

Shadow Dorset Council

SHADOW DORSET COUNCIL

MINUTES OF MEETING HELD ON WEDNESDAY 20 FEBRUARY 2019

Present: Cllrs A Alford, J Andrews, P Barrowcliff, S Bartlett, P Batstone, B Batty-Smith, D Beer, R Biggs, C Brooks, P Brown, S Brown, H Bruce, R Bryan, D Budd, N Bundy, A Burch, D Burt, D Bussell, S Butler, M Byatt, G Carr-Jones, A Cattaway, A Chase, S Christopher, A Clarke, R Coatsworth, T Coombs, B Cooper, H Cox, D Croney, N Dragon, G Duke, J Dunseith, M Dyer, D Elliott, J Ellis, B Ezzard, T Ferrari, S Flower, V Fox, R Freeman, K Garcia, I Gardner, S Gibson, B Goringe, M Gould, M Hall, L Hamilton, T Harries, D Harris, P Harrison, B Haynes, J Haynes, R Hope, F Horsington, C Huckle, Nick Ireland, C James, S Jefferies, S Jespersen, K D Johnson, S Jones, T Jones, O Kanji, A Kerby, P Kimber, R Knox, R Kosior, N Lacey-Clarke, C Langham, M Lawrence, R Legg, G Logan, M Lovell, W Meaden, L Miller, D Morgan, R Nickinson, P Nixon, R Nowak, J Orrell, E Parker, A Parry, M Penfold, V Potheary, R Potter, B Quayle, B Quinn, M Rennie, C Reynolds, D Rickard, M Roberts, J Robinson, G Russell, J Sewell, P Shorland, D Shortell, D Skipwith, J Somper, Jackie Stayt, John Stayt, G Suttle, C Sutton, J Tanner, D Taylor, A Thacker, B Trite, D Turner, M Unsworth, D Walsh, A Weaving, P Webb, K Wheller, M Wiggins, P Williams and T Yarker

Apologies: Cllrs M Barnes, T Bartlett, A Blackwood, K Brookes, G Brown, Ian Bruce, S Burns, A Canning, J Cant, R Cook, P Cooke, K Day, J Dover, C Dowden, F Drake, F Drane, T Farmer, J Farquharson, C Finch, J Francis, H Goodinge, R Gould, T Handford, S Hosford, G Jefferson, M Leicester, C Lugg, B Manuel, G Marsh, P McCartney, F McKenzie, T Morris, P Oggelsby, J Osborne, D Packer, C Page-Nash, B Pipe, C Pipe, S Pritchard, A Reed, B Ridout, M Roake, G Rockingham, T Roos, J Russell, A Skeats, G Taylor, M Tewkesbury, C Tilling, S Tong, J Westbrook, S West, P Wharf and M Whitwam

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

Susan Dallison (Democratic Services Manager), Lee Gallagher (Democratic Services Manager - Dorset County Council), Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer, Designate), Sarah Parker (Executive Director of People - Children), Matt Prosser (Chief Executive Designate), Kirsty Riglar (Democratic Services Manager - Purbeck District Council), John Sellgren (Executive Director, Place) and Jason Vaughan (Interim Section 151 Officer)

41. Code of Conduct

In response to a Member's question, the Corporate Director – Legal and Democratic and Monitoring Officer confirmed that for the purposes of setting the budget and council tax, there was no requirement for any Shadow Councillor in receipt of a Local Government Pension Scheme to disclose this as a pecuniary interest.

There were no declarations of disclosable pecuniary interests.

42. Minutes

The minutes of the meeting held on 24 January 2019 were confirmed as a correct record and signed by the Chairman.

