

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
CABINET

Minutes of the Meeting held on 14 December 2022 at 10.15 am

Present:-

Cllr D Mellor – Chairman

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

Present virtually: Cllr P Broadhead
Lead Members: Cllr H Allen, Cllr N Brooks, Cllr S Baron and Cllr J J Butt

Also in attendance: Lead Member: Cllr T Johnson
Cllr L Dedman and Cllr M Phipps

Also in attendance virtually: Cllr A Hadley, Cllr S Moore and Cllr V Slade

Apologies: Cllr P Broadhead

86. Declarations of Interests

There were no declarations of interest made on this occasion.

The deputy monitoring officer advised that a general dispensation had been granted for all Councillors to be able to vote in relation to agenda item 13, Provision of Beach Huts.

87. Confirmation of Minutes

The Minutes of the meeting held on 14 December 2022 were confirmed and signed as a correct record.

88. Public Issues

The Cabinet was advised that 20 Public statements had been received for this meeting. There were no public questions or petitions. The Democratic Services Officer advised that one question and two statements had been received but did not meet the requirements within the Council's procedure rules for public items. The statements were dealt with as follows:

Statement from Mr Bob Lister (Chairman, Poole Beach Huts Association) read out by Mr Alan Cook on Agenda Item 13 – Provision of Beach Huts

Beach Hut Pricing:

We are disappointed that due process has not been followed, Councillors outside of the Administration, have been side lined and not been given the opportunity to question these policies or proposals.

In Poole 42% increase over 5 years for Beach Hut Tenants is totally unacceptable, the lack of service & facilities has deteriorated, Tenants asked to fund general Seafront costs.

Sadly, 8K circa will vote to replace this Tory Administration. The PFH mistakenly wrote, that taxpayers should not subsidise Beach Huts, yet in Poole £3.2m pa is received only £400K is ringfenced, balance to BCP for Services!

Statement from Mr Alan Cook (Chairman, Friar's Cliff Beach Hut Association) on Agenda Item 13 – Provision of Beach Huts

This proposal before Cabinet is a clear attempt to subsidise all the Seafront Operations and bolster the MTFP by penalising Beach Hut Tenants to the tune of an additional £10M over the next five years.

The tenants already pay rents of £7M a year which contributes £5M to subsidise the Seafront.

The Council sidelined our alternative proposal to uplift the rents by an inflationary 10% which would have given us a year to work on a sensitive and practical harmonisation plan.

Cabinet should not endorse this proposal, it penalises local residents and will cause political damage to this administration.

Statement from Ms Debbie Dowsett. Vice-Chair Bournemouth Beach Huts Association - read out by Mr Alan Cook on Agenda Item 13 – Provision of Beach Huts

Bournemouth Beach Hut Association strongly urges rejection of the proposal before cabinet.

To say we have been consulted and our views considered is a total misrepresentation. Councillors have failed to respond to our emails. Our costed alternative for 2023/24 and suggestion of a year to find a fairer alternative has been ignored. Promised updates and reports have not been provided so how is that consultation?

We believe this is a blatant attempt to get the proposal agreed without scrutiny. Beach hut users are expected to fund unrelated expenditure as they are deemed to be affluent.

Statement from Mr Darren Pidwell, Chairman Mundeford Sandbank Beach Hut Association, read out by Mr Steve Barratt on Agenda Item 13 – Provision of Beach Huts

Despite the fact that we presented an equitable alternative which would have still delivered the MTFP objectives and allowed both Officers and the various BHA's to build a detailed harmonisation plan over the course of the next 12 months, this is a cynical attempt to raid the pockets of hut licence holders with the vague promise of improved facilities, details of which have not been established or presented to us. The plan as presented is flawed in

its argument, our input has been ignored, and as a result, we object in the strongest possible terms to the plan as presented.

All the following statements were read out by the Democratic Services Officer and all related to Agenda Item 8 – Whitecliff Rd/Keyhole Bridge Further Review.

