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## CABINET

### MINUTES OF MEETING HELD ON TUESDAY 15 OCTOBER 2024

**Present:** Cllrs Nick Ireland (Chair), Richard Biggs (Vice-Chair), Shane Bartlett, Simon Clifford, Ryan Holloway, Ryan Hope, Steve Robinson, Clare Sutton and Gill Taylor

**Present remotely:** Cllrs

**Apologies:** Cllrs Jon Andrews

**Also present:** Cllr Piers Brown, Cllr Beryl Ezzard, Cllr Les Fry, Cllr Simon Gibson, Cllr Hannah Hobbs-Chell, Cllr David Northam, Cllr Jane Somper and Cllr Gary Suttle

**Also present remotely:** Cllr Belinda Bawden, Cllr Andrew Parry, Cllr Laura Beddow, Cllr Bridget Bolwell, Cllr Ray Bryan, Cllr Rob Hughes, Cllr Sherry Jespersen, Cllr Chris Kippax, Cllr Steve Murcer, Cllr Val Pothecary, Cllr Byron Quayle, Cllr Andy Todd, Cllr Kate Wheller, Cllr Jill Haynes, Cllr Jack Jeanes and Cllr Carole Jones

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

Jan Britton (Executive Lead for the Place Directorate), Gemma Clinton (Head of Commercial Waste and Strategy), Sean Cremer (Corporate Director for Finance and Commercial), Kate Critchel (Senior Democratic Services Officer), Liz Curtis-Jones (Principal Lead for Best Start in Life), George Dare (Senior Democratic Services Officer), Amanda Davis (Corporate Director for Education and Learning), Alice Deacon (Corporate Director for Commissioning and Partnerships), Paul Dempsey (Executive Director of People - Children), Mike Garrity (Head of Planning), Darren Hobson (Enforcement Manager), Julia Ingram (Corporate Director for Adult Social Care Operations), Anna Lee (Service Manager for Development Management and Enforcement), Jonathan Mair (Director of Legal and Democratic and Monitoring Officer), Sam Poole (Transformation and Performance Manager), Jonathan Price (Executive Director of People - Adults and Housing), Matt Prosser (Chief Executive), Terry Sneller (Strategic Planning Manager), Rebecca Watson (Project Lead - Family Hubs) and Nick Webster (Head of Growth and Economic Regeneration)

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

Mark Tyson (Corporate Director for Adult Commissioning & Improvement)

49. **Minutes**

The minutes of the meeting held on 10 September 2024 were confirmed as a correct record and signed by the Chair.

The Chair advised that there was a small change to the agenda order, in that items 11 and 12 would now be considered after item 15.

50. **Declarations of Interest**

Cllr R Holloway declared a pecuniary interest in respect of items 13 “Growth & Economic Regeneration Strategy” and 14 “Dorset Council – Strategic Asset Management Plan 2024 – 2030” on the agenda. This was because he owned a business that operated on council land. Cllr Holloway advised that he leave the room for the consideration of both items.

51. **Public Participation**

There was 1 question and 2 statements from the public. A copy of the full question and the detailed response was set out in Appendix 1 to these minutes.

52. **Questions from Councillors**

There were no questions from Councillors to report.

53. **Forward Plan**

The draft Cabinet Forward Plan for November was received and noted.

54. **Reablement Centres**

The Cabinet Member for Adult Social Care set out a report seeking approval to develop the site of the former Sidney Gale Home, Flood Lane, Bridport as Dorset’s first reablement centre for older people at an estimated cost of £28.32m.

Non- executive members spoke in support to the proposal, welcoming the first Dorset building for a reablement centre. However, there was disappointment that the identified Dorchester site would not proceed at this stage. Members were advised that negotiations of the NHS owned site in Dorchester would continue.

