



County Council

Minutes of the meeting held at County Hall, Colliton Park, Dorchester,
DT1 1XJ on Thursday, 21 July 2016.

Present:

Andrew Cattaway (Chairman)

Hilary Cox (Vice-Chairman)

Pauline Batstone, Steve Butler, Mike Byatt, Andy Canning, Ronald Coatsworth, Robin Cook, Toni Coombs, Barrie Cooper, Deborah Croney, 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, Paul Kimber, Rebecca Knox, Mike Lovell, David Mannings, Ian Smith, Clare Sutton, William Trite, Daryl Turner, David Walsh, Peter Wharf and Kate Wheller.

Officers Attending: Debbie Ward (Chief Executive), Helen Coombes (Interim Director for Adult and Community Services), Mike Harries (Director for Environment and the Economy), Jim McManus (Chief Accountant), Sara Tough (Director for Children's Services), Jonathan Mair (Monitoring Officer), Lee Gallagher (Democratic Services Manager) and Rebecca Guest (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 **Thursday, 10 November 2016.**)

Apologies for Absence

60 Apologies for absence were received from Councillors Richard Biggs, Lesley Dedman, Matt Hall, Ros Kayes, Margaret Phipps, Peter Richardson and Mark Tewksbury.

The Chairman welcomed Councillor Matt Hall to the Council, although he was absent for the meeting, as the new member for the Sherborne Rural Electoral Division following a by-election held on 2 June 2016.

Code of Conduct

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

Councillors Mike Byatt, Paul Kimber and Ronald Coatsworth expressed general interests as trade union members or retired trade union members in relation to minute 69 regarding Officer Pay, Terms and Conditions.

Minutes

62 The minutes of the meeting held on 21 April 2016 were confirmed and signed.

Matters Arising

Minute 42 - Leaders Announcements – Change of Cabinet

Councillor Toni Coombs, as the former Cabinet Member for Children and Young People expressed her thanks to members and staff, particularly in children's services, during her time as a Cabinet member which included major change and projects including three OfSTED inspections, the Purbeck Review, and regional and national representation of matters affecting young people. Councillor Deborah Croney, as the Cabinet Member for Learning and Skills, paid tribute to the work of Councillor Coombs as the former Cabinet member including legacy and personal commitment to

improving lives for children.

Cllr Croney highlighted that 93% of Dorset's schools were judged by Ofsted to be good or outstanding, with only 7% that required improvement and there were no inadequate schools. The performance placed Dorset in the top 10 local authorities for Ofsted ratings. It was noted that the service was still on a journey, but the quality of schools meant that the Council was well placed to achieve its aims and Cllr Coombs' support was appreciated by schools and that Cllr Croney looked forward to building on the success in taking forward developments and improvements in learning and skills for all residents across Dorset.

Minute 40 - Members of Youth Parliament

It was clarified that a meeting had been arranged between Councillor Deborah Croney and members of the Youth Parliament to discuss their manifestos and how the Council could support them. It was noted that all members were welcome to attend and details would be circulated after the meeting.

Public Participation

63 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).

Petition entitled SAVE Sandmartins Activity Club

The Council considered a report by the Director for Children's Services which set out the current petitions scheme, details of the petition received and options for how the matter could be progressed. The petition comprised over 1000 signatures from people living, working or studying in Dorset and requested the County Council to intervene to stop the decision by Sandford Primary School's Governors to take control of the extended school care and therefore keeping the services provided by Sandmartins Activity Club on the school site.

Ms Bowbanks, Lead Petitioner, introduced the petition and explained the circumstances which had led to it being created to seek support for the club to operate and have access on the school site in accordance with the plans agreed under the Purbeck Review. It was noted that the school had withdrawn its decision to evict the club, but there were still concerns regarding the cost of rent and access via the school site. It was also noted that a vote of no confidence in the school governors was being instigated by parents and carers.

Councillor Deborah Croney, as the Cabinet Member for Learning and Skills, acknowledged that there were on-going issues and implications, and she proposed that a meeting be held between the petitioners, members, officers and the school to resolve the dispute, with the aim of finding the best outcome for the children served by the club and the school.

