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## CABINET

### MINUTES OF MEETING HELD ON TUESDAY 28 MARCH 2023

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

**Cabinet Leads in attendance:** Cllr Simon Gibson, Cllr Andrew Kerby, Cllr Nocturin Lacey-Clarke, Cllr Byron Quayle and Cllr Jane Somper

**Also present:** Cllr Jon Andrews, Cllr Shane Bartlett, Cllr Susan Cocking, Cllr Kelvin Clayton, Cllr Les Fry, Cllr Brian Heatley, Cllr Sherry Jespersen, Cllr Paul Kimber, Lacey-Clarke and Cllr Bill Trite

**Also present remotely:** Cllr Ryan Holloway and Cllr Mark Roberts

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

Matt Prosser (Chief Executive), Sean Cremer (Corporate Director for Finance and Commercial), Kate Critchel (Senior Democratic Services Officer), Megan Rochester (Democratic Services Officer), Vivienne Broadhurst (Executive Director - People Adults), Theresa Leavy (Executive Director of People - Children), Tracey Old (Strategic Commissioner), Sara Hardy (Senior Planning Officer (M&W)), Steven Ford (Corporate Director for Climate and Ecological Sustainability), Antony Littlechild (Sustainability Team Manager), Andrew Billany (Corporate Director for Housing), Alison Turnock (Service Manager for Conservation) and Grace Evans (Head of Legal Services and Deputy Monitoring Officer)

127. **Minutes**

The minutes of the meeting held on 28 February 2023 were confirmed as a correct record and signed by the Chairman.

128. **Declarations of Interest**

There were no declarations of interest to report.

129. **Public Participation**

There were 3 questions/statements presented from the public. A copy of the full questions and the detailed responses are set out in Appendix 1 to these minutes.

130. **Questions from Councillors**

There were 2 questions received from Councillors Clayton and Kimber, these along with the responses are set out in Appendix 2 to these minutes.

131. **Forward Plan**

The Cabinet Forward Plan for April 2023 was received and noted.

132. **Capital Programme 2023/2024 - 2026/2027**

The Portfolio Holder for Finance, Commercial & Capital Strategy set out the report on the Councils capital programme for the period 2023/24 and 2026/27

Although the capital strategy was approved on 14 February 2023 by Full Council, there had been a review to refresh the capital programme to ensure that the finite resources available, both in terms of financial and capacity, were able to deliver the projects listed in the programme within the current economic climate.

The Corporate Director for Finance and Commercial was invited to present a more detailed PowerPoint presentation of the proposals.

In response to question regarding resources, the Portfolio Holder confirmed that the point of the exercise was to rationalise the programme to be able to ensure delivery of Dorset Council's agreed priorities.

In response to a question around governance, the Portfolio Holder confirmed that Overview and Scrutiny Committees would continue to play their role within the decision-making process and in accordance with the member protocol, ward members should be fully informed of issues in their areas.

As part of presenting the report, Cllr G Suttle proposed the recommendations, and these were unanimously supported by Cabinet.

Decision

(a) That the capital strategy as set out in appendix 1 and the capital programme set out in Appendix 2 be agreed.

(b) That the impact on the Medium-Term Finance Plan be noted.

**Reason for the decision**

The Council approved the capital strategy and a capital programme budget on 14 February 2023 and at this meeting noted that a refreshed list of capital programme would be reported to this Cabinet.

Capital expenditure has an impact on the revenue budget, and so members should be aware of the financial implications to the revenue budget when agreeing the Capital Programme.

133. **Swanage Capital Asset Transfer**

The Portfolio Holder for Children, Education, Skills, and Early Help presented that proposal to the opening of a third family hub in Swanage in partnership with Swanage & Purbeck Development Partnership Trust (SPDPT).

In setting out the recommendations of the report, the Portfolio Holder proposed a minor amendment to recommendation 2, and that it be amended to read “that authority be delegated to the Executive Director of Place, in consultation with the Portfolio Holder for Economic Growth, Assets and Property”. The proposal with the amendment was seconded by Cllr G Suttle.

The Corporate Director for Commissioning and Partnerships and the Strategic Commissioner set out the detail of the proposal for an integrated service delivery model, which would be operated by the SPDPT to enable services for the community of all ages in Swanage. The local ward member spoke in support of the project.

