

# Cabinet

Tuesday 12 June 2012

## PRESENT:

Councillor Evans, in the Chair.

Councillor Peter Smith, Vice Chair.

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

Also in attendance: Bob Coomber – Interim Chief Executive, Adam Broome – Director for Corporate Services, Carole Burgoyne – Director for People, Paul Barnard – Assistant Director for Planning Services, Melanie Starr - Spatial Planning Coordinator, Jonathan Bell – Head of Development Planning, Pete Aley – Head of Safer Communities, Stuart Palmer - Assistant Director for Homes and Communities, Gareth Simmons – Programme Director for Learning Environments, David Northey - Head of Finance, Patrick Hartop – Senior Policy, Performance and Partnership Advisor, Clive Perkin – Assistant Director for Transport and Infrastructure and Ross Johnston – Democratic Support Officer.

The meeting started at 2pm and finished at 3.15 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. DECLARATIONS OF INTEREST

In accordance with the Code of Conduct, the following declarations of interest were made, as follows –

Name	Minute	Reason	Interest
Councillor Lowry	Minute 4 – Chair’s Urgent Business	Employed by Babcock International Group	Personal
Councillor Peter Smith	Minute 4 – Chair’s Urgent Business	Employed by Babcock International Group	Personal
Councillor Lowry	Minute 12 – Capital Investment Delivery for University Technical College	Employed by Babcock International Group	Personal
Councillor Peter Smith	Minute 12 – Capital Investment Delivery for University Technical College	Employed by Babcock International Group	Personal

## 2. MINUTES

The minutes of the meeting held on 24 April 2012 were noted and signed.

### 3. **QUESTIONS FROM THE PUBLIC**

One question was submitted by the public, for this meeting in accordance with Part B, paragraph 11 of the Constitution, as set out below.

In the absence of Mr Sharpe, the question and the response were circulated and the written response would be sent to him.

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
I (12/13)	Mr F E Sharpe	Councillor Tudor Evans, Leader of the Council	Plymstock Swimming Pool pledge in the Labour Party Manifesto
<p>During the local election campaign it was stated that the Labour Party Manifesto included a comment that if elected all Council Documentation regarding a Plymstock Swimming Pool would be put into the public Domain. Can we please be told when and where remembering not everyone has the internet.</p>			
<p><b>Response:</b></p> <p>The Labour Party Manifesto pledged to “come clean on the Plymstock Pool - we will publish a dossier of all Council correspondence on the Plymstock Pool so that residents know what has been planned and done in this twenty five year saga”.</p> <p>Currently, officers throughout the Council are working together to collate all the documents it holds relating to Plymstock Swimming Pool over the past 25 years. Once this information has been collated into one user-friendly document this will be published on the council’s website and be available for public inspection at the Civic Centre. This document will be available in the near future.</p> <p>At present there is much publicly available information regarding a Plymstock Swimming Pool with much of it being included in Planning Application 06/02036. The Documentation available on this application includes all plans, drawings, design statements and decision notices.</p> <p>This information can be viewed on the Plymouth City Council website by following this link - <a href="http://tinyurl.com/d62qv2u">http://tinyurl.com/d62qv2u</a> or the planning application can be viewed via the Duty Planning Officer at the Civic Centre by telephoning 01752 668000 and booking an appointment between 9am – 5pm Monday – Friday.</p>			

### 4. **CHAIR'S URGENT BUSINESS**

#### **Update on Airport**

The Chair reported that he would like to update Cabinet on the latest situation regarding the airport.

It was reported that “we were extremely disappointed to hear a few weeks ago that Sutton Harbour Holdings had instigated an auction of items of equipment and assets from Plymouth City Airport, including fire and rescue equipment.

“This was despite a previous undertaking from the company that it would tell the council if it planned to dispose of any assets and an agreement that it would keep the terminal buildings, air traffic control and fire and rescue facilities in good repair and not to demolish any building or make any structural alterations to the airport premises.

“We firmly believe the company should retain all key airport assets to avoid jeopardizing any potential that it could re-open.

“As soon as we heard of their plans we asked them to stop this auction immediately.

We have now been offered a meeting with Sutton Harbour Holdings to discuss this important issue and officers are now arranging that”.

### **Update on incinerator**

The Chair reported that he would also like to update Cabinet on the incinerator.

It was reported that “you will have heard that there was a recent legal hearing into a request for a judicial review of the planning decision to grant permission for the incinerator.

