

Cabinet

Tuesday 11 September 2012

PRESENT:

Councillor Evans, in the Chair.

Councillor Peter Smith, Vice-Chair.

Councillors Lowry, McDonald, Penberthy, Vincent and Williams.

Apology for absence: Councillor Coker

Also in attendance: Bob Coomber (Interim Chief Executive), Adam Broome (Director for Corporate Services), Carole Burgoyne (Director for People), Anthony Payne (Director for Place), Fiona Fleming (Commissioning Manager), Claire Hodgkins (Supporting People Project Manager), Debbie Butcher (Head of Strategic Commissioning), Craig McArdle (Head of Service – Commissioning, Joint Commissioning and Adult Social Care), Mike Palmer (Spatial Planning Manager), Paul Barnard (Assistant Director for Planning Services), Mark Grimley (Assistant Director for HR and Organisational Development), Tim Howes (Assistant Director for Democracy and Governance), and Katey Johns (Democratic Support Officer).

The meeting started at 2 pm and finished at 4 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.

50. **DECLARATIONS OF INTEREST**

In accordance with the code of conduct, there were no declarations of interest made by members in relation to items under consideration at the meeting.

51. **MINUTES**

Agreed the minutes of the meeting held on 23 August 2012.

52. **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 to members and the written response would be sent to him.

Question No.	Question By	Cabinet Member	Subject
6 (12/13)	Mr F E Sharpe	Councillor Peter Smith, Deputy Leader	Portable Swimming Pool in Plymstock
Please could the City Council look into bringing back to Plymouth the portable swimming			

pool that was in Plymstock School Hall for a few weeks a number of years ago as Plymstock has no public swimming pool. It could go in the closed Downham School building.

Response:

British Gas 'Pools 4 Schools' was an initiative supported by the Department of Children Schools and Families (DCSF), which provided temporary pools across the UK, as an innovative solution to help children learn to swim, improve their fitness and overcome their fear of water. Mainly in response to the fact that, nationally, one-in-five children are unable to swim 25 metres by the time they leave Primary School.

As part of this initiative Plymstock School hosted a 12m x 6m (1m deep) temporary pool from Monday 22 February to Wednesday 31 March 2010.

As well as providing intensive swimming lessons during the school day, the facility was also made available for the public to use. However, this was not very successful with take-up being relatively low, mainly due to the size of the temporary pool.

The initiative still exists and the pool itself is provided free of charge with a £5k grant contribution towards the cost of swimming teachers. The host venue would be responsible for energy costs (about £3-5K for 12 weeks), life guards and swimming teacher costs.

With the introduction of the Plymouth Life Centre the Council has significantly increased the availability of swimming pool real estate in the city and future developments proposed at Sherford will also bring additional pool capacity to the city close to the Plymstock area.

Given the increased quantity of swimming facilities in the city and the cost pressures that would arise through the reintroduction of this initiative it is not deemed that this would deliver value to the community.

Incidentally, Downham School is presently allocated for disposal and would, therefore be unable to host such an initiative.

53. **CHAIR'S URGENT BUSINESS**

Changes to Planning Legislation

The Chair reported on the recent announcement outlining controversial changes to government policy on planning and in, particular, the intention to relax the requirement for planning permission on residential extensions under 8m. He commented that he was extremely concerned at the potential implication of these changes on the City, albeit for a three year period, and that, combined with the transfer of decision-making powers to unelected bodies, they would seriously undermine the planning process and could result in neighbour conflicts and cause demonstrable harm to neighbourhoods for years to come.

The Planning Committee will therefore be invited to look at the new legislation in greater detail, consider its implications for the City, and report back to Cabinet with some practical steps as to how this can be addressed.

(In accordance with Section 100(B)(4)(b) of the Local Government Act 1972, the Chair brought forward the above item of business because of the need to consult Members).

54. **EARLY INTERVENTION AND PREVENTION STRATEGY**

The Director for People submitted a report seeking agreement to the Early Intervention and Prevention Strategy. Cabinet Members heard that –

- early intervention was defined as responding as soon as possible to vulnerable children, young people and families by having services in place to provide support before things got worse, to help families move on from their difficulties and to lead happier and healthier lives;
- the Strategy had been jointly developed and committed to by all partners including schools, the police, the voluntary and community sector and health services.

