

**BOURNEMOUTH, CHRISTCHURCH AND POOLE JOINT COMMITTEE
23 May 2018**

PRESENT:

Councillor Janet Walton	Borough of Poole - Chair
Councillor John Beesley	Bournemouth Borough Council - Vice-Chair
Councillor David Flagg	Christchurch Borough Council - Vice-Chair
Councillor Philip Broadhead	Bournemouth Borough Council
Councillor David Brown	Borough of Poole
Councillor John Challinor	Borough of Poole
Councillor Blair Crawford	Bournemouth Borough Council
Councillor Deborah Croney	Dorset County Council
Councillor Mike Greene	Bournemouth Borough Council
Councillor Nicola Greene	Bournemouth Borough Council
Councillor May Haines	Borough of Poole
Councillor Trish Jamieson	Christchurch Borough Council
Councillor Jane Kelly	Bournemouth Borough Council
Councillor Robert Lawton	Bournemouth Borough Council
Councillor Karen Rampton	Borough of Poole
Councillor David Smith	Bournemouth Borough Council
Councillor Peter Wharf	Dorset County Council
Councillor Mike White	Borough of Poole

OFFICERS:

Andrew Flockhart, Chief Executive, Borough of Poole
David McIntosh, Chief Executive, Christchurch and East Dorset Councils
Jane Portman, Managing Director, Bournemouth Borough Council
Julian Osgathorpe, Joint Executive Director, Corporate Services
Tanya Coulter, Joint Service Director, Legal and Democratic & Monitoring Officer
Adam Richens, Joint Service Director, Strategic Finance & Section 151 Officer

The meeting commenced at 2.00 pm

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

<https://bcpjointcommittee.wordpress.com/meetings/>

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52. APOLOGIES

Apologies for absence were received from Councillor Anne Filer - Bournemouth Borough Council. Named Substitute Member, Councillor David Smith was in attendance.

Apologies for absence were received from Councillor Drew Mellor - Borough of Poole. Named Substitute Member, Councillor Mike White was in attendance.

53. DECLARATIONS OF INTEREST

There were no declarations of any disclosable pecuniary interests by Joint Committee Members.

54. CONFIRMATION OF MINUTES

DECISION MADE:

That the minutes of the meeting held on 16 April 2018, be confirmed.

55. PUBLIC ISSUES - DEPUTATIONS/QUESTIONS/PETITIONS

There were no public items for this meeting of the Joint Committee.

56. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY PANELS/COMMITTEES

a. Borough of Poole - Business Improvement Overview and Scrutiny Sub-Committee - 18 May 2018

The Chairman welcomed Councillor Ron Parker to the meeting to present the following recommendations and comments of the Borough of Poole Business Improvement Overview and Scrutiny Sub-Committee to the Joint Committee:-

Item 11 - Constitution of the Shadow Authority

Part 1, Article 6, Paragraph 3.4 -

Membership of the Shadow Authority Overview and Scrutiny Committee

The Business Improvement Overview and Scrutiny Sub-Committee supports the proposal for the Shadow Authority Overview and Scrutiny Committee to be constituted of 15 Councillors allocated on the geographical basis of five Councillors from each of the three Councils.

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Item 11 - Constitution of the Shadow Authority

Part B, Paragraph 6 - Voting at Shadow Executive Committee Meetings

Whilst the Business Improvement Overview and Scrutiny Sub-Committee understands the legal provision whereby the Chair of the Executive Committee has a casting vote at the Executive Committee where there is an equality of votes cast, the Sub-Committee nevertheless hopes that the Shadow Executive Committee will use all its endeavours to seek to work on the basis of consensus when exercising its decision making powers.

Item 11 - Constitution of the Shadow Authority

Location of Shadow Authority meeting

The Business Improvement Overview and Scrutiny Sub-Committee supports the proposal that the meeting of the Shadow Authority should take place at Bournemouth University.

