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Tracey Lee
Chief Executive

Plymouth City Council
Civic Centre
Plymouth PL1 2AA

Please ask for Nicola Kirby, Democratic
Support
T 01752 304867
E nicola.kirby@plymouth.gov.uk
www.plymouth.gov.uk/democracy
22 July 2013

CITY COUNCIL – ORDER OF PROCEEDINGS

Monday 22 July 2013

2.00 pm

Council House (Next to the Civic Centre), Plymouth

Members:

The Lord Mayor, Councillor Mrs Pengelly, Chair

The Deputy Lord Mayor, Councillor Churchill, Vice Chair

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Casey, Coker, Damarell, Darcy, Philippa Davey, Sam Davey, Mrs Dolan, Drean, Evans, K Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, James, Jarvis, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, Dr. Mahony, McDonald, Monahan, Morris, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Parker, Penberthy, Rennie, Ricketts, Dr. Salter, Singh, John Smith, Peter Smith, Stark, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Wiggins, Williams and Wright.

The order of proceedings for this meeting is attached.

Tracey Lee
Chief Executive

CITY COUNCIL MEETING ORDER OF PROCEEDINGS

22 July 2013



MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE LIST SITUATED AT THE REAR OF THE CHAMBER.

The Deputy Lord Mayor will draw the attention of councillors and the public to the following including the fire and emergency procedures as printed below -

FIRE, EMERGENCY AND OTHER PROCEDURES

Would you please note that –

- Toilets are situated at the front of the Council House at the foot of the stairs.
- If the fire alarm sounds, make your way immediately out of the public gallery through the exit at the back (the door through which you entered). For those in the Council Chamber the exit is through the doors at the back of the Chamber and down the stairs to the front of the Council House. The assembly area is to the right as you exit the Council House. For the mobility impaired, the assembly point is directly in front of the Council House car park.
- If you are in need of first aid, please make yourself known to any council officer and the designated first aiders will be contacted.
- This meeting is being broadcast live to the internet.
- Smoking is not permitted within the Council House building.

1 APOLOGIES

Lord Mayor, Councillor Martin Leaves, Chief Executive

2 MINUTES

PAGES 1 – 16

The Deputy Lord Mayor will move that the minutes of the meeting of the City Council held on 10 June 2013 are approved.

3 DECLARATIONS OF INTEREST

PAGES 17 - 18

The Assistant Director for Law, Democracy and Governance will invite councillors to make any declarations of interest relevant to today's meeting.

Councillors are reminded that an interest may be a disclosable pecuniary interest or a private interest in accordance with the Localism Act 2011 and the Council's Code of Conduct.

In declaring a disclosable pecuniary interest or a private interest, councillors are advised that they must also declare the nature of that interest.

4 APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC

PAGES 19 - 20

(1) The City Council is asked to note that the election of Councillor Morris to the City Council has made very little impact on the political balance of committees, which will remain unchanged as follows –

- 64 seats - Labour
- 46 seats - Conservative
- 1 - Independent

(2) The City Council is asked to consider the following appointment which was deferred at the City Council's Annual Meeting –

	Committees and Other Bodies	Membership	Appointments 2013/14
(a)	Plymouth Community Homes Board	Two vacancies arising from resignations of former Councillor Browne and Councillor Williams Current representatives are Sue Dann and Jack Thompson	Councillor Monahan One Labour Group vacancy
(b)	Plymouth Energy Community Limited	One councillor vacancy	

- (3) The City Council is asked to note the following changes notified to the Assistant Director for Law, Democracy and Governance –

	Committee, Outside Body etc	Membership
(c)	Licensing Committee	Councillor Morris to replace Councillor Mrs Nelder
(d)	Working Plymouth Overview and Scrutiny Panel	Councillor Morris to replace Councillor Fox
(e)	Tamar Bridge and Torpoint Ferry Joint Committee	Councillor Wright to replace Councillor Mrs Nelder

5 ANNOUNCEMENTS

(a) The Deputy Lord Mayor

- Councillor Morris
- Finalists in the MJ Award for Excellence in Democratic Services

(b) The Leader, Cabinet Members or Chairs of Committees

6 QUESTIONS BY THE PUBLIC

To receive questions from and provide answers to the public in relation to matters which, in the opinion of the Lord Mayor, are relevant to the business of the meeting in accordance with paragraph 10 of the constitution.

