

**Full Council
14 July 2022**

Questions submitted by Councillors

Question 1 – submitted by Cllr Andrew Starr

Given that Dorset is blessed with many outstanding protected sites some benefiting much needed statutory protection and in light of the fact that this council has quite rightly declared an environmental emergency. Can I ask for a response to the worrying news that the Environment Secretary has declared his intention to scrap the habitat directive as part of the forthcoming Brexit freedoms bill.

The stated aim of this move is to “cut red tape” or as some see it make it easier for developers to encroach on nationally and internationally important conservation areas. Given that the present legislation has been used in numerous cases to protect habitats and species and that this move has been objected to by such organisations as the RSPB. Can I ask if this Council will be making representations to the Environment Secretary expressing their concern about this seemingly backwards step in environmental protection at a time when it is needed more than ever.

Response by Cllr Ray Bryan

Indeed we are blessed with an outstanding natural environment here in Dorset. Under the Environment Act 2021 (already enacted through Parliament), there is a mandate for a Local Nature Recovery Strategy. Dorset Council responded to the government’s recent ‘Nature Recovery Green Paper: Protected Sites and Species’ consultation in May 2022. This included future options for wildlife designated sites. In it we said: ‘In order to deliver the Government’s ambitions for nature recovery, there is a need to strengthen the protected site network. There is strong scientific evidence that the UK’s most important wildlife designations (European sites, which include Special Areas of Conservation (SAC) and Special Protection Areas (SPAs)) are effective in protecting the habitats and species for which they are designated.

In the consultation response we supported options which provided even greater protection to the most important wildlife sites emphasising the need for protected sites to be given the same level of protection that is currently given to European Sites. This will prevent the deterioration of SAC and SPAs and deliver improvements to the condition of Sites of Special Scientific Interest. We asked that the process of designating sites should be expediated to deliver the Defra promise of protecting 30% of land and sea for nature by 2030.

Dorset Council places great value upon the protection and stewardship of our unique environment, reflected in commitments expressed in our policies, including statutory local plans and our Climate and Ecological Emergency Strategy. The Government has committed to reviewing retained EU law following Brexit, via a ‘Brexit Freedoms’ Bill. Dorset Council will pay close attention to this Bill as it progresses through Parliament, including any draft consultation stages, and we will continue to respond

as necessary once further details of the Bill are known where it is appropriate to do so.

Question 2 – submitted by Cllr Belinda Bawden

The recent sudden announcement by Stagecoach that they would be terminating their bus service from Exeter to Lyme Regis at Seaton from 31st July has left many people in Seaton, Lyme Regis and the villages in between very anxious indeed. Many rely on the service to get to work, to attend medical, dental or hospital appointments, to go shopping, or for leisure travel. Devon County Council has agreed to subsidise the new service but the majority of passengers are, we are told, from Lyme Regis. I hope that Dorset Council will also agree to provide support to retain an adequate bus service between Lyme Regis, Seaton and Exeter.

Could the criteria for and the process by which decisions are made by Dorset Council over which bus services could be subsidised be explained, particularly when the route crosses county boundaries and what assessment could be done of the impact on community resilience, mental health, the cost of living crisis and the climate and ecological emergency strategy and action plan if people lose their jobs or have to increase the use of private cars when buses they rely on are withdrawn?

Response by Cllr Ray Bryan

When deciding whether a bus route receives subsidy, a number of factors are taken into consideration and each route is considered on a case by case basis.

The main priorities are

1. Does the route provide home to school transport for Dorset students?
2. Does the corridor form part of Dorset's Interurban Network? (Attached)
3. Are there other public or community transport alternatives for residents along the route?

The number of passengers that use the service is also taken into consideration when assessing the value for money.

Dorset Council does not currently subsidise Saturday, Sunday or evening services. In 2016, Dorset Council withdrew support for all Market Day services (those that ran from villages to market towns on market days only).

With regards to the impact on the community, Dorset Travel has a remit and limited resources to help people get from A to B. The wider remit of mental health, cost of living crisis and climate & ecological emergency rests with other services within the Council, that may have resources to assist with public transport if it meets their criteria.

