

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
CABINET

Minutes of the Meeting held on 10 January 2024 at 10.15 am

Present:-

Cllr V Slade – Chairman

Cllr M Earl – Vice-Chairman

Present: Cllr D Brown, Cllr R Burton, Cllr M Cox, Cllr A Hadley, Cllr J Hanna,
Cllr A Martin and Cllr K Wilson

Also in Cllr S Bartlett (Chair of the Overview and Scrutiny Board) and Cllr M
attendance Haines
virtually:

77. Declarations of Interests

Councillors D Brown, M Earl, A Hadley, A Martin, V Slade and K Wilson declared interests in relation to Agenda Item 13 (Council-Owned Companies – Shareholder Governance Review) in relation to their roles on the Council-Owned Companies and remained present for the discussion and voting thereon.

78. Confirmation of Minutes

The Minutes of the meeting held on 13 December 2023 were confirmed and signed as a correct record.

79. Public Issues

Cabinet was advised that there had been no petitions submitted but that three questions and one statement had been received by members of the public, all relating to Agenda Item 11 (South Part of Beach Road Car Park).

Public Question received from Peter Schroeder, Chairman of the Branksome Park, Canford Cliffs Residents Association

In what way does the Council think that reducing available parking by the planned sell-off, will improve either the quality of life or the economic well-being of the residents of Poole?

Response by the Leader of the Council and Portfolio Holder for Dynamic Places

Thank you for your question which relates to the loss of parking and the associated impact on quality of life. this car park has been underused for many years and even in the peak summer months people avoid using this car park and instead choose to park on residential roads or in illegal and dangerous places.

The previous Borough of Poole established that it was not good value for money to retain this car park and agreed its sale and not good value for the

taxpayers of Poole and now BCP, and that it would be better served in reallocating part of this site and creating new homes here instead.

The sale of part of the site will also allow the remaining car park to be modernised so that the spaces are suitable for use by those who need it and the assessment shows that the overall change in the number of spaces will be adequate to meet the needs.

We are separately looking at the issues faced by residents on local roads like Lakeside Road who are negatively impacted by thoughtless drivers blocking their access, behaving in an unruly manner late at night and we believe that supporting their calls for on street parking measures will improve their quality of life.

The economic value of new homes paying council tax and spending money in the local economy will more that outweigh the relatively low income from the car parking as is demonstrated in the report which you will hear about later. Furthermore the building of new homes will generate developer contributions that will support community infrastructure and affordable housing for the wider area.

Public Question received from Roy Pointer

The sale of the south portion of the Beach Road car park identifies the need for a business case for the upgrade/retention of the remainder. This business case could fail if considered in isolation. Can the Council assure residents that the potential for the WHOLE site be considered and appraised as one project linking the case for the part sale with the upgrade of the remainder thereby avoiding the latter being unviable due to the sale of the former?

Response by the Leader of the Council and Portfolio Holder for Dynamic Places

The business case for delivery of improvements to the rear car park is being expedited. Funding will be met through PWLB (Public Works Loan Board) borrowings and access arrangements will be resolved prior to the completion of any sale. There is therefore no need to link the two projects. Expediting a sale, will ensure an early capital receipt for the council, which in turn will help our efforts to fund the council's transformation programme and improvements to the parking area including better signage to ensure drivers can locate it therefore ensuring that the new car park has better usage.

Public Question received from John Sprackling

The Report at para 11 identifies the potential need for more on street metred parking in order to support parking needs due to the reduced size of the car park.

The high cost of meter installation is unlikely to be recouped by charges since drivers simply park in other roads leading to both local opposition and low meter usage.

Is the Council aware that there was significant opposition to extend on road parking at a public meeting in 2016 which was attended by the current Director of Infrastructure in his former role of Head of Transportation and

that opposition is unlikely to change should more on road parking be contemplated as any part of this project?

Response by the Leader of the Council and Portfolio Holder for Dynamic Places, Councillor Vikki Slade

The business case for the rear car park will address the need, if any, for additional on-street pay and display in nearby roads and the latter would, of course, require further public consultation, with all feedback given full consideration. I have been lobbied very heavily over at least a year by local residents who are welcoming on-street parking meters and have been campaigning themselves to have restrictions in their roads. We would not rely on information gathered 8 years ago to test the feelings of those most directly affected and negatively impacted by thoughtless parking.

