

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
OVERVIEW AND SCRUTINY BOARD

Minutes of the Meeting held on 23 September 2024 at 6.00 pm

Present:-

Cllr S Bartlett – Chairman

Present: Cllr P Broadhead, Cllr J Beesley, Cllr L Dedman, Cllr C Goodall, Cllr S Mackrow, Cllr L Northover, Cllr K Salmon, Cllr T Trent, Cllr C Weight, Cllr P Canavan (In place of Cllr S Aitkenhead) and Cllr A Chapmanlaw (In place of Cllr O Walters) Cllr F Rice (virtually)

Also in attendance: Cllr M Cox and Cllr J Hanna. Cllr M Earl (virtually), Cllr S Carr-Brown (virtually), and Cllr C Rigby (virtually).

32. Apologies

Apologies were received from Vice-Chair Cllr S Aitkenhead and Cllr Walters. Cllr F Rice joined online.

33. Substitute Members

Cllr P Canavan substituted for Cllr S Aitkenhead and Cllr A Chapmanlaw substituted for Cllr O Walters.

34. Declarations of Interests

There were no declarations of interest made on this occasion.

35. Confirmation of Minutes

The minutes of the meeting held on 27 August were approved as a correct record.

36. O&S Board Action Sheet

The action sheet was noted.

37. Public Issues

Three public questions were received from local resident Mr McKinstry as follows:

Question 1

Apropos the report for Item 8, in particular paragraph 4(i): the £30 million target for capital receipts between 2023 and 2025. Can you confirm whether the following assets have been disposed of for capital-receipt-

generating purposes, and if so, can you provide details of the sale prices and the net proceeds of sale?

The assets are:

Southbourne Crossroads car park;

"Waitrose" car park, Christchurch By-Pass;

27 High Street, Christchurch;

St Ambrose Cottage, Alumhurst Road;

The defunct toilets, Adastral Square, Canford Heath.

Can you also clarify whether the Council's land at Wessex Fields is being sold for anything less than its independent red book valuation?

Response

Sales values can only be confirmed once the final legal agreements have been completed. At this point in time each of the assets listed are at the following stages.

Southbourne Crossroads car park: Sold by way of an Agreement for Lease dated 23 February 2021. Completion anticipated November 2024.

"Waitrose" car park, Christchurch By-Pass: Head of Terms have been agreed with Christchurch Town Council. Completion anticipated in the Autumn 2024.

27 High Street, Christchurch: To be auctioned by Allsops on the 24 September 2024.

St Ambrose Cottage, Alumhurst Road: Currently being considered alongside the future of the adjoining site.

The defunct toilets, **Adastral Square, Canford Heath:** To be auctioned by Allsops on the 5 November 2024.

The disposal of Wessex Fields will not be sold for less than its independent red book valuation.

Question 2

Turning to paragraph 43 of the same report, "risks inherent in the financial position of the Council ... **Legal Claims** covering various matters such as planning". Can you provide details of any costs paid or payable to the appellants in the Highmoor Farm planning case, assuming those sums have now been determined?

Response

“The Council has not as yet received the costs application from the applicant despite them being awarded a partial award of costs at the appeal”

Question 3

Finally, has any legal claim been brought against this authority relating to the decision to close the Whitecliff Road entrance to Poole Park to motor vehicles, a decision passed by Cabinet on 22 May 2024?

Response

No legal claims to date have been received

38. Call-in of Decision - Pay and Reward Final Position

The Monitoring Officer 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. The Monitoring Officer advised that following receipt of a valid call-in request from three Members of the Overview and Scrutiny Board, the Board was asked to review and scrutinise the decision of the Cabinet taken on 4 September 2024 relating to the business item “Pay and Reward Final Position”

The Board was informed that the call-in request has been considered as valid, as there were reasonable grounds that the decision was not made in accordance with the decision-making principles set out at Article 12 of the Constitution and in particular Article 12.1 h "explain what options were considered and give the reasons for the decision”

The Board was invited to consider the process by which Cabinet made its decision as opposed to the content of the substantive decision itself.

