

## **CABINET**

### **MINUTES OF MEETING HELD ON TUESDAY 22 JUNE 2021**

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

**Also present:** Cllr Cherry Brooks, Cllr Simon Gibson, Cllr Nocturin Lacey-Clarke, Cllr Tony Alford, Cllr Jon Andrews, Cllr Pete Barrow, Cllr Shane Bartlett, Cllr Dave Bolwell, Cllr Susan Cocking, Cllr Jean Dunseith, Cllr Barry Goringe, Cllr David Gray, Cllr Matthew Hall, Cllr Brian Heatley, Cllr Ryan Holloway, Cllr Nick Ireland, Cllr Sherry Jespersen, Cllr Carole Jones, Cllr Paul Kimber, Cllr Rebecca Knox, Cllr David Morgan, Cllr Mike Parkes, Cllr Val Potheary, Cllr Mark Roberts, Cllr Andrew Starr, Cllr Roland Tarr, Cllr David Taylor, Cllr Gill Taylor, Cllr Daryl Turner, Cllr Kate Wheller and Cllr John Worth

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

Matt Prosser (Chief Executive), Aidan Dunn (Executive Director - Corporate Development S151), Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer), John Sellgren (Executive Director, Place), Kate Critchel (Senior Democratic Services Officer), Vivienne Broadhurst (Interim Executive Director - People Adults), Theresa Leavy (Executive Director of People - Children), Karyn Punchard (Corporate Director for Place Services), James Ailward (Head of ICT Operations), Lesley Hutchinson (Corporate Director for Adults Commissioning), Sarah Cairns (Service Manager - Major Projects), Ed Gerry (Principal Planning Policy Team Leader), Jim McManus (Corporate Director - Finance and Commercial), Andrew Billany (Corporate Director of Housing, Dorset Council), Matt Reeks (Service Manager for Coast and Greenspace), Claire Shiels (Corporate Director - Commissioning, Quality & Partnerships), Sarah Jane Smedmor (Corporate Director - Care & Protection) and Vik Verma (Interim Director of Education and Learning)

### **WELCOME AND STATEMENT FROM THE LEADER OF THE COUNCIL**

The Leader of the Council welcomed everyone to the meeting and advised that at the Annual Meeting of Council on 4 May 2021 it was agreed that all council meetings, that were not of an executive nature, would continue to be held virtually from 7 May 2021. As social distancing requirements were not lifted on 21 June 2021, Cabinet would also continue to meet virtually.

Members were advised that where a Cabinet decision was required, the appropriate Portfolio Holder would be the responsible individual to make the decision, whilst considering the views expressed by the wider Cabinet membership.

19. **Declarations of Interest**

There were no declarations of interest to report.

20. **Public Participation**

There were four questions/statements from the public. These questions were read out by Matt Prosser (Chief Executive) and Jonathan Mair (Corporate Director, Legal and Democratic Services) and responded to by the appropriate Portfolio Holder. A copy of the full questions and the detailed responses are set out in Appendix 1 these minutes.

21. **Questions from Councillors**

There were no questions from Councillors to report.

22. **Forward Plan**

The draft Cabinet Forward Plan for July 2021 was received and noted.

23. **Covid - 19 Response**

The Chairman presented a report which updated members on the council's response to the Covid-19 pandemic. He highlighted aspects of the report in terms of costs, demand, PPE and the continuing Covid-19 response being provided to the community during the pandemic to date. This current position was received and noted.

**Decision**

- (a) That the continued Covid-19 emergency response be noted in relation to the organisational and incident recovery.
- (b) That the recovery plan be progressed as directed by the Local Resilience Forum, with input from the council's Overview Committees
- (c) That the Dorset Council Plan be reviewed and refreshed in light of the learning from Covid-19 and the revised aims of the council.

Reason for the decision

To ensure that Cabinet is able to lead and remain assured of the way that the response and recovery from Covid-19 is progressing and is able to respond effectively to the changing needs of Dorset residents during the Covid-19 pandemic.

24. **Finance report - Outturn 2020/21**

The Portfolio Holder for Finance, Commercial & Capital Strategy presented a report on the outturn position for 2020/21.

