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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

16 September 2013

CITY COUNCIL ORDER OF PROCEEDINGS

Monday 16 September 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, Wigen, Williams and Wright.

Tracey Lee
Chief Executive

CITY COUNCIL

ORDER OF PROCEEDINGS 16 SEPTEMBER 2013

CITY COUNCIL MEETING ORDER OF PROCEEDINGS

16 September 2013



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

The 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

Councillors Ball, Martin Leaves, Sam Leaves and Stark. Tim Howes (Assistant Director for Law, Democracy and Governance).

2 MINUTES

PAGES 1 – 18

The Lord Mayor will move that the minutes of the meeting of the City Council held on 22 July 2013 are approved.

3 DECLARATIONS OF INTEREST

PAGES 19 - 20

The Head of Legal Services 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 21 - 22

(1) The City Council is asked to consider the following appointments –

	Committees and Other Bodies	Membership	Appointments 2013/14
(a)	Devon and Somerset Fire and Rescue Authority	One vacancy arising from resignation of Councillor Martin Leaves. Current representatives are Councillors Gordon and John Smith.	Councillor Darcy (replaces Councillor Stark who is shown on the agenda papers)
(b)	Standing Advisory Committee for Religious Education	One vacancy arising from resignation of Councillor Ricketts. Current representatives are Councillors Mrs Aspinall, Drean, Gordon, Singh and Stark.	Conservative Group councillor

(2) Since the publication of the agenda papers, the following vacancies have been notified and the City Council is asked to approve the following appointments -

	Committees and Other Bodies	Membership	Appointments 2013/14
(c)	Admissions Forum (schools)	One vacancy arising from resignation of Councillor Sam Leaves. Current representative: Councillor Singh.	Councillor Monahan

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

	Committee	Membership
(d)	Ambitious Plymouth Overview and Scrutiny Panel and Co-operative Scrutiny Board	Councillor Monahan to replace Councillor Sam Leaves as Vice Chair of the Panel and member of the Co-operative Scrutiny Board

5 ANNOUNCEMENTS

(a) The Lord Mayor

- Plymouth Life Centre: Commercial Project of the Year with a value over £3million; Best Community Building and Major Project of the Year
- Customer Service Excellence Accreditation

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

Leader

- Transport funding and wi-fi.

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
Q8/13-14	Mr J Williams	Councillor Lowry (Cabinet Member for Finance)	Liability Order Court Summons
<p>Please breakdown the Authority’s costs for summoning a Council Tax payer to a Liability Order Court hearing between: -</p> <ol style="list-style-type: none"> 1. Court charges 2. Printing 3. Postage 4. Staff salaries 5. Other costs. <p>What is the Authority’s reaction to the Parliamentary Answer by Bridget Prentice in 2009 that the cost of issuing a liability order was £3?</p>			

Response:

The £3 charge referred to by Bridget Prentice relates to the cost levied to local authorities by the court for the issue of a Liability Order. This is just one element of cost of a process that involves a lot of staff time and resource over several months.

We do not break down our costs to the level of detail as requested in this question however, we can confirm that the biggest element of this cost is staff time.

Other than the standard issuing of bills, reminders and final notices, significant staff time is spent in preparing the evidence required for liability orders. Staff resource also has to be present in court to manage legal and customer queries on the day. Post court, further work is needed to finalise the process and request attachments to benefits or earnings.

Liability Orders are a tool of last resort for the council. We continue to prioritise and focus on proactively working with our residents to better manage their finances and ensure that individuals access all of the benefits to which they are entitled to.

PCC benchmarks against the CIPFA Group of 80 local authority members which demonstrates that our costs are reasonable, being lower than average. Our liability order costs of £83 compares to the average of £88 (CIPFA group average for 2012/13)

I entirely appreciate the nature of this question, and am equally mindful that increasing cost unnecessarily goes against our principles as a caring council, therefore I can assure the gentleman that I shall look further into this matter to ensure our costs are kept to a minimum and will personally feedback my findings.