Elsewhere, evidence suggests that the cost of installing metered or other restricted parking such as residents zones would be recouped within about two years.

Public Statement received from Vicky Moss

No more developments are needed in this area. There are blocks of apartments in the area close to the beach with over 25% second homes and used for only 4 weeks of the year. These developments are underutilised. BH13 has the largest proportion of second homes in BCP with 13% of dwellings used as second homes and empty much of the year.

Since the arrival of Rockwater at Branksome Beach there has been an influx of visitors and the carparking is frequently inadequate. I see cars regularly turning away because Beach Road Car Park is shut, this is currently losing the council revenue.

There is frequent flooding within 100m of this site at the entrance to Branksome Beach Car park and drainage is a major issue along the length of Branksome Chine.

PLEASE preserve Beach Road Carpark for public use as a Carpark. Don't more people have the right to a day at the beach?

80. 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.

81. Council Tax - Tax base 2024/25

The Portfolio Holder for Finance 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 calculated and presented the proposed council tax base for council setting purposes in line with current legislation and guidance.

Cabinet discussed the matter of second and empty homes following the Council ratifying the decision the previous evening to charge 200% council tax on second homes.

RECOMMENDED that Council: -

- (a) Approves the report for the calculation of the council's tax base for the year 2024/25 and recommends the tax base to Full Council; and**
- (b) Pursuant to the report, and in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as amended, the amount calculated as the council tax base for Bournemouth, Christchurch and Poole Council for 2024/25 is 146,342.**

Voting: Unanimous

Portfolio Holder: Finance

Reason

The Council is required by the Local Authorities (Calculation of Tax Base) Regulations 1992, as amended, to calculate the council tax base for the financial year 2024/25.

82. Q2 2023/24 Corporate Performance Report

The Leader of the Council and Portfolio Holder for Dynamic Places 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 Corporate Strategy sets out the objectives and outcomes that the Council's performance will be judged against and as such is a vital component of the Council's performance management framework and presented an understanding of performance against targets, goals and objectives helps us assess and manage service delivery and identify emerging business risks.

In relation to this Cabinet was informed that BCP Council's priorities and values which underpin the development and delivery of services are set out in the Corporate Strategy, and that a new Corporate Strategy was approved by Cabinet in December 2023 and is expected to have been adopted by council before this paper is considered.

In addition, Cabinet was advised that new delivery plans and key performance measures will be considered by Cabinet in April 2024, and that until then, performance is assessed on the actions and measures detailed in the Corporate Strategy adopted by Full Council in November 2019 and delivery plans that were revised in February 2022.

Cabinet was advised that the appended performance report showed progress with measures set out in the delivery plans and any additional measures agreed by Cabinet as part of the performance reporting process, for quarter two of 2023/24 (July to September 2023), and that individual exception reports provide explanations and planned actions to address

under performance and the appended report also provides a further update on the delivery plan actions.

Cabinet was informed that a new section on public health measures has been added so performance can be considered alongside BCP Council delivery areas, and that in addition, appendix 2 shows a progress update as of December 2023, on the Council's response to being issued with a 'Best Value Notice' by the Department for Levelling Up, Housing & Communities (DLUHC) in August 2023.

Cabinet was advised that this report had been presented to the Overview and Scrutiny Committee at their recent meeting and that a comprehensive discussion had taken place although no formal recommendations were proposed.

RESOLVED that Cabinet: -

- (a) considered the Quarter Two performance report;**
- (b) considered the delivery plan action updates;**
- (c) considered the performance exception reports relating to areas of under performance;**
- (d) noted the December 2023 progress update on the Council's; response to being issued with a 'Best Value Notice'**

Voting: Unanimous

Portfolio Holder: Leader of the Council and Portfolio Holder for Dynamic Places

Reason

The Corporate Strategy sets out the objectives and outcomes that the Council's performance will be judged against and as such is a vital component of the Council's performance management framework. An understanding of performance against targets, goals and objectives helps us assess and manage service delivery and identify emerging business risks.

83. BCP Council - Tenancy Strategy for Registered Providers of Social Housing - 2024-2029

The Portfolio Holder for Housing and Regulatory Services 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 the council is required to prepare and publish a Tenancy Strategy that registered providers of social housing must have regard to.

