

BOURNEMOUTH BOROUGH COUNCIL CABINET
16 October 2013

PRESENT: Councillor John Beesley - Leader of the Council, Chair and Resources; Councillor Anne Filer - Corporate Efficiency; Councillor Michael Filer - Transport, Cleansing and Waste; Councillor Mike Greene - Corporate Policy and Strategy; Councillor Jane Kelly - Partnerships and Regeneration; Councillor Robert Lawton - Housing; Councillor David Smith - Planning and Environment; Councillor Lawrence Williams - Tourism, Leisure and Culture

Apologies were received from Councillors Blair Crawford and Nicola Greene on alternative Local Government Business.

ALSO PRESENT: Councillors Derek Borthwick, Robert Chapman, Stephen Chappell, Ben Grower, Chris Rochester and Ron Whittaker.

The meeting started at 10.30 am and finished at 12.06 pm

The publication date for this Record of Decisions is 18 October 2013

Under Rule 21 of the Overview and Scrutiny Procedure Rules, the deadline for Councillors to 'call-in' decisions decided under 'delegated powers' will expire on 25 October 2013. Decisions will not be carried out until after that date.

Note: To see a copy of the public reports that were considered by the Cabinet at this meeting please visit:

<http://www.bournemouth.gov.uk/CouncilDemocracy/Councillors/CouncilorCommitteeMeeting/Cabinet/2013/10/16/Agenda/131016-Agenda-and-Reports-Package.pdf>

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Agenda item and Report No.	Clause No.	Decision Status	Matter Considered	Decisions	Reasons for Decision	Alternative options Considered and rejected - if any	Interests disclosed if any
Item 5 Report 5	97	Public Report to full Council with Cabinet as consultee Call-In to apply: No	Review of the Constitution Steering Group - 30 September 2013 Portfolio: Corporate Policy and Strategy	<p>Recommended to Full Council:</p> <p>Executive Decision making in Bournemouth</p> <p>1. That the proposals set out in Appendix B to briefing paper 1 submitted by the Monitoring Officer and Service Director for Legal and Democratic are adopted, subject to the following amendment:</p> <p>In section 13.3a - 'Decisions reserved to the Full Council' - substitute the following wording for that proposed:</p> <p>'Decisions reserved to Full Council in the Functions Scheme will be made by Full Council only. Other non-executive decisions are delegated to Council Statutory Boards, Committees and Panels and to officers in the Functions Scheme.</p> <p>Review of the 'Key Policy Framework'</p> <p>2. That the proposals set out in section 9 to briefing paper 2 submitted by the Monitoring Officer and Service Director for Legal and Democratic are adopted, subject to the following amendments:</p>	See report for reasons.	See report for alternative options considered.	

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				<p>a. The deletion of 'Development Plan Documents' as a separate item.</p> <p>b. 'Plans and alterations which together comprise the Development Plan' is changed to read:</p> <p>'Documents, plans and alterations which together comprise the Development Plan'.</p> <p>Council Procedure Rules - public questions</p> <p>3. That the current Council Procedure Rule 32e is deleted and replaced with the following:</p> <p>'32e A member of the public who is not able to attend the meeting has the option of either deferring the question(s) to the next meeting or receiving a written reply.</p> <p>Council Procedure Rules - selection of the Mayor and the Deputy Mayor</p> <p>4. That no action be taken on the Mayoralty Working Group proposal to change the Council Procedure Rules governing the arrangements for the election of the Mayor.</p>			

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				<p>5. That the words 'willing or' be deleted from Council Procedure Rule 29b relating to the selection of the Deputy Mayor.</p> <p>Note: Council Procedure Rule 29b currently reads as follows</p> <p>'In the event that the person who was Mayor during the previous year is not willing or able to be appointed to the position of Deputy Mayor then the procedure set out in paragraphs a-m above relating to the selection of Mayor shall be carried out to select the Deputy Mayor.'</p> <p>Review of the process for making appointments to outside bodies</p> <p>6. That the proposals set out in section 7 to briefing paper 5 submitted by the Monitoring Officer and Service Director for Legal and Democratic be adopted.</p> <p>Protocol on Cabinet Portfolio Holders' involvement in the overview and scrutiny process</p> <p>7. That the Protocol as submitted by the Monitoring Officer and Service Director for Legal and Democratic be adopted subject to the following</p>			

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				<p>amendments:</p> <p>a. Substitute the following wording for that proposed in section 4:</p> <p>‘It follows therefore that Portfolio Holders should be in attendance at meetings of Overview and Scrutiny Panels which carry out the scrutiny function for their portfolio area to provide information and answer questions.</p> <p>In the event that the Portfolio Holder cannot attend a meeting there is an expectation that a substitute will be appointed by the Leader of the Council.’</p> <p>b. Substitute the following wording for that proposed in the first three sentences in section 5:</p> <p>‘The role of the Portfolio Holder at a meeting of a Panel is to attend for the purposes specified in the Constitution. S/he is not an ex-officio member of the Panel and should not take part in the Panel’s discussions unless invited to do so by the Chair.’</p> <p>Note: The Leader of the Council on behalf of the Cabinet thanked the</p>			

