



Cabinet

Minutes of a meeting held at County Hall, Colliton Park, Dorchester,
Dorset, DT1 1XJ on Wednesday, 17 October 2018.

Present:

Rebecca Knox	Leader of the Council
Jill Haynes	Deputy Leader and Cabinet Member for Health and Care
Steve Butler	Cabinet Member for Safeguarding
Andrew Parry	Cabinet Member for Economic Growth, Education, Learning and Skills
Tony Ferrari	Cabinet Member for Community and Resources
Daryl Turner	Cabinet Member for Natural and Built Environment
Peter Wharf	Cabinet Member for Workforce

Members Attending:

Hilary Cox, As Chairman of the County Council and County Councillor for Winterborne
Jon Andrews, County Councillor for Sherborne Town
Beryl Ezzard, County Councillor for Wareham
Nick Ireland, County Councillor for Linden Lea
David Jones, County Councillor for Burton Grange
David Walsh, County Councillor for Gillingham

Officers Attending:

Richard Bates (Chief Financial Officer), Melissa Craven (Communications Lead - Children's Services), Tony Diaz (Senior Finance Manager), Grace Evans (Legal Services Manager), Mike Garrity (County Planning, Minerals and Waste Team Leader), Nick Jarman (Corporate Director for Children's Services), Jonathan Mair (Service Director - Organisational Development (Monitoring Officer)), Matthew Piles (Service Director of Environment, Infrastructure and Economy), Andrew Martin (Service Director - Highways and Emergency Planning), Peter Scarlett (Estate and Assets Manager), Andy Reid (Assistant Director - Schools and Learning) and Fiona King (Senior Democratic Services Officer).

(Notes:(1) In accordance with Rule 16(b) of the Overview and Scrutiny Procedure Rules the decisions set out in these minutes will come into force and may then be implemented on the expiry of five working days after the publication date.
Publication Date: **Tuesday, 23 October 2018.**

(2) These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Cabinet to be held on **Wednesday, 5 December 2018.**

Apologies for Absence

105 An apology for absence was received from Debbie Ward, Chief Executive.

Minutes

106 The minutes of the meeting held on 5 September 2018 were confirmed and signed.

Code of Conduct

107 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

Public Participation

108 Public Speaking

There were no public questions received at the meeting in accordance with Standing

Order 21(1).

There were no public statements received at the meeting in accordance with Standing Order 21(2).

Petitions

There were no petitions received at the meeting in accordance with the County Council's Petition Scheme.

Cabinet Forward Plan

109 The Cabinet considered the draft Forward Plan, which identified key decisions to be taken by the Cabinet on or after the next meeting.

The Leader of the Council highlighted that as there were no items to be considered for the meetings scheduled on 14 November and the reserve date of 21 November the meetings would be cancelled. She explained that as items were being presented to the Shadow Executive Committee this had resulted in business being light for the Cabinet.

The Director for Children's Services drew members' attention to a report on the Local Authority's duty in respect of Home Education which he would be presenting to Cabinet at their meeting on 5 December 2018, subject to a discussion at the Organisational Transformation Board shortly.

Noted

Quarterly Asset Management Report

110 The Cabinet considered a report by the Cabinet Member for Community and Resources which set out the key issues relating to the various asset classes of Property, Highways, ICT, Fleet and Waste.

Cllr Tony Ferrari highlighted the key items for consideration.

Cllr Daryl Turner highlighted the projects that related to Highways Asset Management. He made reference to the Sea Road South/East Road Bridport cycleway, the budget for which was close to the £500k threshold and would therefore also be presented to the Shadow Executive for approval.

It was noted that this would also be the case for the ICT projects that were close to the threshold to ensure appropriate exposure.

Cllr Rebecca Knox agreed that some of the approvals were quite significant and queried if the timing for these projects was right with moving towards the new organisation. Cllr Ferrari advised that there was a lot of capital receipts that were budgeted for coming from these long established transactions. He proposed to discuss this at the briefing session for the Budget Task and Finish Group. The Chief Financial Officer added that in terms of the additional expenditure on highway maintenance the funding will be supplied by the underspend on office refurbishment and the Bridport project.