The Chairman reported that the above comments would be taken into account when the Joint Committee consider item 11 on the agenda.

b. Christchurch Borough Council - Scrutiny and Policy Overview Committee - 22 May 2018

Councillor Flagg reported that the Chairman of the above Committee was unable to attend. He presented the following recommendations and comments from the Scrutiny and Policy Overview Committee on 22 May 2018:

Item 11 - Shadow Authority Arrangements

Comments relating to the Shadow Authority Constitution

- Part 2 - Article 2 - Members raised concerns with regards to Part 2, Article 2, Paragraph 7.1 relating to the election of the Leader and Deputy Leader. Members disagreed that the Shadow Executive Committee should elect the Leader and Deputy Leader from amongst its Members and that it would be better dealt with from the Shadow Authority as a whole.
- Part 2 - Article 2 - Members questioned whether Appendix 1 to Article 2 should be included within the Constitution, this being the list of Shadow Councillors of the Shadow Authority. It was felt that address details could change which would then require an update to the Constitution.
- Part 2 - Article 4 - Members questioned whether Paragraph 2.1 of Article 4 should be included, Members raised that when the Constitution is approved paragraph 2.1 would have already happened and so therefore is not required to be set out within the Constitution.

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- Part 2 - Article 14 - Members felt that in relation to Paragraph 2.1 all changes to the Constitution should be taken to the Shadow Authority.

Item 13 - Consolidated Medium Term Financial Plans

- Still concerned that the Committee are not looking at a year one harmonisation.

The Chairman reported that the above comments would be taken into account when the Joint Committee consider the relevant items on the agenda.

57. PROGRAMME UPDATE

The Joint Committee considered a report by the Programme Director circulated at '6'. The report detailed an overview of programme activity undertaken on behalf of the Joint Committee.

The Programme Director commented on the timescale and complexity of the programme. He explained that the programme was working well and delivering outputs. Members were advised of the development of Phase 2 of the Programme. The Programme Director referred to the role of the Programme Steering Group and the BCP Programme Plan for Phase 3. He highlighted paragraphs 5-13 of the report which provided a status update on activity. The Programme Director reported that there were no new or escalated risks. Members were informed that work was ongoing with the Programme Boards on day to day service delivery.

The Programme Director, on behalf of the Programme Board thanked Members and Officers for the work undertaken in the development of the Programme.

DECISION MADE:

That the Joint Committee:

1. Notes the progress made since the last Joint Committee on approved workstreams.
2. Notes the proposed activity to progress approved workstreams in the lead up to the next Joint Committee.

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The Joint Committee considered a report by the Programme Manager, circulated at '7'. The report set out the progress being made on the disaggregation of the services, assets and liabilities to support the formation of the Bournemouth, Christchurch and Poole authority. In addition, the Committee was advised that service reviews were almost complete and approval meetings scheduled.

Councillor May Haines, Co-Chair of the Task and Finish Group reported that work was progressing at a pace since the last meeting of the Joint Committee. She commented on the frequency of the task and finish group meetings and the level of templates which had been reviewed with 15 outstanding. Councillor Haines reported that the task and finish group had worked hard to achieve the required deadlines. The Joint Committee was informed that there was one further meeting of the Group. Members were also advised of the work being undertaken by Overview and Scrutiny on disaggregation. The task and finish group placed on record its thanks to all officers involved in this workstream. Councillor Philip Broadhead, Co-Chair included his thanks to officers and members of the Group for the quantum of highly complicated work that was undertaken. The Joint Committee was updated on future meetings and the work of the Joint Overview and Scrutiny Disaggregation Working Group.

Councillor Croney referred to the committed professionalism of officers and groups which was evident. She explained that with challenging times relating to savings and performance and the critical time period the work undertaken provided a good foundation.

DECISION MADE:

That the progress of the disaggregation workstream be noted.

59. PARLIAMENTARY ORDERS

The Joint Committee considered a report by the Service Director, Legal and Democratic & Monitoring Officer, circulated at '8'. The report provided information on the Structural Change Order's progress through Parliament and the preparation of the Consequential Orders due to be considered by Parliament soon. This showed that the key milestones had been met and progress was in line with plans.