Cabinet was informed that the Localism Act 2011 introduced the discretionary use of flexible fixed term tenancies with the aim of helping registered providers of social housing (councils and housing associations) make the best use of social housing, lifetime tenancies could still be used.

In relation to this Cabinet was informed that the Act requires councils to prepare and publish a Tenancy Strategy as part of its strategic role for the

area that sets out the matters which providers should have regard to when formulating policies relating to the types of tenancies that they will grant.

Cabinet was advised that BCP Council is a registered provider of social housing and must also have regard to the strategy, and that it also supports harmonisation of the approach to the use of flexible fixed term tenancies within the council's own housing stock. All Tenancy Strategies held by previous legacy authorities supported the discretionary use of flexible fixed term tenancies.

Cabinet was informed that the use of flexible fixed term tenancies has been relatively low and most providers have moved away from using them, and that the reasons for this are that they do not achieve their aims, create uncertainty for tenants, add complexity, increased resource requirements are required to manage them effectively and they can act as a barrier to supporting tenants to manage their tenancies.

Further to this Cabinet was advised that the revised Tenancy Strategy supports the use of lifetime tenancies rather than fixed term tenancies to provide the most assurance to tenants, contribute to sustainable communities and ensure effective tenancy management, and it will continue to allow the discretionary use of fixed term tenancies in appropriate circumstances where this aligns with efforts to make best use of social housing and where help to sustain tenancies is provided.

In relation to this Cabinet was informed that the revised strategy does not impact on the allocation of housing to meet priority or specialist housing needs.

RECOMMENDED that the revised BCP Council Tenancy Strategy 2024-2029 as set out in appendix 1 be approved.

Voting: Unanimous

Portfolio Holder: Housing and Regulatory Services

Reason

The council is required to prepare and publish a Tenancy Strategy that registered providers of social housing must have regard to.

84. Active Travel Fund 4 (ATF4)

The Portfolio Holder for Climate Response, Environment and Energy 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 report sought delegated approval to deliver BCP Council's programme of work which has been funded by the Active Travel Fund (ATF) 4.

Cabinet was informed that the Council had been awarded £3.78million of ATF4 funding from Active Travel England (ATE) for walking, wheeling and cycling improvements with schemes fully aligned with the Local Cycling and Walking Infrastructure Plan (LCWIP) approved by Council in May 2022, and that following the preparation of an application to the fund in February 2023

in line with the prescribed ATE process, on 21 March 2023 the Council was advised that the application had been successful and that acceptance of the grant was required by 24 March 2023.

Cabinet was advised that it had not been possible to convene a Council meeting to approve acceptance and the Chief Executive therefore had used his urgency powers in accordance with Part 3 of the Constitution.

RECOMMENDED that Council delegate the investment of the Active Travel Fund 4 grant to the Service Director for Infrastructure in consultation with the Portfolio Holder for Climate Response, Environment and Energy.

Voting: Nem.Con

Portfolio Holder: Climate Response, Environment and Energy

Reason

To ensure expedient investment of the Active Travel Fund 4 grant.
Councillor Brown joined the meeting at 11:12am part way through discussion and therefore abstained from voting on this item.

85. Proposed shared Flood and Coastal Erosion Risk Management (FCERM) Service with East Devon District Council

The Portfolio Holder for Climate Response, Environment and Energy 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 BCP FCERM are already working collaboratively with multiple authorities across the South-West region, and that through those improving relationships and following our recommendation, East Devon District Council (EDDC) have proposed entering into a Shared Service Agreement (SSA) for FCERM activities in recognition of BCP capabilities and the mutual benefits that will bring and are also taking a paper to their Cabinet in January 2024.

Cabinet was informed that SSA has distinct and strong advantages to all parties: a 'one team' culture; ability to use permissive powers on behalf of EDDC to seek grant funding; builds capital programme generating income, reduces net service cost, allows growth of the service & skills; communities made more resilient to climate change; greater resilience for service provision; more attractive in recruitment market; smooths capital programme allowing consistent resourcing; less reliance on consultancy support.

In relation to this Cabinet was informed that the proposal aligns with our service vision and is fully supported by the Environment Agency (strategic overview of national FCERM).

RESOLVED that Cabinet agree to enter a Shared Service Agreement for Flood and Coastal Erosion Risk Management with East Devon District Council, delegating authority to Service Director (Infrastructure) to sign, in consultation with S.151, Monitoring officers and Portfolio Holder.

