

# Cabinet

**Tuesday 8 June 2010**

## **PRESENT:**

Councillor Mrs Pengelly, in the Chair.

Councillor Wigens, Vice Chair for the meeting.

Councillors Bowyer, Brookshaw, Jordan, Michael Leaves, Sam Leaves, Monahan and Mrs Watkins.

Also in attendance: Councillors James (Chair of the Overview and Scrutiny Management Board) and Viney (former Chair of the Growth and Prosperity Overview and Scrutiny Panel).

Adam Broome (Director for Corporate Support), Carole Burgoyne (Director for Community Services), James Coulton (Assistant Director for Culture, Sport and Leisure), David Draffan (Assistant Director for Economic Development), Ian Gallin (Assistant Chief Executive), Mark Grimley (Assistant Director for Human Resources and Organisational Development), Tim Howes (Assistant Director for Democracy and Governance), Bronwen Lacey (Director of Services for Children and Young People), Mairead MacNeil (Assistant Director for Children's Social Care), David Northey (Head of Finance), Anthony Payne (Director for Development and Regeneration), Gill Peele (Lead Officer for the Growth and Prosperity Overview and Scrutiny Panel), Benji Shoker (Youth Offending Service Manager) and (Sandra Wilson (Corporate Finance and Accountancy Manager).

Apologies for absence: Councillor Fry (Vice Chair) and Barry Keel (Chief Executive).

The meeting started at 2.00 pm and finished at 3.25 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. VICE CHAIR OF THE MEETING**

In the absence of the Vice Chair, Agreed that Councillor Wigens is appointed Vice Chair for this meeting.

### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest in accordance with the Code of Conduct, from councillors in relation to items under consideration at this meeting.

### **3. NEW CABINET MEMBERS**

The Chair welcomed Councillors Sam Leaves and Mrs Watkins to this, their first meeting of Cabinet.

4. **MINUTES**

The minutes of the meeting held on 13 April 2010 were signed as a correct record.

5. **QUESTIONS FROM THE PUBLIC**

There were no questions from the public for this meeting.

**CHAIR'S URGENT BUSINESS**

6. **Agency Staff Procurement - extension of contract**

The Chair reported that she had one item of urgent business on a contract extension for agency staff procurement which was a confidential item on the grounds that it involved 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.

See minute 18 below.

7. **Dignity in Care Award**

The Chair reported that Plymouth had won the national Dignity in Care award which recognised staff in caring professions who go the extra mile to respect people's dignity in care home settings. Staff from the City Council's adult social care services and NHS Plymouth collected the award which was in recognition of its cutting edge work to ensure the highest possible standards in the city's 106 care homes. The judges praised the Plymouth team for their vision and imagination to help the care home sector in Plymouth really understand the meaning of dignity to improve the quality of experience for residents.'

The Chair indicated that she was thrilled with the success and congratulated all staff involved.

Agreed that -

- (1) the staff are congratulated on their success;
- (2) the relevant team leaders are invited to the next meeting of the City Council, with the award.

(In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above items for urgent consideration because of the need for a Cabinet decision and to advise Cabinet Members of the award.)

8. **OVERVIEW AND SCRUTINY REVIEW OF SKATEBOARDING BY-LAW**

The Director for Development and Regeneration, submitted a written report on the recommendations of a task and finish group established by the Overview and Scrutiny Management Board (from the Growth and Prosperity Overview and Scrutiny Panel) to review the skateboarding by-law.

Councillor Coker (Chair of the Task and Finish Group) had indicated that he was unable to attend the meeting and Councillor James (Chair of the Overview and Scrutiny Management Board) presented the recommendations to Cabinet.

Councillor Wiggins (Cabinet Member for Transport) paid tribute to the councillors on the task and finish group, and in particular to Councillor Coker, for the thorough piece of work undertaken by the group, involving young people and the youth parliament.

Agreed that –

- (1) the recommendations from the Growth and Prosperity Overview and Scrutiny Panel and the Overview and Scrutiny Management Board are endorsed as follows -
  - (a) the retention of the current by law;
  - (b) in the short term -
    - that the legal department review the words on the external signage in the area, to ensure that it appropriately informs people of the dangers of prosecution should they cause a nuisance, harm or damage in accordance with the current by law;
    - that a suitable alternative site is sought for urban skateboarding;
  - (c) in the longer term -
    - that future design proposals for areas of the city centre consider communal use of space and to ensure that final designs take into account either the encouragement or deterrent of skateboarding activity (either through development proposals or as part of highway public realm works);
    - a further review takes place once the new Central Park skateboarding park and the indoor facility at Cattedown have had time to mature, and when the future enforcement legislation is known; this review to be undertaken by the lead member for this neighbourhood under the Council's localities working arrangements;
- (2) thanks are extended to Councillor James for presenting the report and also to Councillor Coker for chairing the task and finish group.

## 9. OVERVIEW AND SCRUTINY REVIEW OF WORKLESSNESS

The Director for Development and Regeneration submitted a written report on the recommendations from the Growth and Prosperity Overview and Scrutiny Panel on worklessness.

