

Cabinet

Tuesday 16 October 2012

PRESENT:

Councillor Evans, in the Chair.
Councillor Peter Smith, Vice Chair.
Councillors Coker, McDonald, Penberthy and Vincent.

Also in attendance: Tracey Lee (Chief Executive), Bob Coomber (Interim Chief Executive), Adam Broome (Director for Corporate Services), Anthony Payne (Director for Place), Tim Howes (Assistant Director for Democracy and Governance), Anita Martin (Group Accountant), John Searson (Principal Adviser (Schools and Settings)), Chris Trevitt (Head of Capital and Assets), Jackie Young (Sustainability Manager), Richard Longford (Head of Communications) and Nicola Kirby (Senior Democratic Support Officer (Cabinet)).

Apologies for absence: Councillors Lowry and Williams.

The meeting started at 2 pm and finished at 3.05 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.

68. **TRACEY LEE, CHIEF EXECUTIVE**

The Leader welcomed Tracey Lee, the newly appointed Chief Executive, to this her first meeting of Cabinet.

69. **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.

70. **MINUTES**

Agreed the minutes of the meeting held on 11 September 2012, subject to the correction of the spelling of William Woyka in minute 59.

71. **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.

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

| Question No | Question By | Cabinet Member | Subject |
|---|--------------------|-----------------------|---------------------|
| Q9 (12/13) | Mr F E Sharpe | Councillor Vincent | Downham School Site |
| Please could residents of the two Plymstock wards be asked what they would like to see built on the site of the recently closed Downham School site on Horn Lane Plymstock. | | | |
| Response: I can confirm that any consultation on disposal of Downham School site would be through the planning process. | | | |

CHAIR'S URGENT BUSINESS

72. **Challenge to English GCSE Results 2012**

The Director for People submitted a written report indicating that a request had been received from the Leaders of Leeds, Lewisham and Manchester City Councils to join a consortium to legally challenge the decisions of Ofqual and the examination boards Edexcel and AQA in respect of the June 2012 English GCSE results and recommending that Plymouth City Council also becomes a party to these proceedings.

The report advised Members that the Council would be liable to part fund the costs of Counsel representing the consortium, with total likely costs between approximately £65,000, and £420,000 depending on the outcome of the challenge and the final number of members of the consortium. At present nine Councils and two other authorities had agreed to become a party to the proceedings and two other parties had agreed to make a financial contribution to the costs of the consortium. A further 36 Councils had already indicated their support and were seeking ratification through their democratic process, decreasing the potential liability significantly.

Cabinet Members were advised that a sum of £24,000 had been set aside in the school intervention budget for this purpose.

Cabinet was asked to deal with this matter as an urgent decision because Counsel needed to know which Councils would be parties to the proceedings in order to be able to lodge the court papers with the court. This needed to happen as soon as possible to be able to comply with the court time limits. Councillor Mrs Aspinall, Chair of the Overview and Scrutiny Management Board, had given her approval to the urgent decision.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that –

- (1) the Council becomes a party to the Judicial Review of the decisions of Ofqual, Edexcel and AQA in respect of the June 2012 English GCSE results;
- (2) the London Borough of Lewisham leads the legal action;
- (3) the Head of Law of the London Borough of Lewisham will act on behalf of the Council in connection with this Judicial Review;
- (4) the Council understands and accepts the costs and consequences of participating in these proceedings.

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.

73. **Jubilee Investigation**

Councillor Evans (Leader) reported on the circumstances where a number of people from Plymouth and Bristol were taken to London during the Jubilee celebrations, as part of a work experience programme organised by Tomorrow's People, and were subsequently abandoned. The Interim Chief Executive and the Leader had met with Baroness Stedman Scott to voice the Council's concerns and as a result, an investigation report had been prepared on the incident. The report recognised failures in some of the systems for contractors and sub-contractors, recognised that practices would need to change in the future and indicated that events would need to be risk managed.

The Cabinet welcomed the fact that the Council's concerns had been taken seriously and that there had been an acknowledgement of the failure of the arrangements put in place. As a result, contractors and the employees had been reminded of their duties.

Councillor Evans asked officers to publish the report on the Council's website.

74. **Boundary Commission Review**

Councillor Evans (Leader) advised Cabinet Members that proposals for parliamentary constituencies had been published by the Boundary Commission and that the matter would be discussed at the next meeting of the City Council on 3 December 2012.

(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 (minute 72 refers), to advise Cabinet Members of the outcome of the investigation (minute 73 refers) and to advise Cabinet Members of the publication of the proposals (minute 74 refers).

75. **RENEWAL OF THE CITY'S FAIRTRADE CITY STATUS**

The Director for Place submitted a written report –

- (a) indicating that the Fairtrade Foundation had introduced a new renewals process requiring the Council to produce an action plan with five goals –
 - Council commitment;

- retail and catering;
 - workplace and community links;
 - media links;
 - 'making it happen'.
- (b) advising that the city's draft Fairtrade Action Plan had been in development in partnership with the Fairtrade Plymouth Network since March 2012 and final commitment was sought before inclusion in the renewal application;
- (c) indicating that goal 1 required the Cabinet to adopt an agreement that supported the promotion and use of Fairtrade products wherever possible in the Council and supported the renewal of the Fairtrade City status;
- (d) informing members that the renewed commitment to the principles of Fairtrade was considered to be fundamental to the Council's broader aspirations for cooperative action, with local opportunity and global implications underpinning much of the delivery of its agenda for change;
- (e) on the proposed Cabinet agreement recommended by the Fairtrade Plymouth Steering Group;
- (f) indicating that Councillor Penberthy had been identified as the Council's representative on the Fairtrade Steering Group.

