

# Shadow Dorset Council

## Executive Committee

**Minutes of meeting held at South Walks House, Dorchester  
on Friday 20 JULY 2018.**

**Present:** Cllrs Rebecca 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, Andrew Parry, M Penfold, B Quinn, D Turner, D Walsh and P Wharf.

**Officers present (for all or part of the meeting):** Matt Prosser (Interim Head of Paid Service), Keith Cheesman (LGR Programme Director), Jason Vaughan (Interim Section 151 Officer), Steve Mackenzie (Chief Executive - Purbeck District Council), Jonathan Mair (Interim Monitoring Officer) and Lee Gallagher (Democratic Services Manager - Dorset County Council).

12. **Apologies**

Apologies for absence were received from Cllr Simon Tong, David McIntosh (Chief Executive – East Dorset District and Christchurch Borough Councils), and Debbie Ward (Chief Executive – Dorset County Council).

13. **Declarations of Interest**

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

14. **Minutes**

The minutes of the previous meeting held on 18 June 2018 were confirmed and signed.

15. **Public Participation**

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

16. **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. The Plan would be further populated by decision items from each of the sovereign council in Dorset.

Noted

17. **Programme Highlight Report**

The Committee received a detailed overview of the Local Government Reorganisation Programme by the Interim Head of Paid Service which included:

- Phase 1 of the programme to deliver the Shadow Dorset Council was largely complete except for final consequential orders, disaggregation delivery phase to undertake, and to appoint the Chief Executive.

- Phase 2 workstream activity continued with Legal and Democratic on track; Finance progressing well with the draft budget and work on convergence; Human Resources moving forward on payroll and on a pan–Dorset basis towards TUPE with good engagement with Trade Unions; Customer services had started with a workshop on 13 July 2018; ICT strategy and technical elements progressing well with domain agreed as dorsetcouncil.gov.uk and a single directory being compiled; Information Governance working on data compliance and systems access; Communications and branding resources increased, the SharePoint site and other communications channels were up and running, and a workshop on visual identity would be held soon.
- Phase 3 transformation preparations were underway with a session for members on design principles held to help draft an operating model for the Council.

The Committee discussed the highlight report and asked questions about capacity of officers to meet the challenges of the programme. It was clarified that efforts were in place to gain additional officer time from each of the Dorset councils, together with efforts to continue filling appointments within the programme team.

The Risk Register of the programme was debated in detail, and requests were made for the content to be updated including corporate risk register information from sovereign councils, and that key risks needed to take account of major issues such as TUPE, judicial reviews and budget. A request was made for regular workshops to review the risks facing the programme. It was confirmed that an informal session was planned soon and that the main areas of concern were captured in the workstreams, such as Judicial Reviews within the Legal and Democratic Workstream, or the risk register in a different form of words. A further suggestion was made that asked for risks to be identified as either 'legal for day one' or for 'programme delivery'. In relation to Information Governance, it was reported that approx. 20 risks and the associated work to mitigate them had been identified at a meeting on 16 July 2018 to be added to the risk register.

A further risk identified was that meetings were being cancelled. It was generally accepted that it was imperative that meetings continued in order to continue the pace of the programme.

The introduction of lead members was raised as an important factor in managing risks and being able to provide assurance to other members about workstream activity. Some lead members had already assumed roles, but it was clarified that the composite list and roles for lead members were being developed and would be confirmed shortly, with some workstreams having up to three lead members.

A further suggestion was made to refine the highlight report by introducing a performance direction of travel indicator to show how performance was changing over time, and for timescales which would add context the risks and mitigations associated with actions. It was explained that the highlight report and risk register would be available in real-time through the new SharePoint site, and other suggestions would be incorporated.

#### Decision

1. That the highlight report be noted.
2. That the highlight report and risk register be developed, as outline in the minute above.

