

Shadow Dorset Council

Executive Committee

**Minutes of meeting held at South Walks House, Dorchester
on Monday 12 NOVEMBER 2018.**

Present: Cllrs R Knox (Chairman), G Suttle (Vice-Chair), A Alford, P Batstone, S Butler, J Cant, G Carr-Jones, T Ferrari, S Flower, M Hall, J Haynes, C Huckle, S Jespersen, A Parry, M Penfold, B Quinn, S Tong, D Turner, D Walsh and P Wharf.

Officers present (for all of the meeting): Jonathan Mair (Interim Monitoring Officer), Keith Cheesman (LGR Programme Director), Jim McManus (Interim Deputy 151 Officer) and Lee Gallagher (Democratic Services Manager - Dorset County Council).

Officers present (for all of the meeting): Karen Andrews (Head of Business Improvement – Dorset Council Council), David Bonner (Intelligence, Insight and Performance Manager – Dorset County Council), Ed Denham (Schools and Learning – Manager – Dorset County Council), Martin Hamilton (Strategic Director – Dorset Councils Partnership), Rebecca Kirk (General Manager Public Health and Housing – Purbeck District Council), Jennifer Lewis (Communications and Engagement Manager – Dorset County Council) and Andrew Reid (Assistant Director – Schools and Learning – Dorset County Council).

In accordance with the Overview and Scrutiny Procedure Rules of the Shadow Dorset Council, 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.

72. **Apologies**

Apologies for absence were received from Matt Prosser (Chief Executive (designate) and Jason Vaughan (Interim Section 151 Officer). Jim McManus (Chief Accountant – Dorset County Council) attended the meeting for Jason Vaughan.

73. **Declaration of Interests**

There were no declarations by members of disclosable pecuniary interests under the Shadow Dorset Council's Code of Conduct.

74. **Minutes**

The minutes of the previous meeting held on 15 October 2018 were confirmed and signed.

Matters Arising

Report Template

Cllr Jill Haynes reminded the Committee that she had asked for Lead Members to be shown on the reports for each item on the agenda at the last meeting and this had not been fully implemented yet. It was important to show Lead Members on reports as it identified the responsible member, and also showed that they had been involved in the development of the report. This issue was taken away as an action for officers to continue to implement.

Minute 66 - Parish and Town Council Elections - Recharging Structure

Cllr Nick Ireland read out a statement in relation to the decision of the Shadow Executive Committee at its last meeting to raise concern regarding the recharging arrangements for towns and parishes within the current financial year. The statement is attached as an annexure to these minutes.

The Chairman announced that a briefing note had been shared with all town and parish councils about the arrangements which had received positive feedback, but some concern was expressed that there was an anomaly with the original proposal and that the costs were anticipated to be underwritten and recharged in the following financial year. The Leader undertook to look into the issue and explore what could be done to address the matter.

75. **Public Participation**

One public question was received from Tristram Hobson, Head Teacher at The Swanage School, in relation to Home to School Transport Policies 2019-2020 (Min 82 below). The question and answer are attached as an annexure to these minutes.

There were no statements received at the meeting in accordance with Standing Order 28.

76. **Shadow Executive Forward Plan**

The Committee received the latest draft Forward Plan, which included all decisions to be taken throughout the Shadow Dorset Council period until 1 April 2019.

It was noted that the Shadow Executive meeting shown in the draft Forward Plan had changed from 10 December to 17 December 2018. It was also confirmed that the item on the Home Education Bill had been removed.

Noted

77. **Programme Highlight Report**

The Committee considered a report by the Programme Director which provided an overview of the Local Government Reorganisation Programme including workstream progress, Theme Board activity, phase 3 convergence work, tier 2 officer appointments update, outstanding issues, risks, Gateway Review, contingency planning, and South West Audit Partnership (SWAP) update. A further report would be submitted to the Committee on 17 December 2018 in relation to Programme Resources.

