

Dorset County Council

Minutes of a meeting held at County Hall,
Colliton Park, Dorchester on 18 July 2013.

Present:

John Wilson (Chairman)
Andrew Cattaway (Vice-Chairman)

Pauline Batstone, Richard Biggs, Dan Brember, Steve Butler, Mike Byatt, Andy Canning, Ronald Coatsworth, Robin Cook, Toni Coombs, Barrie Cooper, Hilary Cox, Lesley Dedman, Janet Dover, Fred Drane, Beryl Ezzard, Peter Finney, Spencer Flower, Ian Gardner, Robert Gould, Peter Hall, David Harris, Jill Haynes, Colin Jamieson, Susan Jefferies, David Jones, Trevor Jones, Ros Kayes, Paul Kimber, Rebecca Knox, David Mannings, Margaret Phipps, Peter Richardson, Ian Smith, Mark Tewkesbury, William Trite, Daryl Turner, David Walsh, Peter Wharf and Kate Wheller.

Officers attending:

Debbie Ward (Chief Executive), Dave Ayre (Head of Countryside and Business Development), Catherine Driscoll (Director for Adult and Community Services), Jackie Last (Acting Director for Children's Services), Paul Kent (Director for Corporate Resources), Jonathan Mair (Head of Legal and Democratic Services), Lee Gallagher (Democratic Services Manager), Fiona King (Senior Democratic Services Officer) and David Northover (Senior Democratic Services Officer).

(Note: 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 County Council to be held on **14 November 2013**.)

Apologies for Absence

57. Apologies for absence were received from Michael Bevan, Deborah Croney, Mervyn Jeffery and Mike Lovell.

Code of Conduct

58. Richard Biggs declared a disclosable pecuniary interest under the Code of Conduct in relation to minute 32.9 of the Dorset Health Scrutiny Committee meeting held on 30 May 2013, particularly in relation to the Linden Unit in Weymouth as his wife was the Manager of the Unit.

Former Members of the County Council

59.1 The Chief Executive reported the deaths of:-

(a) Jim Churchouse on 17 June 2013, who served on the County Council between 1995 and 2005, representing the Portland Harbour Electoral Division.

(b) Richard Earle on 21 June 2013, who served on the County Council from 1967 to 1985, representing the Yetminster Electoral Division from 1967 to 1974 and the Beaminster Rural Electoral Division from 1974 to 1985.

59.2 Members paid tribute to the dedication and commitment of both former members to Dorset and within their divisions and the County Council stood in silent tribute.

Minutes

60. The minutes of the meeting held on 16 May 2013 were confirmed and signed, subject to a minor grammatical change to minute 42.9.

Business Brought Forward by the Chairman

61. The Chairman reported the following events since the last meeting:-
- (i) Re-opening Christchurch Library
The Chairman attended the official re-opening on 1 June 2013, together with the Cabinet Member for Community and Public Health, the Chief Executive and the Mayor of Christchurch.
 - (ii) Long Service Awards
The Chairman acknowledged the loyalty of staff who had served the County Council for 25 years or more, and the recent four separate Long Service Award ceremonies.
 - (iii) Sail for Gold Regatta Medal Ceremonies
The chairman announced that he had attended the Sail for Gold Regatta at the Weymouth & Portland National Sailing Academy on 13 June 2013.
 - (iv) Armed Forces Day Flag
The Chairman reported on the recent Armed Forces Day flag raising in the week leading up to Armed Forces Day. The Chairman was joined by the Lord Lieutenant, the High Sheriff and other civic dignitaries representing the civilian community of Dorset.
 - (v) Children in Care Awards
All members were reminded of their Corporate Parenting responsibilities for Children in Care, and as such recognised their achievements through the Children in Care Awards ceremony on 13 July 2013. The Acting Director of Children's Services and the Chairman presented certificates and vouchers.
 - (vi) Dorset Youth Orchestra with Musicians from the Bournemouth Symphony Orchestra
The Chairman had attended a concert on 14 July 2013 in Charlton Down by the Dorset Youth Orchestra and a number of professional musicians from the Bournemouth Symphony Orchestra under conductor Mark Forkgen. The Dorset Music Service helped to organise the event including some very special awards for young musicians.
 - (vii) Independent Remuneration Panel Membership and Review of the Members' Allowances Scheme
The Chairman informed members that the appointment of new members of the Council's Independent Remuneration Panel had been undertaken. Meetings of the Panel were planned to be held in September and October with recommendations being made to the November 2013 meeting of the County Council for a new scheme to be applied from April 2014.
 - (viii) Superfast Broadband Contract
It was reported that the Leader of the Council had signed the superfast broadband roll-out contract with British Telecom at an event at Lulworth Castle on 10 July 2013.

