

# Cabinet

Tuesday 19 January 2010

## PRESENT:

Councillor Mrs Pengelly, in the Chair.

Councillor Fry, Vice Chair.

Councillors Bowyer, Brookshaw, Jordan, Michael Leaves, Monahan, Ricketts, Dr. Salter and Wigans.

The meeting started at 2.00 pm and finished at 4.10 pm.

*Note: At a future meeting, the Cabinet will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

## 104. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the Code of Conduct from Members in relation to items under consideration at this meeting –

<b>Name</b>	<b>Item</b>	<b>Declaration</b>	<b>Reason</b>
Councillor Fry	Minute 119 - Tamar Science Park	Personal and Prejudicial	Director of Tamar Science Park Ltd
Councillor Jordan	Minutes 106 and 108 – Life Centre Construction Contract Award	Personal and Prejudicial	Sub-contractor known to him and member of Mayflower Trust
Councillor Jordan	Minute 107 - Life Centre Project Scrutiny Report	Personal and Prejudicial in relation to Construction Contract Award	Sub-contractor known to him and member of Mayflower Trust
Councillor Michael Leaves	Minute 115 – Compulsory Purchase Order Resolutions for Council Housing Blocks in Devonport	Personal and Prejudicial	Brother owns Kerr Street Social Club

## 105. EXEMPT BUSINESS

Resolved that under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

## 106. LIFE CENTRE CONSTRUCTION CONTRACT AWARD (E3)

The report of the Director for Community Services was submitted together with a copy of the tender report by EC Harris.

Members were advised that the decision was regarded as urgent on the basis that some of the funding requires expenditure by 31 March 2010. Commencement of the contract at the earliest opportunity was crucial in ensuring that this grant was able to be utilised and was not lost.

Resolved that the reports are noted.

Councillor Jordan having declared a personal and prejudicial interest, withdrew from the meeting during consideration of the item).

Note: This item has been designated as urgent in accordance with the provisions of the Constitution and is not subject to the call in procedure.

At the conclusion of the item, the meeting moved back into Part 1 (Public Meeting).

## **LIFE CENTRE CONSTRUCTION CONTRACT AWARD**

### **107. Life Centre Project Scrutiny Report**

The recommendations of the Customer and Communities Overview and Scrutiny Panel, as amended by the Head of Policy, Performance and Partnerships in consultation with the Councillor James (Chair of the Overview and Scrutiny Management Board), were submitted.

Councillors Fox (Chair of the Customers and Communities Overview and Scrutiny Panel) and James (Chair of the Overview and Management Board) presented the scrutiny recommendations to the meeting.

Following consideration of the recommendations,

Resolved that –

- (1) scrutiny recommendation (1) is accepted and noted;
- (2) thanks be extended to the Customers and Communities Overview and Scrutiny Panel for the quality of the scrutiny review work undertaken;
- (3) with regard to scrutiny recommendation (2),
  - the Panel is advised that during the construction process there will inevitably be changes required by the very nature of the procurement route and the construction process. There is a robust change management process in place and both Officers and Members understand the need to be able to quickly respond to issues as they arise;
  - the request to append any change orders to the monthly project manager's report is accepted however these will contain some commercially sensitive information which will need to be dealt with accordingly;
- (4) with regard to scrutiny recommendation (3),
  - the Panel is advised that the design of the Life Centre has been undertaken in accordance with all relevant legislation and guidance, including those relating to access and the Disabilities Discrimination Act (DDA). The Plymouth Disability Action Network (DAN) have also been closely involved in the development of the design and layout of the building;
  - however, Cabinet accepts the need to ensure that facilities and management processes are in place which ensure that this issue is dealt with and to ensure that the facility is accessible to all;
- (5) scrutiny recommendation (4) is accepted and Cabinet looks forward to engaging with the Panel at appropriate points during the progression of the whole programme of works;

- (6) whilst contractual incentives of this nature are commercially sensitive, scrutiny recommendation (5) to keep the issues highlighted under active consideration is accepted;
- (7) with regard to scrutiny recommendation (6),
  - the Panel is advised that it is in the contractor's interests to maximise the use of local resources and labour such that transport and accommodation costs are minimized;
  - however, the recommendation to continue to engage with Balfour Beatty around these issues is accepted;
- (8) scrutiny recommendation (7) is accepted and engagement with partners will take place as recommended;
- (9) scrutiny recommendation (8) is accepted and officers in Development and Regeneration and Culture, Leisure and Sport will seek to ensure that Development tariff monies are allocated appropriately and to the benefit of the scheme wherever possible;
- (10) scrutiny recommendation (9) is accepted and reports will be provided as requested.

The Leader thanked the scrutiny panel for their hard work concerning the scrutiny process on the Life Centre Construction Award Contract.