In response to a question regarding timelines, the Portfolio Holder for Children, Education, Skills, and Early Help advised that he was keen to see the project progress promptly and Executive Director for Place confirmed that this transfer was being progressed at pace.

#### Decision

- (a) Cabinet noted and supported the opening of a national exemplar for Family Hubs in Swanage, Dorset.
- (b) That authority be delegated to the Executive Director of Place, in consultation with the Portfolio Holder for Economic Growth, Assets and Property, to transfer the Chapel Lane site to the Swanage & Purbeck Development Partnership Trust (SPDPT) through a community asset transfer process to enable the Family Hub to occupy the Chapel Lane site on terms to be agreed by the Executive Director for Place in consultation with the Portfolio Holder for Economic Growth, Assets and Property, the Executive Director for People – Children and Executive Director People – Adults and Housing, including inter-alia:
  - Due diligence of SPDPT (associated with transfer of asset).
  - Ensuring best value in terms of disposal of the asset, taking into account all other matters such as subsidy control.
  - Tenure and specific terms and conditions in relation to ongoing liabilities of the asset.
- (c) That authority be delegated to the Executive Director People - Children to enter into a commissioning service level agreement with the SPDPT for the provision of services in Swanage, funded by the DfE Family Hubs external grant.
- (d) That the People and Health Scrutiny Committee be asked to receive and comment upon an annual review of the outcomes delivered by the Swanage & Purbeck Development Partnership Trust each year in March, the first annual review in March 2024.

### **Reason for the decision**

This proposal supported the strategic objectives of the council to create strong, healthy communities. Dorset Council recognised the devolution of assets to local communities, particularly to town and parish councils and voluntary and community-based organisations could make a significant contribution to enabling them to be stronger, more resilient and to support services within their local areas. This proposal will enable the development of an intergenerational approach to service delivery in Swanage through the creation of a Family Hub that better meets the needs of the local community and supports the delivery of children's and adult's services commissioning strategies.

#### **134. Children's Services - Annual Self-Evaluation**

The Portfolio Holder for Children, Education, Skills, and Early Help presented a report that gave a summary of the comprehensive self-evaluation of Children's Services produced as part of the Ofsted Inspection Framework for the inspection of Local Authority Services for children in need of help and protection children looked after and care leavers.

The self-evaluation focused on leadership and governance, the quality and impact of social work practice, education and inclusion, the approach to performance management and quality assurance and future plans. Members also received a detailed PowerPoint presentation from the Executive Director for People - Children.

It was proposed by Cllr A Parry seconded by Cllr J Haynes

Decision

That the Annual Self-Evaluation of Children's Services 2023 be received, noting the strengths and continuous improvement approach of the service.

### **Reason for the decision**

The requirement to produce an Annual Self-Evaluation was part of the Ofsted Inspection Framework of Children's Services. This report was intended to enable Cabinet to understand areas of strength and continuous improvement approach taken.

**At this juncture the chairman reordered the agenda taking items in the following order:**

Item 12 – Natural Environment, Climate and Ecological Strategy 2023 -2025

Item 13 – Natural Environment, Climate and Ecology Decision Wheel

Item 11 – Planning for Climate Change: Interim Guidance and Position Statement Sustainability Checklist and Listed Building Guidance.

135. **Natural Environment, Climate and Ecological Strategy 2023 - 25 - refresh**

The Portfolio Holder for Highways, Travel and Environment presented a report on the refresh of the strategy which aimed to repurpose, reframe, and tighten the existing content. The strategy, a living document, would continue to evolve as action, technology and policy progressed.

Members noted that the strategy had been retitled to the “Natural Environment, Climate and Ecology Strategy to ensure its clear alignment to the associated priority within the Council’s Corporate Plan.

It was proposed by Cllr R Bryan and seconded by Cllr G Carr-Jones.

Decision

That the Dorset Council Natural Environment, Climate and Ecology Refreshed Strategy and action plan be approved.

**Reason for the decision**

To ensure that the strategy remained fit for purpose by being responsive to latest policy and progress, and concisely communicates our direction and ambition.