Question No	Question By	Cabinet Member	Subject
Q9/13-14	Mr S Gomery	Councillor Penberthy (Cabinet Member for Co-operatives and Communities)	Impact of the Council Tax Reduction Scheme on families
The Joseph Rowntree Trust, describes Plymouth's Council Tax Reduction Scheme as among the harshest in the country in its impact on people on the lowest of incomes. This includes thousands of families with children. How does PCC labour group justify such a charge on poor families given its 'Child Poverty Strategy'?			

Response:

The Government cut funding for Council Tax benefits and passed responsibility on to local councils to introduce their own local schemes from 1 April 2013.

Plymouth City Council, like many other councils across the country, introduced a scheme within the limited funding provided by government. We developed the scheme in partnership with several councils across the South West region.

For Plymouth, the reduction in Council Tax benefit funding in 2013/14 was circa £2.6m. Clearly, to address this level of reduction, we would have to ask more people to pay a larger proportion of their council tax bills.

More affluent, rural councils with a greater number of higher value properties, were able to exercise flexibility in levying the funding shortfall more towards those residents who are better able to pay. Unfortunately, for councils like Plymouth, with a higher proportion of Band A and B properties, the only way we could address a £2.6m cut was to apply less benefits across a wider number of households.

Our scheme is not untypical for an urban unitary council with a high dependency on the benefit state.

The implications of introducing a local Council Tax Support scheme, alongside other welfare reform changes such as implementation of the 'bedroom tax', has placed a significant burden on many individuals and families across the city. We remain committed to addressing child poverty and are proactively working with vulnerable families to provide advice and support. For example, we have been successful in helping many families to access funding and claim additional benefits to which they are entitled to.

Moving forward, we will continue to lobby the government for a fairer financial settlement. For example, recommending that the government imposes greater taxes on stocks and shares in order to put more money back into allocating Council Tax benefits to those most in need.

Question No	Question By	Cabinet Member	Subject
Q10 / 13-14	Mr R Aldred	Councillor Lowry (Cabinet Member for Finance) Councillor Penberthy (Cabinet Member for Co-operatives and Communities) Councillor Evans (Council Leader)	Housing benefit: use of reserves

As Ed Miliband has said that if a Labour Government comes into power after the 2015 general election it will scrap the 'Bedroom Tax', will this Labour-led council use their reserves to make up the shortfall in housing benefit to protect Plymothians from the increased poverty they currently face?

Response:

Welfare reforms have cut the amount of benefit that people can get if they are deemed to have a spare bedroom in their council or housing association home. This measure has been applied to all housing benefit claimants of working age from 1 April 2013.

The power to reduce housing benefit in this way is contained in the Welfare Reform Act 2012 and is commonly referred to as the bedroom tax, size criteria or under-occupation penalty.

This is national legislation for which, unfortunately, the council has no discretion over. As such, we are not able to use reserves to protect the impact on Plymothians. However, we will continue to lobby government on the effect that welfare reform cuts are having on the most vulnerable residents in our city – for example, recommending that the government imposes greater taxes on stocks and shares in order to put more money back into allocating Council Tax benefits to those most in need.

We have also set up a welfare team to provide advice and support to individuals and families who are struggling with their finances as a result of welfare reform and have proactively helped many residents gain access to more funding and benefits, to which they are entitled, through this team.

Question No	Question By	Cabinet Member	
Q11/ 13-14	Mr N Buckley	Councillor Lowry (Cabinet Member for Finance)	Liability Order costs

Under what statutory provision is the City Council imposing £85.00 costs on each Liability Order for non-payment of Council tax benefit? Plymouth City Council cannot impose financial penalties for non-payment of Council tax benefit.