The Portfolio Holder also set out his executive decision based on the report's recommendations. Cabinet give their "minded to" view and confirmed that their support for his decision.

### **Decision of the Portfolio Holder for Finance, Commercial & Capital Strategy**

- (a) That the draft, unaudited outturn position for 2020/21, be noted.
- (b) That the reserves strategy statement and repurposing of reserves set out in this paper be approved.

### [Executive Decision - Finance report - Outturn 2020/21 - Dorset Council](#)

#### Reason for decision

At its Annual Meeting, Council decided to continue to meet virtually for all non-executive committees. The Leader of the Council also decided that Cabinet should continue to meet virtually until social distancing requirements had been removed. Therefore, the Portfolio Holder for Customer and Community Services has made this decision taking into account the views expressed by the wider cabinet membership.

Although this report does not seek formal approval from Cabinet for the reported outturn, the performance for the previous year is an important part of the financial management process as it marks the start of the medium-term financial planning (MTFP) and budget strategy process for 2022/23. In addition to reporting outturn, with the financial performance for the year materially complete, it is important for Cabinet to review the risks the organisation now faces and the areas where it wishes to make strategic investments and to repurpose and prioritise its reserves to facilitate these aims.

## 25. **Dorset Council Plan: Quarter 4 Performance Update**

The Portfolio Holder for Corporate Development and Change set out the quarter 4 performance update on the Dorset Council Plan covering the period January-March 2021. It also highlighted where performance has improved, where it had stayed the same, where it had declined, and why. Councillors would have an opportunity to look at the report in more detail at the appropriate Scrutiny, Overview and Audit and Governance Committees.

### **Decision**

That the progress against the Council Plan priorities as shown in appendix 1, be received and noted.

#### Reason

To ensure progress towards the Council Plan is measured and monitored.

## 26. **Dorset Care, Support, Housing and Community Safety Framework**

Cabinet considered a report on the Dorset Care, Support, Housing and Community Safety Framework. The Portfolio Holder for Adult Social Care and Health advised that the Council sought to provide high quality, personalised care and support services (taking a strengths-based approach) which focused on meeting the outcomes of those individuals using the services. Whilst ensuring they were also delivered and financed in a sustainable way.

To achieve this Dorset Council was seeking approval for a new Framework; this would act as a vehicle to procure a range of care and support, housing and community safety services.

Prior to the Portfolio Holder making her executive decision, Cabinet colleagues indicated that they were “minded to” support the proposed recommendation. The Portfolio Holder set out her executive decision in accordance with the recommendations set out in the report.

### **Decision of the Portfolio Holder for Adult Social Care and Health**

- (a) That the procurement process to establish the Framework as described in the report, be agreed.
- (b) That the next step of agreeing Service Lots within the Framework and any subsequent contract award following further competition procurement exercises / ‘call-down’ via the Framework shall be delegated to the Executive Director of People – Adults and Housing after consultation with the Portfolio Holder for Adult Social Care and Health.

[Executive Decision Notice - Dorset Care, Support, Housing and Community Safety Framework - Dorset Council](#)

### Reason for the decision

At its Annual Meeting, Council decided to continue to meet virtually for all non-executive committees. The Leader of the Council also decided that Cabinet should continue to meet virtually until social distancing requirements had been removed. Therefore, the Portfolio Holder for Customer and Community Services has made this decision taking into account the views expressed by the wider cabinet membership.

A new Framework is required as the current Dorset Care Framework for Older People expires on 30 November 2022 and the Dorset Care Framework for Learning Disabilities needs a refresh to include Mental Health provision. By putting in place one Framework for all service user groups there is greater clarity for the market. The aim is to have the Framework in place by the autumn of 2021. The Framework will be established by utilising the flexibilities of what is the Light Touch Regime under the Public Contract Regulations 2015 which allows Public Sector Bodies, in terms of health and social care, to adapt / innovate procurement and contracting models to best meet the service requirements.

The Framework will be in place for up to 10 years and will enable providers to join at any time (as long as specific criteria is met) instead of fixed opening periods (as is the case with the existing Frameworks).

