

DORSET COUNCIL - CABINET

MINUTES OF MEETING HELD ON TUESDAY 25 JUNE 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

Also present: Cllr Jon Andrews, Cllr Dave Bolwell, Cllr Simon Christopher, Cllr Susan Cocking, Cllr Brian Heatley, Cllr Nick Ireland, Cllr Molly Rennie, Cllr Jane Somper, Cllr David Tooke, Cllr Daryl Turner and Cllr John Worth

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

Matt Prosser (Chief Executive Designate), Aidan Dunn (Executive Director - Corporate Development S151), Mathew Kendall (Executive Director of People - Adults), Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer), Sarah Parker (Executive Director of People - Children), John Sellgren (Executive Director, Place) and Kirsty Riglar (Democratic Services Manager)

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, **except in relation to the decision at minute 21 – Making of the Bere Regis Neighbourhood Plan – which took effect immediately.**

12. Minutes

The minutes of the meeting held on 4 June 2019 were confirmed and signed, subject to the addition of the annexures referred to in minutes 4 and 11.

13. Declarations of Interest

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

14. Public Participation

The following public statements and questions were received at the meeting:

1. A question was received from Mr Stephen Godsall in relation to the Local Plan to the Cabinet Member for Planning. The question and answer provided are attached to these minutes as an annexure.

2. A public statement was received from Ms Irene Statham in relation to Climate Change. The statement is attached to these minutes as an annexure.

15. **Forward Plan**

The Committee received the latest Forward Plan, which included all scheduled decisions for the coming months. Further to the statement made by Ms Statham during public participation, the Chairman acknowledged that no mention of climate change was made in the Forward Plan but explained that this was a living document which would continue to be updated.

Noted

16. **Revenues and Benefits Policies and Schemes**

The Cabinet considered a report by the Cabinet Member for Finance, Commercial and Assets proposing the adoption of the following discretionary policies and schemes to ensure that a consistent approach was applied to decision-making by the Revenues and Benefits Service across the Council's area. These were:

- a. Housing Benefit awarded in respect of those receiving a War Disablement or War Widows Pension
- b. Council Tax discount
- c. Business Rates Revaluation Relief
- d. Hardship Relief
- e. Discretionary Housing Payments.

Members were informed that the predecessor district/borough councils each had their own set of policies and schemes and this would enable a single set to be used consistently across the Council's area. The general approach had been to level these up and, in some cases, the proposals exceeded statutory requirements.

In response to a question, the Executive Director - Corporate Development (S151) explained that State Aid thresholds were set by the EU Commission in Euros and the information in paragraph 4.5 of the report was therefore correct.

Recommended

1. That Council agree, effective from 1 April 2019, that 100% of all income from War Disablement or War Widows Pension be disregarded when calculating entitlement to Housing Benefit in line with the resolution at Appendix A of the report.

Decisions

2. That the Council Tax Discretionary Discount Policy set out at Appendix B of the report be adopted.

3. That the Business Rates Revaluation Support Scheme set out at Appendix C of the report be adopted.

4. That any underspend in the government grant allocation of £243,000 be used to provide additional support for struggling businesses and that approval of such

cases be delegated to the Executive Director - Corporate Development (S151) after consultation with the Cabinet Member for Finance, Commercial and Assets.

5. That the Hardship Relief Policy set out at Appendix D of the report be adopted.

6. That the Discretionary Housing Payments Policy set out at Appendix E of the report be adopted.

Reason for Decisions

To ensure that a consistent approach was taken in relation to the award of discretionary awards, discounts, payments and reliefs.

17. Equitable Contributions - Day Care & Transport

The Cabinet considered a report by the Cabinet Member for Adult Social Care and Health proposing the implementation of the charging policy for day care and transport with effect from 8 September 2019 to ensure that all payments made were equitable. Based upon the current cohort, the implementation of the policy would result in an increase in contributions for 112 people; 65 of whom were self-funders. A programme of engagement and communication of the changes was proposed and there would be direct contact with each service user affected – and their families – to offer support and guidance. It was reiterated that all contributions under the policy were based upon the ability of the service user to pay, following a new Financial Assessment to take account of any changes in circumstances and ensure that their income from benefits was maximised.

