

# Cabinet

Tuesday 11 December 2012

## PRESENT:

Councillor Peter Smith, Vice Chair, in the Chair.  
Councillors Coker, Lowry, McDonald, Penberthy, Vincent and Williams.

Also in attendance: Tracey Lee (Chief Executive), Adam Broome (Director for Corporate Services), Carole Burgoyne (Director for People), Anthony Payne (Director for Place), Malcolm Coe (Assistant Director for Finance, Efficiencies, Technology and Assets), Martine Collins (Strategic Manager, Revenues and Benefits), Kaja Curry (Green Infrastructure Officer), Lucy Davis (Policy and Business Planning Officer), Kathryn Deeney (Nature Conservation Officer), Kevin Elliston (Associate Director, NHS Public Health), Claire Hodgkins (Supporting People Project Manager), Richard Longford (Head of Communications), David Northey (Head of Finance), Juli Wileman (Major Schemes Project Manager) and Nicola Kirby (Senior Democratic Support Officer (Cabinet)).

Apology for absence: Councillor Evans.

The meeting started at 2pm and finished at 3pm.

*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. DECLARATIONS OF INTEREST

The following declaration of interest was made in accordance with the code of conduct from councillors in relation to an item under consideration at this meeting –

Name	Item	Interest	Reason
Councillor Lowry	Minute 104 – Council tax technical reforms	Disclosable pecuniary interest	Landlord

Councillor Lowry asked that arrangements were made for a dispensation at Council to allow him to present the report.

## 98. MINUTES

Agreed the minutes of the meeting held on 13 November 2012.

## 99. QUESTIONS FROM THE PUBLIC

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

In the absence of Mr O'Hara, 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>
11 (12/13)	Mr SCM O'Hara	Councillor Vincent, Cabinet Member for the Environment	PCC negotiations on the Residual Waste Treatment (March 2011) contract
<p>Who represented PCC at negotiations on the Residual Waste Treatment (March 2011) contract and signed the final document with MVV Environment Devonport Limited? Please provide names of all PCC negotiators and all signatories to the final agreement, including their job title, professional interest(s) and legal entity they represented.</p>			
<p><b>Response:</b>            The South West Devon Waste Partnership (SWDWP) is a partnership between Plymouth City Council (PCC), Devon County Council (DCC) and Torbay Council (TC) and is joined together by a legally binding Joint Working Agreement. The SWDWP includes a number of officers from PCC, DCC and TC who have been appointed as representatives of the partnership. The procurement and negotiations were led by the SWDWP Project Manager supported by the SWDWP Project Director, the SWDWP Project Executive, a Senior Procurement Lawyer, the Department for Environment, Food and Rural Affairs (DEFRA) representative and Project Officers for all three Authorities. Due to the complexity and fiscal value of the project, the procurement and negotiations were also heavily supported by financial, legal, technical and insurance advisors. The project and procurement was also overseen by the Devon Audit Partnership.</p> <p>The contract was signed by a Senior Procurement Lawyer acting on behalf of the three Authorities.</p>			

100. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

101. **REVENUES AND BENEFITS PERFORMANCE UPDATE**

The Director for Corporate Services submitted a written report providing an update on the performance of the revenues and benefits service.

Councillor Lowry (Cabinet Member for Finance) presented the update and indicated that improvements continued to be rolled out, although Cabinet Members wished to keep the matter under review to ensure that forthcoming welfare reforms and Council Tax changes did not impact on the performance of the section.

Following a question by a councillor at the last meeting of the City Council, Councillor Williams sought an assurance that the time to make contact to arrange payment of Council Tax would be reviewed. Cabinet Members were assured that the matter was being reviewed and that consideration was being given to a self-service system for administering payments and accounts.

Alternative options considered and reasons for the decision –

As set out in the report.

The progress made by the service since the implementation of a new structure in November 2011 was noted.

Agreed that –

- (1) sufficient resources are allocated to address the changes to be implemented from April 2013;
- (2) future updates include the measures being taken with regard to the benefit reforms across all methods of communication.

102. **2013/14 INDICATIVE BUDGET (REVENUE AND CAPITAL) ALLOCATED TO CORPORATE PRIORITIES**

The Director for Corporate Services submitted a written report setting out the City Council's 2013/14 indicative revenue and capital budget. The report set out the net budgets by department; the adequacy of reserves; the robustness of the budget and detailed the directorate revenue budget delivery plans.

At this stage the budget was subject to a number of caveats and potential change including –

- the outcome of the provisional settlement in December and the final settlement in January 2013;
- on-going consultation processes;
- the Council's scrutiny process and conclusion in January 2013;
- further Cabinet meetings in January and February 2013;
- Full Council approval of the final budget and Council tax in February 2013.

