

Shadow Dorset Council

Executive Committee

**Minutes of meeting held at South Walks House, Dorchester
on Monday 14 JANUARY 2019.**

Present: Cllrs R Knox (Chairman), G Suttle (Vice-Chair), A Alford, P Batstone, S Butler, J Cant, T Ferrari, S Flower, M Hall, J Haynes, C Huckle, A Parry, M Penfold, B Quinn, S Tong, D Turner, D Walsh and P Wharf.

Officers present (for all or part of the meeting): Matt Prosser (Chief Executive Designate), Keith Cheesman (LGR Programme Director), Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer, Designate), John Sellgren (Executive Director, Place), Jason Vaughan (Interim Section 151 Officer) and Lee Gallagher (Democratic Services Manager - Dorset County Council).

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.

1. **Apologies**

Apologies for absence were received from Cllrs Carr-Jones and Jespersen.

John Sellgren was welcomed to his first meeting of the Shadow Executive Committee as the Executive Director, Place for Dorset Council.

2. **Declaration of Interests**

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

3. **Minutes**

The minutes of the previous meeting held on 17 December 2018 were confirmed and signed.

4. **Public Participation**

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

A question was received from Councillor Andrew Cattaway in relation to the national Safe Passage "Our Turn" campaign. He was accompanied by Bernard Sullivan as the Leader of Safe Passage Dorset. The question and answer are attached as an annexure to these minutes.

5. **Shadow Executive Forward Plan**

The Committee received the latest draft Forward Plan, which included all decisions to be taken throughout the Shadow Dorset Council period until 1 April 2019.

Noted

6. Programme Highlight Report

The Committee considered a report by the Programme Director which provided an overview of the Local Government Reorganisation Programme including workstream activity, greater assurance regarding budget preparations, an update on the red risk of data migration (specifically regarding adult social care data disaggregation), the national challenge regarding Dedicated School Grant funding, and progress on the second gateway review which would be reported to the Committee on 11 February 2019.

In relation to the risk regarding data migration of Christchurch based adult social care cases, Cllr Jill Haynes provided a summary to explain that the issue related to the transfer of data and capacity in terms of the Bournemouth, Christchurch and Poole Council external provider, and that any challenges around the date of data transfer would not impact on users of the service and that the duty of care to those users would continue and the service would be safe and legal.

An update was provided on the recent consideration by the Shadow Overview and Scrutiny Committee of HR and Workforce related issues, including recruitment and retention, and confidence had been expressed that risks were being appropriately managed. HR and Workforce activities would continue to be reported through overview and scrutiny members for monitoring purposes.

The Programme Team was thanked for the continued hard work and commitment. It was also highlighted that there was an important need to look beyond 1 April 2019 and to focus on the plans to be put in place for continuation of current service levels and change in demand from residents.

Noted

7. 2019/20 Budget

The Committee considered a report by the Lead Member for Finance which provided an update on the finance of Dorset Council and the development of a balanced budget for 2019/20.

Cllr Tony Ferrari, as the Lead Member for Finance, explained the development of the first budget to reflect the combined position of forming the new Dorset Council. He also summarised the biggest challenges facing the budget including Adult Social Care and Children with Special Educational Needs (SEN), whilst continuing to provide consistent service levels and front line service. Further detail would be provided at the next meeting on 11 February 2019, and the Shadow Council would consider the budget at its meeting on 20 February 2019.

A question was asked about the savings being made in Adult Social Care and Children's SEN when there was continuing overspend. It was clarified that savings being made in these areas were part of ongoing transformation work within Dorset County Council to improve the way services operated.

Decisions

1. That the high-level budget proposals be reviewed by the Shadow Overview and Scrutiny Committee on 21 January 2019.

2. That the detailed budget proposals be reviewed by the Budget Working Group and considered by the Shadow Executive Committee on 11 February 2019.

Reason for Decision

To enable the development of budget proposals for 2019/20 that would set the foundations to creating a financially sustainable council.

8. **Rates Relief**

The Committee consider a report by the Lead Member for Finance on the approach to the award of Discretionary Rates Relief to charities and not for profit organisations for 2019/20 and that the review takes place for those from 1 April 2020.

Decisions

1. That existing discretionary rate relief awards to charities and not for profit organisations continue for 2019/20 and that a review be undertaken for 2020/21.
2. That existing recipients be notified that a review will take place from 1 April 2020 and that they will be able to submit a new application for relief from that time.
3. Where the government confirms that it will fully fund the award of rates relief (via a section 31 grant) the Council will award relief based on the criteria of that scheme.

