

**DORSET COUNCIL - CABINET**

**MINUTES OF MEETING HELD ON TUESDAY 1 OCTOBER 2019**

**Present:** Cllrs Spencer Flower (Chairman), Peter Wharf (Vice-Chairman), Tony Alford, Ray Bryan, Graham Carr-Jones, Tony Ferrari, Laura Miller, Andrew Parry, Gary Suttle and David Walsh

**Apologies:** There were no apologies.

**Also present:** Cllr Jon Andrews, Cllr Pete Barrow, Cllr Cherry Brooks, Cllr Susan Cocking, Cllr Janet Dover, Cllr Jean Dunseith, Cllr Beryl Ezzard, Cllr David Gray, Cllr Matthew Hall, Cllr Rob Hughes, Cllr Stella Jones, Cllr Val Potheary, Cllr Molly Rennie, Cllr Maria Roe, Cllr Daryl Turner, Cllr John Worth and Cllr Kelvin Clayton

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

Matt Prosser (Chief Executive), Aidan Dunn (Executive Director - Corporate Development S151), Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer), Sarah Parker (Executive Director of People - Children), John Sellgren (Executive Director, Place), Kate Critchel (Senior Democratic Services Officer) and Rebecca Kirk (Corporate Director of Housing, Dorset Council)

**53. Minutes**

The minutes of the meeting held on 3 September 2019 were confirmed as a correct record and signed by the Chairman.

**54. Declarations of Interest**

Cllr G Suttle declared a non disclosable interest in respect of item 10 on the agenda. He advised that he would participate in the discussion and indicated that he would vote on the matter.

Cllr G Carr-Jones declared a non disclosable interest in respect of the question and answer relating to Dorset Waste Partnership. No further action was required.

**55. Public Participation**

There was no public participation to report.

**56. Questions from Members**

Three questions were received from members. The questions and answers are attached to these minutes as an appendix.

**57. Forward Plan**

The forward plan was received and noted.

**58. Dorset Councils Plan 2020-2024**

The Leader of the Council presented the draft Dorset Council's first ever-whole council plan. It set out the council's vision, ambitions, priorities and some of the key activities that services would undertake to deliver them.

An all member seminar had influenced the creation of the plan and views of residents and partners would be sought during a public conversation period. Feedback from those conversations would be incorporated into the draft plan in preparation for Full Council in February 2020.

The Portfolio Holder for Corporate Development and Change confirmed that all members would receive a copy of the draft plan, in order that they could share it with their town and parish councils. Members agreed that it was important to establish good connections and working relationships with all local councils. It was also an opportunity for the council to work collaboratively with the voluntary sector who could make valuable contributions to the council's corporate objectives.

Decision

- (a) That the draft Council Plan 2020-2024 be approved (as set in Appendix 1 of the report of 1 October 2019) for engagement in accordance with the next steps set out in section 5 of the report.
- (b) That the output from the councillor seminar of 2 September 2019 (Appendix 2 of the report) be noted.
- (c) That the briefing pack for parish and town councils (Appendix 3 of the report) be approved and promoted as part of the public conversation.
- (d) That the equality impact assessment and any additional activity required to ensure the conversation was as inclusive as possible be received and noted.

**Reason for the decision**

To ensure Dorset Council's inaugural plan was informed by local people and the council's partners.

**59. Council Tax - Support for Care Leavers**

The Portfolio Holder for Children, Education and Early Help presented a report that explored the options on how Dorset Council could support young people leaving the care system in Dorset by introducing a discretionary Council Tax support scheme. The approach had cross party support and was recognised by the Children's Society. As a Corporate Parent the Portfolio Holder for Finance, Commercial and Assets supported the proposal and agreed that it would help to ease the financial burden on care leavers whilst they transitioned into adulthood.

## Recommendation to Council

That Dorset Council agrees to exercise its discretionary powers, under Section 13A of the Local Government Finance Act 1992, to award Council Tax discounts, effective from 1 April 2020, in the following cases.

- (a) That a 100% Council Tax discretionary discount be awarded in respect of those cases where the care leaver is under the age of 25 and is solely responsible for the Council Tax;
- (b) That where a care leaver, who is under the age of 25, lives with someone else who is responsible for the Council Tax, they be disregarded for the purposes of determining whether a 25% single person's discount applies;
- (c) That support only be provided in respect of those care leavers:
  - i. For whom Dorset Council has a corporate parenting responsibility, and
  - ii. who live in the Council's area
- (d) That, in the case of (a) above that support will be automatically awarded where the care leaver is in regular contact with Children's Services. In all other cases the Taxpayer will be required to apply for the discount or disregard.