43. Public Participation (30 minutes)

Ms Siobhan Lennon-Patience, from the Dorset Parents Campaign Group for SEND Children and a mother of a child with additional needs, addressed the Shadow Council in relation to the funding of SEND in Dorset. She noted that Dorset County Council was struggling to meet its legal obligations to SEND children and having to dip into reserves. She also noted that the Dorset SEND strategy stated the Children's Services Directorate remained committed to a savings programme and whilst the government had offered £250 million to councils over the next two years this was a drop in the ocean. She considered that it was not enough for local authorities to focus solely on their statutory duties and that this had resulted in assessment delays, poorly planned Education, Health and Care Plans (EHCPs), inappropriate use of the EHCP banding system, school exclusions and parents home educating their children. She sought urgent assurance that SEND children would not continue to bear the brunt of swingeing cuts, to the detriment of their health and education, and requested that the Council confront Government on this issue to make a case for significant financial boost for the benefit of SEND children.

The Shadow Executive Lead Member for Education and Skills explained that the decision for expansion of SEND provision in D – particularly the 0 -25 agenda, would be the responsibility of the members of the new Dorset Council. He accepted that demand for EHCPs had dramatically increased over the past few years and continued to rise. He assured Ms Lennon-Patience that Dorset County Council was working with the Schools Forum to tackle pressure in both mainstream and specialist provision. He explained that Dorset County Council currently held reserves of £12.5M against the Higher Needs Block deficit; these would be transferred to Dorset Council and it would be for that authority to decide how to address these pressures going forward. He acknowledged the importance of the new Council working with schools and other significant partnerships to improve the way that children and young people with additional needs were supported.

Ms Jewels Evans addressed the Shadow Council explaining that her child Zara, who was 5, had extensive additional needs including Global Learning Delay and had been waiting for a diagnosis of autism since 2016. She explained that all 1:1 classroom support had been withdrawn in 2017. Of the 30 students in Zara's class at a mainstream school, 10 had Special Educational Needs, but Zara was the only child with an EHCP. The classroom had a teacher and a part-time teaching assistant. Due to the cuts in SEND funding, Zara was now not receiving the intensive teaching, intervention and occupation therapy teaching support she required to make progress. Zara had a legal right to an education at her point of need which could help her to live independently and work in the future. She asked that Members reflect on

the fact that society would judge Dorset on how it treated those who could not advocate for themselves.

The Shadow Executive Lead Member for Education and Skills reassured Ms Evans that he would raise the issues that she had raised with officers and arrange to meet with her separately. He explained that there had been a considerable growth in the number of ECHPs across Dorset and considerable resources put into assessing these within a twenty week period. A Quality Assurance Manager was in place as it was recognised that the detail of any plan should not be compromised by focus on delivery of the target. 94% of ECHPs were now delivered within the twenty week period.

The following questions were put by Mr John Calvert:-

- (a) Since the Shadow Dorset Council is currently retaining responsibility for the public toilets in its area, is there provision in the budget for drastic revision of the public toilets in Dorchester, Weymouth and all its towns?
- (b) Is there provision in the budget to provide effective tourist information centres that are located where people arrive in all the towns in the area and are available when people arrive?
- (c) Does the budget include provision for consultants to provide the basis of the Dorset Council Local Plan for April 2023 rather than use the expertise of the new authority's staff or the vision of the shortly to be elected councillors?
- (d) Once the balanced budget is approved will the shadow authority move on to deal with current pressing issues around social care, mental health, affordable housing, traffic management and bus subsidies?

The Shadow Executive Lead Member for Finance provided the following responses:-

- (a) The toilets in Weymouth and Portland will not be the responsibility of Dorset Council as they are transferring to either Weymouth Town Council or Portland Town Council. North Dorset DC does not provide public toilets as where they exist they are provided by the Town Councils. Elsewhere provision for toilets as part of the 2019/20 budgetary proposals are the same as in the current year.
- (b) The budgets for Tourist Information Centre provision across the area will remain the same for the 2019/20 financial year. Going forwards, the new council will review this provision to ensure that information for visitors is being provided in the most cost effective way.
- (c) The Shadow Executive at its meeting in February considered a report on resources for preparing the new Dorset Council Local

Plan by April 2023. Members recognised the importance of ensuring appropriate staffing levels, and referred to the need for a report to the Dorset Council Cabinet in future to consider the costs and resources in more detail. As such the funding already allocated in the individual district budgets to support local plan work has been carried forward into the Dorset Council budget.