As the local member, Councillor Beryl Ezzard supported the petition and drew attention to the need for the school to uphold the site agreement and the need for a meeting to explore a solution. She also clarified that utilities had access via the school site and the club required the same level of access. The potential for legal challenge and reputational damage was also highlighted and a scrutiny enquiry was also suggested.

Resolved

That a meeting be held between the petitioners, members, officers and the school to resolve the matter.

Petition entitled Campaign 40

The Council considered a joint report by the Chief Executive and Director for Environment and the Economy which set out the current petitions scheme, details of the petition received and options for how the matter could be progressed. The petition comprised over 1000 signatures from people living, working or studying in Dorset and requested the County Council to reduce the speed limit on the A35, Christchurch at Roeshot Hill from national (60mph) to 40mph and on Lyndhurst Road from 40mph to 30mph.

Councillor Colin Jamieson, as the local member for the petition, expressed his support for the need for a speed reduction on the route given a number of accidents in recent years. He also highlighted the impact of a new housing development and a mineral extraction site on the road and recognised that traffic calming measures would be installed as part of the completion of the two developments.

Comments were also received in relation to the impact of heavy goods vehicles entering and exiting the minerals extraction site at a rate of one every three minutes when in full operation. A further suggestion was also made to urge consideration of lower speed limits than advised in transport guidance due to safety and environmental impacts.

The Cabinet Member for Environment, Infrastructure and Highways confirmed that changes would be made to the route as a result of the developments and undertook to write to the petitioners to explain the planned changes and what could be done in the meantime to ensure the route was as safe as possible given the conditions and money available.

Resolved

That in light of potential changes to the road layout as a result of planned developments, the Cabinet Member for Environment, Infrastructure and Highways would write to the petitioner to explain the planned changes and what could be done in the meantime to ensure the route was as safe as possible given the conditions and money available.

Chairman's Announcements

64 The Chairman reported on the death of Councillor John Wilson on 20 June 2016 who served on the County Council from 2001 to 2016 representing the Ferndown division, and was Chairman of the Council from 2009 to 2016.

Members paid tribute to the dedication and commitment of the former Chairman of the Council to Dorset and within his division. The County Council then stood in silent tribute. A book of condolence was presented to Mrs Wilson following the meeting.

The Chairman then reported on a number of events that had been attended by himself and the Vice-Chairman since the last meeting, which included a beacon lighting at Durlston Castle for the Queen's 90th Birthday, Freedom of Blandford Forum Event by the Queen's Gurkha Signals, Blandford Forum Garrison Motorcycle Display, HMS Portland Freedom Event, Freedom of Wareham Event by the Armoured Centre Bovington, Graduation Ceremony in Bournemouth, three citizenship ceremonies, three mayor making ceremonies, and a Capability Brown Exhibition at Milton Abbey.

Leader's Announcements

65 The Leader of the Council reported on a number of achievements within the County, particularly in regards to the environment, economy and the wellbeing of residents. He confirmed these achievements had been made despite huge challenges and he referenced a number of key projects officers were currently working on. Members were then encouraged to attend a seminar on Dorset's future and Children's Services

Forward Together for Children Ofsted update, later that day. He then invited questions from all members.

In relation to the performance of the Dorset Waste Partnership (DWP), some members referred to collection arrangements and difficulties of residents with medical conditions resulting in large amounts of medical waste, and soiled nappies. Members suggested that more frequent collections were necessary in these circumstances. The Cabinet Member for Environment, Infrastructure and Highways advised that he would discuss the concerns with the Director of the DWP and that residents should 'double bag' nappies. A direct response would be given to Councillor David Jones as the local member for Burton Grange.

Comments were also made following some apparent gaps in communication informing residents of amended collection times and reference to bins being left uncollected upon completion of working hours as the new rounds were rolled out. The Leader advised that these matters would also be discussed with the Director of the DWP.

Motions

66 Economic Opportunities for Dorset and East Devon

The Council considered a motion submitted by Councillor Paul Kimber asking 'that the Council ensures that the proposed National Park be seriously considered as part of discussions on local government re-organisation'.

The motion was seconded by Cllr Kate Wheller.