Statement from Mr Mark Huband, on behalf of Network Rail on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

I understand that the Council is considering relaxing the width restriction on the above structure. This is likely to increase the chances of bridges strikes at this location with an impact on train performance. The Council should be working with Network Rail in accordance with the protocol on bridge strike management to take measures to reduce bridge strikes. The relaxing of the width restriction does not appear to be within the spirit of the protocol. I request that the width restriction is not relaxed or at the very least until the full implication on bridge strikes is considered and discussed.

Statement from Mr Mark Sanders, Local Resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

I hope this decision is about people, parks and peace rather than politics.

I regularly walk between sandbanks Road and Poole through Poole Park. The stream of cars and vans assuming 'right of way' have spoilt this walk since keyhole bridge was re-opened.

As a car owner I get their utility to visit parks but NOT to just use them as an alternative through route - that's simply selfish.

Statement from Mr Bob Salter, Local Resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

Keeping Keyhole Bridge open to motorised vehicles does not align with the commitment of aiming to get 50% journeys within BCP on foot/scooter/bike/public transport by 2030, which was agreed to by 55:5 in the full council meeting on 5th December 2022. This is partly because when the bridge is flooded, it is a lengthy 1.6km diversion for those on foot/scooter/bike/wheelchair. Option C to close the bridge could allow the footpath to be raised to overcome flooding issues, so that the bridge remains accessible as a walking/cycling/scooting route at all times.

Statement from Keyhole Safety Group on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

There is a 6ft width restriction on Keyhole Bridge. During surveys carried out by Keyhole Bridge Group 100% of motor vehicles using the bridge were in contravention of this order. The Council cannot claim there is an economic case for drivers to use this route when it requires drivers to contravene a traffic order. As this economic case was the only justification for the decision to reopen the bridge it follows that the decision cannot stand.

We also refer Cabinet members to correspondence submitted by Network Rail and our legal representative objecting to any amendment to the width restriction order.

Statement from Ms Sue Smith, Local Resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

The consultations on the Keyhole Bridge ETRO identified a category of people whose reason for travelling to the area is to park (free) in Whitecliff Road. The second stage report shows that this is the biggest group asking for the bridge to stay open to traffic and also the biggest group objecting to it being closed or to running a further trial. It would be short-sighted to make policy decisions based on the convenience of this group and where they choose to park, particularly as the parking would still be available to them with the bridge closed to traffic.

Statement from Ms Lucie Allen, Chair BH Active Travel on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

Let's not dwell on Government's Gear Change policy, nor the consultation results - as based on these alone, the decision to close Keyhole would be obvious.

Instead, I'd like you to imagine yourself under the bridge. Now imagine yourself pushing a relative in a wheelchair. Now, pushing a buggy whilst holding the hand of a three-year-old. Now you're a parent, cycling with a six-year-old to the swings. Now you're a pensioner, out for your daily walk to your local park.

Now imagine a blind bend, no pavement, and cars approaching from both directions and being told, to 'Share the Space'....

Statement from Mr Simon Carter, Local Resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

I've seen that there is a 6ft width restriction on the Keyhole bridge so don't see how the Council can claim this is an essential route.

Given the current size of cars, 6ft means that there are minimal cars that should be using it, not even a Smart car! Surely this means it can't possibly be called an essential route.

Statement from Mr David Colpman, Local Resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

In 2021 a resident survey was carried out to help in the development of BCP Council's Green Infrastructure Strategy. When asked 'What Would You Change' the most frequently mentioned change was to do something about the volume of traffic in Poole Park. Closing Keyhole Bridge to traffic would achieve this. The need to reduce traffic in Poole Park has been raised by residents many times over the years. It's time for the Council to do something about it.

Statement from Ms Kate Salter, Local Resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

The Poole Park Life project aimed to make it harder to drive through the park. The evaluation report reveals the failure of it to reduce and calm traffic, identifying continued dissatisfaction about traffic in the park, and states that this issue still needs to be addressed. Traffic in the parks inevitably produces air pollution, which is now clearly linked with serious health impacts. The people of Poole should at least be able to breathe clean air at the parks. Closing the bridge to traffic could achieve the public desire for traffic reduction, whilst also reducing air pollution inside the park.

