaviour and the specific work that has been done in Ashley Road to date.

Councillor Earl addressed the Cabinet reminding members of the lively debate at Full Council in relation to this petition and stressing the importance of measures being put into place. In addition, Councillor Earl advised that discussion had taken place with residents who had fed back on the approach being taken, and that in relation to this that residents who had been spoken to had expressed opposition to the removal of benches and the closing of alleyways, in relation to this Councillor Earl stressed that residents should be properly consulted prior to any decisions to do such if it is considered at any point. In addition, Councillor Earl emphasised the importance of addiction support workers and of engaging with people in their housing setting rather than on the street.

The Leader of the Council read out a statement submitted by the Police and Crime Commissioner emphasising the importance of measures to address anti-social behaviour.

RESOLVED that Cabinet notes the contents of the report and the further actions being undertaken to address crime and anti-social behaviour in the area.

Voting: Unanimous

Portfolio Holder: Community Safety and Regulatory Services

101. School Admissions Arrangements 2023/24 for community and maintained schools

The Portfolio Holder for Council Priorities and Delivery presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'E' to these Minutes in the Minute Book.

Cabinet was advised that the report authorises consultation on the admissions arrangements for community and maintained schools for the school year 2023/2024, and that the only significant change is a proposal to consult on the reduction of the published admission number at Burton Primary School from 60 to 45 from the school year 2023/24 at the request of the governing body.

RESOLVED that Cabinet: -

- (a) approves the draft admissions arrangements for maintained school set out in Appendices 1 and 2 of this report and the draft consultation on the reduction of the published admission number (PAN) at Burton Primary School set out in Appendix 3 of this report.**
- (b) agrees that the Director Children's Services commence consultation on the proposal in Appendix 3.**

Voting: Unanimous

Portfolio Holder: Council Priorities and Delivery

102. Home to School Transport Policy

The Portfolio Holder for Council Priorities and Delivery presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'F' to these Minutes in the Minute Book.

Cabinet was informed that BCP Council is legally required to have a single home to school transport policy, and that a BCP Council Policy had been drafted to replace the three existing policies.

In relation to this Cabinet was advised that the draft policy has been developed to ensure consistency across the conurbation, and that it will provide a single point of reference for families and officers regarding eligibility and how it is assessed.

Cabinet was advised that permission to publicly consult in January-February 2022 is being sought from cabinet, and that the consultation will be held in accordance with the requirements of the Department for Education's statutory guidance, with key stakeholders being targeted during the consultation period.

RESOLVED that Cabinet: -

(a) agrees for officers to go out to public consultation on the draft Home to School Transport policy; and

(b) delegates authority to the Director of Education, Children's Services to commission a public consultation of the draft policy.

Voting: Unanimous

Portfolio Holder: Council Priorities and Delivery

103. Capital expenditure to enable bulge classes at the Avonbourne Schools

The Portfolio Holder for Council Priorities and Delivery presented an amended version of the report which had been published on the 9 December in accordance with the Constitution, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'G' to these Minutes in the Minute Book.

In presenting the report the Portfolio Holder advised that the amended version provided clarity with regards to the financial implications and the recommendations within the report.

Cabinet was advised that the report proposed that Cabinet approve up to £500,000 capital expenditure to enable the Avonbourne Schools to undertake remodelling so that they can take up to two bulge classes.

In relation to this Cabinet was informed that pupil place planning projections suggest there may be insufficient places available in the local area in the admissions years 2022 and 2023, and that providing for bulge classes would ensure that the council meets its statutory responsibility to provide sufficient school places for all school age children living within the area.

RESOLVED that Cabinet: -

- (a) approves removal of the £.977m from the 2021/22 capex budget initially provisioned to erect a new building to provide 300 temporary places to accommodate bulge classes at Avonbourne Schools; and**
- (b) approves expenditure of up to £500k to facilitate the provision of bulge classes at the Avonbourne Schools for 150 temporary places.**

Voting: Unanimous

Portfolio Holder: Council Priorities and Delivery

104. Concessionary Fares Bus Operator Reimbursement

The Portfolio Holder for Sustainability and Transport presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'H' to these Minutes in the Minute Book.

Cabinet was advised that the report sought approval to continue to maintain statutory concessionary travel reimbursement payments to local bus service operators at pre-COVID levels in line with government expectations.

In relation to this Cabinet was informed of the government's implementation of a concessionary travel recovery strategy at the start of the next financial year (2022/23) which will facilitate Travel Concession Authorities (TCAs) to return to making payments to meet the actual patronage levels.

RECOMMENDED that: -

- (a) the current 2021/22 scheme year Cabinet recommends to Council support for the continued concessionary travel reimbursement of bus operators at the adjusted pre-COVID levels with an expected saving of £350k: and**

RESOLVED that:-

- (b) Cabinet acknowledges the government's published Covid-19 Recovery Guidance for the start of the next financial year (2022/23) and recommends to Council that concessionary travel reimbursement payments and associated budget allocation to bus operators are adjusted in accordance with the guidance.**

Voting: Unanimous

Portfolio Holder: Sustainability and Transport

105. Housing scheme at Herbert Avenue, POOLE.

The Portfolio Holder for Development, Growth and Regeneration presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'I' to these Minutes in the Minute Book.