To assist the Board a procedure for the call-in was circulated:

- Opportunity for the Trade Unions to input
- Councillor presentation of the Call-in
- Response to the Call-in by the Cabinet
- Summing up – 10 mins
- Debate
- Motions/Voting

Following the Monitoring Officer’s introduction representatives of Trade Unions, Unite and GMB both addressed the Board and shared concerns around the call-in and the potential delay to the Pay and Reward Process and information on the union’s involvement with the Pay and Reward process up to this point.

The Lead Call-in member then went on to advise of their reasons for calling-in the decision and explained that the decision would impact almost 5000 members of staff and it was important to get this right for both staff and BCP residents. It was noted that there was a statement within the Cabinet report which made the assumption that there were no other options for the Cabinet to consider and therefore this did not allow the Cabinet to make a fully informed decision. The other members who had signed the call-in also made statements to the Board to explain their reasons for supporting the Call-in, a particular concern being that whether the information supplied to Cabinet was sufficient.

It was suggested by the Call-in members that the Board may wish to offer the following advice to Cabinet:

1. The OS board recommends that Cabinet reexamines its decision to agree the final negotiated position and financial costs associated with implementing pay and reward to consider:
 - a) All options considered in formulating the final negotiated position;
 - b) The short, medium and long term cost effectiveness of the final position, by comparison of all other options considered;
 - c) If the annual incremental pay structure results in a structure that ensures colleagues are treated equally and fairly, and that colleagues doing the same work will receive equal pay.
2. That following approval of Pay and Reward Cabinet requests, the Audit and Governance Committee to review the process used by the Council in formulating, negotiating and approving the pay and reward system to check that it has been conducted appropriately and in accordance with the Constitution, and to make recommendations to Council if considered necessary.
3. That Cabinet refer the decision to Full Council due to the cumulative effect of financial implications of this decision, which would ordinarily indicate it to be a key decision.

The Call-in members wanted to ensure that what the Constitution said in terms of Key Decisions was being followed in the decision-making process.

The responsible Cabinet Portfolio Holder then went on to respond to the issues raised in the call-in. It was noted that the issue of Pay Bands had already been agreed along with the pay structure under the pay bands by the previous Conservative administration in July 2022. The report presented to Cabinet on 4 September summarised the background but did not ask Cabinet to revisit the decision on the pay structure. The decision that Cabinet was being asked to make was on the extra costs involved in the revised offer to staff. The Portfolio Holder outlined a number of instances when pay and reward had been previously considered by a scrutiny body and that the Overview and Scrutiny Board had considered a report in June 2024 when no concerns had been raised.

The Board was advised that the Pay Bands had been agreed since a 2022 decision taken by Chief Executive in consultation with the Council Leader. The Director of People and Culture went on to explain that the pay review

involved a complex decision process and that a future pay model had to comply with a number of elements. The Trade Unions had their own non-negotiable points, such as that employees due a pay decrease would receive pay protection and that the distribution of impact should be across all pay bands. The model also needed to give due regard to equal pay legislation. There was a need to find a balance against all the issues to be able to come up with a solution to reach the best outcomes for colleagues and the Council. It was also explained that the pay band differentials was fairly normal and greater differentials could be found in other local authorities' pay structures. The Board was advised that Trade Unions were not in favour of spot rates.

The Board sought clarification on whether the proposals offered to the Trade Unions had been agreed by Cabinet/Council. It was explained that this was made by delegated authority in consultation with the Leader.

The Monitoring Officer advised that if the Committee were minded to offer advice, there may be some legal implications and this may have an impact on the Council's relationship with staff and there were significant issues within the Cabinet report for which there may be a requirement of legal advice to be given without the press and public present. The Board discussed this and it was agreed to hear this advice and it was therefore:

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 4 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

In the non-public session the Board considered information provided by the Council's legal advisors on the potential impact of a decision from the Board to offer advice.