Decisions

1. That the current policy be fully implemented and that all service users be asked to contribute the full cost of putting in place the arrangements for meeting needs, based on their assessed income and savings.

2. That these changes take effect:

a. for transport provided from 8 September 2019, and

b. for the day care element, to be increased in two stages; 50% for care provided from 8 September, followed by full cost to be payable for care received from 6 October 2019 to provide some mitigation for the move towards the full assessed contribution for meeting care costs.

Reasons for Decisions

The policy with regards to full cost charging was previously agreed by the predecessor Dorset County Council. The proposed implementation date of 8 September 2019 gives enough time for appropriate communications and support for those that would be affected by the changes.

The stepped increase for day care contributions provides some mitigation for the move towards the full assessed contribution to meet care costs.

18. **Dorset Council Local Plan and Local Development Scheme**

The Cabinet considered a report by the Cabinet Member for Planning on the arrangements for the production of the new Dorset Council Local Plan and the Local Development Scheme. He reminded Members the Consequential Order for Dorset Council required the Council to produce and adopt a new local plan, reflecting the changed council geography, by April 2024. However, the Shadow Executive Committee had previously expressed a preference to adopt the plan by April 2023. Whilst this was a challenging timescale, it was considered to be achievable but would require a significant amount of officer capacity to achieve this. It was therefore proposed that, with the exception of the Purbeck plan which had reached examination, the reviews currently underway of the separate local plans be ceased. However, the work already done on these reviews be used where possible to shape the new Dorset Council Local Plan.

Particular attention was drawn to the need to continue the commitment to co-operation with neighbouring councils, as stated in the Statement of Common Ground that was jointly agreed by the predecessor councils and the value of the Dorset Strategic Planning Forum in enabling this.

The Cabinet Member also reported that he had established a cross-party executive advisory panel to provide strategic direction on the development of the new local Plan.

Members agreed that there was a need for climate change to be a consideration in the development of the new plan. Whilst acknowledging that there was no mention of this in the local plans adopted by the predecessor councils, it was reiterated that these remained extant and formed the statutory development plan for Dorset Council and would remain so until replaced by the new plan.

In response to a question, the Cabinet Member confirmed that adopted neighbourhood plans would continue to form part of the development plan documentation.

Decisions

1. That Dorset Council progress with a Dorset Council Local Plan in line with the high-level project plan set out in the draft Local Development Scheme (Appendix 1 of the report) with the aim of adopting the plan by April 2023.
2. That the separate local plan reviews currently under way in the Dorset Council area, with the exception of the Purbeck plan which has reached examination, do not continue, but that all existing work carried out on these reviews be used where possible to shape the new Dorset Council Local Plan.
3. That the draft Local Development Scheme (Appendix 1 to the report) be approved as Dorset Council's current programme for plan preparation.

4. That the Council retains its commitment to cooperation with neighbouring councils on strategic planning matters, as expressed in the Statement of Common Ground approved by the predecessor councils.

Reason for Decisions

To ensure that work on the preparation of a new Dorset Council Local Plan could be progressed to enable adoption by April 2023.

19. Adoption of Bournemouth, Christchurch, Poole and Dorset Waste Plan

The Cabinet considered a report by the Cabinet Member for Planning proposing the adoption of the Waste Plan for the Bournemouth, Christchurch and Poole and Dorset areas. The draft document was submitted to the Secretary of State in March 2018 and an independent examination into the Plan's soundness held in June 2018. The Inspector's report concluded that, subject to the inclusion of some modifications that did not significantly alter the thrust of the document, the Plan was legally compliant and sound. This now needed to be adopted by both Dorset Council and Bournemouth, Christchurch and Poole Council and would provide an up-to-date statutory planning framework for waste matters up to 2033 across the whole County. Particular attention was drawn to the significant amount of work and engagement which had gone into the development of this Plan.

Members welcomed the report and expressed their support for the Plan.

Recommended

That Council:

1. adopts the Bournemouth, Christchurch, Poole and Dorset Waste Plan subject to the 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 Lead Member 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 Assessment¹ of the Plan.

Reasons for Decisions

1. To ensure Dorset Council had an up-to-date statutory policy framework for considering planning applications for waste development.

