

# Cabinet

Tuesday 18 October 2011

## PRESENT:

Councillor Mrs Pengelly, in the Chair.

Councillor Fry, Vice Chair.

Councillors Ball, Bowyer, Jordan, Michael Leaves, Sam Leaves, Monahan, Ricketts and Wigans.

Barry Keel (Chief Executive), Adam Broome (Director for Corporate Support), Bronwen Lacey (Director of Services for Children and Young People), Anthony Payne (Director for Development and Regeneration), Malcolm Coe (Assistant Director for Finance, Assets and Efficiencies), James Coulton (Assistant Director for Culture, Leisure and Sport), David Draffan (Assistant Director for Economic Development), Tim Howes (Assistant Director for Democracy and Governance), Stuart Palmer (Assistant Director for Strategic Housing) and Clive Perkin (Assistant Director for Transport).

Apology for absence: Carole Burgoyne (Director for Community Services).

The meeting started at 2pm and finished at 2.40pm.

*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.*

## 64. **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. The Assistant Director for Democracy and Governance clarified that councillors who had season tickets for Plymouth Argyle Football Club did not need to make any declarations.

## 65. **MINUTES**

Agreed that the minutes of the meetings held on 13 September and 10 October 2011 are confirmed as a correct record.

## 66. **QUESTIONS FROM THE PUBLIC**

Two questions were submitted by the public, for this meeting in accordance with paragraph 10 of the Constitution, as set out below.

In the absence of Mr Sharpe and Mr Taylor, the questions and the responses were circulated and written responses would be provided to them.

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
10 (11/12)	Mr Sharpe	Cabinet Member for Children and Young People (Councillor Sam Leaves)	Site of former Downham Special Needs School, Plymstock
<p>Downham Special Needs School, Plymstock will be closed in the near future when the pupils will be transferred to Estover.</p> <p>Before the city council decides on the site's future please could residents of Plymstock be asked their views.</p>			
<p><b>Response:</b></p> <p>The original consultation on relocating Downham to the Tor Bridge site with effect from September 2011 was undertaken from 12 January to 27 February 2009 with the Public Notice running from 24 April to 5 June 2009 and the final decision was taken by Cabinet on 11 August 2009 that the provision of Downham site be moved to new buildings at the Tor Bridge campus. Subsequently a decision was taken by Cabinet on 14 December to defer the relocation date to September 2012 to ensure that the children's education is not disrupted by ongoing building work on the site and ensure their safety. These buildings are in construction and will be completed for the school to move in in September 2012. Once all parts of the Downham site are vacated the Services for Children and Young People Directorate will consider if the buildings are needed for any further education provision and if not will declare the building surplus for education use and the buildings will transfer to the Corporate Support Directorate. In this directorate there is a Surplus Property Declaration procedure that involves a consultation with Ward Councillors and other Directorates in the council. If members of the public wish to make representation known about the site this can be done through their ward councillors. Should the council have no further need for the site it would be placed on the open market for sale. Any developer who wished to purchase the site for development would need to place a planning application to the Council and this application is subject to a further consultation where members of the public have a further opportunity to make comment on the use of the site.</p>			

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
11 (11/12)	Mr T Taylor	Cabinet Member for Finance, Property and People (Councillor Bowyer)	Waste to Energy Project – financial implications of MVV Umwelt's proposals
<p>Can the Cabinet Member for Finance confirm that he saw no figures regarding finances in advance of the Cabinet agreement to award the Waste to Energy Project to M.V.V. UMWELT.</p>			

**Response:**

No – I saw the redacted Final Business Case and public Cabinet report which included various figures, graphs and comparisons which encompasses MVV's solution.

67. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

68. **SCRUTINY PANEL TASK AND FINISH GROUP FOR WINTER MAINTENANCE**

Councillor James (Chair of the Overview and Scrutiny Management Board) advised Cabinet Members that Councillor Nicholson (Chair of the Growth and Prosperity Overview and Scrutiny Panel and the Task and Finish Group) was unable to attend the meeting today and, on his behalf, presented the scrutiny report on winter maintenance preparation (gritting). In order to progress the matter speedily, he and Councillor Mrs Aspinall had been given delegated authority to approve the report on behalf of the Overview and Scrutiny Management Board.