Resolved

1. That the disposal of The Old Rectory and Lodge 1 at Monkton Park, Dorchester on terms to be agreed by the Chief Financial Officer (para 3.1.3 of the report) be approved.
2. That the acquisition and immediate onward disposal of Coburg Court, Coburg Road, Dorchester on terms to be agreed by the Chief Financial Officer subject to East Borough Housing Trust's agreement to cover all acquisition costs relating to the transaction, receipt of TCP grant funding from NHS England, and to immediately

acquire the property from DCC upon completion of the transfer from NHS Estates (para 3.2.4 of the report) be approved.

3. That the revised capital budget for the Bridport Gateway development of £2,122,000, including £200,000 to be allocated to the Wareham Gateway project and approves the return of the balance of £478,000 to the Capital programme (para 3.3.6 of the report) be approved.

4. That the County Council grants the Wellworthy Club a long lease on the land that the Club occupies at Ferrybridge in Weymouth at a peppercorn rent and otherwise on terms to be agreed by the Chief Financial Officer (para 3.5.4 of the report) be approved.

5. That the update on Weymouth registration office and ceremony room is noted and that authority is delegated to the Director for Adult and Community Services in consultation with the Cabinet Portfolio Holder for Health and Social Care to engage in public consultation on the relocation of the registration office and ceremony room when appropriate (para 3.6.6 of the report) be approved.

6. That the overall revised estimates and cash flows for projects as summarised and detailed in appendices 1 and 2 (para 9.2 of the report) be approved.

7. That the emerging issues for each asset class be noted.

Recommended

That the Dorset Council Shadow Executive be recommended to approve the allocation of £490,000 from capital balances to complete the refresh of user devices supporting the roll-out of Office 365, maintaining end-of-life assets and readying the authority to transfer to Dorset Council in a good state to support safe, legal and compliant operations from vesting day (Para 5.1.5 of the report).

Reason for Decisions

A well-managed Council should ensure that the best use was made of its assets in terms of optimising service benefit, minimising environmental impact and maximising financial return.

Response to Two Government Consultations concerning Shale Gas Development

111 The Cabinet considered a report by the Cabinet Member for Natural and Built Environment that included responses to two national consultations concerning shale gas development. The Government recognised that shale gas development had a potentially significant role to play nationally in delivering economic benefits and energy security. However, it was noted that Dorset had not seen any applications for shale gas development and there was no indication that any shale gas resources would be a viable source of energy to Dorset.

Cllr Daryl Turner advised the Cabinet that the Economic Growth and Environment Overview and Scrutiny Committee had not met but the Chairman had been made aware of the consultation.

Cllr Peter Wharf for workforce whilst supporting the paper, felt that the geology of Dorset did not lend itself to shale gas exploration and was concerned that the Council was indulging in something that was irrelevant. It would be important to ensure that new procedures were not created when proven procedure work with a good track record was working well

The County Planning, Minerals and Waste Team Leader advised that whilst the Council could not categorically rule out an oil company with a licence wishing to explore development further he saw this as offering a helpful suggestion to Government in order for them to have an informed view.

Resolved

That the proposed responses to the two consultations, as set out in Appendices A and B of the report, having regard to any comments made by Economic Growth and

Scrutiny Committee be agreed. In summary, the responses were to:

Object to the Ministry for Housing, Communities and Local Government's (MHCLG) consultation's proposal to grant permitted development rights to (non-hydraulic fracturing) shale gas exploration on the following grounds:

- a) there are significant planning issues raised by exploratory wells which indicate it would be inappropriate to extend permitted development rights in this instance;
- b) there is no planning justification to treat shale gas exploration any differently to conventional hydrocarbons with regard to the exploration phase;
- c) any concern with slow decision making or refusals of permission can be appropriately redressed through existing planning legislation via an appeal against a refusal or non-determination of an application; and
- d) a prior approval process is not appropriate for this form of development and would place a significant resource burden upon mineral planning authorities.