I am currently waiting for a date from the BSIP team at DFT to explain why our bid failed.

We met with Baroness Vere a few weeks ago and asked for an explanation, sadly nothing received so far.

Chris Loder MP asked again at a recent Transport Select Committee meeting in London and was assured that an explanation would be given. My patience is running out fast.

To enable us to become carbon zero by 2050 we need to provide the Dorset Residents with a public transport system that gives them an alternative to use of their car.

Question 3 – submitted by Cllr Alex Brenton

In response to the climate and biodiversity emergency, Dorset Council aims to become Carbon neutral by 2050.

As we all know the public demand that we **Plant More Trees!** However experts agree that preserving mature trees does more for biodiversity and air quality and cooling than a new sapling will, for approximately **15 -20years**. It takes that long for a new tree to capture carbon at a rate approaching that of a mature tree. Therefore, planting two new trees to replace one felled tree is **not** a solution to our problems. The solution is to save existing trees from danger as well as to plant more young successional trees.

In my ward, we seem to have a many cases of the felling of mature trees on possible development sites before planning is agreed, on the principle that if they do not have a TPO (Tree Preservation Order) the owner can do what they like. I would not be surprised to hear that happens elsewhere.

Could Dorset do more to publicise that anyone especially Parish & Town Councils can ask for a TPO to be put on significant trees if there is a perceived risk of felling?.

Could a blanket temporary TPO be put on all trees on a site as soon as any Planning Application is registered to prevent trees 'disappearing' before planning conditions can be agreed. This can then be assessed by Tree Officers as to whether that should be permanent.?

Response by Cllr David Walsh

It is fully acknowledged that trees play a vital role in terms of amenity, biodiversity and carbon capture. Tree Preservation Orders (TPOs) are made by local planning authorities where they have an amenity value that justifies the tree's preservation, assuming it is justified. Whilst biodiversity and climate change can be taken into consideration, these alone are not grounds for making a TPO. Trees within conservation areas are also protected under the provisions of the Town and Country Planning Act 1990.

The Council's website provides information about Tree Preservation Orders and how to notify us if people have concerns about a particular tree, but it is acknowledged that the relevant pages could be improved to provide better and more proactive

information about TPOs. This is something we will be rolling out as part of our improvements to the web portal.

Under current legislation, local authorities can only make a TPO if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. Orders are provisional until confirmed 6 months after they come into effect, but should only be issued where it is considered necessary to do so. Therefore, it is not possible to issue blanket TPOs as a default position as each tree or group of trees need to be assessed. However, biodiversity net gain is due to become a statutory requirement in 2023, and retaining existing trees will therefore be a potentially significant way of ensuring a net overall benefit can be achieved. The LPA will be exploring this further as part of its policy approach to Biodiversity Net Gain and the Climate and Ecological Emergency Strategy.

Question 4 – submitted by Cllr Nick Ireland

Allegations have been made in the press, social media and directly to some members of this Council that Coombe House opened prematurely with too many pupils, insufficient staff trained to or having experience at the required level for the needs of the pupils, some fire doors that didn't open, windows without safety glass that were subsequently broken by pupils and, if that isn't enough, some pupils 'escaped' the school site.

Are any of these allegations true?

Response by Cllr Andrew Parry

Coombe House School is an Independent Special School, situated on the site of the Dorset Centre of Excellence – the building is owned by Dorset Council.

The school is run by a company, called Dorset Centre of Excellence. The company structure has a Chief Operating Officer COO (this role is currently vacant and being recruited to) who reports into an Independent Board of Non-Executive Directors. The Chair of the Independent Board is Ian Comfort.

The premises were purchased as part of Dorset Council's legal duty to ensure that there are sufficient suitable places in education for children and young people with special education needs and disabilities (SEND). This decision was met with 92% agreement in public consultation and with cross party support

Responsibility for the running of the school, including pupil wellbeing, staffing, and the curriculum, sits with the Independent Board of Dorset Centre of Excellence, the COO and the Schools Leadership Team.