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				Review of the Constitution Steering Group and the Officers for the work undertaken in respect of the above recommendations.			
Item 13 Report 13	98	Public Report to full Council with Cabinet as consultee Call-In to apply: No	Report from Executive Gateway Board - Recommended Changes to the Capital Programme Portfolio: Leader of the Council and Resources	Recommended to Full Council: 1. That the inclusion of the following projects in the Capital Programme be approved: a. The Purchase of Existing Flats - £526,000 to be funded through a combination of Homes & Communities Agency (HCA) Grant, Internal Borrowing, Housing Revenue Account (HRA), Housing Capital Receipts and HRA New Build Reserves. b. The Purchase of Existing Houses - £379,000 to be funded through a combination of Homes & Communities Agency (HCA) Grant, Internal Borrowing, Housing Revenue Account (HRA), Housing Capital Receipts and HRA New Build Reserves. 2. That the following changes to projects in the Capital Programme be approved:	See report for reasons.	See report for any alternative options considered.	

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				<p>a. Planning and Transport Capital Programme 2013/14 - £1,776,616 addition to the Planning & Transport Capital Programme for 2013/14 funded through a combination of: DfT grant, developer's contributions and Road Rescue funding. The net increase to the capital programme is £282,616 due to a virement of most of these additional funds as Bournemouth Council's match funding contribution to the Local Sustainable Transport Fund small and large bids. This change increases the Planning and Transport Capital Programme from £2,960,000 to £3,242,616</p>			

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Item 3	99	Public Key Decision: No Call-In to apply: No	Minutes	That the minutes of the meeting held on 11 September 2013 be confirmed and signed.	To comply with the Council's Constitution.	None.	
Item 4	100	Public Key Decision: No Call-In to apply: No	Public Items A. Public Questions B. Deputations C. Petitions	A. None received. B. None received C. None received.	To comply with the Council's Constitution.	None.	
Item 6 Report 6	101	Public Key Decision: No Call-In to apply: Yes	Report from the Audit and Governance Committee and Administration and Resources Overview and Scrutiny Panel - Community Finance Initiative Portfolio: Leader of the Council and Resources	That the recommendations from the Audit and Governance Committee on 26 September 2013 on the Community Financing Initiative supported by the Administration and Resources Overview and Scrutiny Panel on 30 September 2013 be received and taken into consideration in respect of the report on the Community Financing Initiative. Note: The Leader of the Council and the Executive Director, Finance thanked the Audit and Governance Committee and Administration and Resources Overview and Scrutiny Panel for their robust consideration of the governance issues associated with the project.		None.	

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Item 7 Report 7	102	Public Key Decision: Yes Call-In to apply: Yes	Community Financing Initiative - CFI Portfolio: Leader of the Council and Resources	<p>1. That the full Business Plan for the CFI as set out in Annex A to the report along with the joint report of the Chairs of both the Audit and Governance Committee and Administration and Resources Overview and Scrutiny Panel be approved.</p> <p>Note: The Leader highlighted the following amendments to the Business Plan attached at Annex A to the report:</p> <p>Paragraph 3.38 - delete 3.2.6 replace with 3.4.6</p> <p>Paragraph 3.47 - delete second word 'Company' and replace with 'Council'</p> <p>Paragraphs 5.13 and 5.16 - indicate that they are indicative rates correct at time of drafting.</p> <p>Paragraph 9.1 - table of risk second column second risk - include personal before the word deposits.</p> <p>2. That the proposal to proceed now through the formal creation of the CFI company within the overall construct of The Bournemouth Group and to convene an inaugural joint meeting of both Boards on or</p>	See report for reasons.	See report for any alternative options considered.	

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				<p>before 23 October 2013 to enable the first business loans to be offered before the 30 November 2013 as planned be approved.</p> <p>3. That the appointments made by both Boards as set out in Section 6 of the full Business Plan as attached as Annex A to the report be noted and that these are fully consistent with the good governance arrangements of the Council to enable the effective leadership and management of the Council's activities.</p> <p>4. That that the action taken to seek suitably qualified and experienced volunteers for co-option to both Boards through public advert to ensure the Council is able to draw on experience from elsewhere and meet the criteria for Board membership as specified by the regulatory authorities at this time be endorsed. Suitable candidates will be considered and selected at the inaugural joint meeting of both Boards and successful candidates will act as Non-Executive Directors.</p>			
Item 9 Report 9	103	Public Key Decision:	Adoption of Seafront Strategy Portfolio: Tourism, Leisure	1. That the Seafront Strategy be adopted to deliver a World Class Seafront over the next 20 years.	See report for reasons.	See report for any alternative options considered.	

