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OVERVIEW AND SCRUTINY MANAGEMENT BOARD

DATE: WEDNESDAY 22 DECEMBER 2010
TIME: 1.00 PM
PLACE: COUNCIL HOUSE (NEXT TO THE CIVIC CENTRE)

Committee Members –

Councillor James, Chair
Councillor Ball, Vice Chair
Councillors Browne, McDonald, Nicholson, Ricketts, Stevens, Thompson and Wildy

Co-opted Representatives –

Mr. D. Fletcher (Chamber of Commerce)
Mr. J. Paget (Young People)

Substitutes–

Named substitutes from the Panels may act as a substitute member provided that they do not have a personal and prejudicial interest in the matter under review.

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

Please note that, unless the Chair agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used during meetings.

BARRY KEEL
CHIEF EXECUTIVE

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

PART I (PUBLIC MEETING)

AGENDA

1. APOLOGIES AND SUBSTITUTIONS

To receive apologies for non-attendance submitted by Overview and Scrutiny Management Board Members and to note the attendance of substitutes in accordance with the Constitution.

2. DECLARATIONS OF INTEREST

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

3. CHAIR'S URGENT BUSINESS

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

4. CALL-IN : TRANSFER OF FREEHOLD FOR NOMONY CHILDREN'S CENTRE (Pages 1 - 10)

The Overview and Scrutiny Management Board will consider the decision called in by Councillors Mrs. Nelder, Williams and Wheeler.

5. 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) ... 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 Overview and Scrutiny Management Board is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

Procedure to be followed in the meeting

1. Once the Chair has opened the meeting and any previous business on the agenda been dealt with, the Members who called in the decision will be asked to explain why they have done so and what they feel should be reviewed.

The Members making the call-in shall be allowed up to 15 minutes in total to present their case. It shall be up to them to determine how they wish to use their time, they may ask one speaker to speak or share the time among several speakers as they see fit.

2. **15 minutes shall be allowed to respond on behalf of the decision maker(s).** It shall be up to them to decide how to use this allocation. The relevant Cabinet Member, or a senior officer, may make the presentation or they may divide the time between several speakers as they see fit.
3. **After each presentation, Members may ask questions to clarify any points made by the speakers** (although the speakers will not have an opportunity to cross-examine one another).
4. The Board will then discuss the matter. **Members may ask further questions of the Members making the call in or the decision makers during the debate. The Members making the call in and the decision maker will not normally speak during the debate, except to answer questions**
5. When the Chair considers that the matter has been debated for a reasonable length of time, the decision maker will be offered the opportunity to make any final comments on the matter. **One of the Members making the call in will also be offered the opportunity to sum up. Each side will be allowed five minutes for this purpose.**
6. The matter will then move to the vote :
 1. The first question is to consider in principle whether, in light of the case presented by the Members making the call-in and any other points made during the debate, Members wish to refer the decision for further consideration. **If members vote no at this stage, the call-in is ended.** The matter will not be referred back and the original decision may be implemented.
 2. If Members vote in favour of referring the matter for reconsideration, they must vote on the following matters:
 - (a) **Where to refer the matter** - Members must decide whether the decision should be referred back for reconsideration directly to the original decision-maker (i.e. the Cabinet **OR** an Executive Committee **OR** to refer the matter to City Council with a request that they decide whether to refer the matter back to the original decision-maker for reconsideration. The Chair shall ask members to vote in favour of either:

OR (i) Reference directly back to the original decision-maker

(ii) Reference back via the City Council

(b) Reasons for referring the matter back - The Chair will then put to the meeting that the matter be referred back to the original decision-maker (or to the City Council, as the case may be) for the reasons set out in the call-in request. Members will then be invited to move any amendments or additions to those reasons. Members may also move any specific recommendations or issues they would like the original decision-maker or Council to consider. Members must agree on the factors the decision-maker (or Council) are to be asked to consider. The matter may not be referred for reconsideration without reasons being given.

3. If Members of the Overview and Scrutiny Management Board vote to refer the matter back via City Council, they must then decide whether to request that any officers should be available to respond to questions at the Council meeting. If they do wish officers to be available, they should specify which officers they wish to be present to answer questions. They may not request any officer below the level of Head of Service to appear before Council.

PLYMOUTH CITY COUNCIL

REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY A CABINET MEMBER

Delegated Authority Reference No: CYP 7 10/11

Name of the Matter: Nomony Children's Centre, 27 St John's Road, Cattedown, Plymouth PL4 0PA

Cabinet Member Exercising Delegated Authority

Cllr Mrs Watkins, Portfolio Holder for Children and Young People

Decision

To transfer the freehold for Nomony Children's Centre from Action for Children to Plymouth City Council for the nominal fee of £1

Reasons for Decision

The Childcare Act 2006 (effective date 1 April 2006) made all English local authorities the Accountable Body for the government's Sure Start programme. From 1 April 2006 all funding was sent direct to local authorities for them to commission these services.

Prior to 1 April 2006 a number of organisations were able to hold Accountable Body status, and Action for Children (as National Children's Home) drew the capital grant funding for the purchase of the Nomony site and the construction of the Children's Centre. The total grant claimed was £1,132,500.

The Childcare Act 2006 created an anomaly in respect to Nomony Children's Centre. The freehold is registered to Action for Children, however Plymouth City Council is the Accountable Body for the grant funding used for the project. Action for Children therefore considers the freehold to be held on trust for Plymouth City Council.

Since 2006, Action for Children has been Plymouth City Council's service delivery provider for Nomony Children's Centre so the need to resolve this anomaly has not presented itself. The contract for delivering this service is now being tendered for April 2011 onwards. The successful tender bidder needs to be granted a lease of the building for the same terms as the service contract.