Councillor Kimber presented his motion and explained that the economic advantages regarding the national park should be explored and was happy to be involved in any investigations.

Resolved

That the motion be referred to the Economic Growth Overview and Scrutiny Committee to determine how best to proceed.

Independent Co-operative Businesses

The Council considered a motion submitted by Councillor Paul Kimber asking that the Council:

- works to incorporate co-operative values and principles when planning services and in its engagement with local residents;
- publicises existing co-operative good practice within the council; and
- holds an event for local co-operatives to engage with the Council.

The motion was seconded by Councillor Kate Wheller.

Councillor Kimber presented his motion and encouraged the adoption of the co-operative ethos for Dorset, especially in relation to rural communities.

Resolved

That the motion be referred to the Economic Growth Overview and Scrutiny Committee to determine how best to proceed.

Racism and Xenophobia

The Council considered a motion submitted by Councillor Andy Canning asking that:

- the Council affirm that the Council are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes had no place in the country;
- the Council affirm that Dorset County Council condemned racism, xenophobia and hate crimes unequivocally. The Council would not allow hate to become acceptable;
- the Council affirms its commitment to ensure that local bodies and programmes had the support and resources they needed to tackle racism and xenophobia; and
- the Council reassure all people living in Dorset, regardless of their nationality, that

they are valued members of the community.
The motion was seconded by Councillor Janet Dover.

Councillor Canning presented his motion and explained that he was horrified with a 42% rise in incidents after the EU referendum, and he wanted a clear statement to be made by the Council that hate crime would not be tolerated in Dorset.

It was noted that the issue had been raised at the Cabinet and a press release was being prepared in relation to the issue. In addition, the motion would be referred to the People and Communities Overview and Scrutiny Committee.

Resolved

That the motion be referred to the People and Communities Overview and Scrutiny Committee.

Exploring Options for the Future of Local Government in Bournemouth, Dorset and Poole

67 The Council considered a report and recommendations that aimed to inform the Council of action taken since its last meeting on 21 April 2016 and to agree future activity in relation to the future of local government in Bournemouth, Dorset and Poole. It was clarified that the Monitoring Officer had been included within the recommendations to ensure the appropriateness of action to be taken.

Concerns were expressed regarding the consultation process, and members stated the need to ensure that a range of options were included. It was reported that the independent research company, Opinion Research Services (ORS) appointed to manage the consultation had a proven track record (including the merger of Dorset and Wiltshire Fire Authorities) and used a range of sophisticated tools with strict rules of engagement to ensure that no contamination or bias occurred during the consultation process. Assurance was also given that an additional meeting of the County Council could be called, should members believe that the consultation process was flawed.

Officers clarified that there may be insufficient information for a submission to be made to the Government to request a deferment of the elections planned in May 2017, by the time of the next meeting of the County Council on 10 November 2016. It would be for the Department of Communities and Local Government (DCLG) and a submission would be required by 30 November 2016. Members highlighted the financial and practical difficulties in holding the elections in 2017 and voiced their opinion that this should be deferred. A revised recommendation was proposed and agreed.

Reference was made to the Shaping Dorset Future Board. Members were reminded that the Board consisted of 15 members appointed by the County Council. Documents were circulated via Group Leaders to ensure all councillors had access to the information and there was a clear mandate for the direction of travel. Councillor Rebecca Knox, as the Chairman of the Board, confirmed that it had cross party participation and that she would ask for the documents to be made public to enable members to contribute via their representatives.

Some members questioned the short timescales involved and whilst recognising the opportunities ahead, emphasised the need to ensure that all parties were at the same point with equality of data sharing, in particular the Town and Parish Councils. It was highlighted that decisions had to be made that were right for the people of Dorset and to ensure the progress of democracy, rather than be driven by the DCLG.