Raise concerns about the Department for Business, Energy and Industrial Strategy's (BEIS) consultation proposal to include major shale gas development in the Nationally Significant Infrastructure Planning Regime (NSIP) on the grounds that:

- a) a clear justification as to why major shale gas development will be treated differently to major conventional onshore oil and gas development should be set out; and
- b) evidence in support of an appropriate definition of thresholds for major shale gas development is required.

Without addressing these concerns there was a risk that the proposal would be perceived to undermine local democratic accountability and integrity in the NSIP regime.

Reasons for Decision

1. To ensure that permitted development rights for onshore oil and gas were dealt with consistently at the national level and to maintain important local scrutiny of exploration phases of such development
2. To ensure that the consistency and scope of the (NSIP) was properly justified and appropriately applied.

Defining the New Relationship between the Local Authority, Schools and Academies

112 The Cabinet considered a report by the Cabinet Member for Economy, Education, Learning and Skills which set out a proposed plan for a revised relationship between the Council and schools and academies across Dorset.

It was noted that some 16 councils across the Country had now moved to similar partnership arrangements for the delivery of school improvement (and in many cases, a range of other services). This strategy would put Dorset in the frontline of key changes nationally.

The Assistant Director, Schools and Learning explained that this was a very pragmatic approach to the situation in Dorset which needed to be backed to ensure success. Officers were trying to move to a school led system.

Following a question about the importance of the Chair for the Strategic School Improvement Board, the Assistant Director advised that the Chair had been selected by the schools themselves and was independent. He confirmed that to date no offer had been made to Bournemouth, Christchurch and Poole, but he had wanted to ensure that the schools in those areas did not miss out.

Cllr Ferrari whilst content to deal with individual schools expressed concern about

putting in place something more formal with Bournemouth, Christchurch and Poole as there was still so much to be sorted i.e. disaggregation. The Assistant Director was concerned about individual schools and wanted to bring them into the picture and felt that at a cluster level this would work.

Members agreed the recommendations with the addition of the word 'schools' in recommendation 8.

Resolved

1. That the introduction of the new Dorset School Improvement Board (DSIB) as the key school-led strategic vehicle for commissioning school support in a mixed economy environment be approved. This would mean effective partnership between stakeholders in relation to specific school improvement priorities could result in coherent support for schools that draws on the best quality and expertise from council and school-led providers.
2. That the creation of a new Strategic School Improvement Fund, as a means of empowering the DSIB, whilst demonstrating the Council's commitment to the new strategy be approved. It was recommended that the fund was allocated an initial budget of £100K in the first year. This funding would include the cost of providing an independent chair (£4.5K). Any further funding would need to come from the schools. Beyond the first-year future budget considerations would need to be made by Dorset Council.
3. That the idea that all schools and academies in Dorset agree to be divided into a series of family clusters (or School Improvement Zones) based on the existing pyramid model be approved. Each family cluster would be linked to a Teaching School Alliance (TSA) and a School Improvement Partner (SIP). Clusters would be subordinate to the DSIB and include all types of schools - with the aim of breaking down the barriers between academies and maintained schools.
4. That the DSIB facilitate the creation of a school-led partnership that has the potential to take on many of the functions currently delivered by the Schools and Learning service (school improvement, governor support, financial services, SEND, etc.) be agreed. This could ultimately take the form of a joint venture company, which would be subject to advice and a future report.
5. That the Council retain an important role in creating and nurturing the conditions in which capacity for increasingly school-led improvement can be sufficient to meet local need be agreed.
6. That the realignment of Family Partnership Zones (FPZ) to converge with the school family clusters be agreed.
7. That the School Improvement Service re-configure as necessary in order to support the development of these family clusters be agreed. The role of partnership development was critical to the success of this project.
8. That an offer to schools in Bournemouth, Christchurch and Poole to join this initiative be agreed. This would require a pro-rata contribution to the Strategic School Improvement Fund.
9. That the Terms of Reference at Appendix 1 of the report be agreed.