Statement from Mandy Burt, Local Resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

Both the original and new consultation for keyhole bridge clearly indicate that a majority of the public are in favour of option c - shutting the bridge to motorised vehicles. On 15th December 2021 in a 'Call in' of the decision regarding Tatnam road closure, this conservative cabinet set a precedent by justifying reopening that road saying that they needed to listen to the public consultation, which indicated a majority against the road closure. In alignment with this, keyhole bridge should be closed to motorised vehicles.'

Statement from Ms Clare Hadley, Local Resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

It is vitally important for our health & the future of the planet to provide safe cycling & walking infrastructure to enable increased take-up of sustainable travel & reduce traffic congestion & pollution. Keyhole bridge must be an important part of this initiative. It is no longer fit for purpose as a route for cars, especially if the legal width requirement is obeyed. Poole Park would also benefit hugely by reducing the traffic flow through it. It seems ridiculous to allow that level of traffic through a park where small children enjoy the space to run around.

Statement from Mr Paul Bradley, Local Resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

Keyhole Bridge is intrinsically linked to Poole Park. The bridge is the key enabler for traffic to avoid the Civic Centre Island (to Sandbanks Road). This leads to speeding through the park, and dangerous overtaking (personal experience). Park user surveys (not council) have demonstrated that at peak hours, less than 15% of vehicles use the park to go to Tremlow Avenue or stay in the park. The rest go through Keyhole Bridge. BCP need to declare what their objective is, safety of people (at Keyhole and Poole Park) or traffic economics. To say traffic economics over safety is morally bankrupt.

Statement from Mr Derek Heritage, Local Resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

Cars now are much bigger and I feel that an accident could occur at any moment.

You have a unique opportunity to make a stand not only for safety but also for the air quality and general ambiance of the park.

Thank you for considering this appeal for a better safer park for our children.

Statement from Ms Phillipa Clark, Local resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

White Paper 'Gear Change' instructs prioritising active travel over motorists for everyone's health.

Keyhole should be motor free so users of both parks can enjoy tranquil views, sounds and fresh air in safety.

Failure to impose width restrictions encourages unlawful use which endangers others and increasing that restriction is ludicrous.

Cars can easily divert to other routes; pedestrians (including schoolchildren) cannot.

Without cars the floor level could be raised to avoid flooding.

Photos/videos of vehicles blocking the entire width, or brushing past pedestrians should be enough: keeping it open brings more shame on this nationally derided debacle.

Statement from Mr Ransome on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

I am a wheelchair user and not a car driver I often try and wheel through here unaided, but because I cannot use the path to the side, it does annoy the cars as am not very fast, to keep this open to cars would keep it as a no go area for me

Statement from Mrs Susan Stockwell, Local Resident on Agenda Item 8 - Whitecliff Rd/ Keyhole Bridge Further Review

"Common sense" dictates that the earth is flat, aeroplanes will never fly, and allowing vehicles through Keyhole Bridge reduces traffic on parallel routes. This approach to fulfilling BCP's legal duty to manage traffic flow has resulted in world leading congestion and accident rates in Bournemouth. Please allow your council officers to apply their professional qualifications in operation research/analytics/queuing theory instead of bowing to ill informed "common sense" of a few residents, based on ignorance, prejudice and fear. Protect Keyhole Bridge and Poole Park from through traffic to reduce the traffic on roads around the park.

89. Recommendations from the Overview and Scrutiny Committees

Cabinet was advised that there were no additional recommendations from the Overview and Scrutiny Committees on items not otherwise indicated on the Cabinet Agenda on this occasion.

90. 2022/23 Budget Monitoring and Financial Strategy 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 'A' to these Minutes in the Minute Book.