136. **Natural Environment Climate and Ecology Decision Wheel**

The Portfolio Holder for Highways, Travel and Environment set out the report that introduced the decision wheel that aimed to integrate and embed the principles of the Natural Environment, Climate and Ecology Strategy as part of the Council’s democratic decision-making process.

It was proposed by Cllr R Bryan and seconded by Cllr A Parry

Decision

- (a) That Cabinet supports the integration of the Natural Environment, Climate & Ecological decision tool into the democratic decision-making processes of Dorset Council, with inclusion of the model in the committee templates being a prerequisite for sign-off.
- (b) That Cabinet supports the integration of the Natural Environment, Climate & Ecological decision tool into the Capital Strategy and Asset Management Group, and its associated sub-groups, and the longer-term aspiration to embed into the procurement and policy processes of Dorset Council.

**Reason for the Decision**

The Natural Environment, Climate & Ecological decision tool provided a robust, transparent, accessible and in some instances measurable process to support the delivery of the Natural Environment, Climate & Ecological Strategy, and council plan ambitions, and would enable policy makers to understand the wider implications on climate, ecology and adaptation of the decisions being taken.

137. **Planning for Climate Change: Interim Guidance and Position Statement Sustainability Checklist and Listed Building Guidance**

The Portfolio Holder for Planning presented the report aiming to clarify the approach to considering climate change in planning decision making. He also highlighted that the report and appendices had been considered, supported, and welcomed by the Place and Resources Overview Committee at its meeting on 9 February 2023.

In presenting the recommendations, the Portfolio Holder proposed an amendment to recommendation 4, “that authority be delegated to the Portfolio Holder for Planning in consultation with the Executive Director for Place to consider the consultation responses and agree final wording of the documents listed in the recommendation”.

In response to a question, the Portfolio Holder for Planning confirmed that provision of training for town and parish councils was likely to take place after Easter.

The recommendation with the amendment was seconded by Cllr P Wharf

**Decision**

- (a) That the content of the report and the Interim Guidance and Position Statement (appendix 1) Sustainability Checklist (Appendix 2) and Listing Buildings: what you can do for climate change (Appendix 3) be considered and approved.
- (b) That the three documents in the appendices for consultation, as well as a related amendment to the Local List (Appendix 4), be agreed.
- (c) That agreement to any minor changes that were considered necessary prior to the consultation starting, be delegated to the Portfolio Holder for Planning to approve.
- (d) That authority be delegated to the Portfolio Holder for Planning in consultation with the Executive Director for Place to consider the consultation responses and agree final wording of the documents listed in Recommendation (a) above.

**Reason for the decision**

To enable efforts to be taken to address the climate emergency when new buildings were proposed and to assist with decision-making for renewable energy proposals. The Interim Guidance and Position Statement and Sustainability Checklist would give clarity to developers as to the expectations of Dorset Council when considering development proposals.

The Listed Buildings document would provide guidance for owners of listed buildings when considering energy efficiency works. Consultation enables the documents to be adjusted to reflect issues raised and therefore for weight to be given to it when making planning decisions. Should significant changes to any of the documents be considered necessary as a result of the consultation, councillors would be given the opportunity to consider revised versions prior to their use in planning decisions.

**138. Dorset Council Plan Priorities Community Safety**

The Portfolio Holder for Housing and Community Safety presented an information paper on the Dorset Council Plan priority – Community Safety. He set out how the council worked closely with Dorset police to ensure best outcomes when dealing with local crime and anti-social behaviour.

He also reported the priority issues currently being addressed by the Community Safety Partnership.

**139. Portfolio Holder /Lead Member(s) Update including any Policy referrals to report**

There were no updates for policy referrals to report.

**140. Urgent items**

There were no urgent items considered at the meeting.

**141. Exempt Business**

There was no exempt business to report.

**Appendix 1 - Public Participation**

**Appendix 2 - Councillor Questions**

**Duration of meeting:** 10.00 am - 12.18 pm

**Chairman**

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## Public Participation – Cabinet 28 March 2023

### Question from Mike Hall

Mr Chair, my name is Mike Hall, owner of Silton Mews. On the 12<sup>th</sup> Jan '23, out of the blue, Silton Parish Meeting was notified of a provisional Area Tree Preservation Order relating to Silton Mews.