The report also contained a high level summary of the Corporate Plan 2012 -15. The full report would be published for scrutiny in January 2013 to inform their discussions on the Council's proposed priorities and budget.

Councillor Lowry (Cabinet Member for Finance) referred to the Chancellor's statement and indicated that the government settlement had not yet been received. An announcement had been made that, as of April 2014, a further two per cent cut would be made in the Council's settlement to finance a new infrastructure fund. At this stage a Council tax rise of two per cent was being considered subject to confirmation of the grant settlement and the precepts levied by the Police and Fire Authorities.

The thanks of Cabinet were extended to finance officers for their considerable work and efforts.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that –

- (1) the proposed revenue target budget requirement of £198.3m for 2013/14 and four year capital programme of £132.1m is recommended for consultation;
- (2) Cabinet considers findings from the consultation, feedback from budget scrutiny and any material changes announced in the final settlement for Plymouth City Council in early February 2013 and recommend the final revenue and capital budget for 2013/14 to Full Council on 25 February 2013.

103. **COUNCIL TAX SUPPORT SCHEME**

The Director for Corporate Services submitted a written report seeking approval of a localised Council tax support scheme to be adopted by January 2013 and fully implemented by April 2013.

The report indicated that the support scheme would replace the existing Council tax benefit scheme. Funding for Council tax support would no longer be met from annually managed expenditure which was demand led but would be set through an upfront grant allocation for all billing and major precepting authorities. Indications were that national funding for the new scheme would be 10 per cent less than current spend levels.

Councillor Lowry (Cabinet Member for Finance) presented the update and indicated that –

- (a) as a result of the budget shortfall of £2.6m, it was necessary to implement a revised scheme;
- (b) no changes would be made to the discounts to pensioners, single persons, war widows, widowers and veterans;
- (c) following consultation, it was proposed to reduce the proposed 30 per cent blanket reduction across all working age claimants to 25 per cent;
- (d) an exceptional hardship fund would be set up to support those people most affected;
- (e) the threshold for savings had increased from the consultation proposal of £3,000 to £6,000.

Alternative options considered and reasons for the decision –

As set out in the report.

The City Council is Recommended to approve a localised Council tax support scheme, as detailed in the report.

#### 104. **COUNCIL TAX TECHNICAL REFORMS**

The Director for Corporate Services submitted a written report seeking approval for changes to current Council tax exemptions in preparation for main billing in April 2013.

The report indicated that national welfare reform changes would place additional pressure on Council tax collection which was estimated at £1m less than current collection. The proposed recommendations would provide more opportunity for local authorities to set council tax levels more appropriately for its citizens by relieving the burden of council tax in relation to second homes and empty properties, where the authority felt that properties receiving this relief did not merit it.

Councillor Peter Smith (Deputy Leader) presented the report. Financial regulations had yet to be set and therefore the flexibility of the changes could be subject to amendment.

##### Alternative options considered and reasons for the decision –

As set out in the report.

##### The City Council is Recommended to –

- (1) remove the current 10 per cent discount on second homes and charge the full Council tax;
- (2) charge 50 per cent Council tax for properties undergoing major repair for as long as the property remains in that state up to the maximum period of one year;
- (3) reduce the 100 per cent discount on empty properties from six months to one month;
- (4) charge a 50 per cent premium on homes that have been empty for more than two years, taking the total Council tax due to 150 per cent.

(Councillor Lowry having declared a disclosable pecuniary interest, withdrew from the meeting during consideration of this item.)

#### 105. **CHILD POVERTY STRATEGY 2013-2016: CONSULTATION DRAFT**

The Director for People submitted a written report on Plymouth's draft Child Poverty Strategy for consultation during December 2012 and January 2013. The draft strategy outlined the Council's proposed approach to tackling child poverty over the next three years. It had been developed based on a comprehensive child poverty needs assessment and incorporated feedback from a child poverty strategy event on 15 October 2012.

The accompanying engagement and consultation plan demonstrated how the strategy and action plan would be developed with full and inclusive involvement from stakeholders and the local community.

Councillor Penberthy (Cabinet Member for Cooperatives and Community Development) indicated that discussions had taken place with the Youth Council and that the initial response had been positive. The consultation would be put on the Council's website and leaflets and posters had been produced, examples of which were circulated. The leaflet would be distributed to all councillors.

Councillor Penberthy would be attending further meetings of scrutiny and following consultation, the final draft strategy would be presented to Cabinet for approval. In response to a question, Cabinet Members were informed that media engagement would include press releases in addition to the use of twitter, face book and other social media. Cabinet Members sought assistance from the Herald to print the consultation questions from the leaflet.