The meeting resumed in public session.

The Lead Call-in member summarised the position regarding the call-in.

The Cabinet Portfolio Holder summarised the Cabinet's position.

The meeting adjourned at 7:59pm and resumed at 8:06pm

The Board began debate on the call in.

A motion was proposed and seconded that the Overview and Scrutiny Board do not offer advice to the Cabinet.

Members of the Board commented that they could not see an issue to offer advice on and it appeared that, the relevant decision making was delegated to the relevant people at the relevant time. Other comments made concerned the fact that the process had already gone on for a very long

time and that they did not see a reason for it to be delayed further. Opinions were also offered that it appeared that a lot of work had gone into the process and that there did not seem to be a reason to support the call-in. It was also suggested that whilst there were certain elements of the process which would have benefitted from being put more clearly within the Cabinet report or explored more thoroughly, it was not felt necessary to delay it further by offering advice to Cabinet.

It was noted that some interesting points had been made around the costs involved and that it had been good to hear the points made from officers and Portfolio Holders.

Following debate on the motion it was

RESOLVED that the Overview and Scrutiny Board do not offer advice to the Cabinet.

Voting: 9 for, 3 against, 0 abstentions

The Monitoring Officer confirmed that the decision of the Cabinet may now be implemented immediately.

39. Response to Government Pro Forma on Devolution

The Chief Executive gave a presentation to the Board, a copy of which appears as Appendix 'B' to these minutes in the Minute Book. In July 2024 the government asked local authorities across England to provide an expression of interest in potential devolution arrangements. The Board was advised of all the different geographical options which had been explored in relation to devolution proposals, the benefits and challenges for each if the proposals were outlined and the Board were advised of which of the proposals were possible to move forward. The Board was also advised of which benefits were most likely to come from the possible options and the progress which had been made in putting a response to the Government's Pro Forma forward. There were a number of issues raised in the subsequent discussion, including:

Concern over the perceived view of government that bigger was better as this was not necessarily the case.

That there were a number of significant obstacles for the BCP only bid and if this was to be the route the Council moved forward with, a strong case would need to be made for the BCP only option and the Council needed to clearly demonstrate how it would drive forward economic opportunities.

Concern around the issue of Elected Mayor or non-Mayoral routes. There were differences of opinion expressed around this issue. The main driving force was the idea of having someone who was directly elected and therefore directly accountable.

It was noted that there was previously a coastal partnership which included the BCP region and that BCP was clearly part of the south-central region.

It was also suggested that a BCP plus area would make geographical sense as transport links and economic links were shared – going out

around the BCP region to areas such as Wareham, Ferndown and New Milton.

It was clarified that the point of this opportunity for devolution was to push powers downwards.

Joining with Dorset - varied views were given on the positives and negatives around this option. It was noted that it should present opportunities for improved transport links.

There were concerns expressed that BCP had already fallen down the queue in terms of consideration for devolution and there was a need to make a very strong case to ensure BCP was not left behind.

The Leader advised that they would take on board views and opinions expressed and reassured members that there would be an all-member session once there was further information available.

Additional Meeting

Due to the number of items remaining on the agenda and the time of the meeting so far the Cahir proposed and it was agreed to hold an additional meeting on 1st October at 6.00pm to consider the remaining items below.

40. Medium Term Financial Plan (MTFP) Update

This item was opened and closed with a view to inclusion as an agenda item at a future meeting.

41. Directorate Budget Presentations

This item was opened and closed with a view to inclusion as an agenda item at a future meeting.

42. O&S Budget working group - scoping report

This item was opened and closed with a view to inclusion as an agenda item at a future meeting.

43. Overview and Scrutiny Annual Report

This item was opened and closed with a view to inclusion as an agenda item at a future meeting.

44. Work Plan

This item was opened and closed with a view to inclusion as an agenda item at a future meeting.

The meeting ended at 9.00 pm

CHAIRMAN