By way of background, we have been in dialogue with Dorset Planning for almost 2 years with regards to extending our property, for which Planning permission has now been granted. At no point in this process has the Tree Team or Case Officer raised any concern for a TPO until the 11<sup>th</sup> hour.

This TPO has come as a shock to us and has caused alarm in the Parish of Silton too. An Extraordinary Parish Meeting was held on 21<sup>st</sup> February where our provisional TPO was Agenda item 3. Cllr Belinda Ridout was present for this item, having kindly conducted a full site visit of our garden and Application site.

**It is important to note that no trees in our garden are at risk or will be impacted by the extension or parking.**

We value our trees, we have planted 27 trees to date and we've been instrumental in planting 3 English oaks in the village to honour our late Queen's Green Canopy Initiative in 2022.

**We were taken aback to receive an Area TPO, particularly because much of the area designated is nowhere near the Application site.**

There is no logic to a non-specific Area TPO that, for example, includes fruit trees and a diseased ash tree. **Several objections to this Area TPO have been lodged including one by Silton Parish Meeting** - the final paragraph of which sums up the prevailing situation:

*"This Area TPO will not help the trees at Silton Mews to contribute positively to the amenity of Church Road and the Parish of Silton, indeed it will do exactly the opposite as it will impose a completely unnecessary layer of bureaucracy on the management of these trees. This TPO is arbitrary, unjustified and completely unnecessary.*

*Silton Parish Meeting strongly objects to the imposition of this TPO and requests that it be withdrawn".*

Our key concerns are:

- The imposition of a TPO order of this nature will be counter productive and rather than protecting trees, as news of this Area TPO spreads, it is very likely to prompt the felling of trees prior to planning applications being submitted.
- There has been no consultation with us from the Tree Officer about the Area TPO to date.

- Silton is not in a conservation area or an AONB. There is no other existing TPO in our parish.
- This TPO will inevitably generate an unnecessary level of bureaucracy for all parties, as it encompasses many trees that require regular tree management and remedial pruning to ensure their optimum health.

LPAs have powers to cancel confirmation of TPOs or else vary or revoke them. I request that such action is taken in respect of the Area TPO due to be imposed on our property.

We were drawn to Silton Mews for its calm, green space for our health & wellbeing following a cancer diagnosis in our household. This TPO has put undue stress on us.

### **Response from the Portfolio Holder for Planning**

The Silton Mews TPO (TPO/2023/001) has been made in response to a planning application and potential future planning applications. The TPO is dated 12th January 2023.

In response to the specific queries raised by Mr. Hall:

- The imposition of a TPO order of this nature will be counter productive and rather than protecting trees, once news of this Area TPO spreads, it is more likely to prompt the felling of trees prior to planning applications being submitted.

**Response:** Area TPOs are made as a matter of urgency to protect trees of amenity value within defined land. The intention is that the TPO will be modified to cover appropriate individual or groups of trees within the designated area. This will be undertaken in the next two to three weeks.

- There has been no consultation with us from the Tree Officer about the Area TPO to date.

**Response:** consultation is not undertaken prior to serving a TPO. This is to prevent the removal of unprotected trees prior to a TPO being served.

- Silton is not in a conservation area nor is it in an AONB. There is no other existing TPO in our parish.

**Response:** Trees within Conservation Areas are afforded protection, as the Local Authority must be notified of proposals to carry out tree works. The number of existing TPO's in an area is not a factor taken into consideration when making a TPO.

- This TPO will inevitably generate an unnecessary level of bureaucracy for all parties, since the TPO encompasses a large number of trees that require

regular tree management and remedial pruning to ensure their optimum health.

**Response:** tree works can be undertaken on trees covered by TPO's. A Tree Works Application needs to be made to Dorset Council – there is no charge for this.

To conclude, Dorset Council is not proposing to confirm the TPO with an Area designation, but rather to modify it to cover specific trees and groups of trees considered worthy of protection. This would not include diseased trees referred to in the submission.

