

Cabinet

Monday 20 May 2024

PRESENT:

Councillor Evans OBE, in the Chair.

Councillor Laing, Vice Chair.

Councillors Aspinnall, Briars-Delve, Coker, Cresswell, Dann, Haydon and Penberthy.

Apologies for absence: Councillor Lowry.

Also in attendance: Councillor Lowry (attended via Microsoft Teams), Liz Bryant (Head of Legal Services/Monitoring Officer), Emma Crowther (Head of Strategy & Planning), Anthony Payne (Strategic Director for Place), Jamie Sheldon (Senior Governance Advisor).

The meeting started at 2.00 pm and finished at 2.17 pm.

Note: The full discussion can be viewed on the webcast of the City Council meeting at www.plymouth.gov.uk. At a future meeting, the Council 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. **Declarations of Interest**

There were no declarations of interest.

2. **Minutes**

The minutes from the meetings held on 11 March 2024 and 18 March 2024 were agreed as a true and accurate record.

3. **Questions from the Public**

The following question was submitted by Mike Sheaff

Question: Sir Mark Lacock KC, Chairing the inquiry into the tree felling in Sheffield explained, ‘the Council has referred to a need for “truth and reconciliation”. The Inquiry will be guided by that.’ Can I please request you include this in the Terms of Reference for the Chair of the Armada Way inquiry?

Response: The Sheffield Tree Inquiry is not comparable to the Independent Learning Review that the Council has committed to undertake and as a consequence, the Terms of Reference have an entirely different focus. When I committed to undertake an independent learning review in July 2023, as stated at that time, my intention was to focus on improvement for the future, rather than blame for past actions. Inevitably truth will form a part of the review under the Terms of Reference as drafted but only in the

	context of learning from what happened and how that can inform improvements in processes and procedures for the future.
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4. **Chair's Urgent Business**

There were no items of Chair's Urgent Business.

5. **Cabinet Appointments 2024 - 25**

Councillor Tudor Evans OBE (The Leader) introduced the Cabinet Appointments 2024 – 25 item:

The Leader proposed an amendment to appointments naming Councillor Sally Haydon (Cabinet Member for Community Safety, Libraries, Events, Cemeteries and Crematoria) as the external appointment for the Plymouth Waterfront Partnership and replacing Councillor Sue Dann (Cabinet Member for Customer Services, Sport, Leisure and HR&OD).

Cabinet agreed:

1. the proposed amendment;
2. The appointments contained within the report for the 2024/25 municipal year.

6. **Armada Way Independent Learning Review**

Liz Bryant (Head of Legal Services/Monitoring Officer) introduced the item and highlighted the following points:

- a) In July 2023, the Leader announced his commitment to conduct this review and set out terms for the scope of the review;
- b) This commitment was formalised into a court order as part of the judicial review proceedings;
- c) The terms of the order were: it would be an independent learning review, the terms of reference needed to be approved at this meeting and reflect the matters that the Leader committed to in July 2023;
- d) The review would commence immediately upon the completion of the extant court proceedings or the finalisation of the terms of reference;
- e) Once started, the review had to be completed within three months of commencement, the findings must be presented to City Council, published on the Council's website, and made available for public inspection;

- f) As the Commissioning Officer for the review, Liz Bryant would be looking at suitable candidates for undertaking the review as an independent reviewer;
- g) Although the terms of reference were due to be approved at the meeting, there would be an opportunity for the independent chair to review them and to make agreed amendments prior to the commencement of the review;
- h) The terms of reference dealt with the principles and purpose of the review, the issues that would be considered as per the court order and the way in which the review itself would be conducted;
- i) In line with the conduct of the review, it was proposed that an independent Chair would lead the review. The independent Chair would be someone with suitable local government expertise and would be supported by advisors possessing legal and environmental regeneration and planning expertise;
- j) The review would be supported by Plymouth City Council administrative officers and there would be a panel of Officer Advisors which would be chaired by Liz Bryant who would support the review. These officers would have had no previous involvement in the Armada Way Scheme;
- k) It was expected that the reviewers would want to speak with Officers, Member and there would be stakeholder engagement by means of seeking written representations from members of the public, which would focus on the terms of reference;
- l) Interviews with officers and members would be private discussions;
- m) CVs would be sought from suitably qualified professionals of local government to establish a suitable Chair and panel members;
- n) Panel members would be remunerated for undertaking the work;
- o) At the end of the review a draft report would be produced;
- p) Any officers or members who were interviewed as part of the review would have the opportunity to review the transcripts of their interview to ensure factual correctness and this would be taken into account prior to the report being finalised.

In response to questions, it was explained:

- q) The wording on the report was directly extracted from the court order, and therefore the Review must commence immediately once the outstanding Court proceedings have been completed;
- r) There were two sets of court proceedings, which were the contempt of court proceedings regarding the induction, and the application for permission to appeal against the Judicial Review outcome;
- s) The proposed timeframe before the commencement of the review was at least three months, however this was not confirmed and was subject to change.

Cabinet agreed:

1. That the Terms of Reference included at Appendix I were approved to ensure compliance with the requirements of the Order of the High Court of 25 March 2024 (the Court Order) which stated:
'The Terms of Reference for the review would be approved at a meeting of Cabinet scheduled for 20 May 2024';
2. That the Monitoring Officer proceeded with the commissioning of an Independent Chair and Independent Learning Review (ILR) members to conduct the ILR which would identify suitably independent candidate to fulfil the roles requires to conduct the ILR. This would ensure that the ILR was conducted by individuals who had the relevant expertise and were independent of Plymouth City Council and would ensure further compliance with the Court Order which stated:
'The Commissioning Officer for the Review would be the Defendant's Head of Legal Services and Monitoring Offer, Liz Bryant'.