Alternative Options Considered and Rejected (if not applicable, please provide explanation)

Option 2: Action for Children continues to hold the freehold for this building with the option to lease the building to the new provider, (if they are not awarded a contract for April 2011 onwards).

This has been rejected for the following reason:

As the Accountable Body for the capital funding invested into Nomony Children's Centre, Plymouth City Council has indemnified Action for Children for the grants claimed. Any claw back liability that could apply is already held with Plymouth City Council.

Action for Children has agreed they will transfer the property for the nominal fee of £1.

In Consultation with:

- .. Other Cabinet Member: Cllr Ian Bowyer, Portfolio Holder for Finance, Property, People and Governance
- .. Corporate Management Team Member (mandatory): Bronwen Lacey, Director of Services for Children and Young People

and

	(Officer's initials or N/A)
• Democratic Support (mandatory)	DSO461011
• Finance (mandatory)	AM
• Legal Services (mandatory)	JTR
• Human Resources	N/A
• Corporate Property	CJT/056/131010
• IT	N/A
• Strategic Procurement	N/A

(N.B. Sign-off by Democratic Support, Finance and Legal is mandatory. Sign off by HR, CP, IT and SP need only be sought in those cases where there are implications for the particular service. If not appropriate, please enter 'N/A').

Is the Decision

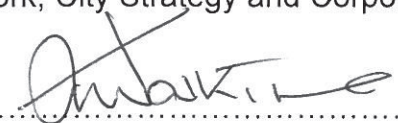
- A key decision (in the Forward Plan)* No
- Within the policy and budget framework?* Yes
- In accordance with Equalities Assessment? Yes
- A case of special urgency agreed by the Chair of Overview and Scrutiny Management Board*? No

List of Background Papers

Children Centre - Maintenance Cost. Summary Paper

Cabinet Member –

I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, City Strategy and Corporate Plan (Medium Term Financial Plan).

Signature  Date 01.12.10

Children's Centres - Maintenance Costs

In 2009 the Early Years team within Services for Children and Young People commissioned a condition survey for all Children's Centre buildings. This survey included:

- predicted maintenance costs
- any actions needed to ensure they are compliant with Health and Safety regulations.
- any actions needed to ensure they are compliant with the Disability Discrimination Act

As a result of this survey, significant work (where practicable) is now included in a capital works action plan for Children's Centres. Funding has been set aside to meet these costs and work will be prioritised in relation to risk and urgency.

Day to day maintenance costs are expected to be met within the revenue budget for the service.

Nomony Children's Centre has been included in this survey and action plan. Plymouth City Council has therefore already set aside funding for the maintenance costs of this building. No additional funding needs to be identified as a result of the transfer of ownership.

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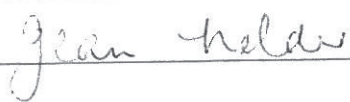

Call-In Request Form

Decision to be called in	Delegated decision CYP 7 10/11 – Transfer of freehold for Nomony Children's Centre
Decision made by:	<input type="checkbox"/> Cllr Mrs Watkins
Date decision was made	03 December 2010
Are you calling the decision in because you believe it to be outside of the Budget or Policy Framework	NO
Reasons for the Call-In	<ul style="list-style-type: none"> <input type="checkbox"/> The East End is one of 43 neighbourhoods across Plymouth and is centred on the communities of Cattedown, Coxside and Prince Rock. It has a resident population of over 5000 with significant housing, health and worklessness needs. Several main roads divide the community. <input type="checkbox"/> The East End renewal area was declared in May 2000 with a ten year time-frame. The aim is to improve living conditions and quality of life of residents, thereby helping to tackle poverty and social exclusion, health inequalities and neighbourhood decline. <input type="checkbox"/> Since 2000, a comprehensive package of neighbourhood renewal measures has been undertaken with a focus on housing renewal and community development <input type="checkbox"/> The Nomony Children's Centre was built as a part of the East End Renewal process. Funding for the centre was sought from a number of sources including SRB. <input type="checkbox"/> The reason for the call in is because the decision maker has not demonstrated that consultation has taken place with the East End Partnership, Local Councillors, Children's Centre service users or the wider East End Community about the transfer of the freehold of the property. <input type="checkbox"/> The decision maker has also failed to take in alternative courses of action, for example the transfer of this asset to the East End Partnership or other community organisation, who would be able to retain control of the freehold for the local community and who would be able

	to grant a lease to the successful tender bidder.
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Signatures To be valid **THREE** Members must support the request. All three Members should sign the form *OR* all three Members should e mail the Democratic Support Section (democratic.support@plymouth.gov.uk) expressing their support for the call-in. In this case, the form should be completed and attached to all of the e-mails.

Signatures of THREE Members

Name	Signature
1. Cllr Jean Nelder	
2.	
3. Cllr Nicky Williams	

Contact Details:	
Cllr Jean Nelder 15 Jephson Road St. Judes Plymouth PL4 9ES Phone: (01752) 227352 Bus. Email: jean.nelder@plymouth.gov.uk	

Notice of call-in for non-urgent decisions -

- (i) must be received in the Democratic Support Section by 4.30 p.m. on the 5th working day after Members have been notified that the decision has been made;
- (ii) can be submitted to the Democratic Support Section or by using the on-line form which should be e-mailed to democratic.support@plymouth.gov.uk

Johns, Katey (CORPORATE SUPPORT)

From: Wheeler, George (CLLR)
Sent: 10 December 2010 16:28
To: Johns, Katey (CORPORATE SUPPORT)
Subject: Nominy Centre disposal

Dear Katey

I would like to sign the call-in request that Cllr Nelder has made regarding the Nominy disposal with this email.

I hope this is acceptable.

Kind regards - George Wheeler

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