

# Cabinet

**Tuesday 12 August 2014**

## **PRESENT:**

Councillor Evans, in the Chair.

Councillor Peter Smith, Vice Chair.

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

Also in attendance: Tracey Lee (Chief Executive), Kelechi Nnoaham (Director of Public Health), Paul Barnard (Assistant Director for Strategic Planning and Infrastructure), Robin Carton (Public Protection Service Manager), Tom Cox (Project Manager, Transformation), Simon Dale (Interim Assistant Director for Street Services), Judith Harwood (Assistant Director for Education, Learning and Families), Candice Sainsbury (Senior Policy, Performance and Partnerships Adviser), John Simpson Waste Services Manager), Jo Siney (Integrated Services Disability Manager) and Nicola Kirby (Democratic Support Officer).

Apologies for absence: Carole Burgoyne (Strategic Director for People), Malcolm Coe (Assistant Director for Finance), Anthony Payne (Strategic Director for Place) and David Trussler (Strategic Director for Transformation and Change).

The meeting started at 2.00 pm and finished at 3.05 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.*

### 33. **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.

### 34. **MINUTES**

Agreed the minutes of the meeting held on 15 July 2014.

### 35. **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. Mr Sharpe attended the meeting and asked the following question and Councillor Vincent responded as set out below –

| <b>Question No</b>   | <b>Question By</b> | <b>Cabinet Member</b>                                    | <b>Subject</b>             |
|--|--------------------|--|----------------------------|
| I (14/15)  | Mr Sharpe          | Councillor Vincent,<br>Cabinet Member for<br>Environment | Former Downham School Site |
| <p>A freedom of information request in February 2014, asking to view comments sent by the public to the City Council regarding what they thought should go on the 'to be disposed' Downham School site, Plymstock, was answered, a repeat request over three months later was not. Why?</p>  |                    |  |                            |
| <p><b>Response:</b></p> <p>The answer to your original request was that 20 comments were received but all related to the proposed sale of the adjoining former school site (for which the Council did not undertake any consultation) and not to the subject of the consultation which was the proposed sale of 0.08 acres of Public Open Space to enable better access to be provided to the retained Open Space to the west. Copies of the redacted comments were sent to you. I can confirm that we have not received any further comments about this site. We are not aware that any question you have asked the Council has not been responded to.</p> <p>An offer has been accepted on the site – see the decision made by the Cabinet Member for Finance in April 2014.</p> <p>The public will have a further opportunity to comment on the use of the former school site if and when a planning application is submitted for the site.</p> |                    |  |                            |

## **CHAIR'S URGENT BUSINESS**

### **36. Filming and Reporting Council Meetings and Access to Officer Decisions**

Councillor Evans (Council Leader) reported that on 8 August 2014, Eric Pickles (Secretary of State for Communities and Local Government) had written to all council leaders about new regulations under the Local Audit and Accountability Act, which came into force last week and gave the press and public the right to film, to report all council meetings and the right to access information about the more important decisions taken by council officers.

He advised that this council already webcast most of the main meetings and published major decisions taken by officers. Members of the public were not stopped from using social media at meetings and in fact, were encouraged to do so.

The regulations were not necessary (and were not written very clearly) as most councils had already introduced such initiatives without any intervention from central government.

(In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for urgent consideration because of the need to report the new regulations).

37. **WASTE COLLECTION RE-ORGANISATION BUSINESS CASE**

Anthony Payne (Strategic Director for Place) submitted a report on the waste collection reorganisation business case which included three workstreams -

- the implementation of new collection routes, including changes to collection days for some properties in the City;
- a review of assisted collections users;
- the creation of formal waste collection policies, including a prohibition on the presentation of side waste, delivery charges for replacement bins, the requirement that bins are closed for collection, guidance on contamination and single collection points. a charge for the delivery of replacement containers.

The implementation of more efficient collection routes would save the Council around £368k per annum on crew costs, and a further £220k on vehicle costs.

The project aimed to provide a gross financial benefit over the next three years of £917k at an investment of £117k, resulting in a net benefit to the Council of £800k. This was considered to be a conservative figure, based on a provisional project implementation date of 19 January 2015.