Cabinet was advised that the Herbert Avenue scheme is also known as site 10 (of 24) that is in the Council New build Housing and Acquisition Strategy (CNHAS) Programme approved by Cabinet on the 29th September 2021,

and that at that time officers were undertaking a new construction tender process for Herbert Ave and therefore it could not be incorporated within the CNHAS paper.

Further to this Cabinet was informed that the decision by the preferred bidder from the original 2019 procurement process, not to execute the agreement offered to them by withdrawing in January 2021 - has determined the need to engage the marketplace again, and that the results from this new 2021 procurement activity generates the necessity for a revised Cabinet approval in respect of an increase in said construction costs - from that which was approved previously.

Cabinet was advised that this paper therefore brings forward the recommendation for the award of a contract to the new preferred bidder for the delivery of critical works at Herbert Ave, and that these works will deliver the construction of 24 new temporary accommodation units for families, relieving to a significant degree, the existing Bed and Breakfast reliance.

In relation to this Cabinet was informed that the accommodation will be built using Passive House design principles which the planning approval requires, to ensure they provide high levels of thermal efficiency and minimise the need for expensive space heating systems.

In addition, Cabinet was informed that the report also provides the background to the market procurement constraints that have previously impacted on the delivery of this development project and presents the evaluation outcome of the recent competitive market procurement exercise for the selection of preferred bidder and award of contract for the construction of the temporary accommodation buildings.

RECOMMENDED that Council: -

- 1. Approve the proposed £3.486m temporary accommodation scheme budget required to deliver the development:**
 - a. supports the increase in previously approved budget of £ 2.508m (Cabinet Oct 2018) plus sum of £0.28m (ODR approval June 2020) By a further £0.698m. (As detailed under paragraph 54 of the report)**
 - b. approve the financial strategy for the scheme as set out in paragraphs 33 to 47 with specific approval for:**
 - i) £2.440m of prudential borrowing to be repaid over 50 years used to finance the Housing Revenue Account (HRA).**
 - ii) The capping of rental income to Affordable Rent levels and Local Housing Allowance.**
 - c. award the contract for the construction of the new temporary accommodation development to the preferred bidder.**

Voting: Unanimous

Portfolio Holder: Development, Growth and Regeneration

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

Cabinet was advised that there were no urgent decisions taken by the Chief Executive in accordance with the Constitution to report in this occasion.

107. Cabinet Forward Plan

The Leader advised that the latest Cabinet Forward Plan had been published on the Council's website.

108. Call-in of Decision - Tatnam Road ETRO - Advice to Cabinet

The Portfolio Holder for Sustainability and Transport presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'J' to these Minutes in the Minute Book.

Cabinet was advised of the outcome of the call-in request of the above item and the advice offered by the Overview and Scrutiny Board meeting held on 6 December 2021.

In relation to this Cabinet was informed that in accordance with the Constitution, the Cabinet must consider the advice, but shall not be bound to accept it in whole or in part, and that Cabinet shall have sole discretion to decide on any further action to be taken in relation to the decisions in question, including confirming, with or without amendment, the original decision or deferment pending further consideration, or making a different decision.

The Chairman of the Overview and Scrutiny Board addressed the Cabinet advising that there had been a lengthy discussion at the recent Board meeting prior to the recommendation coming from the Board.

The Deputy Head of Democratic Services read out a statement submitted by Councillor Hadley in respect of this item as he was unable to attend the meeting. Councillor Hadley expressed his support for making the road closure at the Sterte Bridge end of Tatnam Road permanent, citing that the measure had shown significant merit in :-

- removing through traffic past the junior schools
- aiding choices to undertake commuting and short journeys without the car,
- promoting personal and public health,
- and most especially to support sustainable journeys to three adjacent schools

In addition, Councillor Hadley enclosed statements from headteachers of two of the local schools also expressing their support of the closure.

Councillor Howell addressed the Cabinet as Ward Member expressing his support for the continued closure and highlighting that he was acting in the interests of the public.

Comprehensive discussion took place with Cabinet members highlighting the results of consultation carried out and of letters having been received which had significantly supported the reopening of the road.

Whilst the decision was a balanced one the Cabinet was of the view that the benefits of reopening the road outweighed the negatives, and that the decision should be made to reopen the road.

RESOLVED that having been reconsidered the Tatnam Road be reopened to traffic and the ETRO no longer apply.

Voting: Nem. Con. (1 abstention)

Portfolio Holder: Sustainability and Transport

The Portfolio Holder for Sustainability and Transport abstained from voting on this item.

The meeting ended at 11.55 am

CHAIRMAN