Alternative options considered and reasons for decision:

As set out in the report.

Agreed –

- (1) the Early Intervention and Prevention Strategy;
- (2) that, in light of this Strategy being agreed, commissioning and delivery plans are reviewed to ensure investment in early intervention and prevention minimises the need for high cost specialist interventions, with monitoring arrangements established through respective partnership boards.

55. **OPERATION ENCOMPASS**

Inspector Sally Hutchins from the Devon and Cornwall Constabulary reported on Operation Encompass, an initiative aimed at improving links and early sharing of information between the Police and schools in order to enable the provision of care and support for children who witness domestic abuse. Cabinet Members were advised that –

- the initiative, which had started as a pilot in Devonport with funding of £10k, was now being introduced by other local authorities, including Exeter and North Devon;
- there was a fully trained key adult in every school in the City;
- a leaflet promoting the scheme had been produced and would be made available to members.

The Chair congratulated those involved in the initiative and thanked Inspector Hutchins for her attendance.

56. **COMMISSIONING PLAN FOR THE PLYMOUTH DOMESTIC ABUSE PARTNERSHIP**

The Director for People submitted a report outlining the future provision of services necessary to combat the persistent problem of domestic abuse in Plymouth as set out in the

Commissioning Plan for the Domestic Abuse Partnership 2012-2019. Cabinet Members heard that –

- funding to tackle domestic abuse in the city currently totalled £1.09m;
- the areas of the city most affected by incidents of domestic abuse were those with the highest levels of deprivation;
- the effect on children remained a focus of the plan as there was an emerging pattern that domestic abuse was an issue increasingly affecting younger people.

Alternative options considered and reasons for decision:

As set out in the report.

Agreed the findings and recommendations of the Commissioning Plan for the Domestic Abuse Partnership 2012-2019.

57. **THE CHARTER FOR OLDER PEOPLE - 2012**

The Director for People submitted a report recommending the adoption of the Charter for Older People, a key manifesto pledge of the Labour Group's election campaign. Cabinet Members were advised –

- of the Charter's objectives and 11 pledges;
- that the Charter highlighted the specific challenges and life changes faced by older people and had been developed in consultation with older people, their representatives and service providers;
- that the council currently spent £72 million on Adult Social Care of which over half was spent on older people;
- that by 2020 90 per cent of local authority budgets would be directed at dealing with older people;
- that the Charter would officially be launched on 1 October 2012, National Old People's Day.

Alternative options considered and reasons for decision:

As set out in the report.

Agreed that –

- (1) the Charter for Older People is adopted across the Council;
- (2) other organisations are encouraged to sign up to the pledges within the Charter;
- (3) a review of the Charter and wider consultation is carried out in spring 2013.

58. **CONTRACT AWARD - MENTAL HEALTH SUPPORTED ACCOMMODATION**

The Director for People submitted a report summarising the recent tender process for a remodelled Mental Health Supported Accommodation Service. Cabinet Members were advised that –

- the service would support people with mental health issues in Plymouth to live full and independent lives;
- over £800k in savings would be achieved over the life of the contract.

The attention of Cabinet Members was drawn to the separate confidential report on the tenders received referred to in minute 67 below.

Councillor McDonald thanked all those involved in pulling this contract together.

Alternative options considered and reasons for decision:

As set out in the report.

Agreed that a three-year contract, containing an option to extend the contract for a further three years, is awarded to the ‘most economically advantageous tenderer’ as identified in the Contract Award Report.

59. **CHILD POVERTY STRATEGY AND ACTION PLAN - PROJECT BRIEF**

The Director for People submitted a written report outlining a proposal to develop a three year local child poverty strategy and action plan by April 2013 following a comprehensive needs assessment which forms part of the Joint Strategic Needs Assessment. Cabinet Members heard that the most recently available national data classified families earning less than £214 per week as living in poverty which, in Plymouth, equated to 11,700 children. Within an environment of significant welfare reforms, rising costs of living and a double dip recession those numbers were certain to rise and, therefore, the establishment of a strategy and action plan to reduce and mitigate child poverty was essential.

