

# Cabinet

Tuesday 17 January 2012

## PRESENT:

Councillor Mrs Pengelly, in the Chair.

Councillor Fry, Vice Chair.

Councillors Ball, Bowyer, Jordan, Michael Leaves, Sam Leaves, Monahan, Ricketts and Wigans.

Also in attendance: Barry Keel (Chief Executive), Adam Broome (Director of Corporate Services), Carole Burgoyne (Director of People), Bronwen Lacey (Director of Services for Children and Young People), Anthony Payne (Director of Place), Paul Barnard (Assistant Director for Planning Services), Jonathan Bell (Head of Development Planning), Debbie Butcher (Head of Strategic Commissioning, Adult Social Care), Jayne Gorton (School Organisation, Access and Services to Schools Manager), Andy Netherton (Manager Safety, Health and Licensing) and Nicola Kirby (Senior Democratic Support Officer (Cabinet)).

The meeting started at 2.00 pm and finished at 2.20 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.*

## 97. BRONWEN LACEY, DIRECTOR OF SERVICES FOR CHILDREN AND YOUNG PEOPLE

The Leader referred to Bronwen Lacey, Director of Services for Children and Young People who would be leaving the Council at the end of February 2012, after 14 year's service.

Agreed that Bronwen is thanked for her work with the Council and for her work with Cabinet Members.

## 98. DECLARATIONS OF INTEREST

The following declaration of interest was made in accordance with the code of conduct in relation to items under consideration at this meeting -

Councillor	Minute	Reason	Interest
Councillor Jordan	Minutes 107 and 110: Contract award: framework agreement for support, enablement and care services to help adults with learning disabilities to live independently (people who are at risk of offending or perpetrating harmful behaviour)	Daughter works for one of the partnerships bidding for the contract	Personal and prejudicial

99. **MINUTES**

Agreed that the minutes of the meeting held on 13 December 2011 are confirmed as a correct record.

100. **QUESTIONS FROM THE PUBLIC**

One question was submitted by the public, for this meeting in accordance with Part B, paragraph 11 of the Constitution, as set out below.

In the absence of Mr Sharpe, the question and the response were circulated and the written response would be provided to him.

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
13 (11/12)	Mr F E Sharpe	Cabinet Member for Community Services (Safer and Strong Communities and Leisure, Culture and Sport)	Athenaeum Building
<p>Please could the city council look at whether the stage and Auditorium in the Athenaeum Building in Plymouth could be brought back into public use for shows so as not to let this facility go to waste.</p>			
<p><b>Response:</b>  Plymouth City Council commissioned a report into the Athenaeum Theatre, in July 2009, highlighting the position of the Athenaeum Society, who are the active legal tenants in the building as well as the role the building plays within the Theatre community. The Athenaeum Society who were subsidising the Theatre, made the decision it was no longer viable to run the theatre based on their financial sustainability. The Council does not have resources to subsidise the facility.</p> <p>The consultant's role on behalf of the Theatre Forum (a wide group of Amateur Dramatic Companies) was to review the business model and to suggest ways that the users could potentially continue. Negotiations to access and use of the building were to be taken forward by the Theatre Forum directly with the Athenaeum Society.</p> <p>The lighting assets of the theatre were subsequently acquired by Lipson Community College and the Muse Theatre to support on going activity and performances in the city.</p>			

101. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

102. **LOCAL DEVELOPMENT FRAMEWORK: PLANNING OBLIGATIONS AND AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT SECOND REVIEW**

The Director of Place submitted a written report on a proposal for a second review of the Planning Obligations and Affordable Housing Supplementary Planning Document which set out the Council's approach to delivering planning obligations, including affordable housing through the planning application process.

The report indicated -

- (a) the main changes proposed;
- (b) that although the draft document would be a material consideration in the determination of planning applications, it would be necessary to continue to apply the tariff provisions of the adopted supplementary planning document until the community infrastructure levy was adopted and operational;
- (c) there was also a need to extend the current market recovery scheme which was due to expire on 31 March 2012;
- (d) it was intended that the community infrastructure levy and the second review of the supplementary planning document would be adopted concurrently in summer 2012;
- (e) a proposed minor amendment to the current market recovery scheme to clarify that its provisions do not apply retrospectively to planning applications for development which had already commenced, without consent.

Councillor Fry (Cabinet Member for Planning, Strategic Housing and Economic Development) presented the report and indicated that it was linked to the next item on the community infrastructure levy, referred to in minute 103 below.

