

# Public Document Pack



**BARRY KEEL**  
Chief Executive  
Floor 1 - Civic Centre  
Plymouth  
PL1 2AA

[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)

Date: 06/01/10 Telephone Enquiries 01752 305466 Fax 01752 304819  
Please ask for Amelia Boulter, Senior Democratic Support Officer (Cabinet) e-mail [amelia.boulter@plymouth.gov.uk](mailto:amelia.boulter@plymouth.gov.uk)

## CABINET

**DATE: TUESDAY 19 JANUARY 2010**  
**TIME: 2.00 PM**  
**PLACE: COUNCIL HOUSE, PLYMOUTH**

**Members –**

Councillor Mrs Pengelly, Chair

Councillor Fry, Vice Chair

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

***Members are invited to attend the above meeting to consider the items of business overleaf***

***Members and Officers are requested to sign the attendance list at the meeting.***

**BARRY KEEL**  
CHIEF EXECUTIVE

## **CABINET**

### **PART I (PUBLIC MEETING)**

**1. APOLOGIES**

To receive apologies for non-attendance submitted by Members.

**2. DECLARATIONS OF INTEREST**

Members will be asked to make any declarations of interest in respect of items on this Agenda.

**3. MINUTES**

**(Pages 1 - 2)**

To sign and confirm as a correct record the minutes of the meeting held on Tuesday 15 December 2009.

**4. QUESTIONS FROM THE PUBLIC**

To receive questions from the public in accordance with the Constitution.

**5. CHAIR'S URGENT BUSINESS**

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

**CABINET MEMBER: COUNCILLOR BOWYER**

**6. LIFE CENTRE CONSTRUCTION CONTRACT AWARD**

**(Pages 3 - 6)**

CMT Lead Officer: Director for Community Services

**CABINET MEMBER: COUNCILLOR BROOKSHAW**

**7a. LOCALITY WORKING SCRUTINY REPORT (TO FOLLOW)**

CMT Lead Officer: Director for Community Services

**7b. LOCALITY WORKING (TO FOLLOW)**

CMT Lead Officer: Director for Community Services

**CABINET MEMBER: COUNCILLOR FRY**

**8. EXTENDED DESIGNATION OF BIRCHAM VALLEY LOCAL NATURE RESERVE (TO FOLLOW)**

CMT Lead Officer: Director for Development and Regeneration

**9. COMPULSORY PURCHASE ORDER RESOLUTIONS FOR COUNCIL HOUSING BLOCKS IN DEVONPORT (TO FOLLOW)**

CMT Lead Officer: Director for Development and Regeneration

**CABINET MEMBER: COUNCILLOR RICKETTS AND BOWYER**

**10. JOINT PERFORMANCE AND FINANCE BI-MONTHLY REPORT (TO FOLLOW)**

CMT Lead Officer: Director for Corporate Support

**CABINET MEMBER: COUNCILLOR DR SALTER**

**11. ANNUAL PERFORMANCE ASSESSMENT OF ADULT SOCIAL CARE 2008/09 (TO FOLLOW)**

CMT Lead: Director for Community Services

**12. EXEMPT BUSINESS**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

**PART II (PRIVATE MEETING)**

**MEMBERS OF THE PUBLIC TO NOTE**

That under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

**CABINET MEMBER: COUNCILLOR BOWYER**

**13. LIFE CENTRE CONSTRUCTION CONTRACT AWARD (E3) (Pages 7 - 184)**

CMT Lead Officer: Director for Community Services

**14. TAMAR SCIENCE PARK (TO FOLLOW) (E3)**

CMT Lead Officer: Director for Development and Regeneration

## Cabinet

Tuesday 15 December 2009

### PRESENT:

Councillor Mrs Pengelly, in the Chair.  
Councillor Fry, Vice Chair.  
Councillors Bowyer, Brookshaw, Jordan, Monahan, Ricketts, Dr. Salter and Wigen.

Apologies for absence: Councillor Michael Leaves

The meeting started at 2.00 pm and finished at 2.15 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.*

95. **DECLARATIONS OF INTEREST**

There were no declarations of interest in accordance with the Code of Conduct from Members in relation to items under consideration at this meeting.