Councillor Penberthy thanked the Children and Young People’s Trust, particularly William Woyker, for the work undertaken to move the strategy forward.

Alternative options considered and reason for decision:

As set out in the report.

Agreed –

- (1) to develop a child poverty strategy following the process outlined within sections 2-5 of the report;
- (2) for the child poverty cross-party working group to oversee the development of the child poverty strategy and action plan.

60. **FIRST QUARTER JOINT PERFORMANCE AND FINANCE REPORT**

The Corporate Management Team submitted a report outlining the performance and finance monitoring position of the Council as at the end of June 2012. Cabinet Members heard that the report was the last in its current format and would be replaced by a shorter more focussed version linked to the new administration pledges. In addition, Councillor Lowry raised concerns about the time taken to process housing benefit claims and sought members' approval to the inclusion of an additional recommendation to the report to ensure regular monitoring.

Alternative options considered and reasons for decision:

Recommendations 1-5, as set out in the report.

Additional recommendation 6, as set out in the minute above.

Agreed to –

- (1) note the forecasted overspend for the year against budget of £1.789m and the performance contents of this report, and ensure portfolio holders and officers continue to work closely together to improve performance and take corrective action to deliver a balanced budget;
- (2) approve the re-profiling and variations (reductions) of (£2.945)m in 2012/13 and (£8.576)m for future years to capital spend as detailed in Table 3;
- (3) recommend to Full Council the new capital schemes over £0.500m for investment as detailed in Table 4 amounting to £4.450m in 2012/13 and £4.450m for future years;
- (4) approve the budget virements as detailed in Table 15 of the report;
- (5) approve the move to a revised, more focused finance report, clearly linking the finance position to the new administration pledges, and setting out the countermeasures for any significant variances;
- (6) receive monthly updates on processing times in respect of housing benefit claims and changes in housing benefit circumstances.

61. **THE PLYMOUTH PLAN**

The Director for Place submitted a report setting out proposals for establishing the new "Plymouth Plan" which would provide an integrated and holistic long term vision as to how the city will change between 2012 and 2031. Cabinet Members heard that –

- considerable progress had been made in responding to David Mackay's 'invitation to aspire' which had resulted in delivery of a number of key developments and significant improvements to the city over the period 2006-2012;

- the current economic climate had resulted in the carefully planned out progress being delayed by about five years;
- an innovative approach to get people involved in creating the plan was essential to ensure that the final plan would reflect the aspirations of all Council services, local businesses and communities across Plymouth, and be a strategic plan for the city that everyone could buy in to.

The Chair welcomed the report and took the opportunity to offer a vote of thanks to Mike Palmer, Spatial Planning Manager, who was retiring from the City Council after 39 years of service. Having presented a brief synopsis of his career to Cabinet members, Councillor Evans thanked Mike for his commitment and dedication to planning services in Plymouth and wished him all the very best on his retirement.

Alternative options considered and reasons for decision:

As set out in the report.

Agreed –

- (1) the programme and approach to preparing the Plymouth Plan, as outlined in the report;
- (2) to delegate authority to the Assistant Director for Planning, in consultation with the Portfolio Holder for Environment, to review the current and future Local Development Schemes, including incorporating into the current LDS this work programme for preparing the Plymouth Plan.

62. **THEATRE ROYAL REGENERATION PROJECT**

The Director for Place submitted a report outlining proposals to facilitate £5m of external grant funding into a total £7m regeneration scheme for the Theatre Royal. Cabinet Members heard that the Theatre –

- was an ageing Council asset in need of refurbishment;
- contributed £26m to the city's economy;
- was a centre of artistic excellence providing social and cultural benefits to the City.

Alternative options considered and reasons decision:

As set out in the report.

