



Cabinet

Minutes of a meeting held at County Hall, Colliton Park, Dorchester,
Dorset, DT1 1XJ on Wednesday, 4 April 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
Deborah Croney	Cabinet Member for Economy, Education, Learning and Skills
Tony Ferrari	Cabinet Member for Community and Resources
Peter Wharf	Cabinet Member for Workforce

Members Attending:

Jon Andrews, County Councillor for Sherborne
Richard Biggs, County Councillor for Dorchester
Hilary Cox, Chairman of the County Council and County Councillor for Winterborne
Beryl Ezzard, County Councillor for Wareham
Katharine Garcia, County Councillor for Portland Tophill
Nick Ireland, County Councillor for Linden Lea
William Trite, County Councillor for Swanage
Kate Wheller, County Councillor for Portland Harbour

Officers Attending:

Debbie Ward (Chief Executive), Grace Evans (Principal Solicitor), Mike Harries (Corporate Director), Jim McManus (Chief Accountant), Nick Jarman (Interim Director for Children's Services) and Lee Gallagher (Democratic Services Manager).

For certain items, as appropriate:

John Burrige (Bridge and Structures Team Leader), Melissa Craven (Communications Lead - Children's Services), Andrew Martin (Service Director - Highways and Emergency Planning) and Peter Scarlett (Estate and Assets 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: **Tuesday, 10 April 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, 2 May 2018.**)

Apologies for Absence

37 Apologies for absence were received from Cllr Daryl Turner, Jonathan Mair (Head of Organisational Development) and Richard Bates (Chief Financial Officer). Grace Evans (Legal Services Manager) attended for Jonathan Mair and Jim McManus (Chief Accountant) attended for Richard Bates.

Code of Conduct

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

With reference to minute 42, a general interest was declared by Cllr Peter Wharf in relation to the Future of Wareham Foot Crossing as he was the Chairman of the

Purbeck District Council Planning Committee and had taken part and voted in its consideration of the same matter at a recent meeting. Although this was not a disclosable pecuniary interest Cllr Wharf withdrew from the meeting during consideration of the item and did not vote.

Minutes

39 The minutes of the meeting held on 7 March 2018 were confirmed and signed.

Public Participation

40 Public Speaking

There was one public question received at the meeting regarding the Future of Wareham Foot Crossing (Minute 42) in accordance with Standing Order 21(1). The question and answer are attached as an annexure to these minutes.

There were eleven public statements received at the meeting regarding the Future of Wareham Foot Crossing (Minute 42) in accordance with Standing Order 21(2). One statement was also received in relation to disposal of the former Brackenbury Infant School, Portland (Minute 44). The statements are attached as an annexure to these minutes.

Petitions

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

Cabinet Forward Plan

41 The Cabinet considered the draft Forward Plan, which identified key decisions to be taken by the Cabinet on or after the next meeting. It was noted that a Special Educational Needs Plan – Written Statement of Action item would be added to the plan for 13 June, and that although the minutes of the last Cabinet meeting referred to the addition of an item on the Bridport Care Village, this was no longer required.

Noted

Future of Wareham Foot Crossing

42 *(Note: A general interest was declared by Cllr Peter Wharf as the Chairman of the Purbeck District Council Planning Committee and had taken part and voted in its consideration of the same matter at a recent meeting. Although this was not a disclosable pecuniary interest, Cllr Wharf withdrew from the meeting during consideration of the item and did not vote.)*
The Cabinet considered a report by the Cabinet Member for Natural and Built Environment which recommended that funds were made available to progress with the design and construction of 1:12 gradient ramps connecting the highway to the existing over-track footbridge crossing at Wareham Railway Station. Cllr Tony Ferrari, in the absence of Cllr Daryl Turner, introduced the report and summarised the challenges faced in determining a crossing to replace the existing foot crossing in the absence of any other alternatives given the circumstances facing the site in respect of health and safety, technology and funding available until 2019, and the position of Network Rail.

Local member representations were received in relation to the proposals from Cllr Beryl Ezzard and Cllr William Trite. The representations are attached to these minutes as annexures. The views expressed mirrored closely the concerns raised by members of the public, but with the addition of the concerns of the Purbeck Community Rail partnership regarding the impact on the development of services between Wareham and Swanage, and on main line running services if the scheme did not proceed.

There was one public question received at the meeting in accordance with Standing Order 21(1), and eleven public statements in accordance with Standing Order 21(2). The question, answer, and statements are attached as an annexure to these minutes.