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## Questions from Councillors to Cabinet 28 March 2023

### 1. Question from Cllr P Kimber

#### **Question to Cabinet Regarding the long-suffering issues for the people regarding the mess on Portland roads from the Quarry's.**

I'm receiving complaints via my Councillors surgery regarding the mess on the Portland Roads and which is going onto homes, and cars. This is regarding the stone dust that's messing up the streets and Houses.

"The horrific state of Grove Rd Portland. Where to start? The constant mud dirt, stones from the new quarry off grove field and the pathetic attempts to road sweep as there should be some sort of truck wash as the lorries leave the quarry entrance at the least.

I must wash 3 cars every week as they are caked in mud there is damage to the road where the heavy loaders cross from one side then on to the main road to the quarry on the other side the whole Rd from grove corner to midway up grove Rd is dangerously skiddy when wet due to the mud dust stone etc.

Then come summer just dry dust everywhere in the garden on the washing on the cars let alone what health dangers this will impact our health in the future. I could go on and on, but things need to change urgently as it is like living on a constant building site with no due care for the residents the environment the natural habit and wildlife. Please treat this as a priority community disaster unfolding before anyone nationally pays a big interest. Look forward to your thoughts and response."

Other areas are Easton where the homeowners are also facing this mess.

**From another angry resident.** I live on Portland in your constituency where there is a serious problem with the roads. They are a mess because of detritus caused by quarrying activity, particularly around Easton.

Dorset Council say their powers to limit and regulate quarry activity are limited because of a **1951 planning consent. This cannot be right in 2023!**

I should be grateful if you would ascertain whether this aged planning consent can be amended so that the quarry companies act more responsibly and clear the mess they cause. drive round the island and see for yourself.

Stone quarrying activity obviously needs to be limited so the whole island does not disappear on the backs of lorries! People should come before profit.

#### **Question when will the Dorset Council address this problem.**

### Response from the Portfolio Holder for Planning

The majority of the quarry sites on Portland were allowed under a 1951 planning permission, which only had two conditions, neither of which could be used to enforce against these matters.

There has been a particular problem during the intensive quarrying of stone for the deep-water berth at Portland Port. The contractor has been working directly with affected residents to resolve their concerns and has been carrying out regular and daily sweeping of the roads, but this has had mixed success depending on the weather conditions.

As these particular quarrying operations have now ceased, the situation should now improve.

## **2. Question from Kelvin Clayton**

A substantial number of Bridport's housing stock are listed buildings. These are often small and relatively cheap houses inhabited by the working population of the town. However, when many owners have applied for permission to install energy efficiency measures like double-glazing, they are often refused on the grounds that such measures will harm the significance of the building. The same reasons have been given to small businesses trying to reduce their energy bills by installing solar pv panels on their roofs.

Although the NPPF defines 'significance' as "The value of a heritage asset to this and future generations because of its heritage interest" this significance, and any harm done to it, is in effect the sole judgement of a conservation officer.

In her book *Playing With The Past*, the former CEO of the Welsh Government's heritage service, Kate Clark, writes: "Traditionally, heritage specialists have used their expertise to define the significance of heritage sites, but increasingly practitioners will need to behave less like dictators and more like facilitators – listening to people, engaging with communities and helping groups explore what matters, rather than telling them."

Would it be possible for the guidance note outlining the importance of the historic heritage and issues to consider when looking at energy efficiency in listed buildings to be modified to include a commitment to a programme of community engagement?

### **Response from Portfolio Holder for Planning**

The aim of the document "Listed buildings – what you can do for climate change" is to take the approach suggested by Kate Clark in that it seeks to facilitate and work with applicants. The document outlines what measures can be taken on listed buildings which do not require listed building consent. Where consent is required, the approach is to look at whether there are other options that could be undertaken to achieve the aims of the applicant and not conflict with national planning policy. One example of this could be to locate solar panels on modern extensions, sheds or garage roofs as an alternative to siting them on the listed building.

With regard to community engagement, a series of planning workshops is planned after Easter to which representatives from all town and parish councils will be invited. A key part of these will be presentations on the climate change interim guidance and position statement, sustainability checklist and listed building guidance. Town and

parish council representatives will have the opportunity to ask questions regarding the content of the documents. Community engagement forms part of the implementation of the planning commitment to climate change, so it is not proposed to include specific reference to it in the document.

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