It was proposed by Cllr S Robinson and seconded by Cllr S Clifford

Decision

- (a) That the Council owned site of the former Sidney Gale Care Home, Flood Lane, Bridport be allocated for development as Dorset’s first reablement centre.
- (b) That the Executive Director of Adults & Housing, in consultation with the Cabinet Member for Adult Social Care, be authorised to procure and award the contract for the services for the demolition of the existing buildings and clearance of the site in accordance with the Council’s financial regulations and Contract Procedure Rules.
- (c) That the Executive Director of Adults & Housing, in consultation with the Cabinet Member for Adult Social Care, be authorised to procure and award the contract for services to develop the design of the new centre and submit a planning application for the development of the centre in accordance with the Council’s financial regulations and Contract Procedure Rules.

- (d) That the Executive Director of Adults & Housing, in consultation with the Cabinet Member for Adult Social Care, the commencement of the procurement of services for the construction of the centre, subject to the outcome of actions within (c), with the contract award to be approved by Cabinet (*estimated autumn 2025*).

### **Reason for decision**

To secure the provision of reablement services for older people requiring higher levels of care by building up to three homes in the county at an estimated cost of £80m which would then be leased to one or more third party care providers to operate. Without investment, the Council considered that there was an unacceptable high risk that it would be unable to meet some of its duties under sections 1 & 2 of the Care Act 2014.

### **55. Dorset Council Childcare Provision**

The Cabinet Member for Children's Services, Education, and Skills presented a report proposing alternative arrangements for the ownership and provision of the childcare settings that Dorset Council run in Blandford and Shaftesbury. The Cabinet Member reminded members that most childcare settings were run by the private sector, voluntary organisations, or schools as they were expertly placed to run these types of resources.

It was proposed by Cllr C Sutton and seconded by Cllr S Robinson

#### **Decision**

- (a) That the ownership and management of the Dorset Council run Nursery and Oscar's Out of School Club in Blandford in its current form, be transferred to \*The Diocese of Salisbury Academy Trust (DSAT), in order to expand the provision at Archbishop Wake CE Primary School and enhance the educational offer to create a single school from 0 years, through to 11 years, on terms to be agreed by the Cabinet Member for Children's Services, Education and Skills, in consultation with the Executive Director for Children's and the Executive Director for Corporate Development Services.
- (b) That Dorset Council progress discussions with Sherborne Area Schools Trust (SAST) to consider feasibility of transferring ownership of the nursery provision at the Dorset Council run Nursery at Shaftesbury Children's Centre, or to procure and award a contract to a suitably skilled provider to take on management of the service in the event that Sherborne Area Schools Trust is not able to do so.
- (c) Cabinet agreed to the lease of appropriate facilities at Blandford Children's Centre and Shaftesbury Children's Centre to the successful providers who take on the operation of Nurseries and out of school provision on these sites on terms to be agreed by the Cabinet Member for Property & Assets and

Economic Growth, in consultation with the Executive Director for Place and the Executive Director People – Children.

\*Subject to community consultation and grant of Significant Change by the Department for Education (DfE) [Making significant changes to an academy: January 2024 \(applies from April 2024\) \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/123456/10012024-making-significant-changes-to-an-academy-january-2024-applies-from-april-2024.pdf)

### **Reason for the decision**

Dorset Council had a duty to ensure that sufficient childcare was available for parents, but there was no statutory obligation for a local authority to provide childcare. Most childcare settings were run by the private sector, voluntary organisations, or schools. These types of organisations were expertly placed to run thriving childcare settings with the dedicated leadership, experience, resources, and skills to do this effectively.

## **56. Development Management: Local Enforcement Plan 2024**

The Cabinet Member for Planning and Emergency Planning presented the report and its recommendations. The current Planning Enforcement Plan was adopted during the reorganisation of the of local government in Dorset in 2019. He further set out what was required to be included in the new Planning Enforcement Plan. The motion to approve the plan was seconded by Cllr R Holloway.

In response to a question, the Cabinet Member confirmed that updates on current cases would be provided to complainants on request. In response to a further question, members were advised that the other objectives and areas of improvement were also being addressed. In respect of resources and deliverability, Cabinet members were reassured that cases were monitored and dealt with; there was, however, still an ongoing pressure with legacy cases, but members were informed that an action was in place to address this backlog.