Reason for Decisions

That there was a clear approach to the award of Discretionary Rate Relief, so that recipient organisations and officers could plan accordingly.

9. **Council Tax discretionary discounts and Premiums**

The Committee considered a report by the Lead Member for Finance on the current position in relation to Council Tax discretionary discounts in respect of empty dwellings, second homes, and whether a Council Tax premium is charged on long-term empty properties.

Members discussed the impact of residential homes being changed to holiday lets and changing over to pay business rates instead of Council Tax. It was reported that a current consultation by the Ministry for Housing, Communities and Local Government (MHCLG) was underway to look at second homes being used to access business rates and claiming rates relief as this was a national issue.

Recommended

That the Shadow Dorset Council be recommended:

1. In the case of vacant dwellings which require (or are subject to) structural alterations or major repairs, a discount of 50% of the full Council Tax charge be awarded for up to a maximum period of 12 months, from 1 April 2019. Also, that in determining the period of the discount, any similar discount awarded up to 31 March 2019 be taken into account.
2. In the case of vacant dwellings, a 100% discount be awarded for up to a maximum period of 1 month from the date that the property became unoccupied and substantially unfurnished. Also, that in determining the period of the discount, any similar discount awarded up to 31 March 2019 be taken into account.
3. No discretionary Council Tax discount be awarded in respect of second homes.

4. In the case of dwellings which have been unoccupied and unfurnished for at least two years, a Council Tax charge of 200% be levied from 1 April 2019.

Reason for Recommendations

To help ensure that awards of Council Tax discretionary discounts were made consistently and that premiums were used to help encourage owners of long-term empty dwellings to bring them back into use.

10. **Adoption of the Dorset Council Constitution**

The Committee considered a report by the Lead Member for Governance on the development of the Dorset Council Constitution by the Governance Working Group.

The significant work by members and officers to develop the draft Constitution was commended by the Committee. It was confirmed that the draft had been considered by the Shadow Overview and Scrutiny Committee and had also been shared at a separate briefing to over 90 members in order to get feedback and develop the content prior to consideration by the Shadow Executive, and recommendation to Shadow Council on 24 January 2019.

The Monitoring Officer (designate) clarified that following a concern raised at the member briefing in relation to the transparency in relation to electronic voting, the wording in procedure rule 19.3 would be changed to read:

*‘unless a recorded vote is demanded, the Chairman will take the vote by show of hands, electronic voting or if there is no dissent, but the affirmation of the meeting **provided always that any use of electronic voting must enable the names of the members and how they voted to be visible in the meeting.**’*

A concern was raised that the formation of three planning committees would be too few, and that there should be more as they would have less connection with local people than the number currently in operation, but Cllr Spencer Flower explained that there was provision for a review to be undertaken after 12 months and this would take account of changes to committees if needed. He also clarified that a lot of work and effort had gone into assessing the requirements for planning meetings and forming the best model to populate memberships on an area basis. His comments were echoed by Cllr David Walsh as the Lead Member for Planning.

Recommended

That the Shadow Council be recommended to agree:

1. That the draft Constitution of Dorset Council be adopted.
2. That delegated authority is given to enable the Chairman of the Governance Working Group, in consultation with the Monitoring Officer (designate), to make any necessary textual revisions to ensure that the separate sections of the Constitution are consistent and work together as a whole.
3. That the operation of the Constitution should be reviewed after one year in April 2020.

Reason for Recommendations

To put in place the Constitution of the new Dorset Council and to provide for the Constitution to be reviewed so as to ensure that it meets the needs of the Council.

11. **Dorset Council Equality Scheme**

The Committee considered a report by the Lead Member for HR & Workforce on the draft Equality Scheme for Dorset Council 2019 -2023.

Decision

That the Dorset Council Equality Scheme be approved.

Reasons for Decision

Adoption of the Dorset Council Equality Scheme 2019-23 by Dorset Council would:

- ensure compliance with the Public Sector Equality Duty as specified by the Equality Act 2010; and,
- provide a measurable and accountable framework for the Council's work to promote diversity, inclusion and equality, as service providers, commissioners and employers.

12. **Weymouth Town Council Functions and Assets**

The Committee considered a report by the Lead Member for Finance on the proposed functions and associated assets to be transferred to the new Weymouth Town Council when it is created on 1 April 2019 and also functions proposed to be transferred to Portland Town Council as a result of disaggregation.