(Councillor Jordan having declared a personal and prejudicial interest, withdrew from the meeting during consideration of the item).

108. **Life Centre Construction Contract Award**

The report of the Director for Community Services was submitted.

Members were advised that the decision was regarded as urgent on the basis that some of the funding requires expenditure by 31 March 2010. Commencement of the contract at the earliest opportunity was crucial in ensuring that this grant was able to be utilised and was not lost.

Having regard to minute 107 above relating to the scrutiny recommendations of the Customer and Communities Overview and Scrutiny Panel, as amended by the Head of Policy, Performance and Partnerships in consultation with the Councillor James (Chair of the Overview and Scrutiny Management Board),

Resolved that the contract for the construction of the Life Centre building is awarded to Balfour Beatty.

(Councillor Jordan having declared a personal and prejudicial interest, withdrew from the meeting during consideration of the item).

Note: This item has been designated as urgent in accordance with the provisions of the Constitution and is not subject to the call in procedure.

(The items referred to in minutes 106-108 above were brought forward in order to facilitate good management of the meeting.)

109. **MINUTES**

The minutes of the meeting held on 15 December 2009 were signed as a correct record.

110. **QUESTIONS FROM THE PUBLIC**

There were no questions submitted by members of the public.

**CHAIR'S URGENT BUSINESS**

111. **Quarterly Scrutiny Report**

The Overview and Scrutiny Management Board Quarterly Scrutiny Report was submitted and Councillor James addressed members on the quarterly position generally.

Resolved that -

- (1) Cabinet commends scrutiny for its contribution to the city's improvement agenda;
- (2) Cabinet acknowledges the board's role in the scrutiny of the Local Strategic Partnership;
- (3) scrutiny resources are kept under review to meet expanding role;
- (4) Cabinet will seek opportunities to allow further and earlier scrutiny of documents in the budget and policy framework prior to Cabinet approval.

(In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for urgent consideration because of the need for a Member decision).

**LOCALITY WORKING**

112. **Locality Working Scrutiny Report**

Councillor Fox (Chair of the Joint Task and Finish Group) presented the recommendations in the scrutiny report as approved by the Overview and Scrutiny Management Board.

Member's attention was drawn to Appendix 7 of the report of the Director for Community Services on the findings of the Joint Task and Finish Group.

Resolved that –

- (1) the recommendations in the scrutiny report as set out in paragraphs 9.1.1, 9.1.2 and 9.1.3 are supported and the recommendations have been reflected in the proposals;
- (2) with regard to the scrutiny recommendation set out in paragraph 9.1.4, although the concept of directing resources against need is supported, the allocation of budgets needs to be done through the usual budget-setting process.

### 113. **Locality Working**

The report of the Director for Community Services was submitted.

Having regard to minute 112 above relating to the scrutiny recommendations of the Joint Task and Finish Group,

Resolved that –

- (1) the introduction of locality working is supported according to the model proposed, in particular:
  - by appointing a lead councillor for each neighbourhood with responsibility for raising community priorities relevant to Locality working and agreeing solutions with Locality Service Coordination Teams (LSCT). The work of the LSCTs being guided by these priorities plus any strategic priority identified by the LSP Executive;
  - wherever possible, the lead ward councillor for each Neighbourhood to be allocated by agreement amongst the party with the majority amongst those councillors with wards which cover the Neighbourhood. Where necessary, Party Leaders and Independent councillors to be involved to reach agreement on the allocation of ward councillors to the relevant Neighbourhood lead role. Arrangements to be reviewed annually;
  - the establishment of six Locality Service Coordination Teams (LSCTs), with representation from key services covering: Community Safety, Children & Young People, Health & Adult Social Care, and Street Services; with additional services represented where locally required;
  - each Team having a Locality Lead, a senior person to be appointed from the Local Strategic Partnership (LSP) partner organisations, who would have this responsibility in addition to their current role;
  - the work of the LSCTs to focus on prioritised more complex problem areas or issues that require a joined-up response (i.e. that cannot be sorted direct by individual services);
  - replace Area Committees with strengthened neighbourhood engagement, including enhanced PACT (Partners and Communities Together) initiatives, web-based consultation, liaison with neighbourhood organisations, Third Sector involvement (voluntary, community and charitable organisations), questionnaires and surveys, and other appropriate neighbourhood based methods;
  - to support Localities working, information should be available covering local issues, feedback from consultation and community engagement, and data on city-wide priorities, all disaggregated at Neighbourhood and Locality levels in a way that can inform decision-making and service responses;
- (2) Recommends to Council that Area Committees are discontinued, with effect from 1 June 2010, and that consequential changes to the Constitution are made to reflect this; Area Committees to be replaced with strengthened community engagement mechanisms at Neighbourhood level as outlined in the Locality working model; Area Committee functions to be delivered direct by the Portfolio holder in consultation with ward members.