## Reason for Decision

As a Corporate Parent, Dorset Council has a duty to apply the Corporate Parenting Principles as set out in the Children and Social Work Act 2017. Care leavers face a range of pressures when they start to live independently for the first time. This recommendation will help these care leavers manage the transition to adulthood and offer an opportunity for the council to exercise its function as a Corporate Parent.

## 60. **Report of the Monitoring Officer on an Investigation by the Local Government and Social Care Ombudsman**

The Corporate Director for Legal & Democratic (Monitoring Officer) presented a statutory report that he had issued under Section 5A of the Local Government and Housing Act 1989. It followed the publication of the conclusions of the Local Government and Social Care Ombudsman finding that failings by the former Dorset County Council had led to a boy, with autism, being left without proper education for two years. Those failings had been found by the Ombudsman to amount to maladministration resulting in injustice to the complainants; their son and also to be part of wider systemic failings.

The purpose of presenting the report was to ensure that these findings were brought the attention of Cabinet. This reflected the seriousness of the formal findings and was to enable Cabinet to put in place an appropriate action plan. The

legislation required the Cabinet to respond to the Monitoring Officer and to send a copy of their response to the 72 councillors who are not members of the Cabinet.

Members were advised that it was unusual for the Ombudsman to go as far as to issue a formal finding of maladministration and injustice in this way. But there was a context to this case of eight earlier investigations where the Ombudsman had found the former County Council to be at fault and the County Council had agreed to act upon a series of recommendations.

The Monitoring Officer reported that there were ten recommendations in total, five relating to the child in question and a further five were of wider application and system related. He further advised that the Chairman of the People Scrutiny Committee had asked that her Committee be given the task of overseeing completion of the action plan and would be scrutinising this report along with receiving a copy of the Cabinet's minute on this item, at their next meeting on 8 October 2019. This was welcomed by Cabinet members.

In addressing the Cabinet meeting, Cllr Ezzard welcomed the report and the approach to resolving the outstanding recommendations.

Members agreed that this was a serious matter and it could not happen again. They were reassured that some actions had been taken or were in the process of being implemented. They further agreed that it was essential that the recommendations be considered against the SEND improvement plan and the Children's Blueprint for Change.

Cabinet supported recommendation 4 of the report that the Health and Wellbeing Board be asked to monitor progress made both in addressing the outstanding actions and in the review of the eight previous investigations.

#### Decision

- (a) That the action taken since receipt of the Local Government and Social Care Ombudsman's report (18 016 599) be noted and the Ombudsman's ten recommendations (set out in paragraphs 3.3 and 3.6 of the report to Cabinet of 1 October 2019) be accepted.
- (b) That the actions identified by the Director of People - Children in response to the Ombudsman's recommendations (set out in paragraphs 3.3 and 3.4 to 3.6 of the report to Cabinet on 1 October 2019) be approved.
- (c) That the Portfolio Holder for Children, Education and Early Help and the Executive Director for People – Children be asked to commission a review of the agreed actions arising from the eight previous investigations of Dorset County Council undertaken by the Ombudsman (set out in paragraph 4.5 of the report to Cabinet on 1 October 2019).
- (d) That the Portfolio Holder for Children, Education and Early Help be asked to oversee reporting to the Health and Wellbeing Board on monitoring of the progress made both in addressing the outstanding actions and the review of

the eight previous investigations, including a first report to the Board at its meeting on 30 October 2019.

### **Reason for the Decision**

In order to ensure that there is a robust plan in place to put right the issues identified by the Ombudsman, including wider systemic failings

#### **61. Adoption of the Dorset and BCP Mineral Sites Plan**

The Cabinet considered a report seeking the adoption of the Bournemouth, Christchurch, Poole and Dorset Mineral Site Plan. The Portfolio Holder for Planning advised that the draft plan had been submitted to the Secretary of State and an independent inspector in March 2018. The Inspectors report had now been issued and it concluded that, subject to the inclusion of modifications, the plan was legally compliant and sound.

The Portfolio Holder for Planning confirmed that the modifications did not significantly alter the thrust of the overall content and approach that was submitted for examinations. The Plan covered the areas of both Dorset Council and Bournemouth, Christchurch and Poole Council (BCP) and would need to be adopted by both unitary councils.

Members noted that BCP would be considering the adoption of the plan on 13 November 2019. Once this had occurred there would be a 6 week challenge period from the date of adoption, during which interested parties had the right to challenge the plan on legal and procedural matters.

Cabinet members supported the adoption of the Bournemouth, Poole and Dorset Mineral Sites Plan as it ensured Dorset Council had an up to date statutory policy framework for considering planning applications for mineral development. Members also drew particular attention to the significant amount of work and engagement that had gone into the development of the plan.