Decision

That the Development Management Local Enforcement Plan 2024 “LEP” document be formally adopted, thereby superseding the currently published Development Management Planning Enforcement Plan 2019.

### **Reason for the decision**

The Development Management Local Enforcement Plan 2024 “LEP” document set out Dorset Council’s approach to enforcement matters in line with the National Planning Policy Framework (NPPF). It also set out the council’s priorities for investigating and, where applicable, remedying breaches of planning control.

## **57. Sturminster Marshall Neighbourhood Plan**

The Cabinet Member of Planning and Emergency Planning presented the report and recommendation to “make” the Sturminster Marshall Neighbourhood Plan. In addition, he took this opportunity to recognise the significant amount of work of the members of the Neighbourhood Plan Group in producing the plan. The recommendation was seconded by Cllr R Holloway.

#### Decision

- (a) That the Council “makes” the Sturminster Marshall Neighbourhood Plan 2023-2033 (as set out in Appendix A of the Cabinet report of 15 October 2024) part of the statutory development plan for the Sturminster Marshall Neighbourhood Area.
- (b) That the Council offers its congratulations to Sturminster Marshall Parish Council and members of the Neighbourhood Plan Group for producing a successful neighbourhood.

#### Reason for the decision

To formally “make” the Sturminster Marshall Neighbourhood Plan 2023 – 2033 part of the statutory development plan for the Sturminster Marshall Neighbourhood Area.

Cllr R Holloway left the room for the following 2 items.

#### 58. **Growth & Economic Regeneration Strategy**

The Cabinet Member for Property & Assets and Economic Growth presented a report asking members to consider and agree an approach to produce a new Economic Growth Strategy including the approach to consultation with the business community and key stakeholders.

The aim of the strategy would be to set out how Dorset should tackle its economic challenges, respond to the national political drive for growth, and use its strengths and assets to deliver meaningful and long-lasting change. Members discussed the opportunities to make gains to the local and national economy which would be taken forward as part of developing the strategy.

It was proposed by Cllr R Biggs and seconded by Cllr S Clifford

#### Decision

- (a) That the principle of establishing a new “economic growth-board” to provide business representation into the democratic decision-making process, be approved.

*Approval for the governance and membership of this group would be subject to a separate decision.*

- (b) That the formal withdrawal of Dorset Council from the Dorset LEP CIC on or before 31 March 2025 be approved.

- (c) That the broad approach to the development of the Economic Growth Strategy be approved.
- (d) That the key issues impacting the Dorset economy be noted.

### **Reasons for the decision**

To develop a strategy and to implement it successfully, the council would step into the space vacated by the LEP and build a new set of strategic relationships with the business community that enables them to feed into the decision-making process. The Strategy would set out how the council would proactively engage at a strategic level with the various town Chambers of Commerce and Business Improvement Districts to ensure locality needs were captured.

### **59. Dorset Council - Strategic Asset Management Plan 2024 - 2030**

The Cabinet Member for Property & Assets and Economic Growth presented a new Strategic Asset Management Plan (SAMP). The new SAMP replaced the previous Property and Asset Management Plan 2020-24 and strongly underpinned the emerging Council plan. The purpose of the plan was to establish a land and property portfolio which supported the Council's Vision, to ensure value for money and a commitment to become carbon net zero, whilst protecting and enhancing the natural environment.

It was noted that the report had been considered by Place and Resources Overview Committee prior to it coming forward to Cabinet. In response to questions, the Executive Lead for Place Services confirmed that the work of bringing order and direction to the council's property and assets portfolio was important and this plan supported that work. Going forward it was essential to be clear why the council held assets; some would be for economic purposes, some for operational purposes or some for its social or local community value. This strategy would help with this continued work. Although the portfolio was extensive, there would be a need for some difficult decision making ahead because of the number of priorities that were currently listed within the strategy.