Councillor James indicated that the Task and Finish Group had found that there was not a co-ordinated approach on gritting and that there was a question on whether the current practices provided value for money.

The Director for Development and Regeneration submitted a written report on the recommendations of the Growth and Prosperity Overview and Scrutiny Panel's Task and Finish Group.

The report indicated -

- (a) that the Corporate Property Facilities Manager would assume responsibility for the management of the winter maintenance service;
- (b) the arrangements to support winter maintenance for 2011/12;
- (c) that in the medium term, Corporate Property would -
  - undertake a review of open land and grit bins locations to establish a methodology for the prioritisation, supply and distribution of salt for future years;
  - lead in the development of a strategy and policy for the effective winter maintenance of the wider corporate estate following the principles of the existing plan.

Councillor Wigns (Cabinet Member for Transport) presented the recommendations contained in the written report of the Director for Development and Regeneration and indicated that as a result of learning from the last two, severe winters, the service would be better prepared this year.

Cabinet Members were also advised that, although the winter plans had been launched on one of the hottest days, the road show had been well received.

The Leader thanked Councillor James for attending Cabinet.

Agreed –

- (1) the proposed actions to be undertaken by the Facilities Manager in respect of the arrangements for the corporate estate, both in the short and medium term;
- (2) the proposal to undertake both a full review of existing grit bin sites and the criteria used to determine the provision of future grit bins, in consultation with councillors.

69. **PLYMOUTH ARGYLE FOOTBALL CLUB - Cabinet Decisions**

The Director for Development and Regeneration submitted a written report -

- (a) on an offer received from the administrator's preferred purchasers of Plymouth Argyle Football Company Limited, to sell Home Park stadium to the Council, and on the terms following which, the Council would lease the ground back to the club;
- (b) indicating that the prospective purchasers also wished to amend the covenants the Council had on adjoining land at Higher Home Park (currently owned by the football club) to align them to the Area Action Plan uses to enable the land to be used to support the future development of the football club. In addition the Council was asked to remove an option the Council had to purchase part of Higher Home Park. The value of that covenant amendment and loss of option is £425,000.
- (c) stating the terms on which such an acquisition and letting and associated land transactions could take place;
- (d) informing Cabinet Members that advice had been sought on the proposed acquisition and letting terms, from the District Valuer. They had advised that the acquisition of Home Park by the Council on the terms set out by the prospective owners (excluding Higher Home Park) were acceptable in terms of representing value for money to the Council in the current market condition.

- (e) indicating that, in addition to the purely commercial benefits to the Council in owning and leasing out land, the City also had a role in ensuring the provision of sports and leisure facilities appropriate to a city the size of Plymouth. Further, there were economic, social and environmental advantages in securing the continuance of professional football in the city and having ownership of strategic assets which, if lost, would have a detrimental impact on other land owned by the Council.

Agreed –

- (1) the purchase of Home Park stadium on open market terms at a price of up to £1.6m plus ancillary costs (Stamp Duty Land Tax and surveyor's fees) and a lease back to the club for 30 years at an initial rent of £135,000 per annum. This is subject to Council approval of the capital expenditure and confirmation that the Football League has approved the purchase of the club by Mr Brent's company;
- (2) that approval is given to the amendment of the restrictive covenants on use and development on Higher Home Park to accord with the Central Park Area Action Plan and the removal of the option to purchase part of Higher Home Park, together valued at £425,000, on the terms set out in the report;
- (3) that authority to finalise the legal, financial and due diligence arrangements is delegated to the Chief Executive, in consultation with the Council Leader, Director for Development and Regeneration, Director for Corporate Support and the Monitoring Officer.

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.