A challenge was raised to the inclusion of Brexit within the Programme as this was an external risk which would take place anyway at the end of March 2019. The Programme Director explained that the ramifications of Brexit could have staffing and service implications which could threaten service delivery on day one of the new Council. It was also noted that this could change as more information became clear on the Brexit process from Government. Members asked for a form of wording to be developed outside of the meeting to capture a clear summary of

the risk and for an assessment of the impact of Brexit on Dorset Council to be developed.

Concern was expressed that lead members were not interviewed in the Gateway Review and would have had a valuable contribution if they had the opportunity to contribute. It was explained that due to time pressures it was not possible to include members in this review, but a commitment was made to include members in future providing that there was adequate time allowed for this. It was recognised that this would be discussed outside of meeting.

Members discussed the workstream reporting which had changed from the previous version of the report to provide a more streamlined and focussed update. It was noted that the background information to each of the workstreams was available on request outside of the meeting. Lead Members also confirmed that they were fully briefed on the progress of their respective areas of responsibility. A request was repeated from an earlier meeting to ask for circulation of the workstream updates to members on a regular basis through established communication channels.

Questions were asked about the contingency and resourcing around the programme arrangements, to which the Programme Director explained that the programme was resourced to date and that further consideration was needed for resources for the phase 3 convergence work. This was also an area of consideration for the Budget Working Group.

Decisions

1. That the progress made since the last meeting of the Committee be noted.
2. That the findings of the Gateway Review be noted.
3. That the budget update be noted and that an update be provided at the next meeting on 17 December 2018.

Reason for Decisions

To provide assurance that the Programme was progressing properly.

78. **Risk Management for Dorset Council**

The Committee considered a report on the approach and methodology for risk management which outlined the proposed future arrangements developed through emerging strategic priorities, operating model, best practice, and a review of the Sovereign Councils current risk management arrangements.

A presentation was provided on the consolidated risk management arrangements, robust methodology, strategic context linked with operating model of the new Council, inherited risks, risk tolerance and appetite, and effectiveness of mitigation control.

The report was welcomed by members, and a request was made for appropriate application of the methodology as soon as possible and for training of members and officers to ensure that behaviours and culture of Dorset Council reflected this risk approach.

Decisions

1. That the proposed Risk Management Framework be approved.
2. That the Committee receive a brief presentation on the work underway to understand the existing risk landscape, based on sovereign council corporate risks.

Reason for Decisions

To ensure the new council operated safely and within risk appetite, with a robust framework in place aligned to meeting Corporate objectives.

79. **New visual identity for Dorset Council**

The Committee considered a report on the visual identity for the Dorset Council as a key element of the branding for the new council for use from 7 January 2019. The recommended logo design was selected through testing with members, employees and Dorset residents.

A presentation was provided which outlined the consultation with a mixture of over 1000 members, staff and residents, the activity of the Communications and Engagement Working Group in developing the visual identity, and that the work was all managed in-house at no additional cost to taxpayers.

All members and staff involved in the process were commended for their hard work.

Decision

That the proposed logo design (below) as the new visual identity for Dorset Council be approved.



Reason for Decision

The recommended logo design fully delivered on the agreed brief for the new visual identity for Dorset Council, including accessibility requirements. It was the most popular design when tested with members, colleagues and residents.

80. **Future Operation of Leisure Centre Facilities in Dorset**

The Committee considered a report about management arrangements for the various Council owned Sports and Leisure Centres in Dorset and future programme of work with opportunities for efficiencies and savings in the future.

It was noted that further discussions would take place outside of the meeting in respect of the detail related to the Verwood Hub to reflect the full level of provision.

Decisions

1. That a specialist company be appointed to begin work on developing a business case, including options for future delivery of services, which will also include a building condition survey of all the assets.
2. That the outcomes of the business case be presented to Dorset Council for decision in summer 2019.
3. That officers from the Dorset Council Partnership and Dorset County Council extend the current contractual arrangements that are due to expire for Blandford and Ferndown leisure centres until 2022 with sufficient break clauses to mitigate against risks for unexpected delays.