Public Question Time

62.1 Questions from Ms Pamela Jefferies Branch Secretary of Dorset Unison in relation to the County Council's Financial Position and In-House Learning Disability Residential Services were put to the Cabinet Member for Corporate Resources and the Cabinet Member for Adult Social Care respectively. The questions and written answers provided are set out in Annexure 1 to these minutes.

62.2 A question from Mr Andrew Butler, Dorset for Badger and Bovine Welfare, in relation to Animal Welfare and the Economic Impact that Bovine TB would have on the Farming Community was put to the Cabinet Member for Environment. The question and written answer provided is set out in Annexure 2 to these minutes.

Reports of the Cabinet

63.1 The reports of the Cabinet meetings held on 5 June and 26 June 2013 were presented and their adoption duly moved and seconded.

63.2 In relation to the minutes of the 5 June, the Leader of the Liberal Democrat Group drew attention to a subsequent change of the Liberal Democrat membership of the Dorset Olympic Board following the meeting, which replaced Mr Mannings with Mr Harris.

63.3 The following matters were raised under the minutes of the meeting held on 26 June 2013:-

The Reconfiguration of In-House Adult Learning Disability Residential Services

63.4 On minute 290.1, in relation to the recent decision taken by the Cabinet, the County Council Member for Weymouth Town tabled a motion, which was duly seconded, to request '*That the Cabinet be asked to reconsider the reconfiguration of in-house adult learning disability residential services in the light of concerns expressed by UNISON and by the County Council Member for Weymouth Town as a local member*'. He further explained that following receipt of a letter from UNISON on 17 July 2013, he felt that the Cabinet should explore further the concerns of the Union relating to the consultation, and to ensure the correct and proper process was correctly applied to continue the quality of care and maintain the high level of service by staff for users.

63.5 The Leader of the Council and the Cabinet Member for Adult Social Care explained that this matter had been considered by the Adult and Community Services Overview Committee which recommended the proposals to the Cabinet following an extensive consultation process that had provided opportunities to discuss and resolve any concerns. It was also highlighted that the decision would see a better service, and would improve services for independent supported living, together with achieving the savings target through the Meeting Future Challenges Programme.

63.6 A number of members expressed their support for the motion in order to take account of serious concerns regarding the consultation process, and the involvement of local members in the process. Concern was also expressed in relation to staffing arrangements and the transfer of staff to private organisations.

63.7 On being put to the vote the motion was lost.

Local Supported Bus Services

63.8 On minute 314, the County Council Member for Egdon Heath expressed his support for further consultation with Town and Parish Councils regarding the future of supported local bus services, and asked if the letters to be written to each Council would be personalised with the matters affecting the relevant areas and routes. The Leader of the

Council confirmed that he would write personally to each Council, and also clarified that although the last two reports to the Cabinet had been exempt reports the next report on 2 October 2013 would be open to the public.

63.9 The County Council Member for Linden Lea asked for assurance that all data would be considered when formulating the options, and that particular attention be given to the bus services that marginally did not qualify using the set criteria. The Leader of the Council confirmed that there was a large quantity of information and data which would inform the proposals.

63.10 The County Council Member for Westham suggested that minute 314.5 be amended to read ‘...sustainability of all new routes...’ and ‘...officers had done well in Southill...’. The changes were accepted.

Durlston Castle Catering Arrangements

63.11 On minute 313.2, one of the County Council Members for Dorchester (Trevor Jones) asked that the minute be amended to read ‘It was noted that the Audit and Scrutiny Committee would be considering this audit’. The change was accepted.

Superfast Broadband Award of Contract

63.12 On minute 310, the County Council Member for Highcliffe and Walkford welcomed the roll-out of broadband for the public and businesses in Dorset, but asked why some provision at 3-4mbps was referred to as superfast, and urged that all areas of Dorset to have superfast broadband. The Leader of the Council confirmed that 97% of Dorset would receive 20mbps or faster, and that the remaining 3% could receive speeds of 3-4mbps which was significantly better than other areas of the Country.

Resolved

64. That the reports of the Cabinet be received, subject to a number of minor amendments outlined in the minute above.

Notice of Motion by Dan Brember, County Council Member for Rodwell, under Standing Order 15 – Animal Welfare and Economic Impact that Bovine TB has on the Farming Community

65.1 The Council considered a motion submitted by the County Council Member for Rodwell in relation to Animal Welfare and Economic Impact that Bovine TB would have on the Farming Community. A briefing paper by the Director for Environment was also considered alongside the motion to provide background information regarding the Government’s intentions regarding actions to deal with Bovine TB.

65.2 The County Council Member for Rodwell presented the motion, which was seconded, and explained his concerns regarding Bovine TB and its potential impact on Dorset, particularly the farming community, and the need for a long term solution to be found which was not to cull badgers. He drew attention to evidence to show that a badger cull would not deliver the desired results as it would not guarantee removal of all infected badgers. He also highlighted that in his view the public were strongly opposed to a cull. He explained that the only viable solution was a vaccination programme for cattle and badgers in due course.

65.3 The Cabinet Member for Environment acknowledged the motion and indicated that in order to send a balanced message to Government it was necessary not to make a decision to one extreme or another as there was no definitive solution to the Bovine TB problem. She explained that the only guaranteed solution would be cattle vaccination but the

current vaccination rendered meat inedible. The following amendment to the motion was duly moved and seconded:

'This Council recognises the serious and damaging impact which Bovine TB has on animal welfare and the economics of farming.

The County Council also recognises that dealing with the problem of Bovine TB is a matter for the Government and Parliament at national level and, locally, for the County Council's tenant farmers under the conditions of their tenancies.

The Council urges the Government to be led by the best available science in finding a solution to the problems associated with Bovine TB and, when implementing a solution, to ensure that it is the most humane available.'

65.4 On considering the amendment to the motion a number of members expressed their support for a balanced council position. A number of members also explained their concerns that the amendment did not go far enough to agree a firm stance against culling badgers in Dorset. The discussion raised a number of factors for and against the amendment due to a variety of scientific arguments drawn together throughout the government's analysis of how to deal with Bovine TB.

65.5 On being debated the amendment to the motion was put to the vote and was agreed.

Resolved

66.1 That the Council recognises the serious and damaging impact which Bovine TB has on animal welfare and the economics of farming.

66.2 The County Council also recognises that dealing with the problem of Bovine TB is a matter for the Government and Parliament at national level and, locally, for the County Council's tenant farmers under the conditions of their tenancies.

66.3 The Council urges the Government to be led by the best available science in finding a solution to the problems associated with Bovine TB and, when implementing a solution, to ensure that it is the most humane available.

Reports of Overview Committees

67.1 The reports of the following meetings held on the dates stated were presented:-

Environment	21 June 2013
Adult and Community Services	24 June 2013
Public Health	27 June 2013
Children's Services	2 July 2013

67.2 The following matter was raised under the minutes of the meeting of the Adult and Community Services Overview Committee held on 24 June 2013:-

Transformation Challenge Award

67.3 On minute 76.3, the County Council Member for Weymouth Town welcomed the award and asked for assurance regarding the impact and positive outcomes of health inequalities across Dorset. The Chairman of the Committee responded by confirming that there were clear intentions for positive outcomes and highlighted the excellent opportunity to bring together health and social care to enable improvement in services and to make significant savings. He also confirmed that this issue would continue to be monitored by the Committee.