(See also minute 69a below)

**69a Plymouth Argyle Football Club - Recommendation to the City Council**

Further to minute 69 above,

To Recommend to the City Council the amendment to the capital programme, as set out in the report, to incorporate the purchase of Home Park.

**70. CONTRACT AWARD FOR SINGLE HOMELESS HOSTEL SUPPORT SERVICE**

The Director for Development and Regeneration submitted a written report on the background to a procurement exercise of services to replace the current hostel services for single homeless people and recommending the award of a contract.

The attention of Cabinet Members was drawn to the separate confidential written report, referred to in minute 73 below, which contained details of the tender process and proposed contract.

Agreed that a three year contract, with an option for a three year extension, is awarded to the preferred provider for a single homeless hostel support service.

(In the absence of the Chair, the Vice Chair took the Chair for this item.)

71. **CAPITAL INVESTMENT DELIVERY FOR MARINE ACADEMY PLYMOUTH AND ALL SAINTS ACADEMY PLYMOUTH**

The Director of Services for Children and Young People submitted a written report on the capital investment delivery for the Marine Academy Plymouth and All Saints Academy, Plymouth.

The report stated that –

- (a) following the review of capital allocations by Partnership for Schools (PFS), at the request of the Department for Education, capital allocations of £11.5m for All Saints Academy, Plymouth and £9.5m for Marine Academy, Plymouth had been approved in May 2011;
- (b) PFS had indicated that the funding allocated was reliant on the procurement being through the Academies Framework administered by PFS, and managed through the Council;
- (c) as the Academies were separate organisations to Plymouth City Council, there was no financial advantage to the Council in acting as the procurement agents, however the wider benefit to the city that such an investment would bring, was significant;
- (d) the condition liability of the schools fell to the Academies and the government so there was no direct reduction of liability from this investment. The capital investment would improve the school environments and bring up, to current legislation, the building fabric;
- (e) the City Council was a co- sponsor of these Academies which means that it retained an influence and a responsibility to support these organisations as partners, in the important objective of serving some of the most disadvantaged communities in the city;
- (f) the Council had been fully involved in making the case to Government that these schools needed capital investment to resolve long standing condition issues and to modernise their environment;
- (g) both the All Saints and Marine Academies had achieved substantial gains in attainment since becoming Academies but there remained much more to be achieved;

- (h) it was recommended that the Council should support these projects by acting as the responsible body in the capital delivery and to therefore secure this investment for the city.

Agreed that the Council is the procurement agent for the delivery of the design and construction programmes at the Marine Academy Plymouth and All Saints Academy, Plymouth, in accordance with the schemes approved by Partnership for Schools.

(In the absence of the Chair, the Vice Chair took the Chair for this item.)

72. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public be 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.

73. **CONTRACT AWARD FOR SINGLE HOMELESS HOSTEL SUPPORT SERVICE**

With reference to minute 70 above, the report of the Director for Development and Regeneration was submitted on the details of the tender process and the proposed contract.

(In the absence of the Chair, the Vice Chair took the Chair for this item.)

74. **MOUNT EDGCUMBE INVEST TO SAVE OPTIONS**

The Director for Community Services submitted a written report on the recommendations of the Mount Edgcumbe Joint Committee, held on 30 September 2011, seeking approval of invest to save options.

In response to questions by Cabinet Members, the Assistant Director for Culture, Sport and Leisure reported on the programme of advertising for the sale of Picklecombe Cottage and reported, following further clarification, on the estimated revised cost of photovoltaic cells.

Agreed that the recommendations of the Mount Edgcumbe Joint Committee are approved -

- (1) to accept the offer from Cornwall Council to loan the Joint Committee a capital sum to -
  - (a) pay off the existing capital loan;
  - (b) relocate Barrow Shop to the House;
  - (c) purchase a marquee;
- (2) to install photovoltaic cells with the constituent authorities each contributing half of the cost.

(In the absence of the Chair, the Vice Chair took the Chair for this item.)