The following concerns were expressed at the meeting:

- Structure and visual impact of the proposed ramps;
- Impact of the structure on the existing Grade 2 site, which required listed building consent, which Purbeck District Council had refused;
- Equality Impact Assessment (EqIA), with particular reference to the impact of the proposal on elderly, immobile and disabled;
- The 1:12 gradient of the ramps and the impact on all users including those with disabilities and those who were able bodied, cyclists and use of buggies and pushchairs;
- The health and safety, and risk factor being rated as High when there had never been any incidents at the site;
- The need to cross the bridge for tickets and return to the same platform for trains heading east;
- Suggested alternative of using a controlled barrier or other technology to retain a crossing in its current location;
- Impact on the local heritage of Wareham as an historic Saxon town;
- The economic impact on Wareham in terms of local people using the town's amenities;
- The overwhelming public support for the retention of the existing crossing with barrier control/automation;
- A petition of 50% of Wareham residents was in opposition to the proposed changes;
- Support from Michael Tomlinson MP to the views of the residents of Wareham; and,
- The need to hold any subsequent Regulatory Committee in Wareham.

At this point clarification was provided by officers in respect of Network Rail's view that no alternative non-stepped options would be supported, including a replication of the crossing in Poole Town Centre, or other technologies. It was also confirmed that funding for the scheme could cease in 2019. The representation from Network Rail was described as 'direct and clear' and it was the position of the County Council to try to find way forward to provide a crossing which provided 24 hour uninterrupted access.

Concerns regarding the EqIA were acknowledged and a summary was provided regarding the suitability of the assessment in respect of people with limited mobility and disability. It was accepted that it would not be possible to address all concerns, but it was clarified that the gradient of the ramps at 1:12 was the permitted maximum for highways access. Different regulations would apply if there was only access to the station, and in this instance the maximum ramp gradient would be 1:20.

In respect of risk assessment and health and safety concerns, the approach adopted by the Office for Rail and Road and Network Rail used 'as low as reasonably practicable' methodology which reflected that all pedestrian crossings were inherently unsafe and there was a significant risk associated with pedestrians on the rail track at any time.

Regarding the volume of traffic and the numbers crossing, it was explained that there was a desire to work with the Swanage Rail Company to use both platforms. To enable this to happen train traffic had to switch lines and this would create a more significant risk to the public and much longer waiting times at the existing crossing due to the wider aspiration for a significantly larger volume of traffic at the station. For trains that did not stop at Wareham there remained a concern regarding visibility.

The exploration of alternative options was raised, to which it was clarified that the County Council had spent nine years to try to find an alternative, and that the

definitive view of Network Rail was that there were no alternative level options and there was a clear position to close the crossing at the end of the current lease period. The opportunity to find a solution now was enhanced through the availability of funding to resolve the situation.

The Cabinet acknowledged the difficult decision required, having regard to the strength of feeling from the local communities, but that the County Council needed to take responsibility for the continuation of access across the railway to the station and the highway. The points raised throughout the discussion would be used as a basis of ongoing dialogue, and there would be further opportunities to take part in constructive representation including consideration through the Regulatory Committee (to be held in Wareham) in June 2018, and the potential revisit of Purbeck District Council's Planning Committee decision in respect of the listed buildings application. On being put to the vote the proposals within the Cabinet Member's report were agreed.

Resolved

1. That the County Council continues the process of application for planning consent for the proposed Wareham Access Ramps.
2. That if planning consent was granted, the County Council then re-apply for listed building consent for the proposal, and/or appeal the decision made to refuse consent by Purbeck District Council.
3. That if listed building consent was subsequently granted, the County Council continued to fund, jointly with Network Rail, the detailed design and determine a target price for construction of the proposed ramps through Dorset Highways Strategic Partnership with Hansons.
4. That subject to the necessary consents, that on agreement of funding arrangements for the scheme with Network Rail and the determination of the target price, a further report be submitted to the Cabinet to approve the County Council's required financial contribution towards the delivery of the scheme.

Reason for decisions

To provide a safe, permanent, sustainable form of step-free pedestrian access over the railway line, connecting Northport to Wareham Town Centre.

Residential Homes Options Consultation and the Future Use of Maumbury House Dorchester

- 43 The Cabinet considered a report by the Cabinet Member for Safeguarding on the current position regarding the progress of the consultation and options evaluation regarding the need for Residential Care and the current position regarding the use of Maumbury House, Dorchester. An overview of the wider long term plan regarding provision for looked after children was also provided as context regarding including specialist provision, education, fostering, adoption and social work.

Cllr Richard Biggs, as a local member, addressed the Cabinet to express concerns regarding the closure of Maumbury House. He outlined his experience over many years of providing visits to the home and supporting the looked after children, together with his Corporate Parenting Board experience as the current Vice-Chairman. Concern was raised in respect of the impact on disabilities in the Equalities Impact Assessment which should have regard to young people with Attention deficit hyperactivity disorder (ADHD) and other mental health conditions. A further concern regarding the financial assessment was expressed that it did not take full account of the on-costs of staff and family visits to out of county placements. In respect of the condition of the building it was agreed that it was not fit for purpose, but this did not mean that there were not alternative ways of continuing care in the Dorchester area through the use of capital funding to build a small amount of in-house specialist provision as a centre of excellence.