- (3) agrees to delegate to the Director for Community Services, in consultation with the LSP, the conclusion of details of locality working including terms of reference for the LSCTs and the development of PACTs, role profiles and working arrangements;
- (4) agrees to keep Locality Working under constant review and to requests a Scrutiny Task and Finish Group be established 12 months after implementation to formally review progress.

The Leader thanked the scrutiny Joint Task and Finish Group for all their hard work concerning locality working.

#### 114. **EXTENDED DESIGNATION OF BIRCHAM VALLEY LOCAL NATURE RESERVE**

The report of the Director for Development and Regeneration was submitted.

Resolved that the designation of the extension of Bircham Valley Local Nature Reserve is endorsed, and the Head of Legal Services is instructed to draw up and sign the legal documents that complete the formal designation.

#### 115. **COMPULSORY PURCHASE ORDER RESOLUTIONS FOR COUNCIL HOUSING BLOCKS IN DEVONPORT**

The report of the Director for Development and Regeneration was submitted.

Resolved that having full regard to the rights of the individual to have a public and independent hearing if they object to the loss of their property, assets and rights under the compulsory purchase procedures and under the Human Rights Act 1998 and to the purposes for making the Compulsory Purchase Order sufficiently justifying the interference with the rights of those having an interest in the land affected under Articles 1 and 8 of the First Protocol to the European Convention on Human Rights, Compulsory Purchase Orders be made pursuant of S17 of the Housing Act 1985 in respect of the areas outlined in black on the plans submitted (in the event that they are required) relating to –

- (1) 2 – 72 Granby Way; 11 – 37 Park Ave; 1 – 31 & 2 – 48 Granby Green; 1 – 47 St Aubyn Road (Granby Green Area) (Map at Appendix A)
- (2) Granby Street (138 – 224 Evens) (Map at Appendix A)

(Councillor Michael Leaves having declared a personal and prejudicial interest, withdrew from the meeting during consideration of the item).

#### 116. **JOINT PERFORMANCE AND FINANCE BI-MONTHLY REPORT**

The report of the Corporate Management Team was submitted.

Resolved that –

- (1) the forecast overspend on the General Fund Revenue Budget and the actions being taken by Directors to reduce the overspend by year end are noted;
- (2) the repayment of a second dividend in respect of monies invested in Heritable Bank bringing amounts now recovered, including interest, to £907,594, is noted;
- (3) the movement on the capital programme during the period is noted and the inclusion of new schemes totalling £0.745m, outlined in paragraph 6.8 of the written report and scheme variations totalling £0.211m, outlined in paragraph 6.10, are added to the programme for 2009/10.

117. **ANNUAL PERFORMANCE ASSESSMENT OF ADULT SOCIAL CARE 2008/09**

The report of the Director for Community Services was submitted together with the report of the Care Quality Commission.

Resolved that the report of the officers and the report of the Care Quality Commission is noted.

118. **EXEMPT BUSINESS**

Resolved that under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

119. **TAMAR SCIENCE PARK (E3)**

The report of the Director for Development and Regeneration was submitted.

Resolved that –

- (1) the establishment of the Plymouth Science and Innovation Programme is supported as set out in the report and agreement is given in principle to enter into a contract with other members of the proposed Plymouth Science and Innovation Programme Board to establish its precise terms of reference and governance.
- (2) agreement be given in principle to contribute up to a maximum of £1.5 million re-financing to the Tamar Science Park subject to confirmation of the funding set out in the report from partners (as referred to in the written report), satisfactory governance arrangements being established as set out in recommendation 1 above, confirmation of compliance with State Aid rules, and clarification of the precise claw back arrangements;
- (3) agreement is given in principle to the termination of the existing joint venture with the University of Plymouth and the establishment of a new joint venture with the University of Plymouth governing the operation of the Tamar Science Park, as well as an necessary resolutions required as a Member of the Tamar Science Park Board, including amendments to the Memorandum and Articles of Association, to fit in with the new joint venture arrangements, and to prepare the necessary legal documentation to provide the £1.5 million re-financing referred to in recommendation 2 above;
- (4) agreement is given to delegate authority to the Assistant Director of Development & Regeneration (Economic Development) in consultation with the Cabinet Member for Finance, Property, People and Governance to prepare and finalise the necessary legal documentation in relation to all the above matters, including authority to sign any resolutions amending the Memorandum and Articles of Association of the Tamar Science Park.

(Councillor Fry having declared a personal and prejudicial interest, withdrew from the meeting during consideration of the item)