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		Yes Call-In to apply: Yes	and Culture	2. That the implementation of Phase 1 of the strategy including the following be approved: <ul style="list-style-type: none"> • A major investment in the public realm at Pier Approach, • Innovative overnight stay beach huts at Southbourne, • Super Huts at Alum Chine. 			
Item 10 Report 10	104	Public Key Decision: Yes Call-In to apply: Yes	Bournemouth Travel Interchange to Town Centre Route Project Portfolio: Transport, Cleansing and Waste	1. That the allocation of £150,000 from corporate resources to the BTI to Town Centre Route Project Budget in 2014/15 financial year to allow the Council to invest in significant improvements at Horseshoe Common be approved. 2. That the progression of the project to enable construction works to be completed by summer 2014 be approved.	See report for reasons	See report for any alternative options considered.	
Item 11 Report 11	105	Public Key Decision: Yes Call-In to apply: Yes	Designated Public Places Order to control street drinking across the Borough Portfolio: Planning and Environment	That the commencement of the consultation process required before the Council can consider whether to make a Designated Public Places Order covering the whole of the Borough be approved.	See report for reasons.	See report for any alternative options considered.	
Item 12	106	Public	Formal pre-application consultation for Navitus	1. That the Executive Director for Environment and Economy be	See report for reasons	See report for alternative	Councillors Anne Filer,

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Report 12		<p>Key Decision: Yes</p> <p>Call-In to apply: No</p>	<p>Bay Wind Farm</p> <p>Portfolio: Planning and Environment</p> <p>The Cabinet were circulated with the views of the Planning Agenda Group on 14 October 2013</p> <p>Note - In accordance with Procedure Rule 24 of the Overview and Scrutiny Procedure Rules the Mayor has agreed that the decision of the Cabinet relating to this matter is urgent and that the call-in procedure should not apply. This will enable the Council's response to the consultation to be sent by the deadline date of 18 October 2013.</p>	<p>authorised to respond to Navitus Bay Development Ltd setting out the following:</p> <ul style="list-style-type: none"> • That the Council has concerns about the methodology used in the preparation of the Environmental Information • That as a result the Council has concerns that the conclusions drawn are likely to be inaccurate, and that the mitigation measures are therefore premature and should be reconsidered in the light of conclusions drawn following the undertaking of an assessment based upon an appropriate methodology • There should be a revised timetable to enable the methodology to be reviewed, and further work to be undertaken in consultation with stakeholders before the Summary Document (PE13) is issued. <p>2. That, following the update from the Leader of the Council, the Secretary of State's attention be drawn to the report and the recommendations which have been developed working with</p>		options considered and rejected	Michael Filer, Mike Greene and Jane Kelly declared, for transparency purposes, an interest as depending on the siting of the Wind Farm it may be possible to view it from their properties.

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				<p>the Local Members of Parliament.</p> <p>Note - the following Statement was made on behalf of the Chairman of the Planning Board:</p> <p>Further to the recommendations made by the Planning Board Agenda Group at its meeting on 14th October, I would like to confirm that the reason Planning Board on 23 September 2013 agreed unanimously to delegate authority to the agenda group to submit views on the report before the Cabinet today, was specifically to allow the Council to meet the pre-determined timescales of the consultation. All Members of the Board were invited to attend and contribute to the agenda group meeting on 14 October 2013.</p> <p>The Planning Board agreed that delegating to the agenda group was the most expedient way of ensuring its comments could be considered by the Cabinet within the timetable of the consultation, as the next full Board was not due to meet until after the consultation deadline on 18 October. This approach was supported unanimously by the Board at its September meeting.</p>			

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				I hope this clarifies the process by which the Planning Board's views were sought and informs the Cabinet in their considered response to the consultation on 16 October 2013.			
Item 14 Report 14	107	Public Key Decision: No Call-In to apply: Yes	Budget Monitoring Statements to 31 August 2013 Portfolio: Leader of the Council Resources	1. That the report and the associated Revenue & Capital Management Statements be noted. 2. The Leader placed on record his thanks to the Executive Director - Finance and the Service Director - Strategic Finance for the work that they had undertaken in improving this report.	See report for reasons.	None.	
Item 15	108	Public Key Decision: No Call-In to apply: No	Changes to the Cabinet Forward Plan	That the latest changes to the published Forward Plan as agreed by the Leader of the Council be noted.	To comply with the Council's Constitution.	None.	
Items 8 and 17 Reports 8 and 17	109	Public Press and Public were excluded for those parts of the report	A Strategic Partnership for Inward Investment in Bournemouth Portfolio: Leader of the Council and Resources	1. That the fundamental terms and principles of the strategic partnering understanding between the Council and Legal & General Property be approved. 2. That the outline scope of the initial programme be approved and	See report for reasons.	See report for any alternative options considered.	

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		<p>which included information as defined in Paragraph 3 in Part I of Schedule 12A of the Local Government Act 1972.</p> <p>Key Decision: Yes</p> <p>Call-In to apply: Yes</p>		<p>authority be delegated to the Chief Executive in consultation with the Leader and Portfolio Holder for Resources, Executive Director for Finance and Service Director, Legal and Democratic to agree specific heads of terms and finalise the necessary contractual documentation in order to progress the delivery of the initial programme.</p>			