Councillor Vincent (Cabinet Member for Environment) introduced the proposals which would -

- (a) provide a clear policy approach;
- (b) provide better education and presentation of waste;
- (c) result in cleaner streets;
- (d) reduce the council's carbon footprint;
- (e) reduce vehicle costs;
- (f) reduce costs for bin replacement; and
- (g) introduce a charge for the delivery of containers, not for the containers themselves, although service users would be able to collect containers without incurring a charge and reducing waiting times.

Tom Cox (Project Manager, Transformation), Simon Dale (Interim Assistant Director for Street Services), and John Simpson (Waste Services Manager) attended the meeting for this item.

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

As set out in the report.

A joint co-operative review had been undertaken by members of the Working Plymouth and Your Plymouth Scrutiny Panels on 8 August 2014 on the Waste Collection Re-organisation and the draft recommendations were submitted for consideration.

The joint meeting commended the report and the business case to Cabinet for approval subject to the following recommendations. Cabinet responded as follows -

|   |   |
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| Recommendation 1  | That Cabinet carefully consider the impact of the delivery charge for replacement wheeled bins and ensure that it is made as easy as possible for residents to access free alternatives to delivery.  |
| Response: If people were unable to collect the replacement bin themselves, they were encouraged to seek assistance from family, friends or neighbours.  |   |
| Recommendation 2  | That Cabinet consider the possibility of a reduced cost of delivery for recycling bin replacements.   |
| Response: The cost of delivery for both the bins was the same and there was no reason to differentiate between them.  |   |
| Recommendation 3  | To ensure that waste operatives can return bins to the correct household and mitigate the risk of bin theft, a facility for residents to clearly make an identifying mark on bins should be considered.                                       |
| This would be considered, although an identifying mark would be placed on all new bins and the public were encouraged to put house numbers / addresses on existing bins.  |   |
| Recommendation 4  | That the Cabinet Member for Environment considers the impact of proposed changes within the business case on the licensing of homes in multiple occupancy and ensure that landlords and tenants are fully informed of their responsibilities. |
| Response: Agreed.   |   |
| Recommendation 5  | That the Co-operative Scrutiny Board (or delegated panel) receives the project's communications plan when available and ensures that all elected members are able to communicate changes to constituents.                                     |
| Response: The communication to residents was not the responsibility of ward councillors but was the council's collective responsibility. Officers were asked to ensure that all members were informed of the changes so that they could respond to any questions from their constituents. |   |

|                   |  |
|-------------------|--|
| Recommendation 6  | That officers, when developing the communications plan in relation to waste collection reorganisation, liaise with housing associations and developers to include waste collection information within home induction packs where possible. |
| Response: Agreed. |  |

Cabinet thanked the panels for undertaking this work so quickly and submitting their constructive suggestions. He also thanked the officers, particularly John Simpson and Tom Cox for their work.

Simon Dale indicated that work on the preparation for the proposed changes had already commenced in relation to cleaning up the street scene. Replacement bins and bags would be available from 1 October 2014 from Prince Rock depot and subsequently rolled out to the Chelson Meadow and Weston Mill Household Waste and Recycling Centres. He would also discuss with the Assistant Director for Customer Services the possibility of providing collection points at libraries.

Agreed -

- (1) the business case for the Waste Collection Reorganisation Project attached to this report;
- (2) that officers implement new collection routes, including changes to collection days for the some properties in the City, in accordance with the business case;
- (3) that in accordance with the business case, officers undertake a review of assisted collection users, including using information from partner agencies where appropriate, and implement any changes resulting from the review;
- (4) in accordance with the business case, to delegate responsibility for approval of the waste collection policies, including a charge for the delivery of replacement containers, to the Cabinet Member for the Environment in consultation with the Strategic Director for Place.

### 38. **AIR QUALITY MANAGEMENT AREA DECLARATION**

Kelechi Nnoaham (Director of Public Health) submitted a report on a proposal to declare a single Air Quality Management Area (AQMA) in accordance with the Environment Act 1995, covering five identified sites not meeting current air quality standards for nitrogen dioxide, and the interlinking roads.

The five sites would be two existing AQMA's in Exeter Street and Mutley Plain, and three additional areas at Royal Parade, the junction of Molesworth Road and Devonport Road in Stoke and the Tavistock Road and Crownhill Road junction.

The declaration of AQMA's meant that the Council had to consider what steps it would implement to improve air quality in these areas. A single AQMA would benefit the Council by enabling it to manage the areas with one encompassing Action Plan and to report to Defra on one AQMA instead of five. A citywide approach would also prevent individual traffic improvements schemes impacting upon other areas.

