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DORSET COUNCIL

MINUTES OF MEETING HELD ON TUESDAY 14 DECEMBER 2021

Present: Cllrs Rod Adkins, Tony Alford, Jon Andrews, Mike Barron, Pete Barrow, Shane Bartlett, Pauline Batstone, Derek Beer, Richard Biggs, Dave Bolwell, Cherry Brooks, Piers Brown, Ray Bryan, Andy Canning, Graham Carr-Jones, Simon Christopher, Kelvin Clayton, Susan Cocking, Robin Cook, Tim Cook, Toni Coombs, Janet Dover, Jean Dunseith, Beryl Ezzard, Tony Ferrari, Spencer Flower, Les Fry, Simon Gibson, Barry Goringe, David Gray, Matthew Hall, Paul Harrison, Jill Haynes, Brian Heatley, Ryan Hope, Rob Hughes, Nick Ireland, Sherry Jespersen, Carole Jones, Stella Jones, Andrew Kerby, Paul Kimber, Rebecca Knox, Howard Legg, Robin Legg, Cathy Lugg, Laura Miller, David Morgan, Louie O'Leary, Jon Orrell, Emma Parker, Mike Parkes (Vice-Chairman), Andrew Parry, Mary Penfold, Bill Pipe, Val Potheary (Chairman), Byron Quayle, Molly Rennie, Belinda Ridout, Mark Roberts, Julie Robinson, Maria Roe, David Shortell, Jane Somper, Andrew Starr, Gary Suttle, Clare Sutton, Roland Tarr, David Taylor, Gill Taylor, David Tooke, Bill Trite, Daryl Turner, David Walsh, Peter Wharf, Kate Wheller, Sarah Williams and John Worth

Apologies: Cllrs Alex Brenton and Nocturin Lacey-Clarke

Officers present (for all or part of the meeting):

Jacqui Andrews (Service Manager for Democratic and Electoral Services), Vivienne Broadhurst (Interim Executive Director - People Adults), Hayley Caves (Member Development and Support Officer), Kate Critchel (Senior Democratic Services Officer), Susan Dallison (Democratic Services Team Leader), Theresa Leavy (Executive Director of People - Children), Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer), John Sellgren (Executive Director, Place) and Lindsey Watson (Senior Democratic Services Officer)

45. Apologies

Apologies for absence were received from Cllr A Brenton and Cllr N Lacey-Clarke.

46. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

47. Presentation

The Chairman welcomed Rachel Brannagan, Emily Kadoch of Wessex Reserve Forces & Cadets Association (RFCA). She also welcomed Kevin Moore, Programme Co-ordinator Dorset Armed Forces Covenant Programme.

Rachel Brannagan advised that the RFCA was responsible for delivering the Armed Forces Covenant programme to employers in the south west region. Dorset Council had successfully achieved silver in the Employer Recognition Award for 2021.

In response, Cllr D Walsh, the member Champion for the Dorset Armed Forces Covenant advised that he was very proud to be part of the programme and that Dorset had achieved silver in the Employer Recognition Award for 2021. The Award, which would be displayed in the council building, was presented to the Chairman of the Council by the Chief Executive.

48. Chairman's Announcements

The Chairman announced the sad death of Terrance Farmer, ex-Councillor for West Dorset District Council. She invited Cllr M Penfold to pay tribute to him.

The Chairman also announced the sad death of Darran Gunter ex Chief Fire Officer for Dorset and Wiltshire Fire Service. She invited Cllr R Knox to pay tribute to him.

The Chairman also announced that she had planted an Oak tree outside of county hall to launch the Queen's Platinum Jubilee initiative. The Chairman also advised about the Volunteer Hero Awards which were being promoted by the council and other partners. She invited members to make their nominations.

49. Public Participation - Questions and Statements

Public questions, statements and the responses from the Leader of the Council or the appropriate Portfolio Holder were set out in Appendix 1 attached to these minutes.

50. Public participation - petitions and deputations

There were no petitions or deputations.