Conditional on TRP Ltd successfully obtaining grant funding from ACE up to the sum of £5m it is agreed –

- (1) to accept a surrender of the existing lease and simultaneously;
- (2) to grant a new lease for a 30 year term at a peppercorn rental (on the basis of promoting the economic and social wellbeing of the City under Section 2 of the

Local Government Act 2000) on similar terms to the lease surrendered;

- (3) to grant a comprehensive licence to alter in respect of the proposed major alteration works;
- (4) to incorporate in the new lease a right to assign the leasehold interest to ACE or to a performing arts organisation as directed by ACE;
- (5) to grant consent to a legal charge to be placed on the leasehold interest of the property in favour of ACE;
- (6) to confirm revenue support allocation to TRP Ltd at the current level of £665,000 per annum up to and including financial year 2014/15;
- (7) to recommend to Council the inclusion of a new capital scheme up to the value of £1,995,000. The scheme to be funded from the withholding of PCC revenue contributions approved in 6. above for a 3 year period (equating to £1,995,000), making the capital works cost neutral to the Council.

63. **INVESTMENT IN CUSTOMER TRANSFORMATION AND ICT CORE INFRASTRUCTURE**

The Director for Corporate Services submitted a report regarding the business case for the investment in the core ICT infrastructure and capacity to enable the Council to modernise working practices, transform how it reacted and worked with customers and drove efficiencies across the departments of the Council. Cabinet Members heard that –

- the initial cost of the project had been underestimated by 50 per cent as no business case had been produced;
- savings achieved from this project would repay capital borrowing within three years.

Alternative options considered and reasons for decision:

As set out in the report.

Agreed -

- (1) the Business Plan;
- (2) to recommend to Council that the capital programme is amended to include an additional £1.5m, making a total spend of £4.5m.

64. **PROCUREMENT OF THE COUNCIL'S ENERGY REQUIREMENTS**

The Director for Corporate Services submitted a report identifying various options for procuring energy for the Council and its schools.

Alternative options considered and reasons for decision:

As set out in the report.

Agreed -

- (1) to procure energy through a Government approved hedge buying scheme (tendered in accordance with public procurement regulations) for energy (Gas and Electricity) thereby spreading the risk of buying energy over time on the wholesale markets;
- (2) to procure energy both in advance of the period of use (PIA) and within the period of use (PWP) to be able to benefit from energy price fluctuations up to the point of usage;
- (3) to rescind delegated authority for energy procurement and bring it in line with the council's contract award procedures.

65. **THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 (TO FOLLOW)**

The Director for Corporate Services submitted a report advising of the introduction of new regulations aimed at clarifying and extending the circumstances in which local authority executive decisions were open to the public. The main implications for the city council were highlighted as follows –

- publication of the intention to consider exempt or confidential matters by Cabinet 28 days in advance;
- there was now an opportunity for anyone to challenge the need to take decisions in private and any representation received within the 28 day notice period would have to be responded to in a further notice of intent to be published five clear days before the meeting;
- there should be no 'to follow' reports;
- with regard to the Forward Plan, a 28 day notice period was now required as opposed to 14 and there was now no requirement to include a description of who and how others might be consulted;
- executive decisions taken by officers were now subject to the same requirements as executive members.

Cabinet Members were advised that officers would be seeking further clarification on the new regulations and looking at what measures other authorities were taking to bring these changes into effect.

Alternative options considered and reasons for decision:

As set out in the report.

Agreed -

- (1) that the Monitoring Officer is designated as the 'proper officer' under these

Regulations;

- (2) publication of notices under Regulations 5, including the authority to respond to representations received in response to those notices, is delegated to the Monitoring Officer (where Cabinet gives advance notice of an intention to consider matters in the absence of the press or public), and regulation 6 in relation to the calling of meetings;
- (3) to recommend to Council that it receives an annual report on the use of the 'special urgency' provision under Regulation 11 (where key decisions are taken without prior public notice).

66. **EXEMPT BUSINESS**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve 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.

67. **CONTRACT AWARD - MENTAL HEALTH SUPPORTED ACCOMMODATION (E3)**

With reference to minute 58 above, the Director for People submitted a confidential written report on the recent tender process for a remodelled Mental Health Supported Accommodation Service.

Alternative options considered and reason for decision:

As set out in the report.

Agreed to award a three year contract, containing an option to extend the contract for a further three years, to the 'most economically advantageous tenderer' as identified in the Contract Award Report.