(d) One of the key purposes of the council reorganisation was to allow us to spend more money on front line services, which is exactly what we have done in this budget. We have addressed five priority areas for spend, they are:

- An additional £5.8m for the care and education of children.
- An additional £900k to increase the number of foster carers.
- An additional £1.372m for rubbish collection, recycling and street cleaning services delivered by Dorset Waste Partnership.
- An additional £1.5m for social care services for vulnerable disabled and elderly adults.
- An additional £150k towards tackling homelessness.

There is never enough money to do everything but this is a solid list of priorities and the new administration will have more money to invest more in these areas or others in the future.

We can still move more money to the front line. Bigger, better contracts can be negotiated with fewer suppliers and rationalising the use of property are just a couple of examples where we can make available more money in future which will allow us to address more of Dorset's priorities.

44. **Questions from Shadow Councillors (30 minutes)**

The following question was put by Councillor Susan Jefferies:-

"Late last week all members of the Fostering Panel received a letter saying "I am writing to inform you that we will be dissolving the current Fostering and Permanence Panel on 31st March 2019 and constituting a new Fostering and Permanence Panel, along with new contracts, from 1st April 2019. In this letter I am therefore formally giving you notice of the ending of your current term with the panel on 31st March 2019. We will shortly be advertising for panel members for the newly constituted panel from 1st April 2019 and you are, of course, welcome to apply.

Thank you for your work and commitment to Dorset County Council's Fostering and Permanence Panel and I hope that we will see at least some of you on our newly constituted Panel for Dorset Council."

I received a number of messages from several of them, none had had any forewarning of this and were upset and disturbed, all bar myself are Independent members. The Chairman of the Panel, who is a lawyer by training, said she felt that this was a "Thank you and Goodbye letter". I hastily reassured them that this was not my understanding. I hoped that this was more an administrative notice informing them their contracts would change.

These people have worked hard and loyally for Dorset County Council for many years as Panel members.

On a practical level it would be impossible to recruit, interview, train, and conduct checks to form an entire Panel within a month. Without qualified members, all Panels would need to be cancelled for about 8 weeks upsetting all the scheduling of cases, Social Workers, potential Foster Carers with disastrous consequences and delays.

My questions are:

1. Is my interpretation of a change in contracts more in line with what was intended?
2. If I am correct, why did such a letter, virtually severing their commitments, go out to the members at this time?
3. Can you give me assurance that the action taken by sending out these letters will not be detrimental to, or delay the continuity of the Fostering Panel, Particularly for those cases in the pipeline?"

The Shadow Executive Lead Member for Children's Services confirmed that Councillor Jefferies's interpretation was correct and explained that a further letter had been sent on the previous day to all Panel members explaining that, due to the creation of the new Dorset Council, contracts needed to be changed. This had also been seen as an opportunity for anyone else who was interested to sign up if they so wished. He confirmed that none of the action taken would be detrimental to or delay Panel meetings in future.

45. Minutes of the Shadow Executive Committee

The minutes of the meeting of the Shadow Executive Committee held on 11 February 2019 were received and noted.

46. Minutes of the Shadow Overview and Scrutiny Committee

The minutes of the meetings of the Shadow Overview and Scrutiny Committee held on 21 January and 4 February 2019 were received and noted.

47. 2019/20 Budget

The Council considered the proposals for the 2019/20 Revenue and Capital Budgets Capital Strategy and Treasury Management Strategy. In presenting the proposals, the Leader of the Shadow Council stated that the budget would set a firm financial basis for Dorset Council and acknowledged that the development of the proposals had been a demanding task for councillors, particularly those on the Budget Working Group. The proposed budget would enable Dorset Council to invest in specific areas to help its most vulnerable residents and to retain frontline, critical services.

