

Cabinet

Minutes of a meeting held at County Hall,
Colliton Park, Dorchester on 4 June 2014.

Present:

Spencer Flower (Chairman)
Robert Gould (Vice-Chairman)
Toni Coombs, Peter Finney, Jill Haynes, Colin Jamieson and Rebecca Knox.

Members attending


Paul Kimber, County Council Member for Portland Tophill

Officers Attending: Debbie Ward (Chief Executive), Nicky Cleave (Assistant Director of Public Health), Catherine Driscoll (Director for Adult and Community Services), Grace Evans (Deputy Monitoring Officer), Mike Harries (Director for Environment and the Economy), Paul Kent (Director for Corporate Resources), Sara Tough (Director for Children's Services), Fiona King (Public Relations Officer) and Lee Gallagher (Democratic Services Manager).

For certain items, as appropriate:

Ken Buchan (Coastal Policy Manager), Bill Green (Programme Management Project Engineer), Don Gobbett (Head of Planning), Peter Illsley (Head of Corporate Finance), Dugald Lockhart (Senior Project Manager, Superfast Dorset), and Jan Stevenson (Dorset Passenger Transport Group Manager)

(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: **10 June 2014**.

(2) The symbol () denotes that the item considered was a Key Decision and was included in the Forward Plan.

(3) 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 **2 July 2014**.)

Apologies for Absence

211. Apologies for absence were received from John Wilson and Jonathan Mair (Monitoring Officer).

Code of Conduct

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

Minutes

213. The minutes of the meeting held on 7 May 2014 were confirmed and signed.

Public Participation

Public Speaking

214.1 There were no public questions received at the meeting in accordance with Standing Order 21(1).

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

Petitions

214.3 There were no petitions received in accordance with the County Council's petition scheme at this meeting.

Cabinet Forward Plan

215.1 The Cabinet considered the Cabinet Forward Plan, which identified key decisions to be taken by the Cabinet and items planned to be considered in a private part of the meeting. The current plan was published on 6 May 2014 and included items on the agenda for this meeting. It was noted that the next Forward Plan included items to be considered on or following the Cabinet meeting on 2 July 2014 and was published on 3 June 2014.

215.2 Due to the attendance by directors and Cabinet members at the national Adult and Children's Conference at the end of October 2014, it was agreed that the Cabinet meeting scheduled for 29 October 2014 would be moved to the alternate reserve date of 22 October 2014.

215.3 Members agreed that the Forward Plan should include the Cabinet Member responsible for each item, within the decision maker column of the Plan in order to provide clarity of the portfolio area of responsibility.

215.4 It was noted that a small number of minor text changes were required to items currently included within the plan, and that an item on 2 July 2014 in relation to an update on the impact of bad weather on businesses across Dorset would be provided as a briefing note outside of the meeting.

Noted

Panels and Boards

216.1 The minutes of the following Panels and Joint Committees were submitted:-

- (a) Executive Advisory Panel on Purchasing of Adult Social Care – 23 April 2014
- (b) Executive Advisory Panel on Children's Universal Services – 2 May 2014
- (c) Executive Advisory Panel on Member Development – 12 May 2014
- (d) Executive Advisory Panel on Periodic Electoral Review – 16 May 2014

216.2 In relation to recommendation 25 from the Executive Advisory Panel on Purchasing of Adult Social Care meeting held on 23 April 2014, it was explained that the current Executive Advisory Panel and Policy Development Panel had similar remits and it was necessary to merge the two panels and expand the work programme to cover the effects of the Care Act. It was also noted that the new terms of reference of the Panel would be considered by the Adult and Community Services Overview Committee on 23 June 2014.

216.3 In relation to the Executive Advisory Panel on Children's Universal Services meeting held on 2 May 2014, the role of the Panel had been refocused to take account of the renewed timetable of the transformation programme in Children's Services, and the name had been amended to reflect 'Family Support Services Review'.

216.4 In relation to the Executive Advisory Panel on Member Development meeting held on 12 May 2014, attention was drawn to the progress of the review of member development in relation to the introduction of SharePoint. It was also noted that attention had been drawn to a request for Group Leaders to consider the approach to the provision of IT equipment for members.

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216.5 In relation to the Executive Advisory Panel on Periodic Electoral Review meeting held on 16 May 2014, it was noted that paragraph 5.3 would be amended to read 'were going through reviews...'. The Cabinet also acknowledged the start of the important review process.