Cllr Kate Wheller, as a local member, addressed the Committee to draw attention to her involvement with the bereavement service in Weymouth over many years and in relation to the proposed crematorium transfer to Dorset Council. She asked for the staffing arrangements across the crematorium, graveyard, parks and gardens to be considered carefully as the current services worked very closely together and covered for each other. Cllr Knox, as the Leader of the Shadow Council, confirmed that the Lead Member for this area would liaise with her and with the Shadow Weymouth Town Council.

Cllr Cant, as the Leader of Weymouth and Portland Borough Council, clarified that the report title should have referred to Portland Town Council as well as the report covered both Weymouth and Portland. He summarised the Borough Council considerations of what should be transferred, the internal governance of the work undertaken, that Cllr Colin Huckle had been elected as Chairman of the Shadow Weymouth Town Council. Cllr Cant commended officers for months of dedicated work and engagement. The report would also be considered by the Borough Council on 17 January 2019.

On behalf of the Shadow Weymouth Town Council, Cllr Colin Huckle, shared the minutes of its meeting held on 10 January 2019 (attached as an annexure to these minutes) which had considered the transfer of assets and had raised two main issues. The first related to the matter raised above by Cllr Kate Wheller in respect of staffing for the crematorium and graveyard. The second related to the need to look to explore further options to generate funding given the functions that were being transferred including all work regarding the seaside area, beach, entertainment, events, and attracting visitors to help the economy. A request had been made by the Shadow Town Council to ask the for consideration of surplus car park income. The Monitoring Officer (designate) clarified that this was not a decision for the Shadow Executive Committee to make at this meeting in the absence of detailed financial assessment and was a principle that would be put to Weymouth and Portland Borough Council from the Shadow Town Council. It therefore did not change the proposals as set out in the report.

A point of clarification was raised in relation to the transfer of a cemetery and associated rules in respect of cost and timescales. Cllr Huckle welcomed the clarification and undertook to look at this outside of the meeting.

Decision

That the proposals for functions and assets transferring to the new Weymouth Town Council and transfers to the existing Portland Town Council be confirmed.

Reason for Decision

Under the Principles for transfers to Town and Parish Councils agreed in July 2018, the proposed transfers had to be considered by the Shadow Executive Committee to ensure a consistent approach across the Dorset Council Area.

13. **Civic Functions - Armorial Bearings and Chains of Office of Sovereign Councils, and future requirements of Dorset Council**

The Committee considered a report by the Lead Member for Governance on the future use of armorial bearings and chains of office, and provides an outline of other civic functions for Dorset Council.

The Governance Working Group at their meeting on the 31 October 2018 supported the recommendations. The work of the Group and officers was commended.

One member reported on the Market Charter for Dorchester, citing the current arrangements to assist Dorset Council in relation to its market in the town. It was noted that there were ongoing discussions regarding lead responsibility and that this may need to be considered in due course by the Committee.

A request was made to share the civic functions decisions with each sovereign council to ensure transparency on matters such as freedoms of particular areas of Dorset. It was confirmed that officers would take this forward.

Decisions

1. That transfer of existing armorial bearings used by Dorset County Council to Dorset Council be confirmed and approves the making of an application to the College of Heralds.
2. That the existing Dorset County Council Chairman's chain of office be modified to serve as the chain of office for Dorset Council.
3. That all other sovereign councils' chains of office, insignia including flags, and memorabilia be transferred to the History Centre for safe keeping, or sovereign councils be allowed to enter into arrangements with successor town councils or local museums e.g. Priest House Museum in Wimborne, to enable former insignia to be put on public display as part of Dorset's substantial heritage.
4. Confirms that there will be no Chairman's transport provided by Dorset Council.
5. That Dorset Council will require a new Chairman's Board and that existing Boards shall either remain in situ or be transferred to the History Centre.
6. That the position regarding existing charter rights be noted.

7. That the position regarding the Lord Lieutenant, High Sheriff, Honorary Aldermen and women, and Freedom of the Borough or District be noted.

8. That the decision on whether or not to commission a new council flag be left as a decision for Dorset Council to be taken after 1 April 2019.

Reasons for Decisions

1. To preserve the validity of existing armorial bearings after 1st April 2019 and to avoid those which could be transferred to Dorset Council from falling into abeyance.

2. To ensure that the new council's chairman would be invested with a suitable chain of office on the occasion of their appointment at the first full council meeting of Dorset Council.