Voting: Unanimous

Portfolio Holder: Climate Response, Environment and Energy

Reason

Follows the Corporate Strategy:

Work with others to make the most of all our strengths; Use our limited resources sustainability by transforming the way we plan, develop and deliver services; Held people, nature and places to adapt to the changing climate.

86. South Part of Beach Road Car park

The Leader of the Council and Portfolio Holder for Dynamic Places 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 Beach Road Car Park is a public pay and display surface car park in Canford Cliffs with c.316 car spaces currently marked out, and that further to this many of these spaces are not compliant with BCP Parking Standards and due to land slips, tree encroachment and related surface breakage, they are unusable.

Cabinet was informed that the whole of the car park is under-utilised and closed for six months of the year (30th September to 1st April) and that the south section of the car park, fronting Pinecliff Road was declared surplus, most recently by Cabinet on 8 March 2023.

Cabinet was advised that the report sought approval to dispose of the south part of the site, shown outlined red in Appendix 1 to the report, subject to a future Cabinet resolution to appropriate the site for planning purposes, retaining the rear in its existing use as a car park.

Further to this Cabinet was informed that it is the council's intention to make improvements to the retained rear car parking area, including consideration of the scope to increase current capacity and provide more compliant spaces, and that this would be subject to a separate business case and cabinet report, to be led by the Director of Infrastructure in consultation with the Director of Commercial Operations.

The Ward Member for Canford Cliffs addressed the Cabinet expressing serious reservations regarding the sale of the car park, and in relation to this the Ward Member highlighted the following areas of concern with regards to the disposal of the south section of the car park: -

- the car park currently provides the overspill parking for Rockwater
- questioned that this was a sustainable location as cited within the report as there is a lack of public transport
- stressed that an increased visitor numbers to beaches with an increasing need for car parking provision.

Comprehensive discussion then took place with regards to the use of the car park.

It was requested that the possibility of opening the northern part of the car park during the winter months be explored.

RECOMMENDED that Council agrees: -

- (a) the disposal of the south section of the car park on the open market, subject to a future Cabinet resolution to appropriate the site for planning purposes once the South Car Park is formally closed;**
- (b) to delegate authority to the Corporate Property Officer, in consultation with the Director of Finance, the Director of Law and Governance and the Portfolio Holder for Dynamic Places to select the preferred offer and finalise the detailed terms of the disposal; and**
- (c) to support the reprovision of the car park and the development of a business case by the Director of Infrastructure for the modernisation and improvement of the retained car parking area, based on the use of prudential borrowing, in consultation with the Director of Commercial Operations, the Ward Councillors and the relevant Portfolio Holder.**

Voting: Unanimous

Portfolio Holder: Leader of the Council and Portfolio Holder for Dynamic Places

Reason

Offering the front part of the site for sale as a residential redevelopment opportunity on the open market will:

- Contribute to the council's corporate strategy priorities.
- Optimise the use of a public land asset in accordance with its
- allocation in the Local Plan and ensure best value is achieved.
- Encourage more sustainable forms of travel.
- Generate a capital receipt to support the funding of the
- council's Transformation Investment Programme.

87. Traffic Order Proposal, Transforming Cities Fund (TCF) - Darby's Lane Cycle Route 5 Section 2 (C.5.2) P40 2023

The Portfolio Holder for Climate Response, Environment and Energy 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 proposal was the implementation of new waiting restrictions which are required for Cycle Route 5 section 2 (C.5.2) of the Transforming Cities Fund (TCF) route "Poole town centre to Merley, Poole" as it passes though Darby's Lane.

In relation to this Cabinet was informed that the Transforming Cities Fund (TCF) programme is funded directly from the Department for Transport (DfT) with small local contributions from stakeholders, and that the programme aims to create a safer environment and to encourage more

travel by sustainable modes including; walking cycling and bus use, thereby reducing congestion and improving health and well-being overall.

RESOLVED that Cabinet approved the making and sealing of the Traffic Order and that the restrictions outlined in Appendix 1 of the report be implemented.

Voting: Unanimous

Portfolio Holder: Climate Response, Environment and Energy

88. Council-Owned Companies - Shareholder Governance Review

The Portfolio Holder for Transformation and Resources 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 set out the action taken to ensure appropriate and effective governance of Council owned companies including the independent governance review undertaken by DLUHC, a self-assessment review of Council-owned companies undertaken by the Council's internal audit team, and the governance review undertaken by the Interim Chair of BCP FuturePlaces Ltd which considered lessons learnt over the first year of operation.