The cost of out of county placements was discussed by the Cabinet. It was reported that current numbers of placements were less than 30, but these would be significantly complex placements and would therefore have a high cost. Although there was a small amount of specialist provision with collocated education, plans were in place to bring placements back to Dorset where possible. However, there was an emphasis on the important need to provide early intervention and prevention together with identifying and providing therapeutic help.

Although the Cabinet was sympathetic to the views of Cllr Biggs and valued his contribution as a member with lots of experience regarding corporate parenting, it was felt that as Maumbury House did not meet the necessary requirements and was not financially viable it was not sensible to continue. It was therefore agreed that the closure should be approved.

Resolved

1. That the closure of Maumbury House be approved.
2. That Maumbury House be declared surplus to requirements.
3. That officers be instructed to take all steps necessary including staff-related, to complete 1 and 2 above.

Reason for Decisions

1. Maumbury House was no longer viable operationally or financially. The Ofsted judgement had exacerbated this position and key difficulties with recruitment had compounded it.
2. This also meant that the Council could not meet the training and development needs of staff to provide an appropriate level of care which fulfilled the regulatory requirements.
3. Occupancy at the home had reduced steeply since April 2017. For some time it had never exceeded 50% and most recently one person only lived at the home.
4. Nationally the use of Residential care was significantly lower than other care options such as fostering 74% of looked after children placed with foster carers while 11% of children were placed in residential settings (DfE 2016).
5. A period of consultation had been undertaken which was contributing to the overall needs assessment regarding Residential Options and the sufficiency of placement need. The Council was able to use a variety of more flexible appropriate provision via the regional commissioning framework. In addition, other options were being explored to develop more suitable localised provision.
6. The outcome from the consultation should be read in conjunction with the report and informed not only the recommendations contained in the report but additionally the future commissioning needs of the council and the work of the sufficiency strategy group.
7. The consultation outcomes could be seen in the appendices to the report.

Disposal of Former Brackenbury Infant School Site, Fortuneswell, Portland

44 The Cabinet considered a report by the Cabinet Member for Community and Resources which set out a proposal that had been received from Portland Town Council to acquire the former Brackenbury School site at an undervalue.

Local members, Cllrs Katharine Garcia and Kate Wheller fully supported the land disposal to Portland Town Council and thanked members for their recognition of the significant community benefit from the creation of a community hub in the Fortuneswell locality on Portland, and that it would provide the aims of the Community Living and Learning programme.

It was suggested that efforts be made to encourage Portland Town Council to start conversations with the Clinical Commissioning Group (CCG) who had expressed interest in working with partners on Portland as part of its Clinical Services Review.

Cllr Ray Nowak from Portland Town Council addressed the Cabinet to thank members for their consideration to provide a hub to serve the whole community on Portland and confirmed that conversations had started with the CCG.

Resolved

That the use of the County Council's general competence to transfer the former Brackenbury School site at Fortuneswell to Portland Town Council at an undervalue and otherwise on terms to be agreed by the Chief Financial Officer be approved.

Reason for Decision

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

Sufficiency of SEND Provision - Capital Requirements

- 45 The Cabinet considered a report by the Cabinet Member for Economy, Education, Learning and Skills which sought to allocate capital funding to support the implementation of a strategy and improve the outcomes and life chances for more children with Special Educational Needs and Disability (SEND) following a review of provision across Dorset which assessed the actual increase in SEND requirements, categories of education, provision and placements over the next five years. Provision would include eight specialist bases in mainstream schools which would primarily focus upon communication. The considerable financial commitment within the Council's capital programme was considered together with the aims of the council to build a better Dorset.

Resolved

1. That the capital work at Beaucroft School proceed, at a cost of £668,300 in section 8.5 of the Cabinet Member's report, providing replacements modular accommodation, and additional capacity for children with SEND.
2. That the capital investment of £2,094,769 to deliver sufficient capacity of Resourced Base Provision across the county, for children with Complex Communication Needs (CCN) as outlined in section 8.13 of the report be approved. This would reduce the need to place children outside of Dorset, and ensure children were able to access appropriate education close to home.
3. That the capital investment be managed and monitored through the School Organisation, Capital Programme and Admissions Board, (previously Modernising Schools Programme Board) be approved. The Director of Children's Services has delegated authority to administer the capital, in conjunction with the Cabinet Member for Economy, Education, Learning and Skills.

Reason for Decisions

To allow capital investment in the education estate, in support of children and families, by providing appropriate specialist provision close to their families, home and communities.

Questions from County Councillors

- 46 No questions were asked by members under Standing Order 20(2).

Meeting Duration: 10.00 am - 11.40 am