67.4 The following matter was raised under the minutes of the meeting of the Children's Service Overview Committee held on 2 July 2013:-

The Dorset Learning Partnership: A new relationship between the Dorset County Council and Schools

67.5 On minute 69.9, the County Council Member for Westham asked if member engagement would be increased as a result of the work of the partnership. The Vice-Chairman of the Committee confirmed that she would take this issue back to the Committee to review.

Resolved

68. That the reports be received.

Reports of Scrutiny Committees

69.1 The reports of the following meetings held on the dates stated were presented:-

Audit and Scrutiny	11 June 2013
Dorset Health Scrutiny	30 May 2013

69.2 The following matter was raised under the minutes of the meeting of the Audit and Scrutiny Committee held on 11 June 2013:-

The Protocol for involving Local Members in Matters affecting their Electoral Divisions

69.3 On minute 118, one of the County Council Members for Dorchester (Trevor Jones), as the Chairman of the Audit and Scrutiny Committee, highlighted the important work being undertaken by the Policy Development Panel on Involving Local Members which would seek to revise the protocol for involving local members as well as the member/officer protocol. He indicated that updated policies would hopefully be considered by the County Council in November 2013. However, he drew attention to the need for members to be responsible for changes in culture and practice in addition to officers. The Cabinet Member for Education and Communications thanked him for his work to address this issue.

Supporting Local Businesses

69.4 On minute 131, the County Council Member for Weymouth Town suggested that the Council could engage with the private sector to take advantage of learning opportunities. It was noted that the Cabinet had agreed to recommend the Environment Overview Committee to establish a Policy Development Panel on Private Sector Business Development at its meeting held on 17 July 2013.

Resolved

70. That the reports be received.

Reports of Quasi/Legal Committees

71.1 The reports of the following meetings held on the dates stated were presented:-

Planning	14 June 2013
Roads and Rights of Way	6 June 2013
Roads and Rights of Way	1 July 2013
Children's and Adult Services Appeals	3 June 2013
Personnel Appeals	17 June 2013

71.2 The following matter was raised under the minutes of the meeting of the Roads and Rights of Way Committee held on 1 June 2013:-

Procedure for Petitions – Petition entitled Service Lane Exit to Rempstone Road

71.3 In relation to minute 78, the County Council Member for Swanage thanked the Committee for its sympathetic consideration of the potentially very dangerous position regarding the service lane exit to Rempstone Road, which had now resulted in the Town Council and local residents each contributing £1k towards the safety improvements. The Chairman of the Committee confirmed that he would pass on the comment to the Committee.

Resolved

72. That the reports be received.

(Note: Recommendation 33 of the Personnel Appeals Committee held on 17 June 2013 was also considered by the Staffing Committee held on 17 June 2013 and the Standards and Governance Committee held on 8 July 2013. The recommendation in relation to the Membership of the Personnel Appeals Committee was agreed at minute 74 below.)

Reports of other Committees

73.1 The reports of the following committees held on the dates stated were presented:-

Staffing	4 June 2013
Staffing	17 June 2013
Pension Fund	13 June 2013
Standards and Governance	8 July 2013

73.2 The following matter was raised under the minutes of the meeting of the Staffing Committee held on 17 June 2013:-

Membership of the Personnel Appeals Committee

73.3 On recommendation 70, it was reported that the Staffing Committee, the Personnel Appeals Committee and the Standards and Governance Committee had all considered the report by the Monitoring Officer in relation to the arrangements regarding the future membership of the Personnel Appeals Committee. The recommendations from all of the Committees varied and members discussed the merits of each recommendation. The Council agreed the recommendation of the Staffing Committee with an amendment to recommendation (iv) to report back to the Personnel Appeals Committee and Staffing Committee after twelve months.