The proposed new Framework tool is key to delivery of flexible contracting with all sectors of the provider market, including micro enterprises.

Feedback from existing providers is that our current Framework is difficult to enter primarily because it only facilitates new agencies joining at set times. The proposed new Framework will address this issue as it will be open.

The proposed new Framework is a timely as it will offer several opportunities to innovate the care and support market to better meet key legislative, Corporate and Directorate priorities.

27. **Arne, Blandford+, Chickerell, Milton Abbas, Portland, Puddletown and Shaftesbury Neighbourhood Plan**

The Portfolio Holder for Planning set out the report seeking to formally make the following neighbourhood plans of Arne, Blandford+, Chickerell, Milton Abbas, Portland, Puddletown and Shaftesbury. Each neighbourhood plan was subject to independent examination and a referendum on 6 May 2021. All areas voted in favour of the plans being made. The Portfolio Holder took the opportunity to congratulate those involved in preparing the plans and the members of each of the Neighbourhood Plan Groups in producing successful neighbourhood plans.

The Portfolio Holder for Planning presented his executive decision based on the recommendations of the report. Cabinet confirmed that they supported his decision.

**Decision of the Portfolio Holder for Planning**

- (a) That the Council makes the Arne Parish Neighbourhood Plan 2018 – 2034 (as set out in Appendix A of the report to Cabinet on 22 June 2021) part of the statutory development plan for the Arne Neighbourhood Area.
- (b) That the Council makes the Blandford+ Neighbourhood Plan 2011 – 2033 (as set out in Appendix B of the report) part of the statutory development plan for the Blandford + Neighbourhood Area.
- (c) That the Council agrees to make a small number of minor modifications to the made Blandford + Neighbourhood Plan 2011-2033 in order to correct errors relating to the Green Infrastructure Policies Map and the Local Green Space Inset Maps in connection with Badbury Heights Open Spaces and The Trailway. The updated maps are set out in Appendix C of the report.
- (d) That the Council makes the Chickerell Town Neighbourhood Plan 2019 – 2036 (as set out in appendix D of the report) part of the statutory development plan for the Chickerell Neighbourhood Area.
- (e) That the Council agrees to make a minor modification to the made Chickerell Town Neighbourhood Plan 2019 – 2036 in order to correct an error relating to the labels on May 3 (page 10 of the plan). The updated map is set out in Appendix E of the report)

- (f) That the Council makes the Milton Abbas Neighbourhood Development Plan 2019 – 2031 (as set out in Appendix F of the report) part of the statutory development plan for the Milton Abbas Neighbourhood Area.
- (g) That the Council makes the Portland Neighbourhood Plan 2017 – 2031 (as set out in Appendix G of the report) part of the statutory development plan for the Portland Neighbourhood Area.
- (h) That the Council makes the Puddletown Neighbourhood Plan 2019 – 2031 (as set out in appendix H of the report) part of the statutory development plan for the Puddletown Neighbourhood Area.
- (i) That the Council makes the Shaftesbury Neighbourhood Plan 2019 – 2031 (as set out in Appendix I) part of the statutory development plan for the Shaftesbury Neighbourhood Area.
- (j) That the Council offers its congratulations to the Town and Parish Councils involved and members of each of the Neighbourhood Plan Groups in producing successful neighbourhood plans.

[Executive Decision Notice - Arne, Blandford +, Chickerell, Milton Abbas, Portland, Puddletown and Shaftesbury Neighbourhood Plans - Dorset Council](#)

Reason for the decision

At its Annual Meeting, Council decided to continue to meet virtually for all non-executive committees. The Leader of the Council also decided that Cabinet should continue to meet virtually until social distancing requirements had been removed. Therefore, the Portfolio Holder for Customer and Community Services has made this decision taking into account the views expressed by the wider cabinet membership.

To formally make the neighbourhood plan part of the statutory development plan for the areas that they cover. Furthermore, to correct errors relating to the maps in the Blandford + and Chickerell Neighbourhood Plan. In addition, to recognise the significant amount of work undertaken by the Town and Parish Councils involved and members of each of the Neighbourhood Plan Groups in preparing the plans and to congratulate the Councils and Groups on their success.