The report explained the timetable for the next phase of work and how the Joint Committee contributed to the government's preparation of the Consequential Orders. It proposed a delegation to enable comments to be submitted to the MHCLG in the period between the Joint Committee meeting and the formation of the Shadow Authority.

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The report explained a key staffing issue to be included in the Staffing and Miscellaneous Provisions Order and indicated that an oral update was presented to the Committee on this along with a delegation that enabled a decision to be made and communicated to the MHCLG.

The Service Director, Legal and Democratic & Monitoring Officer updated the Joint Committee on Parliamentary Orders and the delegated authority to enable feedback to be provided on the Consequential Orders. She indicated that she did not anticipate that this would happen on a regular basis. Members were advised that some discretion and input was required to assist in the operation and delivery of services.

The Service Director, Legal and Democratic & Monitoring Officer reported on the key staffing issue. In particular, she referred to Heads of Paid Service or the posts which would not TUPE to the new authority. Members were advised that there was no further update to paragraph 14 of the report and feedback from the MHCLG was awaited.

The Joint Committee was informed that if the Structural Change Order and associated Regulations were approved the Order could be made before the end of the week and become effective from 26 May 2018. The Service Director, Legal and Democratic & Monitoring Officer explained that the inaugural meeting of the Shadow Authority would be brought forward.

The Service Director, Legal and Democratic & Monitoring Officer reported on the Policy Framework. She commented on the policies that apply to geographical areas eg Licensing which would continue to apply until harmonisation was achieved. Members were advised that the time to undertake this work had previously been 12 months with a longer lead in period. The Service Director, Legal and Democratic & Monitoring Officer reported on proposals to discuss with MHCLG a 24 month period to achieve harmonisation of policies.

A Member raised concerns regarding recommendations 2 and 3 and in particular asked to what extent would the decisions be communicated and at what level would a decision need to come back to Members. The Service Director, Legal and Democratic & Monitoring Officer indicated that in her view reports back would be to the Shadow Executive Committee. She explained that the delegation would only be used when required.

A Bournemouth Member commented on the harmonisation proposal for policies of 24 month and indicated that he would fully support this option which should be the message to all 4 authorities.

DECISION MADE:

1. That the information about the progress being made with the Parliamentary Orders be noted.

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2. That a delegation to officers in consultation with the Chairman and the two Vice Chairmen to ensure that the Committee's views are provided to the MHCLG on the details in the Consequential Orders as and when requested prior to establishment of the Shadow Authority be agreed.
3. That further to the oral update on the key staffing issue (in section 14 of the report) to be included in the relevant Consequential Order the Committee agrees to delegate a decision on this matter to the Monitoring Officers and HR officers in consultation with the Senior Appointments Task & Finish Group.

60. WARDING ARRANGEMENTS REVIEW - REPORT OF THE TASK AND FINISH GROUP

The Joint Committee considered a report of the Task and Finish Group, circulated at '9'. The report detailed the Task and Finish Group's responses and recommendations regarding submitting new warding arrangements to the Ministry for Housing Communities and Local Government (MHCLG). The Group made recommendations on the ward proposals and potential councillor numbers within each ward in preparation for the potential Boundary Review and consultation by the Local Government Boundary Commission for England (LGBCE).

The Chairman of the Task and Finish Group, Councillor Flagg recorded thanks to Matt Pitcher, Head of Elections, Land Charges and Registration Services, Bournemouth & Poole and his team for the work undertaken in putting the information together.

Councillor Flagg advised the Joint Committee of the work of the Group, events and engagement sessions with Members and the review of recommendations and observations. He asked the Committee to support the report as presented.

Members of the task and finish group commented on the proposals including stressing the thoroughness and objectivity. Another Member of the Group thanked Councillor Flagg for his leadership and Tanya Coulter and Matt Pitcher for their professionalism and advice. He felt that the report was acceptable taking account of the boundaries in the three towns which he recommended.