Reason for Decisions

To define better the relationship between the Council, schools and academies to bring about school improvement. To promote school authority in conformity with Government policy.

Independent Special School Provision - Framework Tender and Award

- 113 The Cabinet considered a joint report by the Cabinet Members for Safeguarding and for Economic Growth, Education Learning and Skills which asked for members' approval to the participation of Dorset County Council in a sub-regional framework tender led by Bristol City Council with a consortium of local authorities in the South West and potentially Southern England for Independent Special School and Specialist Post 16 Institutions placements. This item had been supported by the Shadow

Executive Committee at its meeting held on 15 October 2018.

Cllr Andrew Parry highlighted that the report had recently been given approval at a recent meeting of the Shadow Executive Committee.

Assurance was sought that the packages would be monitored for appropriateness as some clients were being sent out of County. The Assistant Director, Schools and Learning confirmed that out of county placements were areas of real focus and were constantly reviewed and that this work formed part of that.

In respect of high cost placements members were also assured that this was an area that he and the Directors worked very closely on and were acutely aware of the costs associated with them.

Resolved

1. That the participation of Dorset County Council in a competitive sub-regional framework tender for the provision of independent special school and Specialist Post 16 Institutions placements be approved.
2. That delegated authority be given to the Monitoring Officer and Director of Children's Services, as appropriate, to sign any framework agreement of call-off contract awarded under the framework.

Reason for Decisions

This tendered framework would improve the sufficiency and choice of independently provided special school and Specialist Post 16 Institutions placements to meet the needs of children and young people with Special Educational Needs and Disabilities (SEND), through supporting as more efficient and equitable way of accessing high quality value for money placements and ultimately better outcomes for young people and their families. The framework would also seek to stimulate the market to provide more placements in Dorset and close to Dorset.

Motor Neurone Disease Charter Adoption

- 114 The Cabinet considered a report by the Cabinet Member for Health and Care which explained to members that a request was made, following a public statement from Dr Richard Sloan the Chair of the West Dorset Branch of the Motor Neurone Disease (MND) Association, to members of the County Council at their meeting on 19 July 2018, that the County Council consider adopting the MND Charter as a statement of intent to provide prompt support to sufferers of MND and their families.

Resolved

That the Motor Neurone Disease Charter be adopted.

Reason for Decision

The recommendation supported achievement of the County Council's corporate plan aim to ensure that Dorset residents received the services they needed most.

Recommendations from Committees

- 115 The Cabinet considered the following recommendations:-

Regulatory Committee 16 August 2018

115a **Resolved**

That the recommendation from the Regulatory Committee meeting held on 16 August 2018 be approved as set out below:-

Recommendation 43 – Proposed Waiting Restrictions, Dorchester Hill/New Road, Blandford

That having considered the objection received, the Cabinet be recommended to approve the proposed waiting restrictions on Dorchester Hill and New Road as

originally advertised.

Reason for Decision

Dorchester Hill and New Road, Blandford had a tight bend which was frequently obstructed by parked cars. The proposals would improve the movement of larger vehicles that used the road regularly and improved visibility for pedestrians and all vehicles. The proposals would contribute to the Corporate Policy.

Panels and Boards

116 The following minutes and recommendations were received:-

Dorset Waste Partnership Joint Committee 11 September 2018

116a The minutes of the meeting held on 11 September 2018 were noted.

Staff Consultative Panel 12 September 2018

116b The minutes of the meeting held on 12 September 2018 were noted.

Resolved

That the recommendation of the Staff Consultative Panel meeting held on 12 September 2018 be approved as set out below:-

Recommendation 22 – Proposed Revisions to the Staff Consultative Panel Terms of Reference

1. That '8 elected members' replace the working '8 members'.
2. That paragraph (d) of the proposed terms of reference should add reference to where Health and Safety leads for the Staff Side were also elected to the full Staff Consultative Panel.
3. That the Cabinet be asked to approve the revised Terms of Reference for the Staff Consultative Panel.