**28. Low Carbon Dorset Grant Payments over £5000,000**

This report was deferred to the next meeting of Cabinet in July.

**29. Weymouth Harbour and Esplanade Flood and Coastal Risk Management Strategic Outline Case**

The Portfolio Holder for Economic Growth, Assets and Property presented a report that sought agreement to the Weymouth Harbour and Esplanade Flood and Coastal Risk Management Strategic Outline Case for submission to the

Environment Agency's Large Project Review Group. It also sought authorisation to develop the Outline Business Case towards deliverable schemes for inclusion in Dorset Council's future capital programme.

In response to a question, the Portfolio Holder confirmed that the impact of sea level rise was an issue that needed to be monitored in all the Council's coastal areas; this was an ongoing programme of work.

The Portfolio Holder for Economic Growth, Assets and Property presented his executive decision as set out within the recommendations of the report. Cabinet agreed that they were "minded to" support his decision.

### **Decision of the Portfolio Holder for Economic Growth, Assets and Property**

- (a) That the Weymouth Harbour and Esplanade Flood and Coastal Risk Management Strategic Outline Case (Appendix 1), be agreed, for submission to the Environment Agency's Large Project Review Group.
- (b) That officers develop the Outline Business Case towards deliverable schemes for inclusion in Dorset Council's future capital programme.
- (c) That the use of existing capital budget to deliver Outline Business Case be approved.

[Executive Decision Notice - Weymouth Harbour & Esplanade Flood and Coastal Risk Management Strategic Outline Case - Dorset Council](#)

Reason for the decision

At its Annual Meeting, Council decided to continue to meet virtually for all non-executive committees. The Leader of the Council also decided that Cabinet should continue to meet virtually until social distancing requirements had been removed. Therefore, the Portfolio Holder for Customer and Community Services has made this decision taking into account the views expressed by the wider cabinet membership.

Weymouth Town Centre and parts of the surrounding area are at risk of flooding and coastal erosion. With a projected acceleration in sea level rise and more intense weather events because of climate change, the problems facing Weymouth will increase significantly.

### **30. Recommendations from Committees**

Cabinet considered the following recommendations set out in min no's 31 & 32.

The Executive Director for Place advised that he had attended the informal meeting of Place and Resources Overview Committee on 1 June 2021, where the committee discussed the following two items and expressed a "minded to" view to adopt the policies.

He confirmed that he had listened to the overview committee debate in respect of items “Management of Council Owned Tree Policy” and “Street Naming and Numbering Policy” and he recommended that the policies be adopted.

### 31. **Management of Council Owned Tree Policy**

The Portfolio Holder for Highways, Travel and Environment set out the report and its recommendation to approve the policy for the Management of Council owned Tree’s. Cabinet were advised that the policy built upon and combined existing tree policies from the predecessor district and county authorities, and had been written with input and advice from the Health and Safety Executive reflecting the legal obligations of Dorset Council to manage its Tree stock.

In response to questions about consultation and replacement trees being planted on County Farms. The Portfolio Holder confirmed that town and parish councils were continually consulted. He also confirmed that he was working closely with County Farms in respect of tree replacement. However, it was important to plant the right tree in the right place.

Cabinet indicated their “minded to” view to support and the Portfolio Holder set out his executive decision to approve the policy.

#### **Decision of the Portfolio Holder for Highways, Travel, and Environment**

That the content of the Management of Council Owned Tree’s Policy be approved.

[Executive Decision Notice - Management of Council Owned Trees - Dorset Council](#)

Reason for the decision

At its Annual Meeting, Council decided to continue to meet virtually for all non-executive committees. The Leader of the Council also decided that Cabinet should continue to meet virtually until social distancing requirements had been removed. Therefore, the Portfolio Holder for Customer and Community Services has made this decision taking into account the views expressed by the wider cabinet membership.