Resolved

217.1 That the minutes be received.

217.2 That the following recommendation from the Executive Advisory Panel on Purchasing of Adult Social Care be agreed:-

Recommendation 25 – Work Programme

25. That the Cabinet be asked to agree to the amalgamation of the Executive Advisory Panel on the Sustainable Purchasing of Adult Social Care with the Policy Development Panel on Charging for Social Care Services.

🔑 Navitus Bay Wind Park Application

218.1 The Cabinet considered a report by the Head of Planning in relation to the County Council's initial representation on the proposed Navitus Bay Wind Park development.

218.2 The Cabinet Member for Environment and the Economy explained that the Council, as a statutory consultee, had the opportunity to submit initial views, known as "relevant representations", on the proposal. Any issues would then be included in a list of principal issues which would guide the content of the formal examination.

218.3 The Planning Committee considered the variety of issues and implications for the County at its meeting held on 3 June 2014. The Committee strongly objected to the proposal, citing issues including visual impact, impact on the Jurassic Coast World Heritage Site, impact on the historic and cultural heritage of Durlston, loss of designated habitat, impact on tourism, uncertainty about use of ports (including Portsmouth), concerns about noise, bird migration and bird strike, and effects on sailing. A number of representations from interest groups were tabled at the meeting, which had also been considered by the Planning Committee.

218.4 The Cabinet was content that most of the issues were included in the proposed "relevant representations" (Appendix 3 of the Cabinet member's report). However, members wished to draw attention to the following issues, to be taken account of in the final version of the representation:

Seascape and Landscape Visual Impact Assessment

In relation to the onshore cable corridor and sub station, it was recognised that there may be a proposal for traffic to be directed to use a C road for access and not the B3072. Officers indicated that this issue would be investigated and members would be informed outside of the meeting.

Impact on World Heritage Status for the Jurassic Coast

Concern was expressed in relation to the recent United Nations Educational, Scientific and Cultural Organisation (UNESCO) letter regarding the impact on the Jurassic Coast World Heritage Site if the wind park proceeded, and that this should be referred to in the Council's representation.

In relation to uncertainty about 'high magnitude low frequency' wave events, it was confirmed by officers that the World Heritage Steering Group was pursuing the issue. Members asked that the view regarding uncertainty needed to be attributed to the expert advisors rather than the view of the Council, but that the views were supported by the Council.

The Historic and Cultural Heritage of Durlston Castle and Landscape

As a general observation, members asked that the wording be strengthened to highlight the importance of the Durlston Castle site as a scientific and natural usage site that was built with particular reference to the horizon which would be compromised. It was important that the site was used as a dark sky area which would also be compromised by illuminated turbines.

Direct Loss of Designated Habitat

Concern was expressed regarding the level of detail in relation to the significant impact of a 22 mile trench which would be 40 metres wide, together with the direct loss of habitat. Officers confirmed that the full report at the next stage of the process would provide a detailed account of the impact on onshore development.

It was also suggested that further strength be added to the impact on residents regarding the wider implications on local communities and the adverse effect on tourism which would move away from the objectives of economic growth in the Forward Together Programme.

Tourism and Other Socio Economic Factors

As a result of the Planning Committee's discussions, it was agreed that the first sentence of the last paragraph be amended to read "The potential for job creation and economic growth from the Navitus Bay Wind Park is **noted** [not "welcome"], and **could support** [not "supports"] ..." as the positive economic consequences could be outweighed by the negative impacts on tourism.

Other Matters

That an additional paragraph be added to the end of the submission to read: "Other Matters - The Examining Authority is asked to investigate thoroughly the issues of bird migration/strike, noise and impact on sailing" because the County Council did not have expertise in these fields, but they were of concern to members.

It was suggested that mention be made of the impact on the fishing industry and fishing grounds, although this would be the responsibility of the Inshore Fisheries and Conservation Authorities (IFCA). Officers confirmed that contact could be made with the Chief Executive of IFCA to express the Council's views.

218.5 A question was asked about the advice regarding any effect of electromagnetic radiation on marine life, and also the possibility of a microclimate generated by the turbines, which could have a significant impact on local amenities and tourism. Officers confirmed that the Council had no expertise in these areas, but they would be addressed by other expert consultees. It was agreed that they be added to the list of "Other Matters".