Resolved

1. That the progress of the Shaping Dorset's Future Programme, particularly the

- invitation made to the six District and Borough councils to become involved, be noted.
2. That the Chief Executive, after consultation with the Leader and Shaping Dorset's Future Board, be authorised to amend the Terms of Reference for the Shaping Dorset's Future Board to reflect the involvement of the District and Borough Councils.
 3. That the progress on working with Town and Parish Councils under the 'Working Together' Programme be noted.
 4. That the plans to develop a case for change for Local Government Reform, and undertake a large scale public consultation, in partnership with the eight principal authorities in Dorset be noted.
 5. That the Chief Executive, after consultation with the Leader, Monitoring Officer and Shaping Dorset's Future Board, be given authority to confirm contents and scope of the public consultation.
 6. That the County Council do not wish the elections to take place in 2017, as the Council wishes to pursue Local Government reform, subject to the results of the public consultation.
 7. That a further report following the planned public consultations, the development of the case for change, and implications for the 2017 County Council elections, be presented at the next County Council meeting.

(Councillor Clare Sutton requested that her abstention from voting on recommendation number 5 be recorded.)

Reason for Decisions

To ensure local government services were sustainable and residents, businesses and communities were supported by the most effective local government arrangements.

Recommendations from Quasi/Legal Committees, Joint Committees and Other Committees

The recommendations of the Audit and Governance Committee, Staffing Committee and Pension Fund Committee were duly moved and seconded.

Constitutional Changes (Audit and Governance Committee)

68 Recommendation 11 - Constitutional Changes

Resolved

That the Petitions Scheme be updated as outlined in Appendix 1 of the report dated 8 June 2016, and replaced in the Constitution of the County Council.

Reason for Decision

To contribute to the corporate aim to 'provide innovative and value for money services'.

Officer Pay, Terms and Conditions (Staffing Committee)

69 Recommendation 46 – Officer Pay, Terms and Conditions

The Council considered a recommendation in relation to the pay and terms and conditions for senior officers at the Council. It was reported that the aim of the review was to update the pay structure which was outdated and needed to reflect changed job roles and increased responsibility and accountability. It was also noted that following withdrawal at the last Council meeting the Staffing Committee had considered the review at two further meetings. The Audit and Governance Committee had also sought any objections from Trade Unions on the process which were not forthcoming and therefore further scrutiny of the process had not been required.

Concerns were expressed regarding a perceived 'pay rise' for senior staff; that the increase was not affordable; it was the wrong time to agree an increase in pay given financial pressures on services; that all jobs should be re-evaluated equally with staff at other levels; front line staff had increased responsibilities as well; the public were

not in favour of an increase; and the change could be considered at the point of considering any change to a unitary authority.

It was clarified that the structure and terms and conditions was being brought up to date and in line with comparative posts in neighbouring councils.

Members were informed that where staff across the authority had been subject to restructures or changes in roles, the Council followed an established process of job evaluation which had resulted in salary changes where appropriate, but job evaluation had not been applied to senior officers for many years.

Other views expressed by members were that senior officers deserved to be recognised for their increased responsibility; an increase could potentially be introduced over a phased timescale; neighbouring authorities paid more for senior officer posts; and there was a risk that the Council could lose experienced and dedicated officers.

(Note: The following members expressed general interests as trade union members or retired trade union members: Councillors Mike Byatt, Paul Kimber and Ronald Coatsworth.)

Resolved

1. That the current Heads of Service be offered access to a new pay structure on acceptance of the associated Chief Officer terms and conditions. Members would continue to appoint to posts at this level and that any changes would be reflected in the Council's Pay Policy Statement.
2. That a revised pay structure for the Assistant Chief Executive be approved.

Reason for Decisions

To confirm the next steps in respect of the review of Senior Manager roles given the committee's remit in respect of employee terms and conditions of employment.

Brunel Pension Partnership (Pension Fund Committee)

70

Recommendation 44 – Brunel Pension Partnership

Members of the Pension Fund Committee and the Local Pension Board advocated the adoption of the recommendations which would see the combination of ten pension funds that would create greater economies of scale to an already well performing Local Government Pension Scheme. It was also confirmed that they were continually managed through assessment of markets and international investment in order to respond to potential negative impacts on the funds.