Cabinet was advised that the report includes 2022/23 budget monitoring information for the general fund for November 2022 and an updated position for the medium-term financial plan (MTFP) and that it also includes budget monitoring information at quarter two for the capital programme and housing revenue account (HRA).

Cabinet was informed that the general fund outturn is projected to further improve from the previously reported position with a £9m surplus now estimated for the year.

Cabinet was advised that the MTFP has now been updated for an estimate of the implications of the governments Autumn Statement. Consequentially Cabinet is asked to identify £6.2m of currently identified savings for 2023/24 which potentially will now be able to be deferred until 2024/25.

Cabinet was advised that the Government Dispensation on the DSG had been extended for a further three years.

The Leader thanked Cabinet Members and Overview and Scrutiny for their work on the budget.

A non-Cabinet Councillor commented that they did not accept that the budget was being prudent but recognised that the current financial position was difficult.

Cabinet was advised that the Health and Adult Social Care O&S Committee had recognised a problem regarding a lack of staffing for adult social care was improving the budget position but was also leading to unmet care needs.

The Section 151 officer advised for clarification that the expenditure control measures would be in place until the budget for 2023/24 has been set.

RESOLVED that Cabinet: -

- 1. Recognise the continued improvement to the 2022/23 in-year position with a £9m net surplus now projected;**
- 2. Agree the capital virement for the Housing Revenue Account as set out in paragraph 121;**
- 3. Acknowledges the update of the Medium-Term Financial Plan including estimates of the implications of the governments Autumn Statement;**
- 4. Acknowledge that, based on the current financial planning assumptions and the approach to risk, that not all of the previously identified savings' proposals may now need to be implemented in 2023/24;**
- 5. Request Cabinet to identify up to £6.2m of currently identified 2023/24 savings that can now potentially be deferred to 2024/25;**

6. **Cabinet notes the improvement in timescales and delivery of the Pay and Reward workstream by moving forward the implementation from the previously assumed date of April 2024 to January 2024; and**
7. **Increase the annual investment in unearmarked reserves from £700k to £1.9m in 2023/24.**

It is RECOMMENDED that Council: -

Agree the acceptance of general fund revenue grant for adult social care as set out in paragraph 64.

Voting: Unanimous

Portfolio Holder: Leader of the Council

91. Exploring the options for devolution to BCP Council

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 reminded that in February 2022 Government released its White Paper on Levelling Up, its flagship policy which is intended to impact on all areas of central and local government, and to reduce the differentiation between those people and places who are successful and those who are left behind. A key component of Government's plan is *"to devolve power and give local leaders and communities the tools they need to make better places"* (*Levelling Up and Regeneration* (www.gov.uk)). This report presents the work undertaken to date to explore the opportunities for Bournemouth, Christchurch and Poole in relation to devolution, and recommends that this exploratory work continues until such a time as a decision is required.

The Cabinet were advised that this was in early stages but was very welcomed. The direction of travel was more towards local leaders and some early conversations have taken place.

A non-Cabinet member highlighted the potential loss of local accountability.

Non-Cabinet Councillors also spoke on the different potential options for collaboration, transport network issues and issues around directly elected mayors. The Leader commented on how important full member engagement would be and that at present no decisions had been made.

RESOLVED that Cabinet: -

- (a) Approves the continuation of exploratory work relating to devolution until such time as a final decision is required;**
- (b) Requests a further report is brought back to Cabinet**

Voting: Unanimous

Portfolio Holder: Leader of the Council

92. Whitecliff Rd/ Keyhole Bridge Further Review

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 'C' to these Minutes in the Minute Book.

Cabinet was asked to consider all of the existing information obtained historically and in the recent additional consultation period and undertake the necessary review to consider all options following the decision of the High Court dated 18 November 2021. (accessible via a link in the Background Papers)

In relation to this Cabinet was advised that a trial road closure (modal filter) was introduced via an Experimental Traffic Regulation Order (ETRO) on Whitecliff Road at Keyhole Bridge near Poole Park on 19th August 2020, and that following a period of consultation a decision was made to remove the modal filter in March 2021 and the modal filter was removed at that time.