Joint Public Health Board 24 September 2018

116c The minutes of the meeting held on 24 September 2018 were noted.

Cllr Jill Haynes explained the working of the Joint Public Health Board and shared discussions of how this might work in the future. A working group had been convened to look at how Public Health might be delivered in the future and part of this would form the report that would be presented to the Shadow Executive and this Cabinet. The working group were looking at moving forward with both new councils and agreed that Public Health needed a higher profile.

In respect of the NHS Health Check Model, the Cabinet Member explained how this worked with regard to GPs and Chemists and reported that it had been very inconsistent. It was important to ensure the right people went for health checks and that these were accessible for people.

Resolved

That the recommendations from the Joint Public Health Board meeting held on 24 September 2018 be approved as set out below:-

Recommendation 37 – Future of the Public Health Partnership: update and Key Issues under Local Government Reorganisation

1. That progress made to date with establishing the future of the public health partnership under LGR be noted and supported.
2. That the proposed arrangements for governance in the lead up to LGR and beyond be supported, with endorsement of a commitment being sought in advance of LGR -

following consideration by the constituent authorities Executive Committee's - via the Shadow Executive Committees of Dorset Council and Bournemouth, Christchurch and Poole Council, to maintain the partnership for up to 12 months following LGR in April 2019.

Reason for Decisions

To maintain the partnership agreement for public health pre- and post- LGR, ensuring good governance and clear decision making as LGR progressed, and the continued effective delivery of the statutory legal public health duties of local authorities.

Recommendation 39 – NHS Health Checks Service Model

- 1. That the current unacceptable position in relation to delivery of health checks under the current tender arrangements, particularly the inequality in delivery across areas, be recognised and noted;*
- 2. That the work being done to date to re-engage primary care with the Programme be acknowledged;*
- 3. That the proposed health checks delivery model of directly awarding a contract for invitations to GPs, and to use a flexible framework for the delivery of health checks allowing different providers to join, be approved;*
- 4. That the proposed budget for 2019/20 of £600,000 be agreed;*
- 5. That the procurement and award of a new framework agreement for delivery of Health Checks be approved.*

That those resolutions be endorsed by the three constituent authorities Executive Committees, as necessary.

Reason for Decisions

To enable service continuation and transformation through procurement.

Health and Wellbeing Board 26 September 2018

116d The minutes of the meeting held on 26 September 2018 were noted.

The Chairman, who also chaired the Dorset Health and Wellbeing Board, advised Cabinet that whilst the workings of the Health and Wellbeing Board was a statutory duty and cross-cutting, it was being held up as a national example of getting it right on Prevention at Scale.

The Cabinet Member for Health and Care highlighted localities and urged members to attend their Localities Board meetings. Some were still developing but would be very important in the future.

Noted

Dorset Police and Crime Panel 27 September 2018

116e The minutes of the meeting held on 27 September 2018 were noted.

Following a discussion about inviting the Police and Crime Commissioner to attend an Overview Committee to explain to members how Dorset Police would be proceeding following the recent collapse of the merger with Devon and Cornwall, the Chairman suggested that the Safeguarding Overview and Scrutiny Committee would be best placed for this. There could also be an opportunity here for the Chairman of the Safeguarding Overview and Scrutiny Committee to extend the invitation to district and borough colleagues.

As a result of the merger no longer going ahead, the Monitoring Officer advised that scrutiny of this sat with the Dorset Police and Crime Panel and was expected to be

the focus of their next meeting.

Resolved

That the Director of Children's Services with the Cabinet Member for Safeguarding invite the police and Crime Commissioner to a meeting of the Safeguarding Overview and Scrutiny Committee.

Questions from County Councillors

- 117 A question was received from Cllr Nick Ireland to the Cabinet Member for Natural and Built Environment regarding the lack of progress concerning the provision of a new, safer road between Crossways and the West Stafford bypass

The question and answer is attached as an annexure to these minutes.