Dorset Council owns and is responsible for approx. 250,000 trees which will be managed against this Policy. The Policy builds upon and combines existing tree policies from the predecessor district and county authorities, and has been written with input and advice from the Health and Safety Executive reflecting the legal obligations of Dorset Council to manage its Tree stock e.g. Occupiers Liability Act 1984 and Highways Act 1980.

### 32. **Street Naming and Numbering Policy**

The Portfolio Holder for Corporate Development and Change presented a report that was considered by the Place and Resources Overview Committee on 1 June 2021. The proposal to adopt a single Street Naming and Numbering Policy for

Dorset Council would replace the current documents in place from predecessor councils. A harmonised approach was recommended to ensure a consistent approach across Dorset Council. This would also help reduce the risk of any legal challenge.

The Portfolio Holder set out his executive decision to adopt the policy and Cabinet indicated that their “minded to” view was to support his decision.

### **Decision of the Portfolio Holder for Corporate Development and Change**

That the Street Naming and numbering Policy be adopted.

#### [Executive Decision Notice - Street Naming and Numbering Policy - Dorset Council](#)

Reason for decision

At its Annual Meeting, Council decided to continue to meet virtually for all non-executive committees. The Leader of the Council also decided that Cabinet should continue to meet virtually until social distancing requirements had been removed. Therefore, the Portfolio Holder for Customer and Community Services has made this decision taking into account the views expressed by the wider cabinet membership.

The recommended options provides the opportunity for harmonisation, cost and administration efficiencies and reduced risk.

### **33. Cabinet member update on policy development matter referred to an Overview Committee(s) for consideration**

There were no referrals to report.

### **34. Portfolio Holder - Lead member(s) Update Summary**

The Portfolio Holder update summaries were attached to these minutes as Appendix 2.

The Portfolio Holder for Adult Social Care and Health advised on: -

- the work of the Joint Health Scrutiny Protocol
- the Better Life Stakeholder Advisory Group – co-production agreement
- Involvement in emergency surge testing briefings
- Work was being carried out to improve integrated better care fund to make the self-referral process more effective.
- Cabinet Lead member was investigating technology enabled care with more details to follow.

The Cabinet Lead member for Care reported on the Carers Workshop and the Carers Offer. He also reported on Day opportunities and advised the engagement work was ongoing.

35. **Climate & Ecological Emergency Executive Advisory Panel Update**

The Portfolio Holder for Highways, Travel and Environment updated members on the progress of the Climate & Ecological Strategy & Action Plan that would be considered by Full Council on 15 July 2021. If adopted further work would then start to be progressed.

36. **Urgent items**

There were no urgent items considered at the meeting.

37. **Exempt Business**

It was proposed by Cllr P Wharf and seconded by Cllr G Carr-Jones

Decision

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

38. **Learning Disability and Mental Health Non Framework Contracts**

Cabinet considered a report set out by the Portfolio Holder for Adult Social Care and Health and indicated their "minded to" view to support the recommendations following the discussion and debate.

**Decision of the Portfolio Holder for Adult Social Care and Health**

That Dorset Council go out to market to tender a commission for supported living, residential, respite and domiciliary provision for adults with learning disabilities, thereby giving notice on a key contract which is currently non-compliant

[Executive Decision - Learning Disability and Mental Health Non Framework Contracts - Dorset Council](#)

Reason for decision

At its Annual Meeting, Council decided to continue to meet virtually for all non-executive committees. The Leader of the Council also decided that Cabinet should continue to meet virtually until social distancing requirements had been removed. Therefore, the Portfolio Holder for Customer and Community Services has made this decision taking into account the views expressed by the wider cabinet membership.

To ensure a purchasing and contracting system to enable a range of specialist learning disability providers to offer care and support at agree rates.

39. **Exempt Appendix - Covid-19 Response**

The exempt appendix associated with the report “Covid-19 Response” was made available to Cabinet. However, Cabinet did not need to move into exempt business to discuss the confidential appendix.

**Appendix 1 Public Participation Q&A's**

**Appendix 2 Portfolio Holder - Lead member(s) Update Summary**

**Duration of meeting:** 10.00 - 11.38 am

**Chairman**

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