Resolved

74. That the reports be received and the following recommendations of the Staffing Committee (Recommendation 70) and the Standards and Governance Committee (Recommendation 46) set out below be adopted:-

Membership of the Personnel Appeals Committee

70. That the County Council approve that:

- (i) the membership of the Personnel Appeals Committee (PAC) be changed so that members of trade unions no longer serve as members of the Committee when it sits as a pay board or to hear grievance appeals from staff;
- (ii) the role of hearing and determining grievance appeals be delegated to the Chief Executive or a Director after consultation with the Chairman of the Personnel Appeals Committee (or in his absence, one member of the Personnel Appeals

Committee), and one trade union representative drawn from any one of the recognised trade unions;

(iii) the role of hearing and determining end of employment appeals be delegated to the Chief Executive or a Director, after consultation with the Chairman of the Personnel Appeals Committee (or in his absence, one member of the Personnel Appeals Committee) and a further member of the Personnel Appeals Committee; and

(iv) a further report be provided for the Personnel Appeals and Staffing Committees after the new arrangements had been in place for twelve months.

Constitution Changes

46. That the County Council be asked to approve the following changes to the Constitution:-

- (i) Membership of the Audit and Scrutiny Committee and Overview Committees
- (ii) Scheme of Delegation – Growing Places Fund – Any delegation to act under this to be reported to the Cabinet and then to full Council.
- (ix) Terms of Reference of the Public Health Overview Committee

(Note: Recommendation 51 of the Standards and Governance Committee meeting held on 8 July 2013 was no longer considered following discussions at minute 73.3 above.)

Reports of Joint Committees

75.1 The reports of the following committees held on the dates stated were presented:-

Dorset Police and Crime Panel	3 June 2013
Dorset Waste Partnership	4 June 2013
Dorset Health and Well-being Board	12 June 2012

75.2 The following matter was raised under the minutes of the meeting of the Dorset Health and Well-being Board held on 12 June 2013:-

Fulfilling Statutory Obligations – Joint Strategic Needs Assessments and Pharmaceutical Needs Assessments

75.3 On minute 18.1, the County Council Member for Weymouth Town asked how members would be informed of the work being undertaken by the locality groups that would report to the Health and Well-being Board, especially in relation to locality updates and assessments. The Leader of the Council confirmed that he would arrange for information to be circulated. The Cabinet Member for Community and Public Health confirmed that meetings were open to members to attend.

75.4 The following matter was raised under the minutes of the meeting of the Dorset Waste Partnership held on 4 June 2013:-

Financial Report June 2013

75.5 On minute 61.3, the County Council Member for Corfe Mullen asked a question regarding the employment status of agency workers who were under the impression that they were being engaged on a permanent basis by the Dorset Waste Partnership. The Cabinet Member for Environment explained that staffing restructures were underway and indicated that she would reply to the question outside of the meeting.

Resolved

76. That the reports be received.

Appointment of Member Champions for 2013/14

77. The Council considered a report by the Chief Executive on the appointments Member Champions for 2013/14 which had arisen following appointments made on 16 May 2013.

Resolved

78. That the following members be appointed as Member Champions for the year 2013/14:

- Community Services – William Trite
- Customer Service – Robin Cook
- Military/Civilian Integration – David Walsh

Dorset Fire Authority

79. The report of the meeting of the Dorset Fire Authority held on 24 June 2013 was received.

Questions

80. No questions were asked by members under Standing Order 20.

Meeting Duration: 10.00am to 12:45pm

Annexure 1

Questions from Pamela Jefferies, Branch Secretary, Dorset County UNISON to the Cabinet Member for Corporate Resources in relation to the Draft Financial Statements 2012/13

Questions

- a) What is the current ratio of net borrowing to the total value of long term assets?
- b) Have the total usable reserves increased since last year?
- c) (Street Lighting/Colfox School) can you explain why payments made for the year 2012/13 were greater than grants received? (Source note 11 page 41 long term contracts (PFI) and will this practise continue?

Answers

- a) Answering this depends on how you define net borrowing and long term assets. Note 38 to the accounts indicates our *total* borrowing at 31 March 2013 was £171.4M. Note 21 indicates the carrying value of our long-term, tangible assets is £929.1M. The ratio of one to the other is 0.18:1.
- b) Review of the balance sheet, movement in reserves statement or notes to the accounts show that at 31 March 2013, “headline” useable reserves stood at just under £132M compared to £130.2M the year before. The reason for the increase can be seen in the movement in reserves statement.