Resolved

1. That the joint submission from the Brunel Pension Partnership, including the Dorset County Pension Fund be endorsed.
2. That, in principle, the establishment of a Local Authority Company with the other Brunel founder funds, in which Dorset County Council would own 10% of the shares, be agreed.
3. That, consequently, the Chief Financial Officer be authorised to continue negotiating as necessary with other Fund Members on the detail of the proposition and, after consultation with the Chairman of the Pension Fund Committee, agree the terms of any final agreement, reporting back to the Committee in the normal manner.
4. That the Head of Legal and Democratic Services be authorised to execute all necessary legal documents or formal agreements required to be agreed by the Council.

Reason for Decisions

To ensure that the Fund complied with Government requirements for pooling and that the most appropriate proposal for the Dorset Fund was implemented.

Members' Allowances Scheme 2016/2017 - Special Responsibility Allowances

71 The Council considered a report prepared by the Independent Remuneration Panel which set out changes to the Members' Allowances Scheme 2016/17 which would come into effect from 21 April 2016.

Resolved

That the proposed changes to the Special Responsibility Allowances within the Members' Allowance Scheme for 2016/2017, as set out in the report of the Independent Remuneration Panel, be adopted.

Appointments to Committees

72 The Council noted three membership changes as set out below.

Resolved

1. That Councillor Matt Hall be appointed as a member of the Audit and Governance Committee to replace Councillor Janet Dover.
2. That Councillor William Trite be appointed as a member of the Economic Growth Overview and Scrutiny Committee to replace Councillor John Wilson.
3. That Councillor Mike Lovell be appointed as a member of the Staffing Committee to replace Councillor John Wilson.

Questions from County Councillors

73 The following questions were asked under Standing Order 20:

1. Councillor Paul Kimber asked the Cabinet Member for Learning and Skills and the Cabinet Member for Environment, Infrastructure and Highways a question in relation to proposed developments on school sites on Portland.
2. Councillor Paul Kimber asked the Cabinet Member for Health and Wellbeing and Children's Safeguarding a question in relation to the increased levels of hate crime in the Country. In addition to the answer provided at the meeting, an invitation was provided for members to attend the public meetings of the Dorset Community Safety Partnership.
3. Councillor Spencer Flower asked the Cabinet Member for Organisational Development and Transformation a question in relation to the Queen Elizabeth's School, Wimborne.
4. Councillor Spencer Flower asked the Cabinet Member for Organisational Development and Transformation a question in relation to the Forward Together 2020 change programme.

The questions and answers are attached to these minutes as Annexure 1.

Dorset Health Scrutiny Committee - Meeting held on 2 June 2016

74 The report of the Dorset Health Scrutiny Committee held on 2 June 2016 was presented. The Chairman provided an overview of the recent work of the Committee including the future of the Chalbury Unit in Weymouth.

Resolved

That the report be adopted.

Reports of the Cabinet

The reports of the Cabinet meetings held on 4 May, 25 May and 29 June 2016 were presented for adoption, together with recommendation from the meeting held on 29 June 2016 for approval.

Meeting held on 4 May 2016**75 Resolved**

That the report of the Cabinet on 4 May 2016 be adopted.

Meeting held on 25 May 2016**76 Dorset Minerals and Waste Development System – Updated Milestones**

In relation to minute 91, Councillor Toni Coombs, indicated that she was yet to receive sight of any consultation papers in regards to Hampshire County Council's proposals, and she reiterated the importance of local member consultation. The Cabinet Member for Environment, Infrastructure and Highways advised that he would speak to the Director for Environment and the Economy to ensure that the protocol on engaging and consulting local members was adhered to.

Dorset Green Enterprise Zone

In relation to minute 90, Councillor Peter Wharf highlighted that he was yet to receive correspondence in relation to the Dorset Green Enterprise Zone. Councillor Mike Lovell confirmed he would also like to be involved in this project.

Youth Centre – Asset Transfer

In relation to minute 92, Councillor Toni Coombs received assurance from the Cabinet Member for Health and Wellbeing and Children's Safeguarding and the Director for Children's Services that members' participation would continue as part of the Executive Advisory Panel on Forward Together for Children's Services. She also clarified that she had asked either a freehold or a leasehold arrangement to be considered in respect to the Verwood Club, not a preference for a leasehold. A further written response would be sent to the member in reply to her inquiry regarding the Christchurch Learning Centre taking over the youth centre building at The Lighthouse.