#### Alternative options considered and reasons for the decision –

As set out in the report.

#### Agreed –

- (1) the draft Child Poverty Strategy as the basis for consultation in December 2012 and January 2013;
- (2) the approach for engaging and consulting with citywide stakeholders throughout December 2012 and January 2013, as set out in Annexe I to the report.

## 106. **FINAL PUBLIC HEALTH TRANSITION ARRANGEMENTS**

The Director for People and the Joint Director of Public Health submitted a written report on the final transfer arrangements of public health responsibilities to the local authority by April 2013, including the recommended model for transition with Shadow Form commencing January 2013, and recognition of the Chief Officer role for public health.

The report outlined –

- the role of public health, and the responsibilities of the Director of Public Health within local authorities;
- local transition arrangements in place including human resources, risk management, finance and commissioning;
- the options appraisal findings and recommendations from the public health model.

Councillor McDonald (Cabinet Member for Public Health and Adult Social Care) presented the report and indicated that she welcomed public health back to the Council. She particularly hoped that the transfer would enable the Council to progress its priority to tackle health inequalities. The final settlement was yet to be determined and it was hoped that it would be known by the end of December 2011. She extended thanks to the Human Resources Department and all the officers in the Council and Public Health who had assisted in bringing this to fruition.

Kevin Ellison (Consultant for Public Health) thanked Councillor McDonald for her leadership and Carole Burgoyne for her assistance.

Carole Burgoyne reported that the transfer of public health would bring specialism from public health colleagues and from the funding for commissioning, £8.5m would be spent on commissioning with a large number of contracts with the voluntary and community sector.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed –

- (1) the recommended model for the Office of the Director of Public Health to be placed within the People Directorate, operating in shadow form from January 2013. This model would enable the specialist public health team, under the direction of the Director for Public Health, to work across all Council directorates and departments;
- (2) that when the final financial public health settlement and staff destinations are allocated by Public Health England to Plymouth City Council, final due diligence will be undertaken;
- (3) that further national guidance and/or statutory requirements, if released, will be taken into account and actioned as required.

107. **TAMAR ESTUARIES MANAGEMENT PLAN 2013 - 2018**

The Director for Place submitted a written report on the adoption of the Tamar Estuaries Management Plan for 2013 – 18. The plan was a non-statutory document which set out how all the relevant authorities, including Plymouth City Council, would manage their activities and work together to ensure statutory compliance with respect to the designation of the tidal waters as a European Marine Site under the Habitats and Species Regulations 2012. The plan would be delivered collectively by all members of the Tamar Estuaries Consultative Forum with key actions delivered by staff of the City Council through a contractual arrangement with the key relevant authorities who would make up the membership of the Forum's Core group. Delivery of key milestones would then form part of the Planning Department Business Plan 2013 -15.

Councillor Vincent (Cabinet Member for the Environment) presented the report.

In response to a question from a Cabinet Member concerning the safety of bathing water, Kaja Curry (Green Infrastructure Officer) reported that under the bathing water directive, the Council was obliged to advise the public of the safety of bathing water but that this did not apply to all areas. The directive applied to two areas of bathing water in the City and both were located on the Hoe.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that the Tamar Estuaries Management Plan 2013 – 18 is adopted.

108. **LOCAL TRANSPORT BODIES: MAJOR SCHEME FUNDING AND PRIORITISATION**

The Director for Place submitted a written report providing an update on the major transport schemes that Plymouth City Council had submitted to the Heart-of-the-South-West Local Transport Body for consideration of major scheme funding between 2015/16 – 2018/19.

The report indicated that –

- (a) implications on the medium term financial plan would not be known until the Heart-of-the-South-West Local Transport Body had agreed its shortlist of major transport schemes and the number of schemes on that shortlist being promoted by Plymouth;
- (b) only some of the nine schemes were expected to be taken forward for delivery between 2015 and 2019 as part of the devolved transport major scheme funding programme and these would be determined by the Local Transport Body by July 2013.

Councillor Coker (Cabinet Member for Transport) presented the report and indicated that 26 schemes had been identified by the four Local Transport Authorities for major scheme funding. The government had delayed the process but the authorities were proceeding with preparations for the prioritisation exercise.

Alternative options considered and reasons for the decision –

As set out in the report.

The update on the list of major transport schemes that Plymouth City Council had submitted to the Heart-of-the-South-West Local Transport Body for consideration of major scheme funding between 2015/16 – 2018/19, was noted.

Agreed that the preparation of the required supporting business cases by March 2013, is endorsed.