Care must be taken when considering the term “useable reserves”; the increase in the headline figure during the year does not mean the funding is available for service expenditure. For example, some of it will relate to specific ring-fenced projects, some is Capital Receipts and some is (as yet) unapplied Capital Grant. A clearer picture of DCC’s specific reserves is shown in note 51 to the accounts. This shows total earmarked reserves of £56.477M at 31 March 2013, though again, this figure should be netted down by the £21.623M IFRS reserves (which are earmarked for specific projects/work), giving a much more accurate figure of £34.854M.

- c) The Grant the Authority receives for PFI schemes relates purely to the proportion of the capital costs of the scheme met by the government (for replacement columns / new school build). It will always be lower than the payments made for the PFI which cover both the revenue running costs of the project as well as the total capital costs. The revenue running costs would still have been incurred whether or not the PFI arrangement was in place (e.g. the council would have maintained a traditional street lighting service) but once a PFI is in place the capital costs and operating costs are all wrapped up together as part of the PFI unitary charge.

Yes it will continue for the life of the PFI contract.

Questions from Pamela Jefferies, Branch Secretary, Dorset County UNISON
to the Cabinet Member for Adult Social Care in relation to the Learning Disability Residential
Service

Questions

Has the full business case for the Learning Disability Residential Service been reviewed and updated and did the full business case take account of staff turnover rates in other sectors (community/voluntary/private). Was account been taken of any new provider having admitted body status to the LGPS? In the Cabinet paper agenda 24/06/13 item 8 Appendix 2 page 19 Risks, bullet point 2 - what's the conflict of interest and how do you go about updating the risk log?

Answers

1. The business case informed the options presented and approved by Cabinet on 26th June. As the work progresses key documents will be reviewed/updated as part of the project governance arrangements.
2. Staff turnover rates within the external market did not inform the business case as staff turnover in Learning Disability Framework Providers is relatively low and does not cause service issues.
3. LGPS status of any new potential provider will be considered as part of the formal tender process.
4. The in-house bid rightly identified risks associated with the development of an in-house bid as detailed in Appendix 2 page 19 bullet point 2; a risk log was not completed. There would not have been a conflict of interest; clarity over this area would have been achieved through a formal Commissioning/Provider separation.

Annexure 2

Question from Andrew Butler, Dorset for Badger and Bovine Welfare to the Cabinet Member for Environment

Question

Dorset for Badger and Bovine Welfare are a group of local people who oppose the culling of badgers on both moral and scientific grounds and promote vaccination and improved welfare and biosecurity on farms as an effective and humane means of dealing with TB in both cattle and badgers. We support Councillor Brember's motion to the Council, but take issue with the briefing note in your agenda papers. It suggests that scientific consensus, especially from those involved in the Randomised Badger Culling Trial (RBCT), supports the current badger culling programme being rolled out by the government. Nothing could be further from the truth. The quotes used in the briefing paper are woefully out of date. Quoted in The Guardian on 13 October 2012*, Prof Lord Krebs, architect of the RBCT, states "The scientific case is as clear as it can be: this cull is not the answer to TB in cattle. The government is cherry-picking bits of data to support its case." We contend that the briefing paper is also cherry-picking data to support the government's case. In addition, lead scientist of the RBCT Professor John Bourne contends that scientific opinion is overwhelmingly against the cull and states, "I just don't know anyone who is really informed who thinks this is a good idea". Given that current scientific consensus, especially among those scientists who were behind the £50m ten-year-long Randomised Badger Culling Trial, is now firmly against culling badgers, why is it that the briefing paper appears to paint the opposite picture?

*<http://www.guardian.co.uk/environment/2012/oct/13/badger-cull-mindless>

Answer

Given that the cull is being instigated by a Government department, it is only right that the evidence used by the Government to support its action is presented to the County Council. That evidence does not claim to be beyond dispute, as a careful reading of the briefing paper would show. The paper also acknowledges that "There are a number of groups who oppose the badger cull, largely on moral grounds, but many people also dispute the scientific basis" (paragraph 2.7).

However, there is a lack of published data to support the suggestion that culling will not reduce the incidence of bovine TB. It is for this reason that no counter argument is presented.