Councillor Vincent (Cabinet Member for Environment) introduced the proposals and Kelechi Nnoaham indicated that the city was above the England average in protecting the health of the city's citizens from exposure to air pollution from particulate matter and the proposal would enable the council to continue the good work. Councillor Coker (Cabinet Member for Transport) reported that he was fully supportive of the proposal.

Robin Carton (Public Protection Service Manager) attended the meeting for this item.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that a single Air Quality Management Area is declared covering the following sites not meeting current air quality standards for NO<sub>2</sub>, and the interlinking roads –

Exeter Street;  
Mutley Plain;  
Royal Parade;  
the junction of Molesworth Road and Devonport Road, Stoke;  
the junction of Tavistock Road and Crownhill Road.

39. **SPECIAL EDUCATIONAL NEEDS AND DISABILITY REFORM**

Carole Burgoyne (Strategic Director for People) submitted a report on the Children and Families Act 2014 which set out a reform programme for the delivery of support and assessment to children and young people with special educational need and disability and their families.

The report identified the new duties in relation to Special Educational Needs and Disability (SEND) and the progress of the local implementation plan for Special Educational Needs in readiness for the new duties commencing on 1 September 2014. The report also proposed spending priorities and the use of the SEND grant to support the changes and transitional period.

Councillor McDonald (Cabinet Member for Children, Young People and Public Health) introduced the proposals and referred to the three areas which would require additional resources to meet the timescales for the new duties which would be met from the SEND –

- (a) an initial IT resource to achieve a central and shared record of information at a cost of £35,000 and an ongoing annual cost of £12,000;

- (b) investment into the children and families element of the Plymouth Online Directory to meet the requirement for accessible and high quality information for families, at a cost of £12,000;
- (c) additional human resources to review the existing 1570 children and young people who currently had a Statement of Special Educational Needs and to move them appropriately to the new Education, Health and Care Plan Framework, at a cost of £390,000 over three years.

Judith Harwood (Assistant Director for Education, Learning and Families), and Jo Siney attended the meeting for this item. Cabinet Members were advised that parents had welcomed the move from a single agency response to a multi-agency response.

Cabinet thanked Jo Siney and her team for their work on and approach to the reforms.

In response to a question about looked after children and the role of corporate parents, Councillor McDonald referred to the stay put programme which encouraged looked after children to stay in their existing residence before moving to total independence.

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

As set out in the report.

#### Agreed -

- (1) that the new duties in relation to Special Educational Needs and Disability are noted;
- (2) the local implementation arrangements;
- (3) the spending priorities proposed and the use of the SEND grant to support the changes and transitional period; and
- (4) that the on-going transformation of the service, required to align services and integrate commissioning, is endorsed.

#### 40. **DRAFT RESPONSE TO PLYMOUTH FAIRNESS COMMISSION**

Tracey Lee (Chief Executive) submitted a report welcoming the final report of the Plymouth Fairness Commission 'Creating the Conditions for Fairness' which was published in March 2014 and presented the Council's draft response to the Commission's recommendations outlined in the report.

Councillor Penberthy (Cabinet Member for Co-operatives, Housing and Community Safety) introduced the proposals and indicated that -

- (a) the commission had undertaken an extensive public consultation;
- (b) he welcomed the principles of fairness and would work with partners to achieve the aims;

- (c) that there were financial implications with the delivery of the commission's recommendations. A commitment of £0.5m per year had been made for the introduction of a living wage and additional costs would be identified during the year and included in the 2015/16 budget;
- (d) the commissioners had volunteered to meet annually for the next five years to monitor and progress the recommendations;
- (e) some of the commission's recommendations had been referred direct to partners who were currently preparing their responses.

Candice Sainsbury (Senior Policy, Performance and Partnerships Adviser), attended the meeting for this item and reported that this was the start of the conversation with partners and new ways to address issues. It was intended that the council and partners would provide feedback to the commission in October 2014.

Cabinet thanked all officers who had engaged with the Fairness Commission and the draft response, the commissioners for their final report and future monitoring, the secretariat of the commission for their assistance and also Candice Sainsbury for her work and enthusiasm.

Cabinet Members asked officers to ensure that a list was maintained showing who / which partner was responsible for the delivery of each recommendation.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that the draft response to the recommendations of the Plymouth Fairness Commission is referred to the City Council for approval.