The Interim S151 Officer confirmed that, in his opinion, the 2019/20 budget proposals were robust and that the Council would have an adequate level of reserves based upon the proposals set out in the report.

Cllr D Harris, speaking on behalf of the Liberal Democrat Group, expressed concern that the Council was being asked to support a budget to fund an unknown agenda. He considered that there was a need to have input from some form of area forums to ensure that strategies were delivered appropriately across the communities of Dorset and that reorganisation needed to be used to transform and improve services to residents. He expressed concern that the assets which were not required to deliver services by the new council were built into the budget. The following amendment to recommendations 1 and 2 in the report was proposed by Cllr D Harris and seconded by Cllr C James:

To approve the 2019/20 Revenue budget as set out in Appendices 2 and 3 on the understanding that the new council is required to do an immediate root and branch review of all assumptions, structures and decisions taken by the Shadow Executive, especially on Children's Services and local decision making, involving a full cross party section of its councillors and its partners.

Following debate and upon being put to the vote the amendment was LOST.

The Leader of the Labour Group acknowledged that the development of a balanced budget for Dorset Council had not been easy due to the tight timescales and thanked the S151 Officer and his team, as well as the Budget Working Group, for their efforts in achieving this. He drew particular attention to the medium risk scored against the budget and welcomed the small increase in funding for homelessness services. However, there remained a significant need for affordable housing in Dorset, exacerbated by the issue of second home ownership, and he hoped that the planning system would enable something to be done to address this. He asked how the cumulative deficit of £3.5M against the High Needs Block could be met without using reserves and how many agency children's social workers were currently used by Dorset County Council and at what cost. The following amendment was proposed by Cllr C Huckle and seconded by Cllr T Jones:

That the Local Council Tax Support discount be increased from 90% to 91.5% in line with most of the current schemes and the recommendation from the Shadow Overview and Scrutiny Committee.

In response to the questions asked, the Interim S151 Officer explained that Dorset County Council held reserves of £12.5M against the High Needs block to offset the deficit, although this was subject to disaggregation. A response to the question about agency children's social workers would be provided as soon as possible after the meeting and copied to all members.

In relation to the proposed amendment, the Interim S151 Officer explained that changing the Local Council Tax Support (LCTS) from the recommended 90% scheme to a 91.5% scheme would have a financial implication for Dorset Council and other precepting bodies as the LCTS impacted upon the Council

Tax Base which was used to calculate the council tax charge for the year and the income that was received. Legally the council tax base had to be set by 31 January each year in order to allow the other precepting bodies to calculate their council tax charge for the year. For the 2019/20 financial year it was estimated that by changing to the 91.5% scheme there would be a loss of income of around £121,000 across all preceptors which would be split as follows:

Dorset Council - £104,000

Dorset Police - £14,000

Dorset Fire - £5,000

Remaining with the 91.5% scheme would result in a reduction in the taxbase in 2020/21 which would also then impact on town and parish councils. This would either result in less precept being generated or taxpayers paying higher council tax for their parish. Using the average parish precept in 2019/20, this would amount to around £6,600 across the town and parish council sector in Dorset.

Following debate and upon being put to the vote the amendment was LOST.

The Leader of the Green Group thanked officers and members of the Shadow Executive for completing a complex exercise and commended the budget which, for the most part, protected frontline services. However, she expressed concern that the report included an assumption that the Secretary of State would approve a request to move funding from the Schools block to the High Needs block and urged the new council to make a commitment that a cut of £3.1M would not be passed on to Dorset's schools. She welcomed the additional £150,000 for the homelessness budget but felt that this would make little impact and urged the new council to reinstate emergency local assistance funding as soon as possible.