In response to a request for assistance made by the Councillor Kate Wheller, as the local member, regarding crowd funding for a youth centre in Wyke, the Cabinet Member for Health and Wellbeing and Children's Safeguarding and the Director for Children's Services confirmed that they did not want to let young people down and they would ensure that officer engagement took place. The Cabinet Member informed the member that crowd funding training was to take place shortly and she would forward details to the member directly.

Resolved

That the report of the Cabinet on 25 May 2016 be adopted.

Meeting held on 29 June 2016

77 It was noted that Councillor Susan Jefferies attended the meeting and would be added to the list of attendees. It was also noted that Councillor Jill Haynes would propose changes to minute 109 in relation to xenophobia and hate crime at the next meeting.

Resolved

That the report of the Cabinet on 29 June 2016 and recommendation 104 be adopted.

Recommendation 104 - Youth Justice Plan for 2016/17

That Cabinet recommends approval of the Youth Justice Plan to the Council.

Reason for Recommendation

The draft Youth Justice Plan was approved by the Youth Offending Service Management Board. The plan reviewed achievements in the previous year, detailed the structure, governance and resources of the Youth Offending Service, and showed the priorities for 2016-17.

Economic Growth Overview and Scrutiny Committee - Meeting held on 15 June 2016

78 The report of the Economic Growth Overview and Scrutiny Committee held on 15 June 2016 was presented.

Resolved

That the report be adopted.

People and Communities Overview and Scrutiny Committee - Meeting held on 16 June 2016

79 The report of the People and Communities Overview and Scrutiny Committee held on 16 June 2016 was presented.

Resolved

That the report be adopted.

Safeguarding Overview and Scrutiny Committee - Meeting held on 14 June 2016

80 The report of the Safeguarding Overview and Scrutiny Committee held on 14 June 2016 was presented. An update was provided regarding minute 6 'Induction - Part 2' and it was agreed that paragraph 4 would be amended to read 'In relation to evidence of children staying in care too long, the Head of Families and Children advised that although the total number of children coming into care had increased more were at a younger age which provided an opportunity to plan more successfully for their long term care. In relation to the upper age range, a Family Focus Project had been established to work with teenagers on the edge of care to explore alternatives.'

Resolved

That the report be adopted.

Meeting Duration: 10.00 am - 3.10 pm

County Council – 21 July 2016

Questions from County Councillors

Question from Paul Kimber to the Cabinet Member for Learning and Skills and the Cabinet Member for Environment, Infrastructure and Highways in relation to school sites on Portland

Question

Portlanders are naturally very concerned about the proposed developments on school sites on Portland and retaining some of the open spaces that the community have enjoyed for years.

With the intention to build on all the school sites could I have assurance that open space will be left so Portlanders can and will enjoy the open space, as part of the design?

Answer

Thank you for raising this concern. We are currently in discussion with Portland Town Council over the future of the main detached playing field and Multi Use Games area at the Royal Manor Campus, with a view that they will be retained for continued community use.

The remainder of the Royal Manor and Southwell Primary sites will be disposed of, as they will no longer be required for Educational purposes. It will be for the purchaser of any of the redundant school sites to seek planning approval from the Borough Council as to how they are re-developed and what if any open space will be retained for community use.

Question from Paul Kimber to the Cabinet Member for Health and Wellbeing and Children's Safeguarding in relation to Hate Crimes

Question

The report in the Dorset Echo 14/7/16 reports Hate Crimes in the county has increased by 22 percent. Can I be assured we are doing everything, including working with the police and all agencies, to bring about effective action to combat Hate Crimes?

Answer

The County Council commitment to making sure that people in Dorset are safe from discrimination is well known. We are committed to playing our role in making sure that all people are treated with the respect and dignity and that we exercise our equality and diversity duty effectively. This means that we **have** to work with our partners to ensure that where hate crimes occur we make sure that those who perpetuate such crimes are dealt with appropriately. The County Council, through the Community Safety Partnership, makes sure that a focus on hate crimes is an important part of the partnerships remit and that wherever we can we make education and prevention of hate crimes part of the councils wider work.