A Poole Representative noted the amount of work undertaken in a short period of time and the difficulty in balancing the numbers for each ward. He was concerned that time did not allow for each Council to support these proposals, had concerns about the draft proposals and the lack of opportunity for consultation. A Member in response highlighted that there had been separate sessions at each Council for members to attend and every opportunity to engage in debate.

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DECISION MADE:

1. That the recommendations made by the Task and Finish Group as set out in the report in respect of the warding arrangements be agreed.
2. That the submission of this warding proposal to MHCLG & LGBC as required be agreed.

Note - Councillor David Brown wished to be recorded as abstaining from the above decision.

61. CIVIC FUNCTIONS TASK AND FINISH GROUP - PROGRESS REPORT

The Joint Committee considered a report of the Task and Finish Group, circulated at '10'. This report provided an update on the timetable of the Consequential Order to implement the establishment of Charter Trustees required to preserve the Civic and Ceremonial Rights of the existing Councils.

Councillor Trish Jamieson reported on the work undertaken by the task and finish group. She explained that the final decision cannot be made on the model until Christchurch has made a decision on community governance. A Member referred to the agreed approach and importance of preserving the mayoralty.

The Chairman of the Joint Committee placed on records thanks to Richard Jones for his work in supporting the task and finish group.

DECISION MADE:

That the revised parliamentary and project timetable for completing the work required to establish Charter Trustees for the Bournemouth, Christchurch and Poole Council areas be noted.

62. SHADOW AUTHORITY ARRANGEMENTS

The Joint Committee considered a report of the Monitoring Officer Bournemouth and Poole, circulated at '11'. The report set out the Task and Finish Group's recommendations regarding governance and other arrangements necessary to establish the Shadow Authority in accordance with the provisions of the Structural Changes Order.

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Councillor Nicole Greene, Chairman of the Task and Finish Group reported that the Draft Bournemouth, Christchurch and Poole Shadow Authority Constitution attached at Appendix 1 to the report was a detailed document which underpinned the huge amount of work which had been undertaken by the Task and Finish Group setting out the various parts and including the scheme of allowances which was set at nil.

The Joint Committee considered the recommendations/comments referred to at Clause 56 above. Councillor Nicola Greene indicated that the operation of the Shadow Executive Committee had been looked at in advance of the Structural Changes Order and working in a collaborative way.

Councillor Nicola Greene presented revised recommendations for the Joint Committee to consider. She thanked the Members of the Task and Finish Group for their diligence, officers for their support and the Joint Overview and Scrutiny Group for its consideration.

The Monitoring Officer reported that the Structural Change Order provides Officer designations and the Shadow Authority at its first meeting would approve the Monitoring Officer, Section 151 Officer and Head of Paid Service. In addition, she referred to the comments from the Christchurch Scrutiny and Overview Policy Committee. In respect of Part 2 Article 2 the Monitoring Officer suggested that it could be cross referenced to the website and Part 2 Article 14 needed to remain to enable the Constitution to be amended as the Shadow Authority was likely to meet 2-3 times and to call an extraordinary meeting to amend the Constitution would be disproportionate.

The Monitoring Officer reported that if the Parliamentary Order was made it was likely that the first meeting of the Shadow Authority would be brought forward from 13 June to 6 June 2018. She explained that she would shortly be writing to Members on issues associated with the meeting including Disclosable Pecuniary Interests.

The Monitoring Officer explained that there was legal provision whereby the Chairman of the Shadow Executive Committee would have a casting vote but that it was not a requirement the vote was used. She also confirmed that there was no proxy voting.

DECISION MADE

1. That the Joint Committee recommends to the Shadow Authority that it adopts the Constitution attached at Appendix 1 to the report.
2. That the Joint Committee recommends to the Shadow Authority that it designates interim S151 Officer and Monitoring Officer as set out in Paragraph 17.