Reason for Decisions

Beginning work on a business case and a building condition survey of the assets would enable Dorset Council to have a good understanding of the sports and leisure facilities in Dorset and make decisions on the future options for operation of these services that would align to the corporate vision, operating model and priorities.

81. **Future of the Public Health Partnership: Update and Key Issues under Local Government Reorganisation**

The Committee considered a report on key issues facing the public health partnership as it prepared for Local Government Reorganisation (LGR) including the model of service, maintaining the contract and agreement in support of the partnership, and ensuring good governance on key decisions. Support was sought for extending the public health partnership for a minimum 12 months post-LGR, along with a continuation of the Joint Public Health Board. Information about ring-fenced funding for Public Health of £28m per year would be shared with members outside of the meeting.

Decisions

1. That the Joint Public Health Board's decision to extend the partnership for a minimum of 12 months after LGR be supported.
2. That the Board's decision to approve a procurement for a new model to provide NHS Health Checks with a pan-Dorset budget of £600,000 per annum be noted.

Reason for Decisions

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

82. **School Transport Policies 2019-2020**

The Committee considered a suite of policies detailing eligibility/entitlement to school transport for any Dorset resident attending an education setting, both Dorset maintained, Academy or in the case of children and young people with Special Educational Needs and Disabilities, those attending an Independent Specialist Placement. Particular reference was made to the surplus seat cost, as agreed by Dorset County Council's Cabinet on the 7 March 2018, which had risen from £675 to £715, and an objection to eligibility for transport for residents of the Swanage Town area raised by the Swanage School. Consultation was undertaken from June to July 2018 and September to October 2018.

One public question was received from Tristram Hobson, Head Teacher at The Swanage School, in relation to Home to School Transport Policies 2019-2020. The question and answer are attached as an annexure to these minutes.

The Committee discussed the application of catchment criteria to school transport arrangements, and although it was recognised that catchment areas had not been updated in some time, the policies over time had proven effective and there had not been a wholesale change at this point for policies in 2019-2020, but may be an area for consideration in future years. In relation to The Swanage School, a view was shared that the transport arrangements had been put in place in perpetuity in 1972 but times change and that this area should be reconsidered in due course.

Decisions

1. That the Home to School Transport Assistance Eligibility Policy for Children and Young People attending School 2019-2020 be approved and adopted.
2. That the Dorset Post 16 Transport Support Policy for 2019-2020 which includes a rise in the surplus seat price from £675 to £715 be approved and adopted.
3. That the surplus seat cost for 2020/21 will be £760 and in 2021/2022 will be £800 as per the Dorset County Council's Cabinet decision of 7 March 2018.
4. That the Home to School Transport Policy and Post 16 Transport Support Policy are reconsulted on only either when there is a significant change to the eligibility criteria; or where there are changes to the statutory guidance that would require significant change to the policy; or in April-June 2021 for implementation in September 2022, whichever is the sooner.

Reason for Decisions

For Dorset (County) Council to fulfil its statutory duty to approve and publish school transport policies ahead of the Academic Year to which they refer.

83. **Defining the Relationship Between the Local Authority, Schools and Academies**

The Committee considered a report regarding the development of a revised relationship between Dorset County Council and schools and academies across Dorset into a school's led system through a strategic School Improvement Board (SIB). The report was considered and approved by the County Council's Cabinet at its meeting held on 17 October 2018 and was submitted to the Shadow Executive Committee for consultation.

It was noted that the terms of reference of the SIB would be updated to read 'Ensure that every child and young person attends a good ~~or an~~ outstanding School'.

Members discussed the £100k of capital funding to be used to support the initiative. It was confirmed that this was one-off funding and it was anticipated that if the arrangements were successful it was hoped that they would continue to be funded by schools themselves.

Decision

That the decision of the Dorset County Council Cabinet be supported.

84. **Peninsula Redevelopment Scheme**

(Note: Cllr Tony Ferrari indicated at the beginning of the debate that he would not speak or vote on the report.)

Members considered a report on the Peninsula Regeneration Scheme as a five part development to contribute to reimagining of Weymouth. The plan had been developed over a number of years to bring together the regeneration proposal and further reports would be considered in due course. The report related to the first of five phases to provide a sustainable self-financing model which would bring £300k for the Dorset Council in the future.

The Committee spent considerable time discussing the legal remit and accountability of the Strategic Harbour Authority (SHA), the role of the Harbour Management Board, and ownership of the peninsula site. It was confirmed that the site would be owned by the Dorset Council, and it would be responsible for it as the SHA when the new council was formed, and would therefore be responsible for the future of the site which would include the potential to exploit funding opportunities to be ring-fenced for harbour use. It was also noted that this would include harbour wall repairs and ongoing maintenance.

A range of views were expressed in relation to the merits and caution regarding the Regeneration Scheme. Strong support was expressed by a number of members whilst reassurance was sought by others specifically in relation to the ongoing delegation of authority to progress actions within the scheme, which were likely to be different for the new Dorset Council. It was clarified that the delegations would be adjusted to reflect the delegations put in place by the new authority, including those where authority would be placed with Executive Portfolios.

A further view was expressed regarding the opportunity cost of the scheme and whether borrowing the funding to spread across many other areas in Dorset may have a greater positive impact on communities, and whether this would create a greater financial and community return on investment. Clarification was provided that the scheme was self-financing, and had been recognised as acceptable by the Treasury as it would fund repayment of debt and create a future surplus of £300k.

Clarification was provided by the Interim Monitoring Officer that the Shadow Executive Committee had been invited to support the decisions that had already been made by Weymouth and Portland Borough Council which was needed prior to implementation and if no support was given the Council would not proceed.

Some views were shared with the Committee about the need for appropriate gateways to be in place throughout the scheme regarding draw down of finance, which linked to the delegation arrangements and the evaluation processes that would be in place. It was noted that tests were included within the financial risk mitigation part of the report which required capability to progress to be demonstrated clearly and robustly. It was further added that the governance and programme controls would be implicit for the Dorset Council in taking forward the scheme.

Decision

1. That the decision of the Weymouth & Portland Borough Council be supported.
2. That the future arrangements regarding delegations be noted, in that they would be updated to fit the accountability and delegation arrangements for Dorset Council from 1 April 2019.

85. **Quarterly Asset Management Report**

The Committee considered a report from the Dorset County Council's Cabinet on key issues relating to the various asset classes of Property, Highways, ICT, Fleet and Waste. The report was considered and approved by the County Council's Cabinet at its meeting held on 17 October 2018 and was submitted to the Shadow Executive Committee for consultation.

Decision

1. That the decisions of the Dorset County Council Cabinet be supported.
2. That the allocation of £490,000 from capital balances to complete the refresh of user devices supporting the roll-out of Office 365, maintaining end-of-life assets and readying the authority to transfer to Dorset Council in a good state to support safe, legal and compliant operations from vesting day (paragraph 5.1.5 of the report) be approved.

Reason for Decision

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

86. **Urgent Items**

There were no items of urgent business pursuant to section 100B (4) b) of the Local Government Act 1972 considered at the meeting.

Duration of meeting: 4.00 - 6.35 pm

Chairman

.....

This page is intentionally left blank

Item 3 – Minutes

Statement from Cllr Nick Ireland in relation to Recharging Town and Parish Councils for Election Costs

The last Shadow Executive approved recharging parish and town councils for election costs.

This is to *"be implemented replicating that which would have been implemented by the Dorset area councils on 1 April 2019"* and that *"any recharge will be made in the same financial year as the election or by-election"*.