The following additional recommendations was proposed by Cllr B Ezzard and seconded by Cllr D Harris:

1. that an additional £5 million from the Council's reserves be ring fenced solely to Children's Services in 2019/20 on a one-off basis to provide stability whilst a wholesale review and reassessment of Children's Services is undertaken;
2. that the review and reassessment should focus upon bringing Children's Services up to date and ensuring all services are digitally aligned for the future; and
3. that the outcome of the review and reassessment should inform budget decisions in future years concerning Children's Services.

Following debate and upon being put to the vote the proposed amendment to the recommendations was LOST.

The Shadow Executive Lead Member for Finance seconded the approval of the 2019/20 budget as recommended in the report, thanked officers from across the sovereign councils for working together on the proposals and reiterated the need for Dorset Council to have a balanced budget.

Decision

- (a) That the 2019/20 Revenue budget, as set out in Appendices 2 and 3 of the report, be approved.
- (b) That a Base Budget Review of Children's Services is undertaken with the new Executive Director People – Children.
- (c) That the fees and charges for regulatory services, as set out in Appendix 4, be approved.
- (d) That for fees and charges that usually increase by inflation they increase by 2.4% for 2019/20.
- (e) That £700,000 is set aside for the costs of the local elections from the council tax surplus and that the balance is added to general reserves.
- (f) That the Local Council Support Scheme be aligned from April 2019 and limit the maximum support provided to unprotected working age claimants to 90%.
- (g) That 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.
- (h) For vacant dwellings, a 100% discount of council tax be awarded for up to a maximum period of 1 month from the date that the property became unoccupied and substantially unfurnished.
- (i) For second homes, that no discretionary Council Tax discount be awarded and 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. 10.
- (j) That the Band D council tax charge be set at £1,629.75 for 2019/20 and that the full resolution on council tax set out Appendix 5 be approved.
- (k) The 2019/20 Capital Programme, as set out in Appendix 6, be approved.
- (l) That the 2019/20 Capital Strategy, as set out in Appendix 7, be approved.
- (m) That a Review of Capital be undertaken and reported to the Dorset Council Executive in September 2019.
- (n) That the 2019/20 Treasury Management Strategy set out in Appendix 8 be approved.
- (o) That £13.5m of capital receipts be used to fund the LGR implementation costs in accordance with the government's flexible use of capital criteria.
- (p) The minimum level of general reserves be set at £14.5m and the maximum set at £29m for 2019/20.
- (q) That a review of reserves be undertaken and reported to the Dorset Council Executive in September 2019.

In accordance with the requirement to record votes on the setting of the council tax, the votes on the recommendations set out in the report were recorded as follows:-

For (98): Councillors A Alford, Peter Barrowcliff, Pauline Batstone*, B Batty-Smith, C Brooks*, P Brown, H Bruce, I Bruce, R Bryan*, N Bundy, A Burch, D Burt, D Bussell, S Butler*, M Byatt, G Carr-Jones*, A Cattaway*, A Chase, S Christopher, A Clarke, R Coatsworth, T Coombs*, H Cox, D Croney*, KD Johnson, G Duke, J Dunseith*, M Dyer, J Ellis, T Ferrari*, S Flower*, V Fox, R Freeman, K Garcia*, Ian Gardner, S Gibson, B Goringe, M Gould, P Harrison, B Haynes, J Haynes*, F Horsington, S Jespersen, A Kerby, R Knox, R Kosior, N Lacey-Clarke, C Langham, G Logan, W Meaden, L Miller, R Nickinson, P Nixon, E Parker, M Parkes*, A Parry*, V Potheary, B Quayle, B Quinn, M Roberts*, J Robinson, J Russell, J Sewell, P Shorland, D Shortell*, D Skipworth, J Somper, J Stayt, J Stayt, G Suttle, A Thacker, William Trite*, D Turner*, M Unsworth, D Walsh*, M Wiggins, P Williams and T Yarker