Councillor Viney (former Chair of the Growth and Prosperity Overview and Scrutiny Panel) presented the recommendations to Cabinet.

The Overview and Scrutiny Management Board had approved the following recommendations -

- (i) that the Department for Development and Regeneration take on the ownership and leadership of the worklessness agenda on behalf of the Council and that links across Plymouth City Council are accordingly established to (a) ensure the council's role is clearly understood and (b) that, from an economic development perspective, skills development aligns with the economic drivers of the city and key sectors;
- (ii) that Plymouth City Council take on a strategic leadership role;
- (iii) that human resources work with the Assistant Director for Development and Regeneration (Economic Development) and his team to develop a strategy for Plymouth City Council recruitment under the worklessness agenda and that the Corporate Management Team be requested to endorse this;
- (iv) that Plymouth City Council review its recruitment policies to become an exemplar employing body, by providing greater employment/work opportunities for disengaged groups e.g. young people, care leavers, young offenders and the longer term unemployed.

Anthony Payne, Director for Development and Regeneration, reported that interviews would be held shortly for the new post of worklessness co-ordinator.

Agreed that -

- (1) the recommendations of the report are welcomed as worklessness and economic inclusion are key strands identified within the Local Economic Strategy and will form a key part of Economic Development's work programme over the next 12 months;
- (2) the Economic Development Service will seek to co-ordinate worklessness issues for the City Council by ensuring consistent standards of service delivery, the development of a clear strategy, sharing of best practice and maximising resources;

- (3) an agreed strategy and implementation plan is developed for worklessness and shared with partners through the Wealthy Theme Group;
- (4) Councillor Viney and the members of the overview and scrutiny panel are thanked for their work on this issue.

10. **CABINET APPOINTMENTS**

The Director for Corporate Support submitted a schedule of appointments to be made by Cabinet to Cabinet committees and other bodies.

Cabinet Members were advised that the Schools Catering Group had ceased.

Agreed that –

- (1) the Cabinet Member for Adult Health and Social Care is substituted for the Cabinet Member for Community Services (Safer and Stronger Communities and Leisure, Culture and Sport) on the Building Schools for the Future Cabinet Committee because Councillor Brookshaw’s daughter is a teacher and has a prejudicial interest in the matters under consideration;
- (2) the following appointments are approved -

Building Schools for the Future Cabinet Committee	Councillor Mrs Watkins Councillor Bowyer Councillor Monahan Councillor Stark (observer) Councillor Wildy (observer)  (any Cabinet Member can act as a substitute member).
South West Devon Joint Waste Partnership	Councillor Mike Leaves Councillor Bowyer Councillor Vincent (observer) Substitute Member Councillor Wright (observer)  (any Cabinet Member can act as a substitute member).
Care and Repair Management Committee	Cabinet Member for Adult Services: Councillor Monahan
Local Strategic Partnership: Healthy Theme Group	one Cabinet Member: Councillor Monahan

Local Strategic Partnership: Wealthy Theme Group	one Cabinet Member: Councillor Fry
Local Strategic Partnership: Safe Theme Group	one Cabinet Member: Councillor Brookshaw
Local Strategic Partnership: Wise Theme Group	one Cabinet Member: Councillor Mrs Watkins
Plymouth Urban Fringes Development Plan Document Joint Member Panel	two councillors – posts of Leader and Deputy Leader: Councillor Mrs Pengelly and Fry
Tamar Science Park Ltd – Board of Directors	one Cabinet Member + one officer Cllr Fry with authority to vote on behalf of the Council at the AGM David Draffan

(3) the cessation of the Schools Catering Group is noted.

## 11. **JOINT FINANCE AND PERFORMANCE REPORT**

The Corporate Management Team submitted a written report.

Agreed that –

- (1) the provisional outturn position for the year is noted;
- (2) the Section 151 Officer recommended adjustments to reserves and provisions are approved as follows-
  - an increase in the insurance provision of £0.559m, £0.312m to be met from the insurance reserve and a top up of £0.247m from revenue;
  - an increase in the sundry bad debt provision of £0.352m;
  - removal of the section 117 provision of (£0.347m);
  - a transfer to the commuted maintenance reserve of £0.150m;
- (3) the £0.197m remaining in the Carefirst budget is carried forward to 2010/11 to support the project in 2010/11;

- (4) the departmental carry forwards of £0.078m, as previously approved by Cabinet, are formally ratified now the final position for the year is known;
- (5) the carry forward of the Seaside Town Grant of £0.200m, to be used for local initiatives is approved, as outlined in the report;
- (6) no departmental budget overspends are carried forward in 2009/10;
- (7) the adjusted surplus for the year of £0.638m is noted and a transfer to the waste balancing fund of £0.400m and pensions fund of £0.238m is approved.
- (8) the draft capital outturn for the year of £92.221m is carried forward, after allowing for the transfer of expenditure totalling £1.221m to revenue;
- (9) the financing requirement of £92.221m is noted and approval is given to the borrowing requirement of £32.497m 2009/10;
- (10) the provisional outturn on the housing revenue account for the year is noted;
- (11) the position on the treasury management activities for the year is noted and that a full report on the Council's performance against its borrowing and investment strategies, including the statutory performance indicators will be presented to Audit Committee on 28 June 2010;
- (12) the position regarding the Icelandic banks is noted;
- (13) the process to claim performance reward grant is noted and the proposed allocation of the grant is agreed on behalf of Plymouth City Council as the accountable body;
- (14) corporate reporting of performance and finance moves to a quarterly basis for financial year 2010/11, bringing the reporting process in line with reporting of the Local Strategic Partnership.