“The Council was represented at the hearing and the Court’s decision was in support of the Council and that the planning decision was lawful.

“We have also now held a meeting with officers to try and get the detail of the contractual agreement that has been signed for the incinerator. It is clear that this is an extremely complex legal agreement and we need to try and understand exactly what the Council has been committed to. Once we have had further information we will report back to Cabinet on the obligations on the council that have been agreed by the previous administration”.

(Councillors Lowry and Peter Smith declared an interest in this item).

## **5. CABINET APPOINTMENTS**

Adam Broome (Director for Corporate Services) submitted a schedule of appointments for confirmation by Cabinet, as submitted to the Annual Meeting of the City Council on 18 May 2012.

Cabinet Members were informed that item (6) appointment to the Plymouth Waterfront Partnership Board had been amended so that Councillor Peter Smith, Deputy Leader would be appointed rather than the Councillor Tudor Evans, Leader of the Council.

Agreed that the following amended appointments are confirmed -

	<b>Role</b>	<b>Organisation</b>	<b>Membership</b>	<b>Appointments 2012/13</b>
(1)	Joint Cabinet Committee	South West Devon Joint Waste Partnership	Two Cabinet Members + one observer Any Cabinet Member can act as a substitute member	Councillors Coker and Vincent Councillor Michael Leaves - observer
(2)	Advisory Group to Cabinet	Mount Edgcumbe Joint Committee	Seven City Councillors Four Labour and three Conservative councillors	Councillors Peter Smith (Joint Chair), Jarvis, Penberthy Vincent, Mrs Beer, Mrs Dolan and Mrs Foster <b>Substitutes:</b> Councillors Haydon, Kate Taylor and Dr Mahony
(3)	Outside body	Care and Repair Management Committee	Cabinet Member for adult services	Councillor McDonald
(4)	Outside body	Destination Plymouth Board	Cabinet Member for Planning, Strategic Housing and Economic Development	Councillor Evans
(5)	Member Panel	Plymouth Urban Fringes Development Plan Document Joint Member Panel	two councillors – posts of Leader and Deputy Leader	Councillors Evans and Peter Smith
(6)	Outside body	Plymouth Waterfront Partnership Board	Deputy Leader	Councillor Peter Smith
(7)	Outside body	Tamar Science Park Ltd. – Board of	one Cabinet Member + one officer	Councillor Evans with authority to vote on behalf of

		Directors		the Council at the AGM David Draffan
--	--	-----------	--	--

6. **LOCAL DEVELOPMENT FRAMEWORK: SUBMISSION OF DERRIFORD AND SEATON AREA ACTION PLAN**

Anthony Payne, Director for Place, submitted a report seeking approval of the Derriford and Seaton Area Action Plan revised pre-submission draft for consultation purposes.

Councillor Vincent, Cabinet Member for Environment presented the report and indicated that –

- (a) this was the seventh and last Area Action Plan (AAP) to reach submission stage;
- (b) the plan was crucial in enabling the city to develop its economy by delivering new homes, new jobs and a new shopping centre;
- (c) the proposal contained in the plan to deliver the Derriford Community Park would provide a focus on recreation, wildlife and education and would be managed by a Community Trust;
- (d) it was hoped that the public would take part in many consultation activities held in and around the Derriford area throughout July and August 2012 prior to the AAP being submitted to the Secretary of state.

To recommend to the City Council –

- (1) the Derriford and Seaton Area Action Plan Revised Pre-Submission draft is approved for consultation purposes;
- (2) authority is delegated to the Assistant Director for Planning, in consultation with the Portfolio Holder for Environment, to agree the final pre-submission format of the Area Action Plan;
- (3) authority is delegated to the Assistant Director for Planning, in consultation with the Portfolio Holder for Environment to agree minor amendments to the Area Action Plan in response to the consultation process (with any major amendments being referred back to the City Council for approval);
- (4) the Assistant Director for Planning be instructed to formally submit the Area Action Plan to the Secretary of State after completion of the consultation process.

## 7. **COMMUNITY COVENANT**

Carole Burgoyne, Director for People submitted a report on a proposal to sign a Community Covenant which is a voluntary statement of mutual support between a civilian community and its local armed forces communities.

Councillor Penberthy, Cabinet Member for Cooperatives and Community Development presented the report.

City Council is recommended to sign the Community Covenant contained in this report.

## 8. **THE NEW COUNCIL'S OBJECTIVES**

Bob Coomber, Interim Chief Executive submitted a report on the new administration's objectives and proposed that the Corporate Plan 2012-2015 is revised to take account of those objectives and considered by the City Council on 30 July 2012.