Councillor Penberthy (Cabinet Member for Cooperatives and Community Development) presented the proposals and indicated that following approval of the action plan by the Fairtrade Plymouth Network, an equality impact assessment had been developed and submitted for approval to the Social Inclusion Unit.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed that the Fairtrade Agreement is adopted, as recommended.

76. **SCHOOL FUNDING REFORM**

The Director for People submitted a written report indicating that –

- (a) the local authority determined the local schools formula to ensure equitable distribution of the Dedicated Schools Grant across all schools, in consultation with the Schools Forum;
- (b) the Department for Education had published its third consultation on the future of school funding titled Next Steps Towards a Fairer System. The national funding reform required local authorities to simplify the formula used and proposed significant change to the funding of high need pupils in both mainstream and special schools;

- (c) the report set out the recommendations of the Schools Forum following consultation with all schools;
- (d) a number of local authority school related functions were currently funded by the central element of the Dedicated Schools Grant. From April 2013, £4.3m of the grant supporting those services would be delegated to schools. For some services, maintained schools had opted to return the resources for the authority to run the services on their behalf. For other services, the authority would either replace the funding by charging or refocus services in line with the reducing requirement to deliver services on behalf of schools;
- (e) as part of the funding reform, local authorities must submit a pro-forma to the Education Funding Agency by 31 October 2012 setting out how schools and early years settings in Plymouth would be funded from April 2013.

Cabinet Members were advised that further work was being undertaken on the implications for high need pupils including those with very complex needs. Officers were also seeking agreement with other local authorities with regard to payments for children receiving education in neighbouring areas.

Alternative options and reason for the decision –

As set out in the report.

Agreed that the recommendations from the Schools Forum are accepted as follows –

- (1) the current funding formula will be reallocated across the factors permitted within the simplified approach as set out in the Plymouth schools funding pro-forma. The pro-forma to be submitted to the Education Funding Agency before 31 October 2012 detailing the formula which will be used to fund Plymouth schools from April 2013;
- (2) early years funding from April 2013 will be allocated in accordance with the early years pro-forma which to be submitted to the Education Funding Agency before 31 October 2012;
- (3) a fund of £0.350m will be retained in 2013/14 to support the coordinated approach to pupil number growth related to basic need;
- (4) the future delivery of central services as set out in paragraph 2.5 of the written report;
- (5) of the funding released from transferring high needs pupils to top-up funding, £0.750m will be retained within the high needs block to support schools with exceptionally high cohorts levels of SEN pupils.
- (6) a Single Banding Framework will be introduced for funded specialist provision from April 2013.

77. **COMMUNITY RIGHT TO CHALLENGE**

With reference to minute 33, the Director for Corporate Services submitted a written report recommending the detailed process for the administration of expressions of interest under the community right to challenge, following consideration by the Overview and Scrutiny Management Board on 5 September 2012.

Councillor Penberthy (Cabinet Member for Cooperatives and Community Development) presented the proposals and reported that the Overview and Scrutiny Management Board had asked for the scheme to be reviewed in 12 months' time.

Alternative options considered and reason for decision -

As set out in the report.

Agreed that, in considering expressions of interest under the community right to challenge -

- (1) the Council receives expressions of interest for any service twice a year (in the months of February and August);
- (2) the expressions of interest are approved, rejected or amended by the Monitoring Officer in consultation with the Cabinet member for Cooperatives and Community Development. Where the expression of interest has a particular impact on a specific ward, then the ward councillors should also be consulted;
- (3) the expression of interest should include the following additional requests for information:
 - (a) explain how a local (city based) workforce would be maintained and guaranteed;
 - (b) identify what are the positive impacts to be brought to the local economy;
 - (c) state where the contract would be managed from;
 - (d) advise how the bid would ensure compliance with the Public Services (Social Value) Act 2012;
 - (e) explain how the Council's corporate plan and vision for the City would be supported;
- (4) the maximum response time for responding to expressions of interest will be 30 days from the end of February/August.
- (5) in setting the time for the commencement of the procurement exercise, the Council will follow its current procurement rules which are appropriate for the particular expression of interest.

78. **TO PROCURE A FRAMEWORK FOR EMERGENCY REPAIRS AND STATUTORY COMPLIANCE FOR PLYMOUTH CITY COUNCIL CORPORATE PROPERTY**

The Director for Corporate Services submitted a report on a proposal to procure a framework for the provision of emergency repairs and statutory compliance for Plymouth City Council Corporate Property which would also be made available to schools as required.

It was anticipated that £150,000 annual savings would be made by utilising the economies of scale by packaging works into framework lots. Additionally, process savings of £20,000 would be made if the proposals were adopted. There was potential for further savings to be made in the Transaction Centre which would be reviewed as a wider piece of work.

Cabinet Members asked officers to ensure that the procurement documents complied with the Public Services (Social Value) Act 2012 and were advised that the decision on the contract award would be made by Cabinet following the procurement process.

Alternative options and reason for the decision –

As set out in the report.

Agreed the procurement of a framework for emergency repairs and statutory compliance services, for a maximum term of four years, with a break clause at year three. The framework will be split into appropriate lots related to discipline: building repairs, mechanical repairs, electrical repairs, mechanical and electrical compliance works, security and fire services, water hygiene compliance, catering equipment and specialist services (lift maintenance) with reduced maintenance and process costs of £170,000 per annum.

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