12. **EASTERN CORRIDOR HIGH QUALITY PUBLIC TRANSPORT SCHEME: DEEP LANE PROPOSALS**

The Director for Development and Regeneration submitted a written report.

Councillor Wigans (Cabinet Member for Transport) stressed that all the proposals were subject to government funding.

Agreed that –

- (1) the progress on the development of options for Deep Lane junction is noted;
- (2) Option B (D) is approved as the preferred option to be further developed and included within the Eastern Corridor major scheme bid;
- (3) Option C is approved as the lower cost alternative option to be further developed and included within the Eastern Corridor major scheme bid;
- (4) Juli Wileman (Major Scheme Project Manager) is thanked for handling all the comments and suggestions from the community since the start of the works at Gdynia Way.

(The order of the agenda was changed and this item was brought forward)

13. **MEDIUM TERM FINANCIAL STRATEGY 2010 - 2014**

The Director for Corporate Support submitted a written report.

Cabinet Members were advised that councillors would be kept informed of changes through the quarterly finance and performance report.

Agreed that -

- (1) the Medium Term Financial Strategy is approved for consultation with the Overview and Scrutiny Management Board and their comments, together with any implications from the budget announcement to be made on 22 June, will be brought back to Cabinet on 13 July for a recommendation to Council on 2 August;
- (2) the details contained in figure 4 (revenue forecast – resources versus spending plans, based on a 5% reduction in formula grant and a Council tax freeze) are communicated to all staff.

14. **PLYMOUTH SPORTS FACILITY STRATEGY**

The Director for Community Services submitted a written report.

The Chair referred to the recent launch, by Prince William, of a campaign to safeguard 2,012 public playing fields as part of the Queen's Diamond Jubilee celebrations. The project aims to have the fields protected by law in perpetuity by 2012. The Prince, who becomes Patron of the Queen Elizabeth II Fields Challenge, hopes to find another 1,500 or more fields to be protected and named Queen Elizabeth II Fields, and Queen Elizabeth Fields in Scotland.



Agreed that –

- (1) the Plymouth Sports Facility Strategy is adopted as the future framework for the development of sport and fitness infrastructure across the city;
- (2) the Director for Community Services identifies one of the City's playing fields for consideration under the Queen Elizabeth II Fields Challenge.

15. **OFSTED INSPECTION OF SAFEGUARDING AND LOOKED AFTER CHILDREN SERVICES**

The Director of Services for Children and Young People submitted a written report.

Agreed that –

- (1) the report of OFSTED is noted and Cabinet welcomes the considerable improvements in this service;
- (2) Councillor Mrs Bowyer, Chair of the Corporate Parenting Group, is thanked for her work with children and young people in care, including the events she has organized with the children and young people, which had resulted in an improvement in the results achieved by them in their education;
- (3) thanks are conveyed to all staff and the Council's partners for their hard work which had been recognised in this report.

16. **YOUTH JUSTICE PERFORMANCE IMPROVEMENT FRAMEWORK 2010 - 2011**

The Director of Services for Children and Young People submitted a written report.

Agreed that the Youth Justice Performance Improvement Framework Part 2, Capacity and Capability 2010/11, is endorsed for consultation.

17. **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 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.

**CHAIR'S URGENT BUSINESS**

18. **Agency Staff Procurement - contract extension (E3)**

The Director for Corporate Support submitted a written report.

The report indicated that in view of the value of the contract extension, the decision was a key decision and the agreement of the Chair of the Overview and Scrutiny Management Board has been sought to the special urgency provision.

This decision was also required urgently because the tendering process had not been concluded and the interim arrangement currently in place required an extension pending the report to Cabinet in July 2010. In accordance with the constitution, the agreement of the Chair of the Overview and Scrutiny Management Board had been sought as any delay likely to be caused by a call in, would seriously prejudice the Council's or the public interest because it would result in the Council being unable to procure temporary staff at negotiated rates and would potentially increase employment related risks.

Agreed that –

- (1) the existing contract for agency staff is extended until the 31 October 2010;
- (2) following the conclusion of the tendering process, a paper will be presented to Cabinet in July 2010 setting out recommendations for the award of the new contract which it is anticipated will commence on 1 October 2010;
- (3) the timetable for tender award and contract start is noted as set out in the report.

Note: This item has been designated as urgent in accordance with the provisions of the Constitution and is not subject to the call in procedure.

(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 for a Cabinet decision).