There are four questions for today's meeting.

Question No	Question By	Cabinet Member	Subject
Q3/13-14	Mr Williams	Councillor Lowry (Cabinet Member for Finance)	Code of Conduct for Bailiffs
Does the authority have an extant code of conduct for its bailiffs? If so, will this be published in a leaflet to the general public, as it did in the days of the Community Charge? If not, will it devise such a code of conduct?			

Response:

As part of the bailiff contract process there is a specification document which details the code of conduct, or operational guidelines that we expect our provider to adhere to.

This will not be published in a leaflet to the general public but it is intended to publish the details on the Council's website in due course.

Some of the detail contained within the contract is:

Bailiffs will

- carry full and proper photographic identification;
- adopt a firm but polite attitude;
- introduce himself or herself, establish the identity of persons present and explain the purpose of the visit and powers of the Bailiff;
- Not make any attempt to levy or remove goods without first consulting with Plymouth City Council where it is evident that a person is mentally impaired, frail, disabled, confused, ill, or living off limited income;
- not enter premises if it appears that the only persons present are young people under the age of 18;
- seek guidance from the Council before continuing action where English is not understood;
- only enter by lawful means;
- provide the required copies of the relevant rating regulation as appropriate where distraint takes place;
- Exercise due care to avoid any unnecessary damage to goods being removed.

Question No	Question By	Cabinet Member	Subject
Q4 13/14	Mr Sharpe	Councillor Smith (Deputy Leader)	Plymstock swimming pool
Please can Plymstock Residents have an update regarding a public swimming pool in Plymstock, and can also a consultation day be arranged on the subject as we appear to be no nearer having one than twenty years ago?			
Response:			
There is no update on the situation with Plymstock Pool other than previously advised in previous answers concerning Sherford. As stated in earlier replies, consultation on Sherford has occurred on several occasions and therefore a consultation day is not necessary.			
The local planning policy document for this area clearly sets out the need for Sherford to provide a Sports Hub north of Elburton incorporating a swimming pool and, as advised previously, the policy document was the subject of extensive public consultations in 2006. Also, as advised previously, the Planning Committee's decision on the planning application in 2012 was made following consideration of public opinion and following extensive public consultations.			

The required S106 has been drafted and discussed between the lawyers of PCC, SHDC and DCC and, I understand that our lawyers can see no reason why it cannot be signed shortly. The planning permission can then be issued to facilitate the commencement of development during this financial year. The S106 would ensure (amongst other things) that there would be the phased delivery of the sports centre and that this would incorporate a 4 lane heated 25m swimming pool in phase 1 (years 1-3).

Question No	Question By	Cabinet Member	Subject
Q5 13/14	Mr Taylor-Wickenden	Councillor Lowry (Cabinet member for finance)	£60 court charge

Why would the Labour Council have the nerve to add a £60 charge upon already indebted households who are being brought to court because of the Bedroom tax and council tax rises and how would this affect Labour's child poverty targets?

Response:

Due to the Government's changes as part of the Welfare Reform, the Council has worked very closely with partners to engage with the people of Plymouth who are affected. We have worked with Social Landlords to find ways to support tenants that are affected by the 'bedroom tax' and have been proactive in working with individuals, and families, to help manage their finances; offering advice about unclaimed benefits and discounts and exemptions as well as offering the 12 monthly payment option and weekly instalments.

However, despite this support, we are still aware that inevitably more people will fall into debt and therefore are subjected to recovery action. As with anyone who defaults on a payment, our recovery action includes issuing reminders. As a last resort, if the payment remains outstanding we do issue a court summons and obtain a Liability Order. Even at this stage we work with our customers to help support with them offering alternatives ways to pay the debt, taking into account their individual circumstances.

The £60 summons cost represents the administrative costs incurred by the Council to get an account to that stage of recovery action.

Court Costs for Council Tax debts are reviewed each year and the decision was made to not increase costs during 2013/14, taking into account the financial impact of the Welfare Reform on council tax payers.