Responding to a further question regarding staffing and resources, the Cabinet Member confirmed that the objectives and KPI's have yet to be set to measure progress. The Executive Lead for Place Services confirmed that property services did sometime struggle with recruitment, but there were other means and avenues to expedite the work required.

It was proposed by Cllr R Biggs and seconded by Cllr G Taylor

Decision

That the Strategic Asset Management Plan 2024-2030 be approved.

### **Reasons for the decision**

The purpose of the Strategic Asset Management Plan 2020 – 2030 was to establish a land and property portfolio which supported the Council's Vision, ensuring value for money and a commitment to become carbon net zero, whilst protecting and enhancing the natural environment.

Cllr R Holloway returned to the meeting.

60. **Review of the Dorset Council Waste Strategy**

The Head of Service for Commercial Waste and Strategy presented the report and set out the reasons for the review of the strategy. It was noted that the strategy had been considered and endorsed by the Place and Resources Overview Committee.

The strategy confirmed the strategic vision and framework for how the council would deal with waste in Dorset in the longer term, but also focused on the actions that would be undertaken over the next 5 years due to the significant legislative changes that were anticipated in that timeframe.

In response to a comment regarding landfill and the burning of waste, members were reminded that policy objective 3 aimed to ensure that residual waste treatment considered the waste hierarchy and cost in maximising the value recovered from waste in terms of resources and energy.

In response to a question regarding cross boarder household recycling centres (HRC's) relationships, the Head of Service for Commercial Waste and Strategy confirmed that once the strategy was in place, HRC's was one of the workstreams that would be focused on, including them being fit for purpose and their wider infrastructure.

It was proposed by Cllr N Ireland and seconded by Cllr R Biggs

Decision

That the revised Dorset Waste Strategy be approved.

**Reason for the decision**

To ensure that the strategy remained a valid, high-level document which would provide a framework for future decisions regarding waste management in Dorset.

61. **BCP Council unmet need request response**

The Cabinet Member for Planning and Emergency Planning presented the report explaining that BCP Council had asked Dorset Council for their assistance in meeting their unmet housing need target. The Cabinet Member noted that it would be very challenging for Dorset Council to meet its own targets set by central government without then considering support to BCP Council. Additionally, it was suggested that BCP Council should conduct further work or provide evidence on their urban capacity and a Green Belt review should be undertaken in the light of

the significant increase in targets proposed to local councils following recent government consultation.

In response to questions, the Cabinet Member confirmed that BCP Council had requested Dorset Council to consider using its Green Belt land for housing without them considering using their own. Dorset Council had a duty to cooperate (but not necessarily agree) with its neighbouring council(s) and this would be tested through the development and consultation of the local plan process. It would be for BCP Council to prove that they had considered all options, including their own Green Belt land, to the local planning inspectorate.

Members were advised that the formal response had been sent. But listening to the sentiments of councillors and the request for a response to be more robust, the Head of Planning indicated that a covering letter could be added to the official papers to the local inspectorate setting out Cabinet's concerns. However, Dorset Council would continue to cooperate with BCP Council going forward.

It was proposed by Cllr S Bartlett and seconded by Cllr R Holloway

#### Decision

That Dorset Council was unlikely to be able to meet any of the BCP Council unmet housing need without further work on the urban capacity and Green Belt review being undertaken, particularly in the light of the significant increase in housing targets proposed through the recent government consultation.

#### Reason for the decision

To respond to the formal request from BCP Council for Dorset Council to consider helping to meet the unmet need as required by the Duty to Cooperate.

#### 62. **Allocation s106 developer contribution funding for community facilities at Mampitts Green Shaftesbury**

The Cabinet Member for Planning and Emergency Planning presented the report regarding Mampitts Green, Shaftesbury and the delivery of community facilities for residents of Shaftesbury.

He advised that two rival bids had been received from Shaftesbury Town Council and Mampitts Community Land Trust. Each bid had been appraised, had merit and the outcome was finely balanced with strengths and weaknesses appearing in both proposals. Collaborative working on one bid had been encouraged, but this had been proven to be unsuccessful.