#### **18. Town and Parish Councils - Principles for Transfer and Disposal of Assets**

The Committee considered a report in relation to the principles for transfer of assets to Town and Parish Councils and other community groups to ensure consistency of

approach. The General Manager - Public Health and Housing, Purbeck District Council, introduced the cross-authority report and summarised the need to provide principles and a framework for councils to use when considering the future transfer of assets, which had followed a period of interest by Town and Parish Councils to secure assets prior to the start of the new Dorset Council from 1 April 2019. It was also explained that the approach towards the formation of Weymouth Town Council and the impact on Portland Town Council would need to have different arrangements.

Clarifications were also provided that recommendation 1 in the General Manager's report referred to paragraph 3.4 of the report and not 3.2 as stated. An amendment to principle (ii) of paragraph 3.4 was also suggested by the General Manager as:  
*'Any resolution prior to 26 May 2018 by sovereign councils to dispose of an asset but not yet legally completed may continue unless it contradicts these principles.'*

At this point a question was asked at the meeting by Cllr Cheryl Reynolds, in relation to asset transfers by West Dorset District Council. The question and answer are attached to these minutes as an annexure.

Three areas of consideration were raised during the debate on the principles (paragraph 3.4) which related to:

(i) Transfer of Assets to Dorset Council Comments were received about reference to all assets being transferred to Dorset Council. In particular that the arrangements needed to establish Weymouth Town Council needed to be defined clearly, together with the impact upon Portland Town Council as a result of the new arrangements. As such Cllr Jeff Cant proposed that the principle be re-worded to read *'All assets required for the delivery of Council services and those capable of generating income are transferred to the new unitary Dorset Council, **but the unique circumstances of Weymouth Town Council and Portland Town Council will be considered separately.***'

The amendment was seconded by Cllr Daryl Turner. On being put to the vote the amendment was agreed unanimously.

(ii) Existing Programme for the Disposal of Assets Comments were received in relation to the suggested amendment summarised in the minute above. Concern was expressed by Cllr Antony Alford that the principle needed to be tightened to explicitly reflect the assets of Town and Parish Councils only, and he therefore proposed that the wording be amended to read *'Any resolution prior to 26 May 2018 by sovereign councils to dispose of an asset **to town and parish councils** but not yet legally completed may continue unless it contradicts these principles.'*

The amendment was discussed and points were raised that indicated that the wording should remain unchanged as the principle needed to be open enough for asset transfers to community groups. The wording suggested by the General Manager was therefore proposed by Cllr Jill Haynes and seconded by Cllr Sherry Jespersen. On being put to the vote the wording was agreed by majority.

(Note: Cllr Anthony Alford indicated that he wished for his vote against the wording to be recorded.)

(ix) Assessment by the Section 151 Officer of Financial Impact of Assets An amendment was proposed by Cllr Jeff Cant to recognise the potential for a significant financial impact of a resource, to change the sentence to read *'Any asset transfer that could have a financial impact upon the new Dorset Council will be initially assessed by the Section 151 Officer and, if it has a significant financial impact, **or potential significant impact**, seek approval by the Shadow Executive'*. The amendment was seconded by Cllr Daryl Turner. On being put to the vote the amendment was agreed unanimously.

Other issues raised within the debate related to:

- Dorset County Council current position It was felt that more information was needed in relation the Service Level Agreements (SLAs) in place between the County Council and Town and Parish Councils. Assurance was provided that where SLAs were in place they would continue into the new Council after 1 April 2019 in the same way as formal contract arrangements, unless any changes were made in the meantime as part of the budget setting process.
- Budget Process A number of comments were made which related to the identification of future funding for Town and Parish Councils which would be key considerations for budget setting. Assets were part of the conversation, but reference was also made to the SLAs, discretionary grants, and income generating assets.
- Communications There was a clear need expressed for appropriate communications to be developed for Town and Parish Councils to provide reassurance about the future and to reflect on what they should expect where there may be some possible changes regarding transfer of assets, SLAs, budget setting process and discretionary grants.