Councillor Tudor Evans, Leader presented the report and indicated that the change to the Corporate Plan and new change of direction from new leadership provided a focus and expectation on –

- (a) working together with customers, staff and partners to provide services that people want, improving resources and reshaping service delivery;
- (b) to be an open and outward facing council which has commitment to delivering growth and the council's vision to become 'one of Europe's finest, most vibrant waterfront cities, where an outstanding quality of life is enjoyed by everyone';
- (c) ensuring that Plymouth has an important role to play in the region's economic development.

Agreed that the Corporate Plan 2012 - 2015 is revised to take account of the objectives of the new administration including the Cooperative Council concept, Open Council and other themed commitments and put to Council on 30 July 2012.

## 9. **SUPPORT FOR FAMILIES AND THE GOVERNMENT'S 'TROUBLED FAMILIES' PAYMENT BY RESULTS PROGRAMME**

Carole Burgoyne, Director for People submitted a report on a proposal for the Council to sign up to the government programme for 'troubled families' by agreeing to implement a number of initiatives.

Councillor Nicky Williams, Cabinet Member for Children and Young People presented the report and indicated that this programme was a very positive start in supporting the Labour party commitments to support families and tackle child poverty.

Agreed that Plymouth City Council sign up to the government programme for "troubled families" by agreeing to –

- (1) oversee and account for successful engagement with 745 families in Plymouth over the next 3 years, 621 of which are eligible for payment-by-results funding;
- (2) aim to start work with 248 of these families in 2012/13 and seek upfront attachment fees for 206 of them as per the government's financial framework for the programme;
- (3) work closely with European Social Fund and Work Programme providers to optimise use made from that provision;
- (4) support and take part in research, learning and wider evaluation of the programme;
- (5) identify a co-ordinator to run the programme locally and inform it nationally.

10. **COMMUNITY INFRASTRUCTURE LEVY - REVISED DRAFT CHARGING SCHEDULE**

Anthony Payne, Director for Place submitted a report on a proposal to approve the publication of a revised draft Community Infrastructure Levy (CIL) Charging Schedule for public consultation, prior to public examination procedures and adoption by the City Council.

Councillor Brian Vincent, Cabinet Member for Environment presented the report and Cabinet Members were informed that –

- (a) the CIL would replace the current Section 106 agreement and this would need to happen nationally by April 2014;
- (b) the CIL would provide money to the council from developers to be used on infrastructure which would deliver growth and facilitate regeneration within the city;
- (c) the charging schedule had been established based on evidence about viability for development throughout the city; this schedule could be revised at any time in the future if it was proved that an amendment would support city developments and infrastructure improvements.

Agreed that Cabinet –

- (1) approve the publication of the Revised Draft CIL Charging Schedule attached as Appendix I for public consultation;
- (2) delegate authority to the Assistant Director for Planning, in consultation with the Portfolio Holder for Environment, to agree minor amendments to the Revised Draft Charging Schedule in response to the consultation process, and to submit the Revised

Draft Charging Schedule and any requisite Statement of Modifications for Independent Public Examination;

- (3) instruct officers to report the Final CIL Charging Schedule to Cabinet and Full Council for adoption following Public Examination.

## 11. **DEVON FRAMEWORK FOR BATHROOM ADAPTATIONS**

Adam Broome, Director for Corporate Services and Carole Burgoyne, Director for People submitted a report seeking approval for the procurement by tender of the Devon Framework for Bathroom Adaptations.

Councillor Lowry, Cabinet Member for Finance presented the report and explained that this –

- (a) was a contract for the Disabilities Facilities Grant which had a total value of between £5 - £6m;
- (b) procurement exercise provided local businesses with the opportunity to engage in this form of service delivery.

Agreed to give approval for the procurement by tender of the Devon Framework for Bathroom Adaptations.

## 12. **CAPITAL INVESTMENT DELIVERY FOR UNIVERSITY TECHNICAL COLLEGE**

Anthony Payne, Director for Place submitted a report asking that the delivery of the University Technical College, on the former Parkside site, is placed in the Council's capital programme and confirming the appointment of the selected panel member to deliver the capital improvements.