218.6 Members discussed the suggestion from a member of the Planning Committee that the output of the site when fully operational could be significantly less than the planned output of just under 1 gigawatt, and may be only 20-30% of this estimate. Whilst recognising that this was a viability issue for the developer, members felt that it was an important consideration in weighing the costs and benefits of the proposal. Again it was agreed to add this issue to the list of "Other Matters".

218.7 Officers indicated that the points raised would be fed into the representation and would be brought back to the Cabinet for information following its submission in order to keep members informed of the detail. Member highlighted that the wording must be correct

to emphasise the impact sufficiently to the inspectorate at this stage, and at future stages of the process.

218.8 Officers explained that further stages of the process would require a detailed local impact report to be compiled, which would be considered by the Cabinet and the Planning Committee, and that officers would work with other local authorities to ensure commonality.

218.9 It was noted that due to the timescales involved it was necessary to agree delegated powers for the Director for Environment and the Economy after consultation with the portfolio holder to approve Dorset County Council responses when the need arose.

Resolved

219.1 That the relevant representation as set out in Appendix 3 of the Head of Planning's report, be approved, subject to the views of the Planning Committee and the minute above.

219.2 That delegated authority be granted to the Director for Environment and the Economy after consultation with portfolio holder to approve Dorset County Council responses to requests for information and views during the formal examination of the proposed development.

219.3 That the Cabinet strongly object to the proposed Navitus Bay Wind Park.

Reason for Decisions

220. In order to provide Dorset County Council's response to the Navitus Bay Wind park proposal prior to close of the period in which a relevant representation could be submitted, and so that Dorset County Council could react quickly to Planning Inspector requests during the formal examination.

Transport for Post 16 Students Attending Education or Training

221.1 The Cabinet considered a joint report by the Cabinet Members for Education and Communications, and Environment and the Economy following a number of changes since April 2013 which affected the provision of transport for post 16 students attending education or training.

221.2 The Cabinet Member for Education and Communications introduced the report and outlined the previous changes in the Council's policy for providing support for public transport buses, and the guidance for post 16 students to access education or training which had now become statutory. She also clarified that raising the participation age from 16-18 meant that by the end of 2015 it would be a requirement for students to either stay in education or be in employment with training; it was not a requirement for all 16 year olds to stay at school, and also not for the County Council to fund post 16 transport.

Resolved

222. That the changes in the statutory basis of the guidance for the Post 16 Transport be noted, and that the guidance be taken into consideration in future decisions on resource allocation and changes to transport provision.

Reason for Decision

223. Under equalities legislation it was important that the impact on young people was assessed. The recommendation would also provide reassurance that changes which impact on young people's access to education or training post 16 was taken into account through the decision making process.

Approval of Annual Governance Statement for 2013/14

224.1 The Cabinet considered a report by the Cabinet Member for Corporate Resources on the County Council's Annual Governance Statement for 2013/14.

224.2 The Cabinet Member for Corporate for Resources introduced the annual statement as a comprehensive report of the governance framework arrangements of the Council. It was noted that the report would also be considered by the Audit and Scrutiny Committee and the Standards and Governance Committee before final consideration and decision by the Ad Hoc Accounts Committee in September 2014.

224.3 In relation to the formation of an informal member group to consider governance issues, it was recognised that the Panel should be appointed, but not to duplicate any existing process.

Resolved

225.1 That the Annual Governance Statement for 2013/14 at appendix 1 of the Cabinet Member's report be noted.

225.2 That the proposed terms of reference for a member reference panel for compliance and the Annual Governance Statement, at appendix 2 of the Cabinet Member's report, be endorsed.

225.3 That the proposed establishment and terms of reference of a member reference panel for compliance and the Annual Governance Statement be supported.

Reasons for Decisions

226.1 Approval and publication of an Annual Governance Statement by the County Council was a statutory requirement and provided evidence that the County Council maintained high standards of governance and addresses significant shortcomings and risks.

226.2 A member reference panel to consider governance and compliance issues would increase the rigour of the assessment and the value of the work in providing assurance to the County Council and the people of Dorset.

Questions from Members of the Council

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

Exempt Business**Exclusion of the Public****Resolved**

228. That in accordance with Section 100 A (4) of the Local Government Act 1972 to exclude the public from the meeting in relation to the business specified in minutes 229-234 because it was likely that if members of the public were present, there would be disclosure to them of exempt information as defined in paragraphs 1, 2, 3 and 6 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

Springfield Road (Part), Verwood - Private Street Works (Paragraphs 1, 2, 3, 6(a) and 6(b))

229.1 The Cabinet considered an exempt report by the Cabinet Member for Environment and the Economy regarding private street works at Springfield Road, Verwood. The report contained exempt information in accordance with paragraphs 1, 2, 3, 6(a) and 6(b):

- Information of relating to an individual;
- Information which is likely to reveal the identity of an individual;

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- The financial or business affairs of any particular person (including the authority holding that information); and,
- Information which reveals that the authority proposes:-
 - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person.
 - (b) To make an order or direction under any enactment.

229.2 The Cabinet Member for Environment and the Economy introduced the report and provided an overview of the scheme plan, specification, estimate and provisional apportionment of road charges for the improvement of Springfield Road (Part), Verwood to an adoptable standard under the Private Street Works Code. The impact of funding in relation to frontagers was also explained.

229.3 Members discussed the need to complete the scheme due to the impact on the increasing population, economic development and specifically regarding educational and the growth in basic need. A revised recommendation regarding a future school site was tabled at the meeting.

Resolved

230.1 That pursuant to Section 205(3) of the Highways Act 1980, the Scheme Plan, Specification, and the Estimate and Provisional Apportionment of the estimated expenses, as set out in the Cabinet Member's report, be approved.

230.2 That the funding of all frontagers' contributions at an additional cost to the County Council of £294.5k be approved on the basis that the recently adopted East Dorset Core Strategy identifies the site for the new school off Margard's Lane, and specifically that the Springfield Road should be completed prior to the school coming into use, and that the County Council is the developer in respect of the school.

Reason for Decision

231. The improvement of Springfield Road (Part), Verwood to an adoptable standard was essential to complete the Springfield Distributor Road and contributed to both corporate aims.

Superfast Dorset - Additional Coverage of Superfast Broadband(Paragraph 3)

232.1 The Cabinet considered an exempt report by the Cabinet Member for Environment and the Economy regarding additional coverage of Superfast Broadband. The report contained exempt information in accordance with paragraph 3, relating to the financial or business affairs of any particular person (including the authority holding that information).

232.2 The Cabinet Member for Environment and the Economy reported that there were two significant issues that required attention which related to the consideration of capital funding to be allocated and match funded by BDUK to extend coverage of superfast broadband across Dorset, and consideration of a recommendation by the Superfast Dorset Strategic Programme Board in respect of an alternative proposal from North Dorset Broadband Ltd and Broadway Partners Ltd to provide 100% coverage across Dorset.

232.3 In relation to capital funding, members welcomed the proposal and the need to maximise the benefits of the match funding to achieve better coverage across Dorset and key infrastructure, but the importance of the Council not underwriting the total capital funding on behalf of all partners was highlighted. It was also reported that district and borough partners had been engaged at officer level so far.

232.4 Members discussed the proposal from North Dorset Broadband Ltd and Broadway Partners Ltd and considered the associated significant risks to the Council as highlighted in a due diligence assessment of their business plan.

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232.5 It was noted that a bid for additional funding for the Marshwood Vale area had been successful in securing an additional £1M for the programme. It was generally accepted that similar community-led schemes were likely to arise in the future and that these should be pursued where they represented opportunities for funding to extend coverage in the most rural areas.

Resolved

233.1 That the allocation of capital funds of £939,000 to extend superfast broadband coverage as detailed in the Cabinet Member's report be supported in principle, subject to the resources available in the Medium Term Financial Strategy.

233.2 That the recommendation made by the Superfast Dorset Strategic Programme Board, as set out in the Cabinet Member's report, in relation to alternative proposal from North Dorset Broadband Ltd and Broadway Partners Ltd, be ratified.

Reasons for Decisions

234.1 To further the County Council's corporate plan focus on Enabling Economic Growth through maximising the level of external funding drawn into Dorset to extend the provision of superfast broadband services to rural areas.

234.2 Central government commissioned research suggested that a £1 investment in NGA broadband returned a £20 increase in GVA for the local economy.

Meeting Duration: 11.00am – 12.05pm