Further to this Cabinet was advised that this decision was formally challenged, and the subsequent High Court judgement directed the Council to re-open the consultation to inform a Cabinet review of the decision, and that this report provides information to inform the review and sets out the potential options and provides the consultation material relating to the original and further consultation periods.

The Portfolio Holder thanked the members of the public for submitting the statements to the meeting. The Portfolio Holder referred to the two analyses which contained very different results and explained that these were then analysed as to why this was the case and which provided the most accurate prediction. The differences between the analyses were outlined to Cabinet, including the vastly different numbers of expected generated trips. The Portfolio Holder considered that most factors had already been well considered and that the key issue to now consider was the economic impacts of the decision. There was a strong body of opinion on either side of the argument with significant numbers of representations on both sides.

A non-Cabinet Councillor commented that it was apparent by the statements received that overwhelming public opinion was in favour of closing the bridge to traffic and hoped that Cabinet would listen to this.

A Cabinet member commented that there were around 9.5k visits to the park itself. It was noted for clarity in response to a comment from a non-Cabinet Councillor that the closure of routes in other parks were the result of the implications of the Five Parks act rather than a Council decision.

A Lead Member commented that closure of the bridge would impact on traffic in other local roads and that the weight of public opinion was actually for the bridge to remain open. It was noted that it would be difficult to get a decision which will be acceptable to everyone and that some protections could be put into place around the bridge with an aim to find a way forward which would satisfy everybody.

Clarity was sought on the potential for traffic evaporation outlined in an analysis. Officers advised that there were many other factors to be taken

into consideration within the local context and that without trialling this it would be difficult to make a judgement on this.

Clarity was also sought on what the potential consequences and road safety issues were with vehicles diverted on Parkstone Road if the bridge was closed. The report was clear that if putting more traffic along a route there was the potential for an increase in incidents but without actually doing this it was difficult to make a judgement. It was noted that there were 2 collisions on Parkstone Road during the closure.

The Portfolio Holder summarised the position and proposed that Cabinet agree option A, to keep the Bridge open as it was considered that, on balance, the data from the Dorset Council report appeared most likely.

RESOLVED that: -

Having considered all responses, evidence and information, that Option A (as outlined in the report), to keep Whitecliff Road open as it is at present be approved.

Voting: Unanimous

Portfolio Holder: Sustainability and Transport

93. Economic Development Strategy – Skills Plan

The Cabinet Lead Member for Levelling Up 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 advised that the BCP Skills Plan, identifies BCP's skills and productivity challenges and defines a programme of key priorities and actions to address.

In relation to this Cabinet was informed that it is part of the Economic Development Strategy (approved Nov 2021) and developed in collaboration with Dorset LEP and in consultation with a wide range of stakeholders, summarises an extensive evidence base and provides a priority framework for skills development to meet the needs of business in Bournemouth, Christchurch and Poole.

Cabinet was advised that the report highlights the main elements of the plan and seeks cabinet's approval, and that the plan sets the objectives and forms the framework for a project-specific action plan which is already in development.

The Portfolio Holder for Development, Growth and Regeneration advised that he was pleased to see the progress on this issue and that it had been a positive, collaborative piece of work.

RESOLVED that: -

That BCP Skills Plan which is part of the Economic Development Strategy (EDS) be approved

Voting: Unanimous

Portfolio Holder: Development, Growth and Regeneration

94. Levelling Up - progress report

The Lead Member for Levelling up 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 the report was a progress report on the Council's work on Levelling Up across Bournemouth, Christchurch and Poole (BCP), and that this follows an initial Cabinet report in January 2022 which set out a preliminary response to the Levelling Up agenda in advance of the Government's Levelling Up White Paper being released and committed to bringing a more detailed report to Cabinet once the recommended work had been progressed.

Further to this Cabinet was advised that the report provided an update on progress to date since January 2022, as well as further information on what the data is telling us, including the commissioned Impact Report from This Is Purpose (appendix 1), and also sets out the next steps.