96. **MINUTES**

The minutes of the meeting held on 10 November 2009 and 20 November 2009 were confirmed as a correct record.

97. **QUESTIONS FROM THE PUBLIC**

There were no questions submitted by members of the public.

98. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's Urgent Business.

99. **LOCAL DEVELOPMENT FRAMEWORK: ANNUAL REVIEW OF PLANNING OBLIGATIONS AND AFFORDABLE HOUSING SUPPLEMENTARY PLANNING**

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

Resolved that

- (1) Approval be given to the amended Planning Obligations and Affordable Housing Supplementary Planning Document (Consultation Draft) for the purposes of public consultation and as a material consideration in the determination of planning applications;
- (2) the market recovery scheme as set out in Section 4 of the officer's report be enacted in relation to planning applications validly submitted between 1 January 2010 and 31 March 2011;
- (3) delegated authority to be given to the Assistant Director of Development (Planning Services) to approve the final publication version of the consultation draft Supplementary Planning Document;
- (4) instruction to be given to officers to refer the final version of the amended SPD to Cabinet and then a meeting of Full Council for adoption, following the completion of the consultation process.

100. **COUNCIL TAX BASE SETTING**

The report of the Director for Corporate Support was submitted.

Resolved that

- (1) Cabinet make a recommendation to Full Council to approve the Council Tax Base for Tax Setting for 2010/11 as 76,899 Band D equivalents, which is the tax base after allowing for an estimated collection rate of 98.5%.

101. **AWARD OF CONTRACT FOR PLYMOUTH COMMUNITY EQUIPMENT SERVICE**

The report of the Director for Community Services was submitted.

Resolved that

- (1) a three-year contract, with an option to extend for one plus one year extension (up to two years maximum) be awarded to the preferred supplier;
- (2) the evaluation process determined their offer to be the most economically advantageous tender based on price and quality. The award of this contract is forecasted to achieve efficiency savings.

102. **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.

103. **AWARD OF CONTRACT FOR PLYMOUTH COMMUNITY EQUIPMENT SERVICE (E3)**

Cabinet received report OJEU 210171-2009. See minute 101 above.

**CITY OF PLYMOUTH**

**Subject:** Life Centre construction contract award  
**Committee:** Cabinet  
**Date:** 19<sup>th</sup> January 2010  
**Cabinet Member:** Councillor Bowyer  
**CMT Member:** Director of Community Services  
**Author:** Tony Hopwood – Life Centre Programme Director  
**Contact:** Tel: 01752 305428  
e-mail: tony.hopwood@plymouth.gov.uk  
**Ref:**  
**Part:** I

---

**Executive Summary:**

Plymouth City Council has undertaken a Restricted Official Journal of the European Union (OJEU) procurement exercise for the selection of the Main Contractor for the Life Centre. The works being procured include the construction of the new facility, associated externals / highways and demolition of the existing Mayflower Centre & Central Park Pools. Whilst the demolition of the skatepark is included in the programme, the relocation of such to a new location is not within the contract works – this will be undertaken by others under the direction of the Life Centre Programme Board.

Facilities to be delivered include:

8 lane Indoor bowls	Leisure water	Catering
Sports Hall	50M Pool	Multi- purpose space
Fitness Suite	Diving Pool	Dryside Diving provision
Health Suite	Crèche/ soft play	Climbing Facilities

The Life Centre will be an impressive regional facility. It will be a magnet attracting not only elite performers of all disciplines but the public at large. It will be a place that will inspire, excite and engage people of all ages and encourage them to lead healthy lifestyles.

Tenders were issued on 21<sup>st</sup> July 2009 and, in accordance with instructions, all five bidders returned their bids on 2<sup>nd</sup> October 2009.

The agreed Plymouth City Council procedure for the OJEU process evaluation of 'Quality' and 'Cost' were undertaken and the exercise has identified Balfour Beatty as the successful bidder which best aligns with the stated requirements of Plymouth City Council as expressed through the tender evaluation criteria.