51. Announcements and Reports from the Leader of Council and Cabinet Members

The Leader of the Council advised members that his bulletin would be published following the meeting and a few areas that would be included in the were as follows: -

- Children's Services was judged as "good" by Ofsted following an inspection of local authority children's services (ILACS) in September. The final report published by Ofsted confirmed that the overall effectiveness of Dorset Council Children's Services are of a "good quality and are continuing to improve" and that the council has

delivered “an impressive pace and effectiveness of change, in the context of a pandemic and Local Government Reorganisation in 2019.

- Inspectors also noted that the council has a “proven determination to give every child in Dorset a brighter future.” Dorset Council was judged to have “outstanding leadership” for Children’s Services, noting that “senior leaders have taken the challenges presented by the pandemic as an opportunity to engage partners more firmly in the wider safeguarding agenda and in the vision of making Dorset the best place it can be for children to thrive.” He congratulated those involved.
- He also referred to the financial challenges facing the local government sector which were huge for the next financial year and in the medium term. He also mentioned to the two really useful Budget Cafes for members that were held during November.
- Reports had been considered by the People and Health Scrutiny Committee, with the Place and Resources Scrutiny Committee considering this on 7 January. Then budget proposals would be put to the Cabinet in January for a recommendation to Full Council in February.
- The leader of the Council also advised members of the lobbying of central government for a fair deal for council that had taken place over the year. Senior members continued to meet with local MPs on a regular basis.

Cllr A Parry, Portfolio Holder for Children, Education, Skills and Early Help took the opportunity to thank officers for their hard work in achieving a judgement of “Good” in the recent Ofsted inspection.

In response to a question regarding underfunding of council services, the Leader of the Council advised that lobbying was taking place across the sector and there was no question that local government did require further funding.

The Chairman invited the Portfolio Holder for Adult Social Care and Health to read a short briefing from Sam Crowe, Director of Public Health. This document contained important information about the current Covid situation in Dorset, the work being carried out to rapidly expand the vaccination programme and the pressures faced by the health & care system. He asked members to share this information with their local communities.

52. Questions from Councillors

There were three questions received from councillors. A copy of the questions and the responses were attached as Appendix 2 to these minutes.

In response to a supplementary question from Cllr N Ireland, the Portfolio Holder for Adult Social Care and Health confirmed that he would reply to Cllr Ireland in writing after the meeting.

53. Community Governance Review - Revised Timetable

The Leader of the Council set out a report seeking agreement to amend the Community Governance Review timetable. This proposal would enable sufficient time to be able to consider the detailed responses that had been received to the public consultation process.

The Leader of the Council proposed the motion and Cllr N Ireland seconded the motion. Upon being put to the vote the “minded to” motion was carried.

The Chief Executive advised that in the light of the “minded to” vote to support the recommendations he set out his decision as follows:

Decision

- (a) That the Community Governance Review timetable be amended as follows:
 - (i) Draft recommendations to Full Council – 15 February 2022
 - (ii) Public consultation on draft recommendations – 28 February 2022 to 23 May 2022 (12 weeks)
 - (iii) Final recommendations to Full Council - 14 July 2022

Reason for the decision

To enable sufficient time to be able to consider the detailed responses that have been received to the public consultation seeking initial submissions for changes to community governance arrangements for town and parish councils, and for appropriate analysis to be carried out against the statutory criteria, ensuring that community governance arrangements within the Dorset Council area are reflective of the identities and interests of the community in that area, and achieve electoral equality.

54. Changing the arrangements for bringing motions on notice to Full Council

The Chairman of the Audit and Governance Committee presented a “minded to” recommendation from the committee regarding changing the arrangements for bringing motions on notice to Full Council.

He advised that the committee was charged to find the balance between the inclusion of political thought and stopping council from becoming overloaded with several motions.

In proposing the recommendation, the Chairman of Audit and Governance Committee advised that it was the committee’s view that the recommendation struck a balanced compromise.

Cllr L Fry seconded the motion.

As the Leader of the largest opposition group, Cllr N Ireland supported this proposal.

Cllr P Kimber expressed concern that for smaller groups the number of 17 members would be difficult to achieve and he proposed the following amendment

“that the number of councillors required to support the submission of a motion on notice be 10.” This was seconded by Cllr B Heatley.