109. **CAPITAL INVESTMENT DELIVERY FOR MARINE ACADEMY PLYMOUTH FREE PRIMARY SCHOOL**

The Director for People submitted a written report seeking confirmation of Cabinet's support for the delivery of a new two form of entry primary school at the Marine Academy Plymouth. The report also sought approval for the Council to act as the procurement agent and to waive Clause 18 of the Contract Standing Orders in order to award the contract.

The report indicated that –

- (a) funding had been approved by the Education Funding Agency to meet the cost of constructing a new two form entry primary school on the site of the Marine Academy Plymouth;



- (b) if the Council agreed to act as procurement agent, it would take on liability for the project;
- (c) to comply with the approval process of the Education Funding Agency that contractual decisions should be made with speed and efficiency it was proposed to award the contract to BAM Construction Ltd, subject to clause 18 of the Contract Standing Orders being waived.

Councillor Williams (Cabinet Member for Children and Young People) presented the report and indicated that the confidential details relating to commercial risks to the project and to the Council were detailed in the private report (Minute 113 referred).

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that –

- (1) it is confirmed that the Council acts as the procurement agent for the creation of a new school on the site of the Marine Academy Plymouth;
- (2) authority is given to waive Clause 18 of Contract Standing Orders and place the construction contract with BAM Construction Ltd for the design and build works contract;
- (3) the authorisation of the scope and quality of the work is delegated to the Director for Place.

110. **EXTRA CARE HOUSING SERVICES**

The Director for People submitted a written report on the tender process for the commissioning of Extra Care Housing Services and recommending the award of a number of contracts:

- Contract 1 - Combined care and support service for six schemes (mainly older people);
- Contract 2 - Combined care and support and social inclusion service at The Orchard (for eight people with a learning disability);
- Contracts 3 to 8 - Social inclusion services at each of the six schemes (mainly older people).

The attention of Cabinet Members was drawn to the private contract award report referred to in minute 114 below.

Councillor McDonald (Cabinet Member for Public Health and Adult Social Care) presented the proposals. The contracts to deliver care and support within the seven extra care housing schemes were ending in April 2013 and following a review to reshape services, including service user engagement, a model of delivery sustainable for the next six year period was proposed. The service currently operated at a cost of circa £2m.

Alternative options considered and reasons for the decision –

As set out in the report.

The report was noted.

(See also minute 114 below)

111. **CONTRACT AWARD - HEALTHWATCH**

The Director for People submitted a written report on the tender process for the commissioning of HealthWatch Plymouth and recommending the award of the contract to a single provider. The reforms contained in the Health and Social Care Act 2012 to the planning, commissioning and delivery of health and well-being services included the introduction of HealthWatch at national and local level, to be in place by April 2013.

Local HealthWatch Organisations would replace LINKs (Local Involvement Networks) to provide a forum to give communities greater opportunity to influence and challenge how health and social care services were provided within their locality. This included the provision of a statutory seat for HealthWatch on local Health and Well-Being Boards.

The attention of Cabinet Members was drawn to the private contract award report referred to in minute 115 below.

Councillor McDonald (Cabinet Member for Public Health and Adult Social Care) presented the proposals.

Alternative options considered and reasons for the decision –

As set out in the report.

The report was noted.

(See also minute 115 below)

112. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public are 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 I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

113. **CAPITAL INVESTMENT DELIVERY FOR MARINE ACADEMY FREE PRIMARY SCHOOL (E3)**

The written report of the Director for People was submitted providing confidential details relating to the commercial risks to the project and to the Council.

In response to a question, Martin Pollard (Strategic Procurement Manager PFI/PPP) reported that options to require local procurement and local employment were limited in this case, as procurement was in accordance with a stipulated national framework.

Agreed that measures to encourage local procurement and local employment are investigated for future contracts.

(See also minute 109 above).

114. **EXTRA CARE HOUSING SERVICES (E3)**

Further to minute 110 above, the Director for People submitted a written report on the recent tender process for the commissioning of Extra Care Housing Services, including a summary of the tender evaluations, and recommending the award of a number of contracts.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that three year contracts are awarded, containing options to extend the contracts for a further three years, to the ‘most economically advantageous tenderers’ as identified in this report.

115. **HEALTHWATCH - CONTRACT AWARD (E3)**

Further to minute 111 above, the Director for People submitted a written report on the recent tender process for the commissioning of HealthWatch Plymouth, including a summary of the tender evaluations, and recommending the award of the contract to a single provider.

Councillor McDonald (Cabinet Member for Public Health and Adult Social Care) reported that the contract would be monitored vigorously.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that a three year contract is awarded, containing an option to extend the contract for a further three years, to the ‘most economically advantageous tenderer’ as identified in this report.