Farewell Tribute

- 118 Cllr Daryl Turner advised that this would be the last Cabinet meeting for Andrew Martin, Service Director for Highways, as he was taking the opportunity to retire, as a result of a Directorate restructure, and he wanted to place on record his thanks for Andrew's 37 years' service to the County Council and for all his help and knowledge to him personally.

He highlighted some of Andrew's successes including the creation of the Dorset Works Organisation and the winning of numerous highways maintenance contracts.

Cllr Rebecca Knox added that there were a number of members who had been working with Andrew for a long time and were all very grateful for his help. She commented that Andrew was polite, courteous and professional and that this had been engrained within his team.

Cllr Hilary Cox, as Chairman of the County Council recalled a number of occasions where Andrew's professionalism and straight talking had been a pleasure.

All members wished Andrew Martin all the very best for the future.

Meeting Duration: 10.00 am - 11.10 am

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Question from Nick Ireland to the Cabinet Member for Natural and Built Environment regarding Silverlake - West Stafford Bypass.

Question

As part of an S106 agreement back in 2014, the owners/developers of Warmwell Quarry (now known as Silverlake) agreed to provide land to Dorset County Council for the provision of a new, safer road between Crossways and the West Stafford bypass.

As an additional sweetener, Network Rail would also provide funding to DCC as the new route would enable a level crossing to be closed.

This agreement was the result of the 1000 unit/holiday home permission granted to Silverlake.

Since then, Crossways has had an additional 500 homes granted planning permission on a site South of Warmwell Road, 85 homes (likely to be increased to 140) granted permission adjacent to Frome Valley Road, and 49 next to Oaklands Park.

With the WDDC Local Plan Review underway, it seems certain that yet another 500 homes will be green-lit for the land between Frome Valley School and the railway line.

Four years on from the agreement, DCC have shown no signs of getting the new road built and the main route for Crossways residents to reach Dorchester and the A35 is a tortuous, unsafe 'D' class road (the D21332) which isn't even on the priority salting network.

It is unfair on the village of Crossways (and also its neighbours of Warmwell, Owermoigne and Moreton) to be used as the go-to dumping ground for satisfying housing allocation targets without receiving any benefit from transport infrastructure improvements.

Can the Cabinet explain this lack of progress and why the new road isn't being given the priority it deserves?

Answer

Cllr Ireland has summarised the current headline position correctly, the chronology behind these headlines is below:

History

1. The Silverlake Development s106 does obligate the developers to provide land to enable the construction of a road between Highgate Lane (West Stafford Bypass and the D3222 (Highgate Lane towards Crossways). A&B¹ on the attached plan. This is the land within the application site.
 - o Network Rail, raised an objection to the application. In order to overcome this objection therefore negotiations, culminating in the s106, took place between Silverlake developers, Network Rail, WDDC and DCC.
2. The negotiations were based on construction costs for the road. The cost estimates were provided by the developer. Most of the funding, would be from Network Rail, as beneficiary because they would be able to close the crossing once the road was constructed

3. Construction of the road is however not wholly on land within the Silverlake Land. To join with the rest of the network requires approx 0.5 mile of road to the east of the site. There is already a road (also called Highgate Lane) in this location. The preliminary design works suggest that it may be possible to widen this lane within existing highway extent. We do not however have a detail design so this is not absolute.
4. The Silverlake development has built up the land within their site as part of the quarry restoration in accordance with the s106.
5. The s106 limits the development to 190 units until the road is constructed. This point has not reached yet.

Current Considerations

1. There are 3 planning applications in Crossways. Each application would have been examined on its merits. Incrementally and cumulatively these developments do not require the road – in relative or absolute traffic terms.
2. Nonetheless moving forward with the potential for more development through the Local Plan Review DCC representations highlight the need look at Crossways holistically recognising that in the future this road could form part of a solution with other measures.
3. The main issues on for future consideration are :
 - Need – when is it needed
 - i. Is it needed in its own right or
 - ii. as a consequence of known development – or potential future proposed development?
 - iii. What is the Cost Benefit (BCR) of the scheme which will have a bearing on funding