The austerity cuts at a national level are also impacting local government. We are being forced to take financial sums out of our spend while endeavouring to ensure that this doesn't affect our most vulnerable households.

While at a local level we are working hard to reduce our child poverty levels, it appears that current government policy is making this difficult for us to achieve.

Question No	Question By	Cabinet Member	Subject
Q6 13/14	Mr O'Hara	Councillor Vincent (Cabinet member for Environment)	the city's nitrogen dioxide diffusion tube results for 2012
<p>With operations at MVV's new incinerator impending and the associated HGV traffic increase, comprehensive recording of local 'background' AQ data is crucial. Data from the Weston Mill Drive location samplers, near the primary school, are particularly important. When will PCC publish the city's nitrogen dioxide diffusion tube results for 2012?</p> <p>Response:</p> <p>Monitoring data is presented in an annual progress report to DEFRA. Once the report has been accepted by DEFRA it is made available to the public and uploaded to the Council's website. It is anticipated that this information will be updated in the next few months.</p> <p>However, a spread sheet containing the full set of monitoring results across the city will be sent to Mr O'Hara by email.</p> <p>For immediate reference, the 2012 annual nitrogen dioxide results for the monitoring at 3 Weston Mill Drive is 31.43 micrograms per metre cubed.</p> <p>The National Air Quality Objective for nitrogen dioxide is 40 micrograms per metre cubed.</p>			

(Note: There is a 10 minute time limit on this item)

7 CORPORATE PLAN 2013/14 – 2016/17 PAGES 21 - 34

The Deputy Lord Mayor will invite Councillor Evans (Council Leader) to present the Cabinet recommendation (Cabinet minute 15 refers).

The Deputy Lord Mayor will invite the Council to vote on the recommendation to adopt the Council's Corporate Plan 2013/14 – 2016/17.

8 ANNUAL REPORT ON TREASURY MANAGEMENT ACTIVITIES FOR 2012/13 PAGES 35 – 62

The Deputy Lord Mayor will invite Councillor Wheeler (Chair of the Audit Committee) to present the Annual Report on Treasury Management Activities 2012-13 for noting as required by the CIPFA Treasury Management Code of Practice. (Audit Committee minute 15 refers).

The Deputy Lord Mayor will invite the Council to note the Annual Report on Treasury Management Activities 2012-13.

9 NEIGHBOURHOOD PLANNING: NEIGHBOURHOOD FORUMS AND AREAS PAGES 63 – 70

The Deputy Lord Mayor will refer to the report of the Directors for Corporate Services and Place on Neighbourhood Planning: Neighbourhood Forums and Areas.

Councillor Vincent (Cabinet Member for Environment) will be asked to propose the recommendations.

The Deputy Lord Mayor will invite the Council to vote on the recommendation to grant delegated authority for the Assistant Director for Planning, in consultation with the Portfolio Holder for Co-operatives and Community Development, to publicise applications for Neighbourhood Forums and Areas, to consider representations and to determine the applications.

10 IMPLEMENTATION OF THE LIVING WAGE PAGES 71 - 74

The Deputy Lord Mayor will invite the Assistant Director for Law, Democracy and Governance to introduce the report of the Director for Corporate Services on the Implementation of the Living Wage at Plymouth City Council.

Councillor Peter Smith (Deputy Leader) will be asked to propose the recommendation.

The Deputy Lord Mayor will invite the Council to vote on the recommendation to adopt the principles of the Living Wage and its implementation.

MOTIONS ON NOTICE

11 (a) Fire cover in Plymouth PAGE 1 - 2

Council believes that the proposals by D&SFA to cut fire cover in the City are unacceptable. The suggestion by Councillor Healey that Plymouth taxpayers pay twice to maintain current levels of service must be resisted.

Proposed by Councillor Tudor Evans

Seconded by Councillor Ted Fry

(b) UK Strategic Transport Corridor PAGE 3 - 4

Council believes Plymouth should be on the UK Strategic Transport Corridor and will campaign to this end.

Proposed by Councillor Tudor Evans

Seconded by Councillor Peter Smith

(c) Camel's Head Waste Water Treatment Works **PAGE 5 - 6**

The Council is extremely concerned about the recurrence of odour issues at the Camels Head Waste Water Treatment Works.