This contradicts the stance taken by WDDC in March 2018 when their Returning Officer advised its parish councils that recharging would be implemented from 1 April 2019.

Their correspondence stated that *"The District Council recognises that the town and parish councils would need to precept to cover these costs which is why it was agreed that the charges would be made on a cost recovery basis i.e. those charges incurred in 2019, would be recoverable in the 2020/21 financial year"*

This difference is crucial and if not remedied, will have a significant impact on parish councils.

For many parish councils, contested elections are rare. If the current situation remains, **ALL** parish councils will have to raise their precept to cover a shared election next year, and also to cover at least one by-election. For several of my own parishes, this would necessitate a precept increase of over 50%, and in two cases, over 100%, to cover an eventuality that may not arise.

The WDDC policy makes perfect sense and the new Dorset Council will be easily able to carry the temporary burden of those election charges that do arise.

I therefore urge the Shadow Executive to reconsider this aspect of the decision.

This page is intentionally left blank

Shadow Executive Committee

12 November 2018 - Public Participation

Question from Tristram Hobson, Headteacher of The Swanage School to the Dorset County Council Cabinet Member for Economy, Education, Learning and Skills in relation to home to School Transport Policies 2019-2020

Question

It is apparent from paragraphs 5.4 to 5.10 that officers have not taken into consideration the points made in consultation responses making the consultation process itself flawed.

- As a mainstream secondary, The Swanage School does have sufficient capacity for all children from Swanage and the surrounding area.
- As it stands the transport policy is and will continue to waste £134,000 of taxpayers' money each year.

In the current economic climate how can the Council justify such an unnecessary waste of taxpayers' money?

Answer

The reason for the second consultation was mainly due to a response from The Swanage School, which is a Free school set up in Swanage by the DFE as a result of parental demand.

Currently, Swanage is part of the Purbeck School catchment – and families have free transport to the Purbeck school through catchment criteria.

Transport to The Swanage School was previously based on a 3 mile distance criteria and it being the nearest school only.

In 2018 this was changed to a defined transport catchment area (catchment of the three neighbouring primary schools), which allow more than enough children to fill the Swanage school if they choose it as their preference. If all of Swanage was identified as catchment for The Swanage School only, there would not be enough space in the school, and over 100 pupils would still need transporting to The Purbeck school.

The Swanage School have objected to the 2019 transport arrangements because young people living close to the Swanage School can still get free transport to Purbeck School when the Swanage School has places.

The Swanage School are requesting a change to the Transport policy where there are joint secondary school catchments, and suggest that transport is only provided to the nearest school in these circumstances. Their representations are based predominantly on efficiency grounds.

This change would also affect Verwood, as young people are catchment for both Ferndown Upper School and Queen Elizabeth and will get free transport regardless of place availability at their nearer school.

DCC is not in a position to change the admissions catchment area of the schools in question for pupil place planning purposes in Purbeck and because QE's catchment area is a matter for that Academy.

The Swanage School has also raised the issue that they could increase their capacity (from 84 to 112, 3Forms of Entry to 4 Forms of Entry) and thus be able to accommodate a higher

proportion of the pupils in the transport catchment area. This may further reduce the need for DCC transport to the Purbeck school should families lose their catchment criteria to the Purbeck School. The Swanage School would have to satisfy themselves whether this would constitute a significant change under the DFE guidance on 'Making significant changes to an open academy ...' (October 2018) and undertake any duties under the admissions code to make a change to their PAN. This is alluded to in the Shadow Exec Report for 12 November and thus we have taken this into consideration, - the report acknowledges this and says that a change in capacity is a matter for the school to discuss with the RSC/ESFA. The consultation is not flawed as we have considered this element of Swanage's representation and responded in the Shadow Executive Report accordingly.

DCC has taken external legal advice and is satisfied that, through the LA's Transport Policies, allowing young people to access the Purbeck School, from Swanage when Swanage School still has places is acceptable and a permitted discretionary power for the LA to exercise.