#### Decision

1. That the current position for each of the Dorset councils be noted.
2. That the principles outlined in paragraph 3.4 for the General Managers' report, as amended in the minute above and attached for completeness as an annexure to these minutes, be agreed.

#### Reason for Decisions

The aim of the principles will ensure that decisions taken before 1 April 2019 do not adversely impact on the budget of the future Dorset Council.

### 19. **Service Disaggregation**

The Committee considered a report by the Programme Director on the conclusion of the disaggregation of services in Dorset County Council that related to provision in the Christchurch area, which will become the responsibility of the Bournemouth, Christchurch and Poole Council from 1 April 2019.

Cllr Cant, as the Lead Member, summarised the work of the Service Disaggregation Task and Finish Group and commended the work of officers to arrive at a fair and representative model. He also highlighted that a further report would be considered in due course on any outstanding asset and liability issues.

#### Decision

1. That the disaggregation as set out in the appendices to the Programme Director's report be approved.
2. That the next steps to be delivered by the Shaping Dorset Council programme be agreed.
3. That a further report on the disaggregation of assets and liabilities be submitted in due course.

## Reason for Decisions

To allow implementation planning to progress on schedule and for the budget setting work to continue with this critical input.

### 20. **Home to School Transport and Post 16 Transport Assistance Policy 2019-20**

This item was deferred from this agenda to the next meeting of the Shadow Executive Committee on 21 August 2018.

Noted

### 21. **Decision Making Activity of Dorset Councils**

The Committee received notification of the decision making activity of Dorset councils. There were no matters raised in respect of decision making of Dorset Council.

Noted

### 22. **Exempt Business**

Decision

That in accordance with Section 100 A (4) of the Local Government Act 1972, it was agreed to exclude the public from the meeting in relation to the following business as it was likely that if members of the public were present, there would be disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

### 23. **Commissioning of Learning Disability Care and Support**

The Committee considered an exempt report by the Cabinet Member for Health and Social Care – Dorset County Council on the creation of a framework of speciality providers of Learning Disability Services for 2019-2024. The framework would provide for an increasing level of complex needs using a whole-life approach to give greater choice and opportunity to develop services with customers. There would be financial savings and transparent service prices which would be regularly reviewed. Arrangements would also be aligned as much as possible with Bournemouth, Christchurch and Poole, but it was recognised that they had a different approach to that of the Dorset area. The Dorset County Council Cabinet approved the recommendations in the Cabinet Member's report on 18 July 2018, subject to the views of the Shadow Executive Committee.

The Committee discussed the future of learning disability care and support, which included:

- Despite changes being discussed to health and social care on a national basis, it was recognised that the framework was needed and would not be changed as a result of national funding changes.
- There was an aspiration to provide as much support as possible for people within Dorset, but there would be exceptions as the Council was not in a position to be able to deal with all specialist cases.
- The Council was working in partnership with the Clinical Commissioning Group regarding community based health care.

- The budget for the framework and the service requirements were analysed in detail, but an emphasis was put on the importance and duty to provide the services to those in need.
- Efficiencies within the framework year on year were summarised, which would include the cost of care packages, freedom for users by using personalised budgets, and the introduction of ‘micro-providers’ particularly in rural areas. Pilots were underway in North Dorset at the Somerset border where a similar system was already in place.
- The risk management associated with a ‘micro-provider’ model in rural areas.
- The importance of improving and promoting communications around removing the stigma associated with benefits, which would include helping people claim, and providing advice and guidance for self-funders.
- Performance management of the framework which would be monitored in detail by the Brokerage Team.

Decision

That the Cabinet Members’ report be supported.