3. To provide clarification around a range of issues to allow Civic Support Officers to plan for Vesting Day.

14. Capital Highways Forward Programme 2019/20, 2020/21 and 2021/2022

The Committee considered a report by the Lead Member for Natural and Built Environment regarding proposals for the Capital Highways forward programme, which included maintenance programmes across different asset groups as well as proposed Highway Improvement programmes. A self-assessment submission to the Department for Transport was also required by 1 February 2019 for £2.3m of incentivised funding. In relation to proposed schemes for Christchurch, recommendations were also being made to the Bournemouth Christchurch and Poole Shadow Executive. Due to timescales this matter had not been considered by the Dorset County Council Cabinet and the Shadow Executive Committee had been asked for a decision directly.

The report was welcomed by members as a comprehensive outline of schemes which would need to be revisited as the programme developed, and one which was visible for the public to view what was planned for Dorset over the next couple of years. The hard work and commitment of Cllr Daryl Turner as Lead Member was also highlighted in championing the development of the forward programme.

Decision

That the Capital Highways Forward Programme, as set out in the appendices of the Lead Members' report, be approved.

Reason for Decision

Effective asset management required a clear forward capital programme to be developed according to a consistent set of principles and criteria. The County Council's approach as set out in the approved Highways Asset Management Plan satisfied the criteria in the Department for Transport self-assessment process, contributing to the Council securing the maximum incentivised funding. This forward programme was subject to consultation ahead of programming and construction.

15. Tricuro: Shareholder Viability Assessment Report

Cllr Jill Haynes, as the lead Member for Adult Social Care, explained that the draft minute would be deferred for consideration until the minutes had been confirmed by the Tricuro Executive Shareholder Group.

Decision

That the minute be deferred for consideration at a future meeting.

16. **Exempt Business**

Decision

That in accordance with Section 100 A (4) of the Local Government Act 1972 to exclude the public from the meeting in relation to the business specified below it was likely that if members of the public were present, there would be disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the public interest in disclosing the information to the public.

17. **Employee Terms and Conditions, and TUPE Measures**

The Committee received a verbal updated from the Lead Member for HR & Workforce in relation to employee terms and conditions, and TUPE measures. Cllr Peter Wharf, as the Lead Member, explained that following a report on Terms and Conditions considered at the last meeting of the Shadow Executive Committee on 17 December 2019 consultation had continued with Trade Unions. It was noted that negotiations continued to arrive at a final position before 1 April 2019. A further review of Terms and Conditions would also be undertaken after the beginning of the new Council to harmonise terms over an 18-24 month period. It was noted that there were areas where there had not yet been agreement.

Members discussed progress on achieving agreement on redundancy multipliers for TUPE staff and new employees. It was confirmed that this was an area which had not been finalised. It was highlighted that it was important to align TUPE employees from 1 April 2019, and it was confirmed that further alignment of the multiplier with new staff had been extended from 12 to 18 months.

A consultation response from Unison was shared at the meeting which provided further detail in relation to outstanding issues. The letter is attached as an annexure to these minutes. It was confirmed that outstanding issues would be dealt with through continued negotiation through delegated authority agreed at the last meeting of the Committee.

Confirmation was provided that the Shadow Dorset Council must inform the sovereign councils of changes to terms and conditions as part of the transfer of employment, together with measures which were due to be consulted upon and confirmed in the next couple of weeks.

Noted

18. **Urgent Items**

One item of urgent business pursuant to section 100B (4) b) of the Local Government Act 1972 considered at the meeting.

Strategic Property Issues

The Committee considered an urgent exempt report by the Lead Member for Property and Assets in relation to the work of the Land and Buildings Sub-Group regarding capital receipts that were anticipated in the first year of the new council being established. This report was considered to be urgent to facilitate early development of a strategic plan for the management of the Council's assets.

The hard work of the members and officers in progressing the assets work was commended. The work was recognised as an important part of the need to contribute to the development of the future operating model and service delivery of the Council by providing the options relating to property and buildings available. Several important factors were raised in terms of assessing the disposal of assets which included capital receipts that could be generated; the impact on local communities and economies when developing the operating model; and the use of assets for community based organisations as an alternative to disposal and occupation whilst awaiting disposal. It was noted that a further report would be submitted to the Shadow Executive in due course.

A question was asked about the position in relation to County Farms tenancies. Cllr Tony Ferrari, as the Lead Member for Finance, confirmed that a review of the County Farms Estate was completed last year by Dorset County Council and that information in the report referred to work that was already underway.

Decision

That work be commenced on the formation of a strategic plan for the management of the new council's assets.

Reason for Decision

A well-managed Council should ensure that the best use was made of its assets in terms of optimising service benefit, minimising environmental impact and maximising financial return.

Duration of meeting: 4.00 - 5.30 pm

Chairman

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