The school received its notice of registration from the Department for Education on 6 May 2022. The inspection report from Ofsted associated with that registration was very positive.

It independently confirmed that appropriate policies, procedures, and safeguards were in place to open the school. The Independent Board considered the Ofsted report and the advice of the Chief Operating Officer and Headteacher. It decided for the school to open with a staggered start on 16 May 2022. The school opened on that day with 15 children. It was the independent board's understanding that the individual needs of child had been jointly assessed by Coombe House Leadership and Dorset Council SEND Service and that they had been allocated to a class with an appropriate number of suitable qualified and experienced staff.

It was also the independent board's understanding that a significant amount of planning and training had been undertaken since January 2022 with most of the staff. The numbers of children attending the school increased each day, reaching a capacity of 47 by the Wednesday of that first week. The board was assured by the COO and the head teacher that the staggered start could be managed as all of the children had been involved in transition visits prior to opening.

At the point of opening there remained challenges with fencing supply and delivery of the contract to fence the school site, and the site boundary, with welded wire mesh fencing leading to some requirement of infill in small areas with Heras fencing. This had been risk assessed although this was not ideal it could be managed. There were incidences of children climbing over or simply moving the fences in the first week, a child left the site and walked home which was close by.

Some matters were dealt with straight away with an appropriate intervention from staff, as part of the School's management of its boundary; there were no intruders to the site. Some areas of the site remain under development – all windows on the fenced school site have the required glass, there was an incident where a child threw a stone and a window was broken - no one was hurt.

All other areas where there is a plan for use in September are scheduled to have suitable glass and or covering by the time they are being brought into use.

The independent fire assessment undertaken states 'fire safety on this small site is adequate and will be improved further with planned works over the summer'.

However, the first week of school was bumpy with children and staff coming together, and despite assurances from the COO and the Headteacher, not sufficiently well planned to ensure that children could be safely and effectively managed. Following a letter of concern to the Council the Executive Director and the Chair of the Board reviewed the situation and determined to close the school for one week from 23rd May. This joint decision was the first stage in bringing forward the 'Enhanced Co-operation' element of the commissioning framework. The Chair of the Independent Board considered, along with the Executive Director, the matter of how the leadership of the school had managed events both in the lead up to opening and during that first week and as a result the Headteacher is presently not in school; and as has been communicated previously, COO Mark Blackman resigned from his post.

The Enhanced Cooperation allows the Executive Director and her team to provide support to the Board to ensure everything that we require to be in place to ensure

safe and effective delivery is in place, this has been welcomed by the Independent Chair and his Board.

Following half term 32 children on roll have been in school for set days each week, but none full time, and some of the original 47, have now not been considered by the school to be ready or able to return, the Council are working with those families to source a suitable education offer elsewhere as they would do when any educational placement does not work for whatever reason.

All these families have a single point of contact at Dorset Council, and I am confident they are being kept informed as to why the school feels we need to make these changes.

In acknowledgment of the help needed at the school, Sean Kretz the Head of Westfield Arts College, the Executive Director and her leadership team have been providing day-to-day support to the staff and children and support and challenge to the Board to develop a suitable recovery plan.

That work continues and involves other members of our special school system too.

The school has now closed for the summer on Friday 8 July in line with other Independent Schools.

This allows a crucial couple of weeks at the close of term to ensure that staff have an opportunity to make sure all training and development requirements are up to date. It will also allow for some vital works to be completed on the site in preparation for a September start.

We are continuing to recruit at pace again to ensure sufficiently experienced staff will be available for September.

We plan the school opening in September with 36 children on roll – slightly lower than planned initially but this allows a secure and steady growth as we progress with plans and the school's senior leadership team recruitment.

Children and young people are at the heart of our decision making and we must make sure the school can offer the first-class education that we know we can provide them by supporting the Board, the staff and our families. There is not an overnight solution to this, it will take a bit more time than we had envisaged but we are confident that it is going in the right direction.

I appreciate your patience as we support the Independent School in settling. I was on the school site for the last week and the children in school were engaged and positive.