Cabinet was informed that it is recommended that work continues to progress Levelling Up across Bournemouth, Christchurch and Poole as it remains a key national policy, and that our overarching local objective for Levelling Up is to use the frameworks of the Levelling Up White Paper and Levelling Up Goals to support the delivery and ambitions of our Corporate Strategy and Big Plan.

In response to a suggested recommendation from a non-Cabinet Councillor the relevant Portfolio Holder advised that there was already an item on the Cabinet Forward Plan to review the early help offer and they would take on board the Councillors comments. The Lead Member advised that as outlined in the report an increase in support and development opportunities for children and young people was already covered by the recommendations.

RESOLVED that Cabinet: -

- (a) Note the excellent work of officers to positively take forward the Levelling Up agenda;**
- (b) Acknowledge the information and recommendations in the Impact Report from This is Purpose and consider which of these if any could be taken forward subject to there being available budgets; and**
- (c) Agree work should continue across the Council with a focus on the agreed priorities to level up the BCP Council area**

Voting: Unanimous

Portfolio Holder(s): Development, Growth and Regeneration

95. Equality & Diversity Policy Review

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 'F' to these Minutes in the Minute Book.

Cabinet was advised that as a Public Authority BCP Council have legal obligations under the Equality Act 2010 and the Human Rights Act 1998, and that the commitment to equality is embedded in the Big Plan and Corporate Strategy which together set out our vision, mission, ambition, priorities and values that underpin the council and the delivery of its services.

Cabinet was informed that an agreed review of the Equality and Diversity Policy first adopted by the Cabinet on 19 October 2019 has been undertaken, and that in July 2021 BCP Council introduced an Equalities Footprint that contributes to monitoring and measuring progress on equality, and how well the responsibilities of the PSED and HRA are being met.

Cabinet was further advised that key changes to the policy for Cabinet to note is the inclusion of the Equalities Footprint, and extensions to the local characteristics to now include children in care and care experienced young people, local business, community organisations, Military veterans, and Socio-economic status, and that the Internal Governance Framework is further strengthened and has been expanded and the roles and responsibilities within it have been subject to change to reflect the increased commitment and adjustments that have been made to the framework.

The Portfolio Holder for Childrens and Young People advised that it was excellent that the council was recognising children in care and care experienced young people in equality issues in decision making for the future.

RESOLVED that Cabinet: -

- (i) Approved the draft Corporate Equality & Diversity Policy and Governance Framework; and**
- (ii) Noted the changes to roles and responsibilities**

Voting: Unanimous

Portfolio Holder: Community Safety and Regulatory Services

96. Protecting our coastal and open spaces

The Leader of the Council and Portfolio Holder for Finance and Regeneration presented a report, 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.

Cabinet was advised that the Seasonal Response Programme, delivered at peak visitor periods over the last two years, has seen a number of negative behaviours presented by some individuals which have impacted upon our environment and on visitor and resident enjoyment of our beaches and open spaces —which has required significant additional resource to manage.

Cabinet was informed that the annual Seasonal Response review has made a recommendation to consider the use of Public Spaces Protection Orders (PSPO's) where appropriate, in order to prohibit these behaviours,

thereby creating a strong deterrent and enabling the Council to take effective action in a timely manner.

In relation to this Cabinet was advised that a feasibility assessment had identified six behaviours which meet the legislative criteria for consideration of a PSPO, based on consideration of evidence and enforcement options, and that the next step is to launch a public consultation which is an essential requirement in considering whether to proceed with any Order.

Cabinet was informed that the report sought approval to continue the detailed work required to prepare for public consultation, including final mapping of evidence in order to define the areas where behaviours are proposed to be prohibited, and that further to this the report sought delegated authority for the Portfolio Holder for Community Safety and Regulation to approve the final proposals subject to completion of this work as well as consideration of external legal advice from counsel.

