

# Cabinet

Tuesday 17 June 2014

## PRESENT:

Councillor Evans, in the Chair.

Councillor Peter Smith, Vice Chair.

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

Also in attendance: Councillor Kate Taylor (Member of the Your Plymouth Co-operative Scrutiny Review Group and newly appointed Chair of the Panel), Tracey Lee (Chief Executive), Carole Burgoyne (Strategic Director for People), Malcolm Coe (Assistant Director for Finance), Anthony Payne (Strategic Director for Place), Paul Barnard (Assistant Director for Strategic Planning and Infrastructure), Judith Harwood (Assistant Director for Education, Learning and Families), David James (Head of Strategic Developments Project), Kevin McKenzie (Diverse Communities Officer) and Nicola Kirby (Democratic Support Officer).

Apologies for absence: Councillor James (Chair of the Co-operative Scrutiny Board), Kelechi Nnoaham (Director of Public Health) and David Trussler (Interim Director for Transformation and Change).

The meeting started at 2.00 pm and finished at 3.00 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.*

## 1. **FORMER AND NEW CABINET MEMBERS AND CHAIR OF THE YOUR PLYMOUTH OVERVIEW AND SCRUTINY PANEL**

Councillor Evans (Chair) referred to former Councillor Williams who had been unsuccessful in the recent local elections and thanked her for her invaluable services as Cabinet Member responsible for children and young people's services and transformation.

He also welcomed Councillor Tuffin to this his first meeting of Cabinet as Cabinet Member for Health and Adult Social Care and indicated that Councillor McDonald had accepted the portfolio of children, young people and public health.

Finally he welcomed Councillor Kate Taylor, the newly appointed Chair of the Your Plymouth Overview and Scrutiny Panel who was attending the meeting in relation to the scrutiny report referred to in minute 6 below.

## 2. **DECLARATIONS OF INTEREST**

There were no declarations of interest made by councillors in accordance with the code of conduct in relation to items under consideration at this meeting.

3. **MINUTES**

Agreed the minutes of the meeting held on 29 April 2014.

4. **QUESTIONS FROM THE PUBLIC**

There were no questions submitted from members of the public for this meeting.

5. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

6. **CO-OPERATIVE SCRUTINY REVIEW - UNAUTHORISED ENCAMPMENTS**

Councillor Kate Taylor (Member of the Your Plymouth Co-operative Scrutiny Review Group and newly appointed Chair of the Panel), attended the meeting and presented the scrutiny recommendations following the group's review of unauthorised encampments.

Kevin McKenzie (Diverse Communities Officer) also attended the meeting for this item.

Carole Burgoyne (Strategic Director for People) submitted a report responding to the recommendations in the scrutiny report and Councillor Penberthy (Cabinet Member for Co-operatives, Housing and Community Safety) advised on Cabinet's response and the reasons for the proposals.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that –

- (1) the members of the Co-operative Scrutiny Review of unauthorised encampments and the Co-operative Scrutiny Board are thanked for their work.
- (2) the following scrutiny recommendations are approved and implemented as set out below -
  - (a) the current policy is reviewed when a transit site (currently being progressed) is up and running. Until then the current policy is appropriate in terms of ensuring that UE's are moved on without undue delay;

- (b) communications are improved with residents and councillors in areas that are affected by unauthorised encampments so that they are kept informed of the eviction process throughout. This could be by letter drop or publication of a timeline for each event on the Council's website (including consideration of a self-service portal for reporting unauthorised encampment related incidents);
  - (c) consideration is given to interim clean-ups for unauthorised encampments on a case-by-case basis, with degree of cleanliness and accumulated rubbish on the site, impact on the local community, and vulnerability of travellers on the site being key factors in this decision;
  - (d) a map of land that is owned by PCC is developed so that responsibility for action can be established with greater speed.
- (2) recommendation 4 to evidence the quality assurance process in place around clean-up operations in order to provide incontrovertible proof of condition of site following move on of unauthorised encampments, is approved subject to the requirement for incontrovertible proof of condition being met through the publication of a notice, e.g. via social media, advising that the site has been cleaned and inspected.
  - (3) recommendation 7 that Plymouth City Council should be role models for equality and inclusivity, for example by celebrating Gypsy and Traveller month; encouraging positive reflection of Gypsy and Traveller culture within the media; and providing training and awareness raising for PCC staff involved with Gypsy and Traveller sites, is accepted whilst noting that the funds required to celebrate Gypsy and Traveller History month of June will be subject to future arrangements for allocating the equality budget in the context of our Welcoming City plan;
  - (4) after careful consideration of the costs and benefits, recommendation 2 to provide weekend support with particular regard to provision of bins and toilets, located for convenient use by the travelling community, is not accepted.

## 7. THE NEW COUNCIL'S COMMITMENTS

Giles Perritt (Assistant Chief Executive) submitted a report which detailed 50 further pledges that the Council's administration was committed to deliver following its re-election on 22 May 2014.