Recommended to Full Council

That the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan be adopted and Council be requested to:-

1. resolves to adopt the Plan subject to its inclusion of the main modifications that are appended to the Inspector's Report;
2. confirms that the formal adoption date will begin two weeks from the date at which both BCP Council and Dorset Council have resolved to adopt the plan;
3. delegates to the Portfolio Holder for Planning, after consultation with the Executive Director for Place:
  - a. any additional (non-material) modifications to the Plan which were the subject of consultation, together with any other additional modifications which benefit the clarity of the Plan;

- b. authority to expedite any technical/procedural matters associated with adoption of the plan, including those connected with Dorset Council's role as the Competent Authority on matters relating the Habitats Regulations Assessment of the Plan.

### **Reason for decision**

To ensure Dorset Council has an up-to-date statutory policy framework for considering planning applications for minerals development.

To comply with the requirements of the statutory/consequential orders concerning Shaping Dorset Council which require a council-wide local plan by 2024.

## **62. Making of Broadwindsor Neighbourhood Plan 2018 to 2031**

The Portfolio Holder for Planning presented a report that set out the Broadwindsor Neighbourhood Plan that had been subject to independent examination and a successful referendum. Members were invited to make the neighbourhood plan part of the development plan for use in planning decisions in the Broadwindsor Neighbourhood Area.

From an electorate of 1,287 there was a turnout of 31.16%. The results of the referendum were that 75.06% voted in favour of the plan with 24.93% voting against. Where a referendum results in more than half those voting, voting in favour of the proposal the council must make (adopt) the plan as soon as reasonably practical.

Members acknowledged the hard work and commitment of those involved in producing the plan and the support provided by officers of the council.

### **Decision**

- (a) That the Council make the Broadwindsor Neighbourhood Plan part of the statutory development plan for the Broadwindsor Neighbourhood Area (the parishes of Broadwindsor, Burstock and Seaborough), as set out in appendix A of the report of 1 October 2019;
- (b) That the Council offers its congratulations to Broadwindsor Group Parish Council in producing their neighbourhood plan.

### **Reason for the decision**

To formally adopt the Broadwindsor Neighbourhood Plan as part of the statutory development plan for the Broadwindsor Neighbourhood Area. In addition, to recognise the significant amount of work undertaken by the Group Parish Council in preparing the neighbourhood plan.

## **63. Milborne St Andrew Neighbourhood Plan 2018 to 2033**

The Portfolio Holder for Planning presented a report seeking Cabinet to adopt the Milborne St Andrew Neighbourhood Plan. The plan had been subject to independent examination and a referendum. The referendum results were that

90.6% voted in favour of the plan with 9.4% voting against it. Where the result were more than half those voting in favour of the plan, the council must make the plan as soon as it was practical.

The Leader of the Council commented that a great deal of work and effort was carried out to produce these plan and the public should be commended for their commitment and efforts. The plan would form part of the development plan for the parish of Milborne St Andrew alongside other plans, which would be considered by Dorset Council as part of the development planning process for the area.

#### Decision

- (a) That the Council makes the Milborne St Andrew Neighbourhood Plan 2018 to 2033 part of the statutory development plan for the Milborne St Andrew Neighbourhood Area, as set out in Appendix A to the report of 1 October 2019.
- (b) That the Council offers its congratulations to Milborne St Andrew Parish Council and members of the Neighbourhood Plan Group in producing a successful neighbourhood plan.

#### **Reason for the decision**

To make the Milborne St Andrew Neighbourhood Plan part of the statutory development plan for the Milborne St Andrew Neighbourhood Area. In addition, to recognise the significant amount of work undertaken by the Parish Council and members of the Neighbourhood Plan Group.

#### 64. **Youth Justice Plan**

Cabinet considered a report that set out the statutory requirement to publish a annual Youth Justice Plan. Members were advised that the Plan must provide specified information about local provision of youth justice services.

The Portfolio Holder of Children, Education and Early Help confirmed that the report summarised the Youth Justice Plan for 2019/20. He further explained that this plan related to a pan-Dorset approach to improve local youth justice and children's services systems, improve safety, well-being and outcomes for young people.

Members noted that the Plan had also been scrutinised by People Scrutiny Committee at its meeting on 10 September 2019, where members recommended the Youth Justice Plan for approval.

#### Recommendation to Council

- (a) That the Youth Justice Plan be approved;
- (b) That an update be provided in 6 months-time on progress with the plan

#### **Reason for decision**

Youth Offending Teams are required to publish an annual Youth Justice Plan which should be approved by the Local Authority for that Youth Offending Team and by the Youth Justice Board. Dorset Combined Youth Offending Service works across both Dorset Council and Bournemouth, Christchurch and Poole Council. Approval has been obtained from Bournemouth, Christchurch and Poole Council, as well as being sought from Dorset Council. The Youth Justice Board has also indicated its approval for this Youth Justice Plan.