Cabinet was advised that the consultation results will inform a detailed assessment of responses which will be considered along with a final options appraisal, and that final proposals will be presented to Cabinet for approval.

A non-Cabinet Councillor commented that the LGA guidance was that there should be a balance with civil liberties, in relation to the restriction on taking non-disposable barbeques onto the Beach. The Cabinet was informed that the PSPO implementation was fully based on evidence and there would be further consultation prior to approval of the final proposals.

RESOLVED that: -

- (a) Cabinet approve the further consideration of potential Public Spaces Protection Orders as noted at paragraph 9;**
- (b) Cabinet approve the progression to public consultation on Public Spaces Protection Orders within the scope noted, subject to finalisation of the evidence assessment; and**
- (c) Cabinet delegate authority to the Director of Communities in consultation with the Portfolio Holder for Community Safety and Regulation, to approve the final proposals and consultation documents by way of a Portfolio Holder Decision Record.**

Voting: Unanimous

Portfolio Holder: Community Safety and Regulatory Services

97. Provision of Beach Huts

The Portfolio Holder for Environment and Place 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 sets out proposals, following a review of BCP Beach hut assets, to harmonise the service offer, provide equality of access for BCP residents and enable new levels of investment in the beach hut offer, and that like all Councils in the UK, due to rising inflationary pressures, BCP Council is having to review its financial position, find new

ways to be more efficient in meeting the needs of our communities, ensure cost recovery and income generation. This involves reviewing all our commercial services, including the provision of beach huts.

Cabinet was advised that in September, the Corporate and Community Scrutiny Committee was advised of the decision and reasons for not pursuing the use of a Special Purpose Vehicle (SPV) to commercialise beach hut assets and that the Council would instead develop proposals for changes to the in-house management, harmonisation of prices and policies, and the enabling of capital investment.

Further to this Cabinet was advised that BCP Council manages over 3,700 beach huts between Highcliffe and Hamworthy, with annual gross income of circa £7m, and that Officers have undertaken a review of the differing legacy management and financial arrangements with the aim of harmonising the service, widening access, raising maintenance standards and improving commercial performance.

Cabinet was informed that the review has included engagement with key stakeholders including the four Beach Hut Associations.

A number of non-Cabinet Councillors commented on the proposals. Comments included that the proposals were unfair, that the consultation had not been effective, that the proposed increases above inflation were not acceptable, the differences in the level of increases across bands, what the investment would be used for, the number of beach huts not in use in comparison with the waiting list, sub-letting of beach huts, different types of lets available, and the accessibility to those on a lower budget.

A Cabinet member advised that they were grateful for the dispensation to allow the vote upon this and commented on what could be considered what is fair and unfair in relation to access to beach huts.

Cabinet was advised that the consultation on this and the engagement had been complex and should be carefully considered in making these decisions.

The Leader commented that where a service was being sold if it did not increase in at least with the price of inflation, taxpayers would be effectively subsidising this, which needed to be considered

The Portfolio Holder addressed a number of the comments made and advised that the comments regarding waiting lists would be taken on board in opening the lists along with comments on the marketing of shorter rental length beach huts.

RESOLVED that Cabinet: -

- (a) Agrees to allow all BCP residents to join the waiting lists for standard huts/sites;**
- (b) Agrees the 5-year beach hut pricing strategy set out in Appendix 1a to increase income and harmonise rental and transfer fees;**
- (c) Agrees to widen use of long-lease arrangements to generate additional capital and support future development schemes;**

- (d) Agrees to the financial plan in Appendix 1c to invest additional income from rental fees, transfers and long-leases to improve service standards and enable further capital investment in seafront assets;**
- (e) Notes that the implications of the recommendations above will be included in the Council's Budget and Medium Term Financial Plan (MTFP) 2023/24 report, due to be considered in February 2023 by the Cabinet and Council; and**
- (f) Delegates authority to the Chief Operations Officer, in consultation with the Portfolio Holder for Environment & Place, to:**
 - (i) finalise operational changes and harmonise terms & conditions across Beach Hut: licence hire agreements; handbooks; & waiting lists.**
 - (ii) make further changes to the pricing structure and eligibility criteria in response to market demand.**