Councillor Evans (Council Leader) reported that the pledges formed a two year programme and proposed an amendment to pledge 7 to replace the word 'Tory' with 'government'.

Alternative options considered and the reasons for the decision –

As set out in the report.

Agreed that –

- (1) Cabinet commits to the delivery of the commitments appended to this report subject to the amendment of pledge 7 to replace the word 'Tory' with 'government';
- (2) the Corporate Plan is updated to take account of the new commitments for consideration by Cabinet on 15 July 2014 and subsequently by the Council.

8. **FINANCIAL OUTTURN 2013/14 INCLUDING CAPITAL PROGRAMME UPDATE**

Malcolm Coe (Assistant Director for Finance) submitted the final financial outturn report for 2013/14, which detailed the financial monitoring position of the Council as at 31 March 2014.

The report -

- (a) proposed a number of adjustments to the financial accounts following the financial health review always undertaken by the Section 151 Officer at the end of the year;
- (b) indicated that decisions made by Cabinet would feed into the Council's annual Statement of Accounts which was subject to external audit;
- (c) advised that following approval there would a requirement for a transfer from the working balance leaving a net working balance of £10.739m at 31 March 2014;
- (d) detailed the revenue position for the end of the year (assuming Cabinet approval of the proposals in the report) which was a net spend of £212.618m;
- (e) provided the final capital outturn position for 2013/14 which was £47.2174m.

Councillor Lowry (Cabinet Member for Finance) introduced the report which reflected a balanced budget at year end and advised that the measures put in place would provide a firm base to meet the challenges ahead. In order to alleviate some of the funding pressures and to provide additional support for adult social care services, he proposed a further recommendation asking the Chief Executive, to meet with himself and Councillor Tuffin (Cabinet Member for Health and Adult Social Care) to review the budget and to report back to Cabinet on any findings.

The report would also be referred to the Co-operative Scrutiny Board and the City Council.

Alternative options considered and reasons for the decision –

As set out in the report and as stated above.

Agreed –

- (1) that the provisional outturn position as at 31 March 2014 is noted;
- (2) that the additional, unbudgeted income, included as part of the 'Corporate Health Adjustments' for 2013/14 from -
  - the Devon-wide Business Rates Pool £(0.479)m
  - Small Business Rates Relief £(1.004)mis noted;
- (3) the additional transfers to and from reserves reflected in the 'Corporate Health Adjustments' within the outturn figures -
  - transfer to Pensions Reserve £0.500m
  - transfer to Redundancy Reserve £0.781m
  - creation of a Skills Agenda Reserve £0.100m
  - creation of a 100<sup>th</sup> Year Celebration Reserve £0.400m
  - reduce the Insurance Reserve £(0.454)m
- (4) that the adjusted revenue deficit for the year of £0.58m is noted and is met by a transfer from the General Fund Working Balance;
- (5) the following net nil transfers between reserves and provisions -
  - reduce Bad Debt Provision ((0.501)m
  - creation of a 'City Deal for Young People' Reserve £0.100m
  - transfer to Waste Reserve £0.401m
- (6) the following net nil transfers between reserves and provisions to top up the Transformation Reserve created in March 2013 -
  - reduce Icelandic Bank Reserve £(0.300)m
  - delete Job Evaluation Contingency Reserve £(0.035)m
  - reduce Job Evaluation / Equal Pay Reserve £(0.328)m
  - delete Job Evaluation / Equal Pay Administration Reserve £(0.091)m
  - delete VAT Repayment Reserve £(0.061)m
  - delete Invest to Save Reserve £(0.135)m
  - transfer to Transformation Reserve £0.950m
- (7) that the capital financing requirement of £47.217m is noted and the borrowing requirement of £4.545m for 2013/14 is approved.

- (8) that the re-profiling changes to the capital programme identified during the outturn process, subsequent to Council approval in February 2014, is noted;
- (9) that the Chief Executive meets with Councillor Lowry (Cabinet Member for Finance) and Councillor Tuffin (Cabinet Member for Health and Adult Social Care) to review the budget with a view to providing additional support for adult social care and to report back to Cabinet on any findings.

## 9. **GROWTH AND ASSETS FULL BUSINESS CASE**

Anthony Payne (Strategic Director for Place) submitted a report on the Growth and Assets project, together with the full business case which set out the financial and economic case for the project, which formed part of the Growth, Assets and Municipal Enterprise transformation programme.

The report indicated that -

- (a) it was proposed to accelerate commercial and housing developments to achieve an increase in income by maximising government funding through the New Homes Bonus, the associated additional Council tax for services to those homes and the retention of National Non Domestic Rates, and in doing so create a 'Plymouth Growth Dividend'
- (b) by working co-operatively, with partners, developers and stakeholders and citizens, the project would identify a pipeline of potential future housing and commercial developments, including new homes, bringing empty homes back into use and affordable homes, which could be completed within the next three years;
- (c) the project was expected to deliver a minimum of £6.7m of gross additional benefit per annum at the end of the three year programme at an investment cost of £720,000 (a net benefit of £6m at the end of the financial year 2016/17);

Councillor Lowry (Cabinet Member for Finance) introduced the business case and submitted a picture board of the projects that would create the £6.74m Plymouth Growth Dividend.