We welcome the repairs to the screening system that commenced last week and the planned for investment of £4M to replace the old tanks with modern ones in 2015 and urge SWW to ensure that this investment is made at the very start of their 2015 -20 investment programme.

Council officers will work with SWW to deliver these improvements but as a city council we will be prepared to use our legal powers to resolve any odour issues affecting the local community both now and until a permanent modern solution is provided.

Proposed by Councillor Tudor Evans

Seconded by Councillor Mark Coker

(d) Opposition to the process of privatisation taking place within the Royal Mail
PAGE 7 - 8

Plymouth City Council wishes to place on record its opposition to the process of privatisation taking place within the Royal Mail and the threat to the 'six day, one price goes anywhere' delivery. These proposals will lead to higher prices and a worse service for Plymouth residents.

Unjustified closures of Post Offices will have a detrimental impact on the local economy and result in the loss of true community facilities.

Council officers will convey these views to the Secretary of State for Business, Innovation and Skills seeking assurances that services in Plymouth will be protected and request Plymouth's Members of Parliament to oppose the sell-off of Royal Mail.

Proposed by Councillor Bill Stevens

Seconded by Councillor Jon Taylor

(e) Happy Birthday National Health Service **PAGE 9 - 10**

This council wishes to offer its congratulations to the NHS on celebrating its 65th birthday

Proposed by Councillor Philippa Davey

Seconded by Councillor Peter Smith

Council notes that:

- Local government has seen massive real term cuts in central grant funding under the Coalition over the last few years. The June 2013 Comprehensive Spending Review places further extreme pressure on public sector budgets for the foreseeable future;
- Many of these cuts have had a direct detrimental impact on the City's most vulnerable and needy residents. For example, the introduction of a local Council Tax Support scheme, with less funding, providing less benefit to those people who are struggling to pay their daily living expenses;
- There are better, and fairer, ways of generating central government revenue that will ease the need to squeeze local government to the point of crippling front line services and vital support to our citizens;
- Extending the current Financial Transaction Tax, (FTT), on shares to other asset classes such as bonds and derivatives could raise £20bn of additional revenue in the UK a year;
- At least 11 European nations including France, Germany, Italy and Spain are moving ahead with FTTs on shares, bonds and derivatives estimated to raise £30bn a year.

Council believes that:

- Revenues from the FTT could help repair the damage caused by cuts in public services since 2010 and that;
- Local government deserves to receive a significant proportion of FTT revenues, making an important contribution to both capital and revenue expenditure such as reversing cuts to council tax benefits;

Council motion:

This council notes the suffering forced upon local residents as a result of this Coalition government's cuts programme and asserts that there is an alternative to its ideologically driven attack on public services – namely the levy of a financial transaction tax on the speculative activities that have accelerated the recent enrichment of the few to the detriment of the many. The council therefore calls upon Government to enact the FTT and use the revenues from this measure to reverse on-going shrinkage in central grants to our council and instructs the Chief Executive to write to the Prime Minister and Chancellor to this effect.

Proposed by Councillor Nicky Williams

Seconded by Councillor Chris Penberthy

12 DESIGNATION OF THE SECTION 151 OFFICER

PAGES 75 – 78

The Deputy Lord Mayor will invite the Assistant Director for Law, Democracy and Governance to introduce the report of the Director for Corporate Services on the Designation of the Section 151 Officer.

Councillor Lowry (Cabinet Member for Finance) will be asked to propose the recommendations.

The Deputy Lord Mayor will invite the Council to vote on the recommendation to designate Malcolm Coe, the Assistant Director for Finance, Efficiencies, Technology and Assets as the Council's officer responsible for the administration of its financial affairs in accordance with Section 151 of the Local Government Act 1972, with effect from 13 August 2013.

13 QUESTIONS BY COUNCILLORS

Questions to the Leader, Cabinet Members and Committee Chairs covering aspects for their areas of responsibility or concern by councillors in accordance with Part B, paragraph 12 of the Constitution, on the basis of one minute for the question and two minutes for the reply. The same for supplementary questions.

(Note: There is a 45 minute time limit on this item)

14 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 involves the likely disclosure of exempt information as defined in paragraph .. of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

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