Question from Spencer Flower to the Cabinet Member for Organisational Development and Transformation in relation to Queen Elizabeth's School, Wimborne

Question

Can the Leader reassure members that every effort is being made to prepare for and pursue a claim against Mouchel or any successor company, for the design shortcomings that caused this council so much difficulty during the construction of the QE School and subsequent cost escalation? Further that this matter will be concluded at the earliest opportunity and that no settlement nor decision regarding any claim will be agreed without the consent of the members of this council in accordance with the provisions of the constitution. That if necessary Chairman this meeting go into exempt business so that a proper debate take place. This matter has gone on for far too long. We must surely stop 'kicking the can down the street' and reach a considered position without further delay.

Answer

Yes, I can assure members that every effort is being made to pursue Mouchel to recover as much as we can of the additional cost caused by Mouchel's failings.

Throughout the investigation of the potential to recover from Mouchel and throughout our preparations to do so the Council has obtained specialist legal and technical advice. Court rules require parties to follow a particular set process before resorting to issuing formal legal proceedings. Accordingly, ahead of action through the courts our external legal advisers have exchanged information, including detailed letters before claim, with Mouchel.

In addition, the courts also advocate meetings and mediation in an effort to settle disputes without resorting to the courts. Mediation took place in London on Thursday 23 June and for the County Council was attended by the Chief Finance Officer, the Principal Solicitor, our experts and external legal advisers. The mediation did not result in any settlement.

The Monitoring Officer has a standing delegation to institute, defend or settle all legal proceedings or disputes in contemplation of legal proceedings on behalf of the County Council. In view of the significance of the mediation the Cabinet received a detailed briefing from the external legal adviser. This briefing reinforced the Cabinet's intent to seek to recover as much of the loss suffered as possible.

In the absence of a satisfactory offer from Mouchel preparations for a full hearing of the Council's case will continue. Formal proceedings have already been issued and the external legal adviser will shortly issue particulars of the claim.

The Cabinet will continue to receive updates about the claim and preparations for it to be heard. Under the constitution it is for the Cabinet to decide what the Council's strategy should be and whether any offer of settlement is acceptable. Those discussions have to take place in confidential session with our advisers present but I extend an open invitation to Councillor Flower or any other member with a particular interest in QE School and the claim against Mouchel to attend and contribute to the discussion.

Note: The responses to all questions will be provided verbally at the meeting. The responses will then be emailed to the relevant member following the meeting and included in the minutes of the meeting.

Question from Spencer Flower to the Cabinet Member for Organisational Development and Transformation in relation to the Forward Together 2020 change programme

Question

Members will be aware that the Forward Together Board and the Cabinet are committed to continue to be assertive in their approach to the budget challenges. Can the Leader reassure members in this chamber that this council will not revert to the discredited practice of top slicing budgets in the old fashioned way. That fundamental redesign of services and council management structures, which have been the cornerstone of policy in recent years, will continue and not be abandoned as the principle means of living within our available and reducing financial resources. That this approach be strengthened and widened, rather than pursuing policy, which would have an immediate impact on front line services, for example, the withdrawal of funding from services such as rural bus subsidies among a number of other key service areas.

Answer

Forward Together remains the overarching programme to make sure that the council is able to balance the budget over the coming years. Far from reverting to practises of the past, we are transforming services more radically than ever before.

The council is investing in our change programme to make sure that we have the resources to deliver on a range of projects across all service areas. These projects are about ensuring that the maximum is available for front line services. We are focusing on delivering differently wherever we can, so that we don't continue work that does not add value for our residents. And by engaging with our partners in the towns and parishes we are making a real difference to people's lives.

On the specific issue of bus services, our approach is much more integrated than our last review, making sure all our resources are utilised. This is illustrated in our recently published Community Transport Toolkit which I commend to members. The old model of subsidised bus services did not work and we are working with bus companies and national government for a better solution.

To make the search for transformative savings more open and accessible to all members we created the Budget Strategy Task and Finish Group and I urge members to engage in its work.

Alongside the Forward Together programme, this council is at the forefront of important work examining how we can be more effective and efficient through Local Government Reorganisation and devolution.

This page is intentionally left blank