Paul Barnard (Assistant Director for Strategic Planning and Infrastructure) and David James (Head of Strategic Developments Project), attended the meeting for this item and reported that the business case put a structure in place to enable delivery of the programme.

Alternative options considered and reasons for the decision –

As set out in the report.

The proposals had also been considered by the Ambitious Plymouth Overview and Scrutiny Panel on 14 April 2014 (minute 63 referred).

Agreed that the Growth and Assets full business case is approved, as submitted.

10. **CONTRACT AWARDS FOR FOOD FOR SCHOOL MEALS AND COMMUNITY MEALS**

Carole Burgoyne (Strategic Director for People) submitted a report on the tendering exercise for the supply of food and catering consumables within the Education Catering Service. The contracts would enable and support the delivery of the statutory provision of school meals and for community meals for the vulnerable and elderly, and were proposed for a period of three years to commence on 1 October 2014 (with an option to extend for a further two x one year periods)

Councillor McDonald (Cabinet Member for Children, Young People and Public Health) introduced the proposals and referred to the separate private contract award report, which contained commercially sensitive information and was referred to in minute 14 below.

Judith Harwood (Assistant Director for Education, Learning and Families) attended the meeting for this item.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that the contracts for food and catering consumables are awarded to the suppliers with the highest scores in each Lot, as follows, for a period of three years to commence on 1 October 2014 (with an option to extend for a further two x one year periods) -

- (1) Lot 1: representing fresh meat, offal and poultry to Scorse Foods Limited;
- (2) Lot 2: representing ambient dry and chilled foods to 3663;
- (3) Lot 3: representing frozen foods to 3663;
- (4) Lot 4: representing dairy and bakery products to 3663;
- (5) Lot 5: representing fresh fruit and vegetables to Tamar View Fruiterers;
- (6) Lot 6: representing non-food and disposable items to 3663.

11. **EDUCATION CATERING SERVICES - CREATION OF A LOCAL AUTHORITY TRADING CO-OPERATIVE COMPANY**

Carole Burgoyne (Strategic Director for People) submitted a report on the proposed creation of a Local Authority Trading Co-operative Company: the healthy, local, food co-operative, in the light of school funding reforms.

The report indicated that –

- (a) the educational establishments within the proposed structure included maintained infant, junior, primary and special schools and academies;

- (b) the co-operative trading company through its partners as shareholders would work together to deliver efficient, economic, viable and sustainable services committing budgets to provide fair access to services for all and for the benefit of all;
- (c) it was proposed that the trading company would be 51 per cent Council owned and 49 per cent owned by schools and would be a company limited by share.

Councillor McDonald (Cabinet Member for Children, Young People and Public Health) introduced the proposals and referred to the separate private report which contained the business case and other commercially sensitive information and was referred to in minute 15 below.

Judith Harwood (Assistant Director for Education, Learning and Families) attended the meeting for this item.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that –

- (1) subject to final due diligence checks and negotiations with schools, the Education Catering Service is created as a Local Authority Trading Co-operative Company jointly owned with schools with effect from 1 September 2014, in order to -
  - (a) put school food production and service at the heart of schools;
  - (b) allow for cost effective and efficient delivery of services with appropriate freedoms to secure additional business and back office support;
  - (c) ensure delivery of statutory requirements of school food;
  - (d) demonstrate that services can be delivered in a truly co-operative way at nil cost to the Council incorporating the full co-operative model and ideals into the governance and Board;
- (2) the final decision is delegated to the Cabinet Member for Children, Young People and Public Health in consultation with the Cabinet Member for Finance and the Assistant Director for Finance, following officer advice on the degree of risk after the completion of due diligence, the outcome of negotiations with schools and implementation planning.



12. **CABINET APPOINTMENTS**

Giles Perritt (Assistant Chief Executive) submitted a schedule of appointments to be confirmed by Cabinet, following the Council's Annual General Meeting held on 6 June 2014.

Agreed that the appointments are confirmed as indicated on the schedule subject to the appointment of Councillor Coker (replacing Councillor Evans) to the Destination Plymouth Board.

13. **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.

14. **CONTRACT AWARDS FOR SCHOOL MEALS AND COMMUNITY MEALS (E3)**

Carole Burgoyne (Strategic Director for People) submitted the contract award report for the supply of food and catering consumables within the Education Catering Service to enable and support the delivery of the statutory provision of school meals and for community meals for the vulnerable and elderly, which contained commercially sensitive information.

(See also minute 10 above).

15. **EDUCATION CATERING SERVICES: CREATION OF A LOCAL AUTHORITY TRADING CO-OPERATIVE COMPANY (E3)**

Carole Burgoyne (Strategic Director for People) submitted the business case for the proposed creation of a Local Authority Trading Co-operative Company: the healthy, local, food co-operative, which contained commercially sensitive information.

(See also minute 11 above).