

# Cabinet

**Tuesday 14 August 2012**

## **PRESENT:**

Councillor Evans, in the Chair.

Councillor Peter Smith, Vice Chair.

Councillors Coker, Lowry, McDonald, Penberthy, Vincent and Williams.

Also in attendance: Bob Coomber - Interim Chief Executive, Tim Howes – Assistant Director for Democracy and Governance, Carole Burgoyne – Director for People, Jayne Donovan – Assistant Director for Environmental Services, Pam Marsden – Assistant Director for Joint Commissioning and Adult Social Care, Debbie Butcher – Commissioning Manager, Debra Laphorne – Joint Director of Public Health, Kevin Elliston – Public Health Specialist and Ross Jago – Democratic Support Officer.

The meeting started at 2.10 pm and finished at 2.50 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.*

## 29. **DECLARATIONS OF INTEREST**

Name	Minute	Reason	Interest
Councillor Williams	Minute 34 Compulsory Purchase Order Resolution for the Regeneration of Phase 2, North Prospect	Plymouth Community Homes Board Member	Personal

## 30. **MINUTES**

Agreed that the minutes of the meeting held on 12 July 2012 are confirmed as a correct record.

## 31. **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 sent to him.

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
4 (12/13)	Mr F E Sharpe	Councillor Peter Smith, Deputy Leader	Public swimming pool on the former Downham School site at Plymstock
<p>Plymstock School is now classified as a Specialist Sports College but no swimming pool is nearby. Could we have the Council's views on building a public swimming pool on the site of the closed Downham School, Plymstock, and possibly consultation with the public?</p>			
<p><b>Response:</b></p> <p>The Downham School site has not been yet been designated as surplus to Council requirements but should a decision be made to dispose of this site, consultation would be through the planning process and the merits and environmental impacts of the particular proposal would be considered and the application would be determined mindful of the publicly available national and local planning policies.</p>			

32. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

The Chief Executive asked that items regarding Capital Investment for Replacement of Minibuses were withdrawn from the agenda.

Agreed to withdraw items 12 and 16.

33. **COMMUNITY RIGHT TO CHALLENGE**

The Director for Corporate Services submitted a written report indicating that the Localism Act 2011 had created the community right to challenge. This would give community and voluntary sector organisations and groups of Council staff the right to 'challenge' local authorities by putting forward an expression of interest in running their services.

It was planned that following the development of the policy and processes, a pre decision report would be made to overview and scrutiny in September, prior to a report to Cabinet on 16 October 2012.

Agreed -

- (1) an initial timetable to be published for the receipt of expressions of interest;
- (2) that any expressions of interest under the community right to challenge are not accepted until after 5 November 2012.

34. **COMPULSORY PURCHASE ORDER RESOLUTION FOR THE REGENERATION OF PHASE 2, NORTH PROSPECT**

The Director for Place submitted a written report seeking approval to make a Compulsory Purchase Order (CPO) in the future, if necessary, as part of the second phase of the North

Prospect regeneration project. The properties concerned were within the estate transferred to Plymouth Community Homes as part of the housing stock transfer on 20 November 2009.

Cabinet Members noted the considerations that arose under the Human Rights Act 1998 in respect of the proposed CPO and had full regard to the rights of those that would be affected by the CPO but, for the reasons set out in the report, determined nevertheless to authorise CPO procedure.

Agreed that, in the event that a Compulsory Purchase Order is required for properties within Phase Two of North Prospect defined as –

- (a) Ash Grove: 1-25 (odds) and 2-42 (evens)
- (b) Cookworthy Road: 11-31 (odds)
- (c) Floyd Close: 1-21 (odds)
- (d) Foliot Road: 51-95 (odds) and 92-118 (evens)
- (e) Grassendale Avenue: 1-51 (odds) and 2-82 (evens)
- (f) North Prospect Road: 205-219 (odds)
- (g) Overdale Road: 1-6
- (h) Woodville Close: 1-55 (odds) and 2-82 (evens)

a Compulsory Purchase Order is made pursuant to S17 of the Housing Act 1985 in respect of the areas outlined in red on the plan submitted (referred to in appendix one of the report.