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

20. **Making of Bere Regis Neighbourhood Plan**

The Cabinet considered a report by the Cabinet Member for Planning seeking approval to adopt the Bere Regis Neighbourhood Plan following a Neighbourhood Planning Referendum held on 2 May 2019. The turnout for this was 40.19% with 83% of electors voting in favour of the Neighbourhood Plan. Legislation required that more than 50% of the votes needed to be in favour of a plan for it to proceed further.

It was reported that the Council was required to make the Plan within eight weeks of the referendum. The deadline for doing so was therefore 27 June 2019 and an exemption was agreed by Cllr Daryl Turner as the Chairman for the Place Scrutiny Committee to waive the overview and scrutiny procedure rules which provided for a call-in period of five working days to pass following the publication of the decision of the Cabinet before it could be implemented.

The Members for the West Purbeck Ward, Cllrs Wharf and Miller, expressed their support for the adoption of the Bere Regis Neighbourhood Plan, outlining the significant amount of engagement with local residents through consultations and public meetings. They also paid tribute to Frances Summers, Senior Planning Policy Officer, for all of her input to the development of the Plan. It was also noted that the lessons learned by Bere Regis were proving to be very helpful to inform the development of neighbourhood plans elsewhere.

Decisions

1. That the making of the Bere Regis Neighbourhood Plan would not breach and is compatible with EU and human rights obligations.
2. That the Bere Regis Neighbourhood Plan as submitted to and approved by referendum be made under section 38A(4) of the 2004 Act.
3. That with the agreement of Bere Regis Parish Council the Bere Regis Neighbourhood Plan as made be modified by:
 - a. the replacement of the wording of Policy BR6 with that recommended by the examiner and approved by Purbeck District Council on 19 March 2019; and
 - b. the deletion of the proposed SANG from Map 5, as recommended by the examiner and approved by Purbeck District Council on 19 March 2019 (the extent of the SANG is shown elsewhere in the plan);

on the basis that such modifications do not materially affect the policies in the plan or are correcting errors of a type contemplated by section 61M(4) of the Town and Country Planning Act 1990.

Reason for Decisions

National Planning Practice Guidance, Paragraph 641, states 'if the majority of those who vote in a referendum are in favour of the draft neighbourhood plan or Order (or, where there is also a business referendum, a majority vote in favour of both referendums), then the neighbourhood plan or Order must be made by the local planning authority within 8 weeks of the referendum'.

21. **Milborne St Andrew Neighbourhood Plan 2018 to 2033 - Independent Examiner's Report and progress to Referendum**

The Cabinet considered a report by the Cabinet Member for Planning on the Milborne St Andrew Neighbourhood Plan following independent examination seeking approval to proceed to referendum on the basis that it met the basic conditions, was compatible with the Convention rights, and complied with the definition of a neighbourhood development plan. He explained that, if agreed, it was proposed that the referendum be held during August.

Decisions

1. That the Milborne St Andrew Neighbourhood Plan 2018 to 2033, as modified (Appendix B to the report), proceed to referendum.
2. That a recommendation to make the Milborne St Andrew Neighbourhood Plan 2018 to 2033 be made to the next Cabinet meeting after the referendum if the result of the referendum is in support of making the plan and there are no other issues identified that would go against such a decision.

Reason for Decisions

To progress the Milborne St Andrew Neighbourhood Plan to referendum so that pending a favourable vote, the plan could be made part of the Development Plan for the Milborne St Andrew Neighbourhood Area.

22. **Broadwindsor Neighbourhood Plan - Independent Examiners Report**

The Cabinet considered a report by the Cabinet Member for Planning following the independent examination of the Broadwindsor Neighbourhood Plan and seeking approval for the plan, as modified, to proceed to referendum on the basis that it met the basic conditions, was compatible with the Convention rights, and complied with the definition of a neighbourhood development plan.

Decisions

1. That the Broadwindsor Neighbourhood Plan, as modified by the recommendations in the examiner's report (Appendix A of the report), proceed to referendum.
2. That a recommendation to make the Broadwindsor Neighbourhood Plan part of the Development Plan be made to the next Cabinet meeting after the referendum,

if the result of the referendum is in support of making the plan and there are no other issues identified that would go against such a decision.