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3. That the Joint Committee delegates authority to the Governance Task and Finish Group to recommend to the Shadow Authority the designate Head of Paid Service and main Office as set out in Paragraph 18.
4. That the Joint Committee agrees that the first meeting of the Shadow Authority will take place at the University.
5. That the Chair of the Joint Committee calls an Extraordinary meeting of the Joint committee to deal with substantial issues in the event that there is delay in establishing the Shadow Authority.

63. KEY APPOINTMENTS

The Joint Committee was advised that on 16 May the Senior Appointments Task and Finish Group had its first meeting. The Group considered the leadership characteristics which were broadly aligned to the LGA 21st Century Public Servant characteristics. The Joint Committee was advised that the Group had considered the key management tiers and the associated timetable for appointments.

DECISION MADE:

That the report be noted.

Note: Andrew Flockhart, David McIntosh and Jane Portman left the meeting for the above item.

64. CONSOLIDATED MEDIUM TERM FINANCIAL PLANS

The Joint Committee considered a report of the Chief Financial Officer Bournemouth and Poole Councils, circulated at '13'. The report explained that creating a strong financial management culture would be fundamental to the success of the new unitary in delivering services and meeting its statutory obligations. Development of a financial strategy would form a key element of the implementation plan for the new council. Early adoption of a financial strategy for 2019/20 would provide clarity and support the delivery of a successful, thriving unitary authority able to deliver a balanced budget.

Councillor John Beesley Chairman of the Task and Finish Group referred to the recommendations set out in the report. He highlighted the challenges that lie ahead in respect of the development of the Financial Strategy, delivering a sustainable balanced budget and work undertaken by the Task and Finish Group.

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The Chief Financial Officer outlined the overall gross expenditure for the Unitary Authority and reported on the funding gap for the three authorities. Members were advised that Appendix C to the report set out the return to Government in 18/19 and that there were inconsistencies highlighting that Adults and Children would be in excess of 80% of the new unitary authority's expenditure. The Chief Financial Officer reported that Appendix B set out the monitoring variance plus or negative on savings ambitions set by the four authorities and how this would feed into MTFP.

A Member in referring to the budget position emphasised that there should be recognition for the ambition of the new authority and bringing more prosperity to the area. A Christchurch representative emphasised that it would be useful to be provided with information for day 1 Council Tax Harmonisation.

The Chief Financial Officer in response to a question reported that common financial policies would be drawn together from the relevant authorities. He explained that a lot of work had been undertaken in Bournemouth and Poole and progress was being made. Financial Regulations were also being worked up.

Councillor Flagg in respect of Council Tax Harmonisation asked how long did they need to keep on asking for a day 1 harmonisation. Councillor John Beesley explained that day 1 harmonisation was amongst many financial options in the public and had been available for some time. He explained that it was not proposed to increase Council Tax above referendum levels. He referred to the financial policies and confidence in achieving balanced budgets in 2018/19. Members discussed the implications of day 1 harmonisation if imposed by the Secretary of State. Councillor Beesley explained that the principles adopted by the Joint Committee had been set out and in terms of any other models based on Council Tax foregone would be a serious consideration. Members were reminded that the proposed model would provide a Council Tax freeze for Christchurch residents.

The Monitoring Officer in response to the equalisation of common financial policies explained the proposal to submit recommendations to the MHCLG for equalisation over a longer period than the normal 12 months.

DECISION MADE

1. That the current Consolidated MTFP position as shown in figure 1 of the report be noted.
2. That the financial strategy as referenced in paragraphs 11 to 17 and presented as Appendix A be approved.
3. That the aggregate budget information as presented in Appendix C be noted.

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4. That the information presented in this report will have a significant impact on the financial sustainability of the new Bournemouth, Christchurch and Poole Unitary Authority be acknowledged.

65. FORWARD PLAN FOR THE JOINT COMMITTEE

The Monitoring officer reported that the forward plan that operated for the Joint Committee would be developed for the Shadow Executive Committee in accordance with the necessary legal requirements once agreed by the Shadow Authority.

DECISION MADE:

That the report be noted.

The Chairman of the Joint Committee thanked Members and Officers for their work on the Joint Committee.

The meeting closed at 3.22 pm.

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