Councillor Evans, Leader presented the report and informed members that –

- (a) this project offered an excellent opportunity to invest in an important part of the city that required improved educational facilities;
- (b) the council was obliged to sign up to the legal agreements contained within the report;
- (c) the council remained committed to all secondary schools within the city and would be in the future promoting a project for Plymouth schools to become co-operative schools;
- (d) not only would this school service the city's need for secondary education when there is boom of secondary education pupils in 2015 but would also meet the city's need for skilled workers to develop the local economy in future years due its focus on vocational education.



Recommend to Council that a sum of £7.9 million be placed into the capital programme for the delivery of the UTC on the former Parkside School site.

Agreed that –

- (1) Cabinet confirms the appointment of BAM Construction Ltd as the selected panel member to deliver the capital improvements to the University Technology College on the former Parkside School site;
- (2) the final approval to agree the scope and quality of works be delegated to the Director for Place.

(Councillors Lowry and Peter Smith having declared an interest, abstained from voting during consideration of this item).

13. **PERFORMANCE AND FINANCE REPORT (INCLUDING CAPITAL PROGRAMME UPDATE)**

The Corporate Management Team submitted a report on the final monitoring, or outturn, report for 2011-2012 and detailing the final performance and finance monitoring position of the Council as at the end of March 2012.

Councillor Lowry, Cabinet Member for Finance presented the report and outlined the finance and performance statistics. It was further commented that –

- (a) all performance indicators that were under performing needed to be reviewed regularly by the Senior Management Team and relevant portfolio holders;
- (b) re-profiling the budget in future reports should not be published without stating the figure of the original budget.

Agreed that Cabinet –

- (1) note the provisional outturn position as at 31 March 2012;
- (2) note the additional transfers to and from provisions and reserves reflected in the outturn figures as required in accordance with statutory provisions:
  - transfer to Bad debt provisions - £0.325m;
  - transfer from Insurance provisions - £(0.325)m;
  - transfer from Waste Management reserve - £(0.800)m;
  - transfer to Bad Debt provision - £0.279m;
  - transfer to Plymouth Life Centre Dowry - £0.150m;

- transfer to pay settlement - £0.350m;
  - transfer to Schools PFI - £0.200m;
- (3) recommend no departmental budget under or over spends be carried forward in 2012/13, other than those previously agreed by Cabinet;
  - (4) note the adjusted revenue deficit for the year of £0.113m and approve that this be met by a transfer from the General Fund Working Balance;
  - (5) note the capital financing requirement of £72.472m and approve the borrowing requirement of £18.103m for 2011/12;
  - (6) note the re-profiling changes to the capital programme identified during the outturn process subsequent to Council approval in February, and approve the latest revised forecasts totalling £117.8m which also include new approvals since February;
  - (7) note the position on the Treasury Management activities for the year 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 21 June 2012 and Council on 30 July 2012;
  - (8) note the position regarding the Icelandic Banks.

#### 14. **MEDIUM TERM FINANCIAL STRATEGY 2012-2016**

The Corporate Management Team submitted a report on the Council's Medium Term Financial Strategy for the financial years 2012/13 to 2015/16.

Councillor Lowry, Cabinet Member for Finance presented the report and informed members that –

- (a) the report made a number of financial assumptions as not all government funding had been announced. Once exact government funding had been established this report may need to be resubmitted to a future Cabinet meeting;
- (b) the council's revenue forecast showed a significant funding shortfall which could be further impacted on by changes in government legislation and welfare reform initiatives;
- (c) the Capital Programme had a total of over £117m available for future capital opportunities and this fund could be further increased through the council utilising its assets in a more productive and smarter fashion.

Councillor Evans, Leader commented that the council needed to re-start all member and MP briefings to enable discussions to take place on issues that effect local government such as annual budgeting in unitary authorities.

Agreed that Cabinet –

- (1) note the resource and spend forecast based on existing Council commitments;
- (2) review spending priorities in the light of the new Corporate Plan;
- (3) develop a revised strategic plan over the next six months to address the projected shortfall in 2013-15 and taking into account the priorities of the new administration.

15. **APPOINTMENT TO THE BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

Anthony Payne, Director for Place submitted a report seeking approval for the Council to join and appoint a representative to the Bus Lane Adjudication Service Joint Committee.

Councillor Mark Coker, Cabinet Member for Transport presented the report.

Agreed that Cabinet -

- (1) approve Plymouth City Council to join the BLASJC and sign the Memorandum of Participation;
- (2) delegate responsibility to the Cabinet Member for Transport (Councillor Coker) to act on behalf of the Council as representative to the BLASJC.

16. **EXEMPT BUSINESS**

There were no items of Exempt Business.

This page is intentionally left blank