Reason for Decisions

To progress the Broadwindsor Neighbourhood Plan to referendum so that pending a favourable vote, the plan could be made part of the Development Plan for the Broadwindsor Neighbourhood Area.

23. **Urgent items**

There were no urgent items considered at the meeting.

24. **Questions from Members**

The following questions from members were received at the meeting in accordance with procedure rule 13:

- a. Statement from Cllr David Tooke regarding agenda item 8 – Dorset Local Plan; and
- b. Question from Cllr Susan Cocking to the Cabinet Member for Adult Social Care and Health regarding agenda item 7 - Equitable Contributions Day Care and Transport.

The questions and answers are set out in the annexure to these minutes.

ANNEXURE

Agenda item 4 – Public Participation

Public Question from Mr Stephen Godsall, Resident of Alderholt, to the Cabinet Member for Planning regarding agenda item 8 relating to the Local Plan

I am here representing the group Action for Alderholt. We welcome the Council's Climate Emergency resolution; this issue certainly requires urgent and radical action. We appreciate you face challenges in preparing a Local Plan which meets government targets for housing land; wherever you consider house building there are likely to be residents groups pointing out problems with local services and roads. I'd like to make clear that our group supports proportionate and sustainable development and there are already planning approvals to increase the size of our village by over 10%.

Spatial planning has an essential role in limiting greenhouse emissions. Building in places where people need to travel by car to work and to services is not the future; even switching to electric cars only reduces life-cycle emissions of greenhouse gases by around 30% compared to petrol. Local planning policies all talk about more travel by public transport, walking and cycling. Unfortunately our village of Alderholt has no public transport suitable for working people and no practical access to employment by walking or cycling. There are only a few dozen jobs in the village and most of our commuters travel over 20km to work. They travel east, west, north and south so an efficient public transport solution is very unlikely.

The majority of our upper school children must travel for 80 to 100 minutes each day to Queen Elizabeth School in Wimborne. What a waste of 8 hours a week when they could be learning, exercising or developing their interests. And yet East Dorset's local plan proposals allocated land for 1000-2500 new homes in the village, completely changing its character, with absolutely no provision for local employment. This option raised objections from Dorset and Hampshire highways, English Nature, New Forest National Park, local Parish Councils and many others. So when reviewing the local plan options we trust that you will reject large scale development in Alderholt. We can no longer afford to build dormitory settlements that rely on burning fossil fuels.

How will the Council's decision to declare a Climate Emergency affect spatial planning policy, and in particular will development now be located where there is good access to employment and services?

Answer

The purpose of the planning system is to contribute towards the achievement of sustainable development. National planning policy includes principles such as promoting sustainable transport, making effective use of land, and meeting the challenge of climate change.

Spatial planning is one of the areas where the council can have an impact on climate change, through decisions about the location of development, sustainable

transport options and energy efficiency of buildings. This will be one of the considerations for the newly formed climate change executive advisory panel that has been set up as a result of the declaration of a climate emergency.

As part of the preparation of the new Dorset Council Local Plan, the council will need to set policy objectives to cover the whole Dorset Council area, and will need to consider the most appropriate strategy for the distribution of development across the area. This will include reassessing the sites that have previously been looked at, to make sure that we are choosing the most sustainable options, when considered in the wider context of the whole Dorset Council area.

The Council does however have significant housing requirements to meet and a wide range of environmental and infrastructure constraints limiting our choices, so this will be a challenging task.

Statement from Ms Irene Statham, resident of Dorchester, in relation to Climate Change

I would like to congratulate Dorset Council on passing the motion declaring a climate emergency at the first full council meeting on May 16th.

Some of the implications of passing this motion became clear to me when reading the copy of "Dorset Council News" last week. A third of a column was devoted to the climate emergency and it talks about developing "a programme that puts sustainability at the heart of our organisation". However, I was unable to find any reference to climate change under any other heading, including extensive sections on the local plan, housing, highways and employment.

Clearly it is early days.

I understand that cabinet members and their portfolios were decided before the motion was passed. But in the light of the declaration of the climate emergency I would suggest that there should be an explicit portfolio for "climate and ecological emergency" so that there is a voice in cabinet ensuring that all cabinet decisions are examined from this point of view. I would further suggest that merely adding it to the already substantial portfolio of 'Highways, Transport and Environment' would be an inadequate measure.