Voting: Unanimous

Portfolio Holder: Environment and Place

98. Externalisation of the Russell-Cotes Art Gallery & Museum

The Portfolio Holder for Tourism, Culture and Vibrant Places 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 Russell-Cotes Art Gallery and Museum (RCAGM) with its Grade 2* listed house and internationally significant collections was gifted to the people of Bournemouth in 1908 and was held in trust by Bournemouth Borough Council and its successors, as sole Trustee, ever since. (Charity Reg No 306288).

Cabinet was informed that when making decisions on the Russell-Cotes, the Council, as Trustee, is required to act in the best interests of the charity (rather than the Local Authority).

Cabinet was advised that the Bournemouth Borough Council Act, 1985 superseded previous indentures, and required Cabinet to act as the Museum's Management Committee, and that Cabinet has delegated its responsibilities to the Russell-Cotes Management Committee which acts as a subcommittee and consists of Councillors and non-voting independent members, and that it has determined, after detailed investigation that full independence is the best way to safeguard the long-term future of the Museum.

Cabinet was further advised that the governance, relatively unchanged for 100 years, is a mix of Local Authority and charity practice which cannot provide appropriate oversight, financial transparency or strategic leadership and does not meet the required standards for a modern charity, and that

due to the current charitable arrangements there is no opportunity to combine the Russell-Cotes with other local museums.

Cabinet was informed that the Museum building and collections are at risk without substantial investment and the financial burden on the Council will be considerable, and that the best way to mitigate this risk is to enable the museum to fundraise, but grant-giving bodies have been very clear that whilst the current governance arrangements continue substantial funding is unlikely, and the Arts Council rejected a recent application for NPO funding, citing inadequate governance.

Cabinet was advised that whilst there are risks for both the Council and the future charity in pursuing the route of independence, the risks of not doing so are far greater, that the Charity Commission has examined the issues and invited the Council to submit a request for change, and that a detailed negotiation of the funding and Service Level Agreement arrangements will be held between BCP Council and the new Trustee during the transition period as the governance issues are resolved.

A non-Cabinet Councillor commented that this appeared to be the best solution for the situation currently. The Portfolio Holder agreed and confirmed that there wasn't a single approach to how Council Museum assets would be managed.

It is RECOMMENDED that Cabinet agrees and approves the progress of externalisation and submits the following recommendations:

The Council agrees:

- (a) that the future of the Russell-Cotes Art Gallery & Museum, for which it is sole trustee, would be best served by externalisation in the form of the transfer of Sole Trusteeship to a new corporate entity (CLG or CIO) to operate and manage the charity;**
- (b) as Sole Trustee of the Russell-Cotes Art Gallery & Museum to make a formal application to the Charity Commission for a change of governance under Section 73 of Charities Act 2011 to replace the Council as sole trustee with a new corporate entity (CLG or CIO) acting as sole trustee and for the modernisation of governance articles;**
- (c) to establish a Corporate Entity (CLG or CIO) and appoint a Shadow Board of 5 nominees to oversee the transition to independence, provide continuity and stability and to maintain an on-going supportive relationship with the new CLG/CIO;**
- (d) to negotiate, during the transition phase, future years grant support for the new Trustee, along with the transfer of assets, lease arrangements etc with an expected vesting day of 1 April 2024 at the earliest; and**
- (e) To delegate authority to the Director of Finance, Director of Law & Governance and the Chief Operations Officer to determine the best financial model in consultation with the Portfolio Holder.**

Voting: Unanimous

Portfolio Holder: Tourism, Culture and Vibrant Places

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

The Chief Executive advised that an urgent decision had been taken regarding the appointment of Pat Hayes as non-executive director on BCP FuturePlaces.

100. Cabinet Forward Plan

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

The meeting ended at 1.40 pm

CHAIRMAN