Cabinet was informed that following the work undertaken above and the subsequent closure of BCP FuturePlaces Ltd, a review of shareholder governance arrangements for all Council-owned companies was undertaken by the Interim Corporate Director for Resources in November 2023, and that in relation to this the review recommended changes designed to provide clearer understanding of the respective roles, decision-making arrangements, and improved accountability along with next steps for implementation should these recommendations be approved.

In presenting the report the Portfolio Holder moved amended recommendations to that presented in the report which sought to take account of the debate at the recent Overview and Scrutiny Board where the report was discussed.

The Chairman of the Overview and Scrutiny Board addressed the Cabinet highlighting the comprehensive discussion which had taken place on this item at the recent meeting of the Board and thanked the Portfolio Holder and Corporate Director for reflecting on the comments from the Board and for the amended recommendations. In addition, the Chairman advised that the Board had welcomed the report.

RESOLVED that Cabinet: -

- (a) **Approved the shareholder governance model set out at Appendix 1 for adoption by the Council in relation to all Council companies with immediate effect, subject to the amendment of the third red box on the right, replacing the words “Company has no role at scrutiny –“with “Company may be requested to provide evidence to support scrutiny as required .”;**

- (b) **Noted that the future arrangements for Council companies will be based on the Local Partnerships best practice model, Local Authority Company Review Guidance;**
- (c) **Noted that a review of all Council companies will be undertaken based on the work started by internal audit and actions plans completed to ensure that the company arrangements comply with the best practice model. This review will be completed by 31 March 2024 with progress and subsequent action plans reported to Cabinet in July 2024;**
- (d) **Noted that the review of council companies will also consider in each case whether the original reason for establishing the company still applies and appraise the future options for delivering the function performed by the company, taking into account the cost benefits, the benefits to residents, the importance for accountability and transparency, and the avoidance of potential conflict between the aims of the council and those of the council company; and**
- (e) **Noted that although the scope of this report is limited to companies where the council is a shareholder, a second phase that will be the subject of a future report will consider council control and representation on the boards of other organisations such as charities, associations, community interest companies, and societies.**

Voting: Unanimous

Portfolio Holder: Transformation and Resources

Reason

To ensure that all Council owned companies operate within effective and transparent governance.

Councillors D Brown, M Earl, A Hadley, A Martin, V Slade and K Wilson declared interests in this item in relation to their roles on the Council-Owned Companies and remained present for the discussion and voting thereon.

89. Tricuro Local Authority Trading Company Transfer of Shares

The Portfolio Holder for Health and Wellbeing 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 Tricuro Local Authority Trading Company provides adult social care services across the Bournemouth Christchurch and Poole area, and that currently, both BCP Council and Dorset Council own shares in the company.

In relation to this Cabinet was informed that Dorset Council withdrew their services in October 2022 and are willing to transfer their share in the company, and that this report sets out the process and seeks approval for the share transfer that will leave BCP Council as the single shareholder.

RESOLVED that Cabinet approved the transfer of Dorset Council's share in Tricuro for the sum of £350,000.

Voting: Unanimous

Portfolio Holder: Health & Wellbeing

Reason

The transfer or allocation of Tricuro shares is a reserved matter, under the Shareholder Agreement and therefore requires Cabinet approval. The result of this decision would be for BCP Council to be the single shareholder in Tricuro.

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

The Chief Executive advised that there had been no urgent decisions taken in accordance with the Constitution since the last meeting of the Cabinet.

91. Cabinet Forward Plan

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

The Chairman of the Overview and Scrutiny Committee addressed the Cabinet questioning the removal of the item at the bottom of the Forward Plan titled '*Pay & Reward – New Terms and Conditions of Employment*'

In relation to this the Chief Executive advised that following a conversation with Councillor Bartlett it had been identified that there was a very old longstanding and badly worded item on the forward plan, and that this item had been taken off. Further to this the Chief Executive advised that they would be looking at whether there was a need to bring an item to the Cabinet on Pay and Reward and if appropriate it would be put back on the forward plan. In addition, the Chief Executive advised that he would keep the Chairman of the Overview and Scrutiny Committee informed.

The meeting ended at 12.46 pm

CHAIRMAN