The Cabinet Member proposed that Cabinet should award the developer contribution funding to Shaftesbury Town Council on the basis that the council was an elected, accountable body, which provided strong governance. The town council's proposal also demonstrated a strong position regarding operational capability and financial resilience. The recommendation was seconded by Cllr R Holloway.



Cabinet members felt it was disappointing that agreement could not be reached but they supported the recommendation.

Cabinet agreed (unanimously approved)

- (a) Cabinet agreed to award ringfenced s106 developer contributions up to the value of £876,278 to Shaftesbury Town Council for the purpose of building and operating a Community Hub and landscaped open space and recreational facilities at Mampitts Green, Shaftesbury, subject to fulfilment of the conditions set out in paragraphs 6.7 to 6.14 of the report to Cabinet of 15 October 2024.
- (b) That the appraisal of further information required by the conditions is agreed by the Head of Planning in consultation with the Cabinet Member and Portfolio for Planning and Emergency Planning, and any subsequent transfer of funds (and land) is made under the relevant officer delegation in accordance with the s106 protocol process.

### **Reason for the decision**

To support the delivery of much-needed community facilities to serve the residents of Shaftesbury by fulfilling the requirements of longstanding planning obligations linked to the Maltings development.

### **63. Urgent items**

There were no urgent items considered at the meeting.

### **64. Exempt Business**

It was proposed by Cllr S Robinson and seconded by Cllr R Holloway

Decision

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

### **Reason for taking the item in private**

Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

*The live streaming was concluded at this juncture.*

### **65. To enter into a new lease of the Sherborne Household Recycling & Waste Transfer Centre**

The Leader of the Council presented the exempt report and its recommendation. It was proposed by Cllr R Biggs and seconded by Cllr S Bartlett.

Decision

That the recommendations set out in the exempt report of Cabinet 15 October 2024, be approved.

**Reasons for the decision**

To renew the lease at the Sherborne Household Recycling & Waste Transfer Centre.

**Duration of meeting:** 6.30 - 8.49 pm

**Chairman**

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## **Question from Karen Tippins**

Clause 15.8 of the s106 agreement Persimmon/LPA 2007 specifying the proposed building classification usage for land associated with Mampitts, East of Shaftesbury is clear and also the Commuted Sum of excess of £240k. These are Planning Obligations/constraints that have not been addressed either in 1st Oct 2024 Planning Committee meeting not in the 15th Oct 2024 Cabinet Papers. D2 classification is the only allowed Business Classification. I understand this changed to F2 classification for community halls. But the Decision Notice on 2nd Oct for P/FUL/2024/01856 has allowed B1A classification usage. This usage was clearly stated on the Town Council planning application. Also, no account by Dorset Council has been made of the s106 commuted sum associated with this land and how this help operational costs and upkeep. VAT treatment plus business rates TC v Charity impact is omitted.

Could Dorset Council explain as to why contractual obligations for the s106 haven't been followed.? (B1A is against Planning Obligations as per s106 contract)

## **Response from the Cabinet Member for Planning and Emergency Planning**

Demonstrating planning consent has been a key component in the assessment of bids for section 106 funding to deliver community facilities at Mampitts Green, Shaftesbury. Through the planning process, the Local Planning Authority has determined that the proposed café and offices within the Shaftesbury Town Council proposal are ancillary to the primary community use of the building, and as such, the proposal accords with the requirement of the s106 agreement. This judgement has been recognised in the assessment of bids and features in Appendix B of the Cabinet report.

Regarding the commuted sum, this will be calculated at the point when the land is ready to transfer from the developer to Dorset Council. Dorset Council will use the commuted sum to manage and maintain the land at Mampitts Green. Once the funding conditions outlined in the Cabinet report have been satisfied, the land and the remaining commuted sum will transfer from Dorset Council to the third party to support the ongoing management and maintenance of the land. As such, the availability of the commuted sum does not form part of the funding award at this moment in time.

In respect of the matter of VAT, the council's s106 protocol does not distinguish treatment of VAT between public bodies and charities.

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