(Councillor Williams declared a personal interest in respect of the above item).

### 35. **RECOMMENDATIONS FOR RESIDENTIAL / NURSING CARE HOME FEE REVIEW 2012 - 15**

The Director for People submitted a written report making recommendations regarding the level of fees for residential and nursing care for older people / older people with dementia following a review of care home fees and consultation. The market position statement 2011-2013 was also submitted.

The Chair drew the attention of Cabinet Members to the confidential details provided in the part 2 report referred to in minute 41 below.

Based on the information provided in the report and to improve the dignity and quality of the care of older people in care homes, it was agreed that –

- (1) the new fee structure is taken forward;
- (2) following a suggestion by Laing and Buisson (2009) that in order to facilitate an overall improvement in the physical standard of the care home stock, new builds should receive an enhanced rate, where it is identified that there is a strategic need to develop new homes, care home operators work in partnership with the Council at the earliest opportunity;

- (3) a commissioning plan is developed in consultation with the care home sector, which includes a detailed market analysis and impact of other local and national policy directives on the care home sector;
- (4) the Council also wants to help home owners develop their businesses to meet the growing and on-going demand for specialised care, for example dementia care and the intention is to set aside a capital fund from which home owners can bid, subject to the Council's capital approval process.

36. **ACTIVITIES AND OPPORTUNITIES FOR VULNERABLE ADULTS FRAMEWORK**

The Director for People submitted a written report on the recent tender process for a framework of suppliers to deliver day opportunities to meet the needs of vulnerable adults.

The tender evaluation process determined that 26 providers had the critical knowledge and experience to provide the service and that considering all evaluation criteria, they had offered the most economically advantageous tender.

The Chair drew the attention of Cabinet Members to the confidential details provided in the part 2 report referred to in minute 42 below.

Agreed that a framework of approved day opportunity providers is awarded for four years. This will be opened up annually to new market entrants and to allow existing providers to update their pricing.

37. **PUBLIC HEALTH TRANSITION - POSITION STATEMENT**

The Director for People submitted a written report providing a position statement about the status of the transfer arrangements of public health responsibilities to the local authority on 1 April 2013, prior to the final report due at Cabinet in December 2012.

Agreed that the report is noted.

38. **PROCUREMENT OF STREET LIGHTING MAINTENANCE SERVICES**

The Director for Place submitted a written report indicating that a maintenance contract existed with Scottish and Southern Energy, for the inspection, maintenance, repair, modification, supply and installation of street lighting and illuminated road signs. The contract value was approximately £1.1m per annum and was due to expire on 31 March 2013, having been extended to its limit.

The report sought authority to retender the contract to enable continuity of street lighting services beyond 31 March 2013 for a six year period (four years with an option to extend up to six years).

Agreed -

- (1) to investigate further the opportunities for retendering street lighting

maintenance services with neighbouring authorities;

- (2) in the event that such opportunities are not practical or in the best interests of the authority, Plymouth City Council to retender the services separately;
- (3) to delegate authority to the Director for Place to approve the outcome of (2) above.

39. **CAPITAL INVESTMENT FOR REPLACEMENT OF MINIBUSES**

This item was withdrawn.

*(Also see minute 32 above.)*

40. **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 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.

41. **RECOMMENDATIONS FOR RESIDENTIAL / NURSING CARE HOME FEE REVIEW 2012 - 15 (E3)**

With reference to minute 35 above, the Director for People submitted a confidential written report on the Older Persons Care Home Review 2012-15, including out of area placements in care homes, the 2012/13 pricing strategy and the proposed schedule of rates / financial model.

42. **CONTRACT AWARD: ACTIVITIES AND OPPORTUNITIES FOR VULNERABLE ADULTS FRAMEWORK (E3)**

With reference to minute 36 above, the Director for People submitted a confidential written report on the recent tender and evaluation process for a framework of suppliers to deliver day opportunities to meet the needs of vulnerable adults.

43. **CAPITAL INVESTMENT FOR REPLACEMENT OF MINIBUSES (E3)**

This item was withdrawn.

*(Also see minute 32 above.)*