**24. 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:** 10.00 am - 12.15 pm

**Chairman**

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## Question by Cllr C Reynolds – West Dorset District Council

**Q:** Given the time and effort expended by the senior executive of WDDC, supported by LGRC and the principle West Dorset Town Councils in reaching a financially sustainable proposition, which is aimed at delivering key local services following the implementation of the new unitary authority:

Is it the intention of the Shadow Executive to look to support the work undertaken thereby endorsing the significant effort afforded to this project by all concerned, mindful of the clear strategic objectives both in service delivery and cost, that it has sought to maintain, or alternatively is the Shadow executive seeking to undermine the proposition thereby creating an environment of uncertainty and potential distrust across West Dorset?

**A:** Thank you Cllr Reynolds for your question which relates to agenda item seven on the agenda. I am also aware that West Dorset District Councils Strategy Committee, who met this week, did not consider the paper on the transfer of assets to town and parish councils.

The predecessor to this shadow executive, the Joint Committee, on the 18 June adopted the Protocol on Spending Commitments that we see in paragraph 3.2 in the report before us today. This protocol needs to be adhered to and requires any items that could have a financial impact on the new council to be initially assessed by the interim S151, and if it has significant financial impact, seek approval by the Shadow Executive.

The work you refer to, of which this SEC is not party to the detail because there has yet to be a public report, could fall within the protocol and therefore remit of this committee. When a paper is published we will use the agreed protocol to review this and take any decision accordingly.

However, perhaps it would help if I gave some clarity here about the issue of services currently delivered by County or District/Borough Councils at present, and an emerging view of the Shadow Executive. We are not in the business of 'dumping' services to other local authorities or agencies, we are also not looking to remove services – but we have to be realistic about the financial position of the new authority and its priorities and ask ourselves the question, who is best to deliver these local services. Many of these are not income generating but are highly visible to the public at large. If as a result of negotiations between sovereign councils that currently deliver these services and future service delivery organisations, deals are proposed that deliver on the principles set out here today – there should not be an issue.

**vii** states – where a council has negotiated the devolution of a service to a town or parish council and asset is transferred to support the deliver of that service, there will be no financial loss to the new Dorset Council i.e. the transfer cost is neutral.

If therefore proposals are put forward that do not adhere to these principles then the SEC will have to take a view of these based on the facts available to them – which in the case you raise we do not have here today so cannot make any further comments.

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### **Amended Transfer of Assets to Town and Parish Councils principles:**

- (i) All assets required for the delivery of Council services and those capable of generating income are transferred to the new unitary Dorset Council, **but the unique circumstances of Weymouth Town Council and Portland Town Council will be considered separately.**
- (ii) **Any resolution prior to 26 May 2018 by sovereign councils to dispose of an asset but not yet legally completed may continue unless it contradicts these principles.**
- (iii) Property held as public open space, community buildings, free car parks and public toilets can be considered for transfer to the appropriate town or parish council.
- (iv) Any transfer of assets will usually be by transfer of the freehold to a public or charitable body or via a long lease (25 years minimum). Transfer will also be dependent on an assessment of the capacity of the receiving authority/organisation to take on the asset.
- (v) Councils can consider asset transfer to community groups other than parish and town councils where appropriate and subject to the same assessment of the capacity of such groups but such transfers are considered to be lower priority because of timescales and capacity.
- (vi) Any transfer (other than by a lease) of open spaces will contain overage clauses that will retain the land for public use or, if the land is sold the new Dorset Council will receive a proportion of the proceeds from the sale.
- (vii) Where a Council has negotiated the devolution of a service to a town or parish council and asset is transferred to support the delivery of that service, there will be no financial loss to the new Dorset Council i.e. the transfer is cost neutral.
- (viii) No financial agreement will be made with a town or parish council, or other receiving body to support the maintenance and running of a transferred asset after 1 April 2019.
- (ix) Any asset transfer that could have a financial impact upon the new Dorset Council will be initially assessed by the interim Section 151 Officer and, if it has a significant financial impact, **or potential significant impact**, seek approval by the Shadow Executive. De minimis levels of £100,000 are proposed in order to avoid the process becoming unmanageable.

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