Response:

Plymouth City Council continues to invest significant time and resource into helping individuals and families who are struggling to meet their financial obligations. We use a number of proactive measures for collecting income due to us such as helping people maximise their benefit entitlement, arranging flexible payment plans based on individual circumstances and providing practical support and advice through a dedicated welfare support team.

However, in a minority of cases, there is a need to pursue liability orders in relation to income that is due to us. The legislation that enables us to impose costs for issue of Liability Order for non-payment of Council Tax is **Regulation 34(7) of The Council Tax (admin and enforcement) regulations 1992.**

This regulation enables the council to recover costs reasonably incurred in obtaining the order.

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

CABINET AND CO-OPERATIVE SCRUTINY BOARD RECOMMENDATIONS

**7 Finance: New Capital Schemes PAGES 23 - 24
AND SUPPLEMENT 3 PAGES 1 - 14**

The Lord Mayor will invite Councillor Lowry (Cabinet Member for Finance) to present the Cabinet recommendation (Cabinet minute 24 refers).

The Lord Mayor will invite the City Council to vote on the recommendations to agree the new schemes to be added to the capital programme totalling £3.3m as follows –

- | | |
|--|-------|
| (1) Marjons link road | £1.5m |
| (2) Vehicle and plant replacement phase IV | £1.8m |

8 Urban Enterprise: New Enterprise Units at Ocean Studios PAGES 25 – 34

The Lord Mayor will invite Councillor Evans (Council Leader) to present the Cabinet recommendation (Cabinet minute 25 refers).

The Lord Mayor will invite the City Council to vote on the recommendation that subject to a favourable outcome to both the ERDF and GPF applications, the council agrees -

- (1) to act as guarantor for Ocean Studios Community Interest Company (CIC) for repayment of the balance of the Trust's loan from the LEP outstanding to a maximum of £794,000 in accordance with an agreed Heads of Terms between Plymouth City Council and the Ocean Studios CIC which mitigates the potential financial impact upon the council. Authority to agree the Heads of Terms to be delegated to the Director for Place;
- (2) to make a capital contribution of £794,000 from the Investment Fund.

9 Redevelopment of the Civic Centre and Future Accommodation Requirements PAGES 35 – 52

The Lord Mayor will invite Councillor Lowry (Cabinet Member for Finance) to present the Cabinet recommendations (Cabinet minutes 38, 38a and 45 refer).

The attention of councillors is also drawn to the confidential information which has been circulated in part 2 and is referred to on pages 121 – 138 in the agenda.

The Lord Mayor will invite the City Council to vote on the recommendation to agree appropriate capital budgets to achieve decant of the Civic Centre, as identified within the private report referred to in Cabinet minute 45.

10 The Brilliant Co-operative Council Sustainable Three Year Plan PAGES 53 – 62

Councillor Evans (Council Leader) will be invited to present the Cabinet recommendations (Cabinet minute 42 refers).

The Lord Mayor will invite Councillor James (Chair of the Co-operative Scrutiny Board) to present the recommendations of the Co-operative Scrutiny Board (minute 61 refers).

The Lord Mayor will invite the City Council to note the recommendations of the Co-operative Scrutiny Board endorsing the Cabinet recommendations and including the request for a further report to the Co-operative Scrutiny Board on 16 October 2013 as outlined in minute 61, and to vote on the recommendations to -

- (1) adopt a longer term approach to addressing the reduction in funding available to the council, planning for a balanced indicative budget in each of the coming three years;
- (2) support the implementation of a council-wide transformation programme, based on co-operative values, to substantially reduce the operating costs of the council and ensure the maximum possible investment in achieving the council's objectives;
- (3) agree that Cabinet reviews earmarked reserves and balances to ensure that the Transformation Programme reserve is adequate to cover cash flow requirements for the period of 2013/14 to 2016/17 (managing the overall costs incurred and savings achieved across each financial year).

11 WEBCASTING PAGES 63 - 68

The Lord Mayor will invite the Head of Legal Services to introduce the report of the Assistant Director for Law, Democracy and Governance on webcasting.