Upon being put to the vote the “minded to” motion was LOST.

Members then voted on the original motion as set out in the recommendation. Upon being put to the vote the “minded to” motion was carried.

The Chief Executive advice council that he had read the papers, listened to the debate and “minded to” decision. Following this his decision was set out as follows.

Decision

That Rule 14.2 (i) be removed altogether (meaning that the Proper Officer would no longer decide on whether or not to accept a notice of motion) and that the number of councillors required to support the submission of a motion on notice be 17.

Reason for the decision

The option in paragraph 11.3 (of the attached report) would mean that an officer would no longer decide whether to accept a motion on notice. Setting the threshold of councillor support for a motion on notice at 17 councillors would reflect the significance to be attached to debating an issue at Full Council.

55. Appointment of Overview Committee Chairmen

It was proposed by Cllr S Flower that Cllr C Jones be appointed as Chairman of Place and Resources Overview Committee for the period up to the Annual Meeting of Council in 2022.

It was proposed by Cllr R Hughes that Cllr L Fry be appointed as Chairman of Place and Resources Overview Committee for the period up to the Annual Meeting of Council in 2022.

Upon being put to the vote the “minded to” decision was to appoint Cllr C Jones as Chairman of Place and Resources Overview Committee.

It was proposed by Cllr S Flower that Cllr M Parkes be appointed as Chairman of the People & Health Overview Committee for the period up to the Annual Meeting of Council in 2022.

There were no other nominations.

The Chief Executive advised that he had listened to members views and noted the “minded to” decision; and under his delegated powers he confirmed the following decision.

Decision

- (a) That Cllr C Jones be appointed Chairman for the Place and Resources Overview Committee for the period up to the Annual Meeting of Council in 2022.
- (b) That Cllr M Parkes be appointed Chairman of the People & Health Overview Committee for the period up to the Annual Meeting of Council in 2022.

56. **Review of Political Balance**

Cllr S Flower, Leader of the Council reported that Cllr M Barron had recently joined the conservative group and as a result this had impacted on the council’s political balance, resulting in some minor changes.

It was proposed by Cllr S Flower that the allocation of committee seats be approved, and this was seconded by Cllr J Haynes

Upon being put to the vote the “minded to” motion was carried.

Following the vote, the Chief Executive advised that having listened to the “minded to” decision he had decided to agree the recommendations as set out in the report, including a minor typo amendment to the report’s appendix.

Decision

- (a) That following a review of the Political Balance, the allocation of committee seats, as set out in the Appendix to this report be approved.
- (b) That the following nominations to vacancies on committees be approved in accordance with the wishes of the respective Political Group:

Cllr M Barron – Appeals Committee
Cllr M Barron – Licensing Committee
Cllr M Roe – Place & Resources Overview Committee

Reason for the decision

To approve the allocation of committee seats following a formal review of the political balance of the Council, as a consequence of Cllr M Barron moving from the Liberal Democrat Group to the Conservative Group.

57. **Adoption of the Calendar of Meetings 2022 - 2023**

In presenting the calendar of meetings for 2022/2023, Cllr S Flower, Leader of the Council proposed its formal adoption. This was seconded by Cllr C Sutton

A member expressed concern that there were few evening meetings set out in the calendar which precluded some members of the community in standing as a councillor. In response the Leader of the Council advised that the calendar of meetings before members reflected the current mandate that existed following a member survey, however to make sure that this was still the current trend, a further councillor survey would be carried out to garner members views on this matter going forward.

Upon being put to the vote the “minded to” motion was carried. The Chief Executive advised that he had listened to members “minded to” decision and confirmed his decision as follows:

Decision

- (a) That the calendar of meetings for the period May 2022 to May 2023 be approved.
- (b) That authority be delegated to the Corporate Director – Legal and Democratic Services to make any necessary changes, in consultation with the relevant Chairmen and Vice-Chairmen, to ensure effective political management.

Reason for the decision

To ensure effective political management, comply with the Dorset Council Procedure Rules and to put into place appropriate arrangements for council committee meetings.