Against (38): Councillors J Andrews, S Bartlett*, D Beer*, R Biggs, D Budd, N Dragon, B Ezzard*, M Hall, L Hamilton, T Harries, D Harris, R Hope, C Huckle, N Ireland, S Jefferies, T Jones, O Kanji, P Kimber, R Legg, M Lovell, D Morgan, R Nowak, J Orrell*, C Page-Nash, R Potter, M Rennie, C Reynolds, D Rickard, C Sutton, J Tanner, G Taylor, A Weaving and K Wheller*

Abstain / No vote recorded (8): D Elliott, C James, S Jones, M Lawrence, M Penfold*, A Weaving, P Webb

**Councillors with two seats on the Shadow Council by virtue of being members of both Dorset County Council and a borough/district council.*

48. **Scheme of members' allowances for Dorset Council**

The Council considered a report setting out the recommendations for a scheme of members' allowances for Dorset Council made by the Independent Remuneration Panel following careful consideration of evidence. This also set out a list of approved duties to be included within the scheme.

In response to a member's question, the Corporate Director – Legal and Democratic and Monitoring Officer confirmed that it was recommended by the Panel that the scheme would be subject to review after twelve months of operation.

Decision

- (a) That a scheme of members' allowances for Dorset Council be adopted as recommended by the Independent Remuneration Panel.
- (b) That the list of approved duties set out in Appendix 2 to the report be approved.

49. **Calendar of Meetings**

The Shadow Council considered a calendar for Dorset Council which included dates for all full Council meetings and those for each of its committees.

Some members expressed their disappointment that the majority of meetings were scheduled to take place during the day and that this did not provide an opportunity for any resident who wished to be able to participate in local democracy to do so as it precluded those who worked. The Shadow Executive Lead Member for Governance reiterated that all Shadow Dorset Councillors were consulted on their preferences in relation to start times of meetings. 56 responses were received which expressed a preference for meetings to be largely held at 10.00am with Council meetings at 6.30pm. The proposed calendar reflected these responses.

In the interests of enabling wider participation in local democracy, the following amendment was proposed by Cllr M Rennie and seconded by Cllr S Bartlett:-

“That the proposed calendar of meetings be put in place for the first quarter and then the new councillors can decide on the future calendar.”

Upon being put to the vote the amendment was LOST.

Decision

That the calendar of meetings for Dorset Council May 2019 – May 2020 be adopted.

50. **Transitional Appointments to Committees 2019**

The Shadow Council considered a report regarding the making of appointments to the committees in the transitional structure set out in the constitution for Dorset Council. This was necessary so that any business required to be undertaken during the ‘interim period’ (1 April – 6 May 2019) could be managed. Particular attention was drawn to the nominations submitted by Group Leaders.

Decision

- (a) That seats and appointments to the Shadow Executive Committee continue to the end of the current term of the Council (6 May 2019).
- (b) That seats and appointments on transitional committees of the Shadow Dorset Council be allocated, as nominated by Group Leaders and set out in the Appendix to these minutes.
- (c) That Chairmen and Vice-Chairmen of committees be appointed at the first meeting of each committee.
- (d) That delegated authority be given to the Chief Executive, after consultation with Group Leaders, to make changes to appointments as necessary.

51. Appointment of Independent Persons

The Corporate Director – Legal and Democratic and Monitoring Officer explained that under section 28(7) of the Localism Act 2011, local authorities were required to put certain arrangements in place for promoting and maintaining standards of conduct including provision for the appointment by the authority of at least one independent person. Given the need to have at least one independent person in place for Dorset Council on 1 April 2019, it was recommended that those currently consulted by the six sovereign councils be appointed as they had previously been through a selection process. The independent persons had all confirmed that they were willing to continue in the role for Dorset Council.

Decision

That the following individuals be appointed as independent persons for Dorset Council with effect from 1 April 2019:-

- Elizabeth Whatley
- Rob Nicholls
- Col Mike Powell
- Nick Maton
- Ken Whatley
- Barry Preedy
- Christopher Lousley

52. Urgent Items

There were no urgent items to report.

Duration of meeting: 6.30 - 8.48 pm

Chairman

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