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

The Lord Mayor will invite the City Council to vote on the recommendations to -

- (1) agree to continue with the webcasting of meetings;
- (2) share the costs and resources' implications evenly across the council.

12 CONSTITUTIONAL CHANGES: PLANNING COMMITTEE CODE OF PRACTICE AND TERMS OF REFERENCE PAGES 69 - 100

The Lord Mayor will invite the Head of Legal Services to introduce the report of the Monitoring Officer on the Planning Committee Code of Practice and terms of reference.

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

The Lord Mayor will invite the City Council to vote on the recommendations to adopt -

- (1) the revised Planning Committee Code of Practice as submitted (pages 71 to 95 refer);
- (2) the change to the Planning Committee's terms of reference as submitted (pages 97 to 99 refer).

13 ARRANGEMENTS FOR CODE OF CONDUCT COMPLAINTS PAGES 101 - 120

The Lord Mayor will invite the Head of Legal Services to introduce the report of the Assistant Director for Law, Democracy and Governance on Code of Conduct complaints.

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

The Lord Mayor will invite the City Council to vote on the recommendation to formally adopt the arrangements for Code of Conduct complaints set out in the written report, in accordance with section 28 of the Localism Act 2011.

14 MOTIONS ON NOTICE SUPPLEMENT PAGES 1 - 2

IMAGES/SEXUALISATION OF CHILDREN AND YOUNG PEOPLE

**Proposed by Councillor Kate Taylor
Seconded by Councillor Williams**

This council recognises that the sexualisation of children is an on-going and developing issue, particularly for parents, and that we now live in an increasingly sexual and sexualised culture.

This council welcomes the recommendations of the government's Bailey Review: Letting Children Be Children report and remains committed to ensuring that all children grow up in a safe environment, which includes children not being exposed to sexualised imagery in public places.

The definition of sexualisation is contained in the Home Office -Sexualisation of Young People Review: Dr. Linda Papadopoulos. Sexualisation occurs when children and young people –

- have adult sexuality imposed on them;
- are told their value comes only from their sexual appeal or behaviour, that their physical attractiveness is judged solely with being sexy to exclusion of other characteristics; and
- are sexually objectified (made into a 'thing' for other people's sexual use, rather than seen as a person with the capacity for independent action and decision making).

This council –

- (1) pledges its support to campaigns which aim to protect children and young people from exposure to inappropriate and unnecessary sexualised images in the promotion, marketing and advertising for goods and services and to remove publications which carry such imagery from council owned buildings and services where children are likely to see it;
- (2) commits to communicate the rationale for this action to staff and council service users;
- (3) commits to look at how the council can work with its' partners to reduce the amount of on-street advertising containing sexualised imagery in locations where children are likely to see it in line with Recommendation 2 of the Bailey Review and the Advertising Standards Agency's guidelines on sexual imagery in outdoor advertising;
- (4) will take into account measures, that include the reduction or elimination of sexualised imagery on any licensed premises, by utilising licensing policies; in particular by means of the licensing objective that promotes the protection of children from harm.

15 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)

16 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 2 and 3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

17 REDEVELOPMENT OF THE CIVIC CENTRE AND FUTURE ACCOMMODATION REQUIREMENTS (E3) PAGES 121 - 138

Further to agenda item 9 above, the private report is submitted to the City Council for information only, unless there are any questions from councillors relating to the confidential information relating to the recommendation which is submitted to the City Council for consideration.

18 SENIOR MANAGEMENT RESTRUCTURE (E2 and 3) PAGES 139 - 148 AND SUPPLEMENT 2

The Lord Mayor will invite the Chief Executive to introduce her report (and addendum) on the Senior Management Restructure.

Councillor Evans (Council Leader) will be asked to propose the recommendations.

The Lord Mayor will invite the City Council to vote on the recommendations on page 140 of the agenda and the supplement on the pink pages.