Today the Forward Plan is being considered and I cannot spot any reference to Climate Change, let alone to the Climate Emergency. This is the level of scrutiny that a cabinet member with an explicit portfolio could offer.

Agenda item 13 – Questions from Members

Question from Cllr Susan Cocking to the Cabinet Member for Adult Social Care and Health in relation to Equitable Contributions

On page 6 of the report it has quoted that those affected the figures show Weymouth and Portland as one total amount. As a Councillor for Portland I would like to know, how many people in Portland are affected and why was this done in the first place, we don't even have the same postcode? It may have been done as Weymouth and Portland Borough Council, however it is vital that us as councillors need to know of any changes that will impact the people we represent.

1. How many people in Portland are affected by these changes?
2. As one of the most deprived areas in the country, what extra help and assistance is given to those who are the most vulnerable in our society?

Answer

The geographical area referred to in the report relate to the Adult Social Care Locality Team which manages the case. Of the people who receive services within the Weymouth and Portland Locality Team, 2 of these have a Portland address. As set out in the report, if the changes are agreed, we will be making contact with both individuals to discuss the impact for them, and ensure that their financial assessment takes account of their current circumstances, so they do not experience financial hardship. The phased implementation set out in the report will also help individuals to manage the impact of the changes.

All individuals' contributions are capped by their financially assessed ability to pay.

Member Statement from Cllr David Tooke, Local Member for Cranborne and Alderholt, regarding agenda item 8 relating to the Dorset Council Local Plan

One of the Key Decisions you are considering today is whether to continue with the multiple Draft Local Plans and Options drawn up by predecessor bodies, or to develop a unified Dorset Council wide plan.

I would draw your attention to some of the excellent principles that underlay the old East Dorset Options Consultation document.

This provided seven clear objectives which I believe, if properly adhered to in the plan then developed would lead to a strong and generally accepted way forward. Of these Seven Objectives some are very relevant to the new Dorset Council area, and could be very simply adapted.

Objective 1 - To manage and safeguard the natural environment of (East) Dorset

Objective 2 - To maintain and improve the character of the towns and villages, and to create vibrant local centres

Objective 3 - To adapt to the challenges of Climate Change

This Objective calls for reducing the impact of **carbon emissions from transport** by more sustainable patterns of development in accessible locations. This

Objective becomes even more significant in view of our declaration of a Climate Emergency.

Objective 4 - To enable the mixed economy of (East) Dorset to grow, and to develop new employment sectors – and should relate to the work of the LEP.

Objective 5 - Which states that: Sufficient housing will be provided to **address local needs**, whilst **maintaining the character of local communities**.

Objective 6 - To reduce the need for people to travel and to have more travel choices

This is one of the key Objectives and is crucial to the ability of the eventual Plan to meet most of the other Objectives.

It states, specifically:

Development will be located in **the most accessible locations**, focused on prime transport corridors and town centres. **New residential development will be located either close to existing facilities, or where good transport links exist to such facilities.**

It is supported in the Vision Statement which says:

Development will be focused on locations accessible by different modes of transport and along the main transport corridors, bus routes and town centres. Transport corridors along the A347, A348, B3073, B3072 and B3074 will be enhanced to promote a wider choice of transport.

Objective 7 - To help our communities to thrive and help people support each other.

Unfortunately when it came to the Site Allocations section, three of these excellent Objectives seem to have been ignored – Objectives 3, 5 and 6.

The options Consultation sought to put at least 40% of the required development for East Dorset in a village on the edge of the Council Area, which is remote from employment, has no public transport suitable for commuters, is nowhere near any of the main transport corridors and where most households are forced to maintain two cars. Clearly this conflicts with Objectives 3 and 6, and the volume of housing suggested is very much more than is required for Local needs, and would dramatically change the character of the Local Community, violating Objective 5.

I would urge Cabinet to accept all or most of the Objectives contained in the document, and ensure they are properly applied within a new Dorset wide Local Plan.

Duration of meeting: 10.00 - 10.58 am

Chairman

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