58. **Urgent items**

There were no urgent items to report.

59. **Exempt Business**

There was no exempt business for this meeting.

Duration of meeting: 6.30 - 8.17 pm

Chairman

**Full Council
14 December 2021**

Questions submitted for the Public Participation Period

Question 1 – submitted by Tess James, Co-Chair, Dorchester Opportunity Group

What are the costs of school tribunals for children with additional needs and how many are successful?

Response by Cllr Andrew Parry

Costs are for 2020/2021 academic year

- Total expenditure on all appeals: £59,344.35

With regards to the outcomes of tribunals

- In 2020/21 the Council received 61 tribunal appeals. The outcomes are as follows:
 - 12 remain pending
 - 32 were resolved outside of the hearing such as through mediation or discussion
 - 8 went to tribunal and were found in favour of the parent
 - 2 were found in favour of the local authority with a further 7 where the parent withdrew from tribunal during the process

Question 2 – submitted by Helen Sumbler

Further to the submission of the Bus Service Improvement Plan in October, have Dorset Council received any response from Government, and if not, when does the council expect to whether the bid for funds from the Bus Back Better fund has been successful?

Response by Cllr Ray Bryan

The message from the Department of Transport is that there are no further updates on BSIP funding. The Department is currently completing its assessment of the Bus Service Improvement Plans (more than 75 were submitted) and will make an announcement soon. No definite timeline was given.

Question 3 – submitted by Helen Sumbler

Will Dorset Council consider consulting with residents about additional sources of income such as setting up a new charitable trust (or partnering with a registered charity) to take donations from council taxpayers and others should they wish to contribute more to their council tax bill, and / or setting up a local lottery? Such additional income sources could then be used to assist with funding the extraordinary demands for funding from the implementation of Climate and Ecological Emergency Strategy and plans, either directly or indirectly.

Response by Cllr Ray Bryan

Previously Dorset Council consulted with our residents and community groups about support for a community lottery that will have a direct benefit for Dorset's small community groups. The response provided evidence that the majority were supportive of this, as long as it did not provide instant gratification and therefore would encourage addictive vulnerabilities. The community lottery we are developing will have a direct debit payment system which therefore eliminates the instant gratification associated with gambling addiction.

Our Communities and Partnerships team had begun to develop the project of getting it started with an original commencement date of June 2020. Unfortunately due to the ongoing uncertainty of the pandemic, and the additional responsibilities our small community groups took on during this time, and the Covid community response work the Communities and Partnerships team needed to pick up, we took the hard decision that this would not be an appropriate time to launch a project which would add an additional burden to our groups and took the decision to pause the launch. A decision will be taken in the new year as to when will be an appropriate time to restart the project.

Typically for council operated lotteries 60p for every £1 ticket sold goes to the good causes which sell the tickets. Normally 20p from every ticket goes into a central fund which is used for community causes. It would be possible for some or all of this central fund to be used on projects which have a climate and ecological sustainability theme.”

Statement – submitted by Sandra Reeve Dorset Climate Acton Network

We would like to take this opportunity to thank Cllr Ray Bryan and all those involved for the excellent letter which was sent on November 5th, 2021 during COP26 to key members of central government calling for further help in tackling the [Climate and Ecological Emergency](#)

- We wholeheartedly support the intention to invest in a new environmentally sound infrastructure that will help prevent and address the worst consequences of man-made climate change.
- We agree that there is a need for improvements to national standards, legislation and procedures so that local councils can be provided with new powers, responsibilities and funding to deliver an inclusive and green recovery. We feel that such new powers should include town and parish councils as well, as we all strive for zero emissions in Dorset as quickly as possible.
- **We were glad to see outlined the specific requests for:**
 1. removing hurdles for renewable energy deployment
 2. increased enforceable standards for building insulation and energy efficiency and increased powers to refuse planning permission for developments that negatively impact on our environment
 3. more investment in sustainable public transport infrastructure and active travel

4. stronger support for digital infrastructure and flexible working
 - We agree that with the appropriate support Dorset has the skills to build prosperity around a sustainable green-led economy
 - We recognise, alongside Dorset Council, that we need to engage with the public to encourage behavioural changes as we move towards net zero emissions and, as part of this we need to address the public perception that putting environmental and ecological benefits ahead of all else means an unacceptable level of sacrifice and compromise.