Agreed –

- (1) 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) that authority is delegated to the Assistant Director for Development and Regeneration (Planning Services) to approve the final publication version of the consultation draft supplementary planning document;

- (3) that the officers refer the final version of the amended supplementary planning document to Cabinet and then a meeting of Council for adoption, following the completion of the consultation process;
- (4) to amend the market recovery scheme for 2011/12 to clarify that its provisions do not apply retrospectively to planning applications where development has started without consent;
- (5) that the market recovery scheme for 2011/12, as amended, is extended up until the date that the Council's community infrastructure levy becomes fully operational.

103. **COMMUNITY INFRASTRUCTURE LEVY: DRAFT CHARGING SCHEDULE.**

Further to minute 20 of the meeting held on 12 July 2011 which gave approval to the introduction of a community infrastructure levy for Plymouth, the Director of Place submitted a written report

- (a) indicating that the preliminary draft charging schedule had been published for consultation with the consultation period ending on 13 December 2011;
- (b) on the main issues identified through the consultation process;
- (c) attaching the proposed draft community infrastructure levy which would be published for consultation prior to its public examination;
- (d) advising members that the charging schedule was likely to come into effect in the autumn of 2012 and the Council's tariff approach would then be defunct.

Councillor Fry (Cabinet Member for Planning, Strategic Housing and Economic Development) presented the report and indicated that the proposed levy was the lowest rate in the country.

Agreed –

- (1) the publication of the draft community infrastructure levy charging schedule for public consultation;
- (2) that authority is delegated to the Assistant Director for Development and Regeneration (Planning Services), in consultation with the Portfolio Holder for Planning, Strategic Housing and Economic Development, to agree minor amendments to the draft charging schedule in response to the consultation process, and to submit the draft charging schedule and any requisite Statement of Modifications for Independent Public Examination;

- (3) that officers are instructed to report the final community infrastructure levy charging schedule to Cabinet and Council for adoption following public examination;
- (4) that officers are instructed to present proposals for future review of the final community infrastructure levy charging schedule to Cabinet when seeking approval for its adoption following public examination.

104. **SEX ESTABLISHMENT LICENSING POLICY**

The Director of Place submitted a written report indicating that -

- (a) recent legislative changes had provided the Council with the ability to have a greater level of control on the position and operation of sex establishments;
- (b) businesses operating lap dancing and similar operations would now come under the same licensing system as sex shops and sex cinemas;
- (c) the Council would need to adopt the new legal provisions and an associated licensing policy to apply the provisions;
- (d) public consultation had been undertaken on a draft policy and the report set out the results of the consultation;
- (e) the recommendations of the Customer and Communities Overview and Scrutiny Panel following a review of the consultation findings and the draft policy.

Councillor Michael Leaves (Cabinet Member for Community Services (Street Scene, Waste and Sustainability) presented the report and proposed approval of option 1 as set out in paragraph 5.1 on page 76 of the agenda papers, in relation to opening hours. He also proposed that recommendation (2) of the Customer and Communities Overview and Scrutiny Panel was not supported for the reasons stated in the officer's report. The proposals were seconded by Councillor Ricketts.

Agreed that –

- (1) recommendation (1) from the Customer and Communities Overview and Scrutiny Panel regarding the condition on opening hours as outlined in paragraph 5.1, is not supported;
- (2) Option 1 is included within the Sex Establishments Licensing Policy and recommended to City Council as follows –

'The Council will apply hours of operation that are commensurate to the existing use of the area and its effect on the locality. There shall normally be no operation of licensable activities on Sundays and Good Friday (06.00 am to Midnight), Christmas day or Easter Sunday. Alternative opening restrictions may be put into place dependant on the character of each locality and representations received'

- (3) recommendation (2) from the Customer and Communities Overview and Scrutiny Panel regarding notification of applications as outlined in paragraph 5.2 is not supported;
- (4) the City Council is Recommended to resolve the following -
  - (a) to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by s.27 Policing and Crime Act 2009, which shall come into force on the 5 March 2012;
  - (b) to adopt the Sex Establishments Licensing Policy contained in Appendix A of the written report subject to recommendation (2) above;
  - (c) to approve the scheme of delegation contained in Appendix B of the written report;
  - (d) to approve the following fees and charges -
    - Application Fee £3900
    - Variation Fee £ 800
    - Annual Renewal Fees £3200
    - Transfer £750

105. **ADDITION OF A SEN SUPPORT CENTRE TO GOOSEWELL PRIMARY SCHOOL**

The Director of People submitted a written report seeking authority to undertake formal consultation on a proposal to add a Special Educational Needs (SEN) support centre to Goosewell Primary School, for children with communication and interaction needs with effect from September 2012, using the facilities vacated by Downham Special School.