The draft Youth Justice Plan has been approved by the Dorset Combined Youth Offending Service Partnership Board.

#### 65. **Domestic Violence and Abuse Services in Dorset**

The Portfolio Holder of Housing presented a report that set out the issues around the recommissioning approach for Domestic Violence and Abuse (DVA) Services. He further advised that service carried out a vital role for some of the most vulnerable in society. As part of the review of current county-wide DVA provision led by the Councils Community Safety Team a number of findings have been identified.

The review established that better outcomes could be achieved for people within services by introducing a whole system approach. This was a long-term work programme that would require a partnership approach by all the different service funders, including Bournemouth, Christchurch and Poole Council and the Office of the Police and Crime Commissioner.

The Leader of the Council invited Cllr M Rennie, the Domestic Violence and Abuse Champion to address members. Cllr M Rennie expressed concerns regarding funding levels which were the same as the previous contract yet the council was seeking a greater level of innovation and exploration of issues.

The Portfolio Holder confirmed that the People Scrutiny Committee had considered the report at their last meeting and Cllr Rennie, had at that meeting, suggested that additional funding would be required to meet this approach. However this would need to be evidenced before it could be considered.

In response to those comments and concerns, the Portfolio Holder of Housing welcomed Cllr Rennie's input, experience and specialist knowledge in this field and hoped that they would be able to work closely together on the subject. The Portfolio Holder also advised that he had agreed to potentially set up an Executive Advisory Panel or other mechanism to feed into and monitor the service going forward, including a 6 monthly members bulletin.

Overall members welcomed progress made and that the service was available to all victims regardless of geographical location, gender or tenure. It also provided both safe accommodation and outreach support into the local community.

#### Decision

- (a) That the Recommissioning approach for Domestic Violence and Abuse Services in Dorset be approved.

(b) That, if based on evidence from officers on the work carried out, with particular regard to the short term and pilot project, it was felt that there could be a benefit from the input of additional resources, this should be considered by Cabinet.

(b) That a further report be provided to Cabinet in 12 months-time.

**66. Climate Change Executive Advisory Panel Update**

The Portfolio Holder for Highways, Travel and Environment gave a verbal update on the progress of the Climate Change Executive Advisory Panel (EAP). He advised Cabinet of the launch of a new Climate Emergency page on the Dorset Council Website. Interested parties could access information on the council's response since declaring a Climate Emergency at its council meeting in May and other related information.

The Portfolio Holder further advised that the EAP was currently meeting with various organisations to hear their evidence and ideas on how the council could help to reduce the environment impact of its own services, as well as support local communities to do the same.

In a response to a comment from Cllr B Ezzard regarding Town and Parishes, members agreed that it was also important that members looked at their own individual carbon footprint and it was also agreed that all levels of governance needed to address this global issue.

**67. Urgent items**

There were no urgent items considered at the meeting.

**68. Exempt Business**

Decision

That the press and the public be excluded for the following item(s) in view of the likely disclosure of exempt information within the meaning of paragraph 3 & 4 of schedule 12 A to the Local Government Act 1972 (as amended).

**69. Wareham Gateway Development**

Before introducing the following item, the Leader of the Council reported the receipt of a petition, with over 1000 signatures, regarding Wareham Gateway Development. This petition would be dealt with through the councils petition scheme accordance with the council's constitution.

The Committee considered a detailed exempt report on the Wareham Gateway Development and discussed next steps and their preferred option.

Decision

(a) That authority be delegated to the Executive Director for People

(Adults) and the Executive Director for Place in conjunction with the Portfolio Holder(s) for Adult Social Care & Health and Housing to agree with NHS colleagues how public land assets would be used and any capital financial benefit was to be returned to Dorset Council to deliver our shared aims in Purbeck.

- (b) That the commencement of procurement for a Development Partner who will fund and deliver this project, and a Housing Provider to provide Housing Management services in conjunction with NHS Dorset Healthcare and NHS Dorset CCG, be approved. Final award to be approved by Cabinet.
- (c) To support preferred development 2 as set out in the exempt report of 1 October 2019.
- (d) To bid for One Public Estate phase 8 grant funding with partners to support the ongoing work programme of the Building Better Lives Programme and support usage of some existing OPE funding to support the Town Council in making a decision.
- (e) To approve the approach of Dorset Council officers leading on the development of the preferred option into an outline planning application for submission during this financial year.
- (f) That the proposed disposal of capital assets at an estimated value as set out in the exempt report be approved.
- (g) That an allocation of capital funding and total amount as set out in the exempt report be approved.

### **Reason for the decision**

To deliver the outcomes of the Building Better Lives programme in Wareham, and to respond to identified need and gaps in service.

### **Members Questions and Answers**

**Duration of meeting:** 10.00 - 11.35 am

**Chairman**

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