As well as thanking Dorset Council, DorsetCAN, with all its levels of expertise and its passion would like to respond by saying:

- we are ready at any stage to be part of the **Dorset Climate Partnership Forum** proposed by Dorset Council and to co-create a public engagement programme with you to promote and sustain the **Climate and Ecological Emergency Strategy**.

- As part of that **Partnership Forum** we are willing to co-create an educational outreach programme to support the steady growth of climate change awareness, community resilience and the capacity to adapt to the changes that will occur in Dorset.

Finally, DorsetCAN would like to wish Dorset Council a Happy Christmas with your friends and family and a Peaceful New Year and to say thank you once again for all that you are doing on behalf of the county that we all love to call our home.

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**Full Council
14 December 2021
Questions from Councillors**

Question 1 submitted by Cllr Louie O'Leary

Her Majesty the Queen ascended to the throne in nineteen hundred and fifty-two. She is this country's longest serving head of state in history, she is defender of the faith and head of the commonwealth of nations. She is a symbol of public service and we all should be very proud of her and all her years of service to this nation. In the year of her jubilee we as a council should reaffirm our support and admiration of her as the principal elected authority of her people in Dorset by beginning each full council and annual council meeting by singing the first verse of the national anthem "God Save the Queen".

Response by Cllr Val Potheary

Thank you for your question Cllr O'Leary, about a matter which is very close to my heart. There is no doubt about the amazing and unstinting service that Her Majesty has given to her country, and we will of course have the opportunity to show our love and respect for Her during the Platinum Jubilee celebrations.

However, I feel that a decision regarding this request should be democratically made, and therefore I commit to polling all of our members – in the same way as I did regarding the views on an opening prayer. I will ensure that an email will be circulated in the New Year to ascertain the majority view, going forward.

Thank you again for your question.

Question 2 submitted by Cllr Nick Ireland

Back in the early noughties, Dorset County Council entered into block contracts with Care South which include care homes such as Buxton House, Maiden Castle and Fairlawn. The contract wasn't tendered, ends in 2040 with no review until 2039, and we pay for beds regardless of whether they are occupied or not.

Neither the contracts nor the costs are confidential - the information on them is easily found in the public domain such as NHS Digital, EU Contracts and the provider's own website. One such example can be found at <https://procontract.due-north.com/ContractsRegister/ViewContractDetails?contractId=6599c380-1a95-e511-8105-000c29c9ba21>

A recent incident where a resident at one of the care homes moved (due to a change in personal circumstances) from being paid for by Dorset Council to a self-funder highlighted that the weekly cost was considerably higher than at other comparable care homes not under this block contract. The outcome was that the resident relocated and DC eventually refunded the difference. DC also agreed to notify anyone else whose circumstances changed in a similar manner that they were paying over the odds but have refused to do this retrospectively i.e. anyone similarly overcharged in the past will be none the wiser. It seems grossly unfair that those who have potentially lost thousands of pounds through no fault of their own but as a result of this council's inflexible contracts will neither be notified nor compensated.

In addition, the continuing use of these contracts exacerbates the cost pressures on our Adult Services; one estimate is that the ongoing excessive cost is approximately £42k per week (£2.2m/year!). It is interesting to note that these contracts aren't highlighted in our budget papers nor mentioned as a potential area where we can make savings (yet we quote possible savings of £350k in the Dorset Care Framework). For example a recent care sufficiency report to People & Health Scrutiny gave an example of a service user moved into residential care at a cost of £850/week; If the service user had been placed in one of the block contract care homes, that cost would have been over £1200/week.

Given that the contracts still have nearly 20 years to run, what is Dorset Council intending to do to regarding the continued waste of our council taxpayers money on them?

Response by Cllr Peter Wharf

In the early 1990s Dorset County Council established a charity, then called the Dorset Trust and now Care South. The County Council granted leases of 18 council run care homes to the charity and transferred the staff and running of the homes to the charity. Doing so enabled the charity to benefit from central government payments not available to council run homes and reduced significantly the cost to council taxpayers of funding places in these care homes.

Some of the care homes did not meet modern legal standards and by the early 2000s required major investment from the County Council as freehold owner of the homes. Rather than find the immediate cost of replacing these care homes the County Council between 2003 and 2007 entered into three contract under which in return for Care South replacing homes the County Council entered into long term agreements to block purchase beds in the homes. These arrangements benefitted service users and the County Council by providing certainty about the availability of places in modern homes that met required standards and benefitted Care South by providing a definite income stream that enabled them to make long term funding commitments to pay for construction of the new homes.

Few members before today will have been aware of the history that I have outlined. Knowing that history I do not believe that we can simply dismiss the contracts as a waste of our council taxpayer's money.

Our predecessor Councils, whether the five districts or the County Council, made a range of decisions that we might now prefer that they had not made. As Dorset Council we now need to be much more commercial in our approach than our predecessor councils ever were. We are reviewing the contract and these discussions are highly complex. I will be happy to update the People and Health Scrutiny Committee on progress.

Question 3 submitted by Cllr J Orrell

We face a new wave of COVID. I am keen to know the situation for adult social care. We hear of care homes losing workers who are unimmunised, gone due to Brexit or attracted to better pay in other sectors. The NHS has been closing hospital beds on the mantra of care closer to home over the last decade. The recent new settlement for lifetime costs seems to have been consumed largely to backfill NHS under investment leaving a smaller share for social care. Does Dorset adult social care have capacity in people and money to pick up the strain of the coming Omicron wave?

Response by Cllr Peter Wharf

97% of colleagues working in care homes in Dorset have been double vaccinated. There are a variety of reasons why the small percentage of colleagues (3%) haven't been vaccinated to date and this will include a number of people who are not clinically able to receive the vaccine.

There are recruitment and retention pressures on the whole care sector and that is reported nationally. It is correct that other sectors are attracting staff because of competitive salaries which the care sector is not always able to match and this is also highlighted as a national issue. We are working with local providers to find ways to help recruit and retain staff in the sector and we distribute the additional Government grants to providers, to help with this as swiftly as we can. In addition, we have agreed reduced car parking charges for carers in order to help and provide an incentive.

We are also working with health colleagues and with the region to see what more can be done and are promoting the national 'Made with Care' Campaign with providers. This is a new social care recruitment campaign launched in England in November. We have submitted workforce returns to the Association of Directors of Adult Social Services along with three quarters of other LAs across the county requesting that increased recurrent funding is required to enable parity between NHS and social care roles and that care workers are added to the Shortage Occupation List and the salary threshold for immigration be reduced – this is then shared with Government.

We would welcome any ideas Cllrs have in terms of promoting careers in social care.

We are in a winter period and still dealing with lots of infection in the community caused by delta and of course are taking additional national measures as a precautionary approach to the newly identified omicron variant.

It is important to note the progress with the vaccination programme, not just progress in relation to aforementioned care home staff, but the whole population and the commitment to an acceleration of the booster programme over the next few weeks. It is also incumbent upon us to action the extra public health measures like working from home, wearing masks in indoor settings, avoiding unnecessary mixing and taking care to test regularly before going into higher risk settings as these actions will all help reduce the risk of transmission.

Finally, note the Public Health team continue to work very closely with colleagues in the adult social care sector, and other higher risk settings to identify, test, isolate and support organisations with effective infection prevention and control measures, as they have been doing since the start of the pandemic. The team have gained lots of experience in responding to these outbreaks and deploying local public health measures funded through additional monies such as the Contain Outbreak Management Fund. They have recently agreed to extend local contact tracing and targeted testing services, acknowledging that Dorset are possibly heading into a further wave so we can continue to provide an effective response. In terms of the specific impact of the new variant, it really is still too early to tell, but again, with the help of additional national measures we are taking action to try to reduce the impact and spread as quickly as possible.

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