Councillor Sam Leaves (Cabinet Member for Children and Young People) presented the report.

Agreed that –

- (1) formal consultations are undertaken with all interested parties on proposals to add a SEN support centre for children with communication and interaction needs, specifically autistic spectrum disorder to Goosewell Primary School with effect from September 2012, using the facilities vacated by Downham Special School;

- (2) the Cabinet Member for Children and Young People is authorised to determine whether to publish formal proposals to undertake the above change affecting Goosewell Primary School in light of the outcomes of and responses to the formal consultation;
- (3) if a public notice is published, the Cabinet Member for Children and Young People is authorised to consider all the outcomes of and responses to the public notice and make a final determination whether or not to proceed with the proposal.

106. **CONTRACT AWARD: FRAMEWORK AGREEMENT FOR SUPPORT, ENABLEMENT AND CARE SERVICES TO HELP ADULTS WITH LEARNING DISABILITIES TO LIVE INDEPENDENTLY (PEOPLE WITH COMPLEX NEEDS)**

The Director of People submitted a written report indicating that Plymouth City Council and NHS Plymouth had jointly agreed the need to establish a framework of providers, through a competitive procurement exercise, for supported living services. These services would provide support, enablement and care for adults with learning disabilities to help them to live independent lives, safely within their own homes in the community. Within this provision, specialist services existed to provide support to people who have a learning disability and complex needs.

Following evaluation of tenders, the award of a contract was recommended.

The attention of Cabinet Members was drawn to the separate confidential report on the tenders received, referred to in minute 109 below.

Councillor Monahan (Cabinet Member for Adult Health and Social Care) presented the report.

Agreed that a three year contract, with an option for one year extension, is awarded to the successful suppliers for the following – ‘Framework of services to support people with a learning disability who have complex needs’.

107. **CONTRACT AWARD: FRAMEWORK AGREEMENT FOR SUPPORT, ENABLEMENT AND CARE SERVICES TO HELP ADULTS WITH LEARNING DISABILITIES TO LIVE INDEPENDENTLY (PEOPLE WHO ARE AT RISK OF OFFENDING OR PERPETRATING HARMFUL BEHAVIOUR)**

The Director of People submitted a written report indicating that Plymouth City Council and NHS Plymouth had jointly agreed the need to establish a framework of providers, through a competitive procurement exercise, for supported living services. These services would provide support, enablement and care for adults with learning disabilities to help them to live independent lives, safely within their own homes in the community. Within this provision, specialist services existed to provide support to people who have a learning disability and who were at risk of offending or perpetrating harmful behaviour. Following evaluation of tenders, the award of a contract was recommended.

The attention of Cabinet Members was drawn to the separate confidential report on the tenders received, referred to in minute 110 below.

Councillor Monahan (Cabinet Member for Adult Health and Social Care) presented the report and drew attention to typographical errors in the recommendation in this report and the confidential report which should have referred to the framework of services to support people with a learning disability who were at risk of offending or perpetrating harmful behaviour.

Agreed that a three year contract, with an option for one year extension, is awarded to the successful suppliers for the following –  
'Framework of services to support people with a learning disability who are at risk of offending or perpetrating harmful behaviour.

(Councillor Jordan having declared an interest in the above item, withdrew from the meeting)

108. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve 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.

109. **CONTRACT AWARD: FRAMEWORK AGREEMENT FOR SUPPORT, ENABLEMENT AND CARE SERVICES TO HELP ADULTS WITH LEARNING DISABILITIES TO LIVE INDEPENDENTLY (PEOPLE WITH COMPLEX NEEDS) (E3)**

With reference to minute 106 above, the Director of People submitted a confidential written report on the tenders received for supported living services that would provide support, enablement and care for adults with learning disabilities and complex needs, to help them to live independent lives, safely within their own homes in the community.

110. **CONTRACT AWARD: FRAMEWORK AGREEMENT FOR SUPPORT, ENABLEMENT AND CARE SERVICES TO HELP ADULTS WITH LEARNING DISABILITIES TO LIVE INDEPENDENTLY (PEOPLE WHO ARE AT RISK OF OFFENDING OR PERPETRATING HARMFUL BEHAVIOUR) (E3)**

With reference to minute 107 above, the Director of People submitted a confidential written report on the tenders received for supported living services that would provide support, enablement and care for adults with learning disabilities and who are at risk of offending or perpetrating harmful behaviour, to help them to live independent lives, safely within their own homes in the community.

(Councillor Jordan having declared an interest in the above item, withdrew from the meeting)