EC Harris has reviewed Balfour Beatty's Contractor's Proposals (Tender) giving further consideration to Commercial / Contract, Specification, Time and Risk profile elements of the bid. A copy of the Tender Report is attached to the Part II Cabinet Papers.

The EC Harris review of Balfour Beatty Commercial submission results in a current Assessed Contract Value which is within the Construction Contract Budget of

£36,690,201. Based on the assessed figures the Contract would therefore be let within this budget.

Balfour Beatty has also submitted a detailed construction programme which identifies completion of the Life Centre facility can be delivered within the timescales anticipated and, as such the contract would be let on programme. It is therefore recommended that the contract for the construction of the Life Centre building be awarded to Balfour Beatty.

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

---

### **Corporate Plan 2009-2012:**

The Life Centre is a key output required by the Corporate Plan and it's delivery is linked to a number of priorities and targets.

Our overall capital programme is vitally important to supporting and developing Plymouth's economy during the recession. Many projects will help create and sustain local jobs and are essential to ensuring the City remains competitive and well placed to attract further investment in the future. The building of the Life Centre will not only create local jobs, but it is essential to the plans to develop Millbay and open up the City Centre to the waterfront. As a high profile regional centre it will also play a significant role in attracting more people and investment to the City.

CIP 1 'Improving Customer Service' – The facility will provide a better environment for both internal and external customers and much improved facilities than those currently available within the City

CIP 4 'Reducing inequalities between communities' – Addressing aspects of health inequality

CIP 6 'Providing more and better culture and leisure activities' - Provide excellent culture, sport and leisure services to enhance the quality of life in the City. A key deliverable for this CIP was to 'open new regional sport and leisure Centre –The Life Centre, by Winter 2011'

CIP 9 'Developing high quality places to learn in' – the 'state of the art' facility will be available for use by the City's schools and University

CIP 10 'Disposing of waste and increasing recycling' – maximizing use of recycled materials in the construction will reduce waste and landfill

The development of flag ship initiatives like the Life Centre is also a key focus of the Corporate Asset Management Plan and Capital Strategy

---

### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

The contract costs can be contained within the approved budget for the Life Centre Project of £46.5m within the overall approved capital programme. The funding breakdown is as follows:



Life Centre Capital Programme Funding		
Capital Receipts	£	13,769,021
Supported Borrowing	£	4,650,000
Unsupported Borrowing	£	19,525,319
Grants	£	6,328,000
Other contributions	£	2,227,660
<b>Total</b>	<b>£</b>	<b>46,500,000</b>

The funding sources will be kept under constant review as part of the ongoing review of the capital programme to ensure that any funding changes as they become known can be contained within the overall programme. The timing of capital receipts and any temporary borrowing which may need to be taken as part of the existing capital strategy will be kept under review and we will continue to look at further options to help minimize the borrowing requirement.

---

**Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.**

The details of any proposed scheme will address any current Health and Safety issues.

The other issue that will be addressed by implementing the Life Centre project will be that of full compliance with the requirements of the Disability Discrimination Act.

The project provides for improvements to the park that are aimed to increase the numbers of people participating in sporting activity, bring more visitors to Central Park and therefore improved natural surveillance improving community safety.

The project implementation document includes for a full risk management exercise.

---

**Recommendations & Reasons for recommended action:**

To award the contract for the construction of the Life Centre building to Balfour Beatty.

---

**Alternative options considered and reasons for recommended action:**

Failure to award the contract would mean that the facility could not be delivered and the benefits that it would bring could not be achieved. There would also be significant abortive costs resulting from the design development that has been required to bring us to this position.

In addition, construction of the Life Centre would facilitate the future development at Millbay due to the ability to provide boulevard access to the development site in the future.

---

**Background papers:**

None

---

**Sign off: Representatives**

Head of Fin	CDR/ CAPF 91000 13/24. 12.09	Head of Leg	AT108 7	Head of HR	09122 2KB- TH e- mail refers	Head of AM	09122 4_TH	Head of IT	24/12/ 2009/1 CT/00 46NJC	Head of Strat Proc	234
Originating SMT Member: <b>Carole Burgoyne – Director of Community Services</b>											

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank