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Democratic and Member Support

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CITY COUNCIL

Monday 23 March 2015

2.00 pm

Council House (Next to the Civic Centre), Plymouth

Members:

Councillor Fox, Chair

Councillor Murphy, Vice Chair

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Mrs Bridgeman, Casey, Churchill, Coker, Damarell, Darcy, Philippa Davey, Sam Davey, Downie, Drean, Evans, K Foster, Mrs Foster, Fry, Hendy, James, Jarvis, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, Dr. Mahony, McDonald, Morris, Mrs Nelder, Nicholson, Mrs Nicholson, Parker-Delaz-Ajete, Penberthy, Mrs Pengelly, Rennie, Ricketts, Riley, Dr. Salter, Singh, John Smith, Peter Smith, Sparling, Stark, Stevens, Storer, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler and Wigans.

Members are invited to attend the above meeting to consider the items of business overleaf.

This meeting will be broadcast live to the internet and will be capable of subsequent repeated viewing. By entering the Council Chamber and during the course of the meeting, Councillors are consenting to being filmed and to the use of those recordings for webcasting.

If you are seated in the public area at the rear of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you should move to the public seating area in the public gallery above the Chamber.

The Council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with authority's published policy.

Tracey Lee
Chief Executive

CITY COUNCIL

ORDER OF PROCEEDINGS 31 MAR 2015

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**CITY COUNCIL MEETING
ORDER OF PROCEEDINGS**

23 March 2015



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

The Head of Legal Services 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.
- Plymouth City Council believes in openness and transparency. Anyone who wishes to report on our public meeting will be welcome and the meeting may be filmed, recorded or photographed.
- As the meeting is webcast, it is likely that your image will be captured by the cameras and will be broadcast. This may infringe your Human Rights and if any members of the public wish to avoid this, you should inform a council officer.
- Finally please can I ask everyone to ensure that their phone or other mobile devices are switched off or set to silent during the meeting.

1 APOLOGIES

2 MINUTES

PAGES 1 – 12

The Lord Mayor will move that the minutes of the meeting of the City Council held on 23 February 2015 are approved.

3 DECLARATIONS OF INTEREST

PAGE 13

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 ANNOUNCEMENTS

(a) Lord Mayor

- Alderman Frederick Johnson
- Her Majesty The Queen's visit to Plymouth
- City Council Elections
- 2015 Councillor Achievement Awards
- Sustainable Food Cities Bronze Award
- iESE Innovation Award (Bronze)
- iESE Working Together award (Silver)
- Regional School Chef of the Year
- Apprenticeships 4 England award 2015

(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 8 questions for today's meeting. (The Council may not be able to hear them all. Section 11.6 of Part B of the constitution allows no longer than 10 minutes to be spent on questions. Questions are taken in the order they are received except that those members of the public who have not already asked a question at a previous meeting will be heard first. Those who may not have their questions heard, because of the time limit, have been advised. The questions and answers have already been published on the website and are available to those watching the webcast.

Question No	Question By	Cabinet Member	Subject
Q17/ 14-15	Tom Sloman	Councillor Jon Taylor (Cabinet Member for Transformation and Change)	Outsourcing of Services
What does this mean: "developing the intelligent client function would move away from directly delivering services, therefore staff would need have different expertise in order to manage the different service models"? Does this mean that the council will be looking to outsource its services to the private sector?			

(Quote taken from the budget scrutiny document section 9.1)

Response:

Developing an intelligent client function does not mean the council will be looking to outsource its services to the private sector. Alternative models of delivery for some services will be considered in our transformation programmes, but these alternative models will always be consistent with the Council's cooperative principles.

The Council has instigated an 'Intelligent Client Function' to ensure that it's ethical, social and statutory obligations are discharged in a way that benefits and emphasises Plymouth. We are committed to spending money with Plymouth firms and that at least 50% of Plymouth Councils spend is directed to the local economy. That is a requirement of the Council, and any partner organisations it deems beneficial to commission.

Question No	Question By	Cabinet Member	Subject
Q18/ 14-15	Tom Nally	Question asked of Councillor Lowry (Cabinet Member for Finance) and Councillor McDonald (Cabinet Member for Children, Young People and Public Health). Answered by Councillor Tuffin as within his portfolio.	Adult Social Care and Children's Services

What measures are being taken to eliminate the overspend of £2.55 million within Adult Social Care and Children's Services and how will the service, which has already received £4.9 million in cuts, be affected?

Response:

Adult and children's social care budgets are under unprecedented pressure across the country, due to increasing demand and reductions in government funding for local authorities.

Careful analysis of the cost of social care services provided and the number of people in receipt of support has enabled us to identify where we can further reduce costs and increase efficiencies, addressing the current overspend.

Our programme of transformation is addressing the way we will operate as a Council over the next few years by radically changing how local services are delivered. The cornerstone of our change programme is our integration agenda with health, with a pooled combined budget of circa £420m, to provide a joined up approach to the way services are commissioned and delivered in order to reduce costs, improve the experience of patients and service users and improve the health of Plymouth residents.

A key part of this major transformation programme is the Integrated Commissioning Project which aims to deliver a single integrated commissioning function focused on developing joined up preventative and early intervention strategies and adopt an asset

based approach to providing an integrated system of health and wellbeing. These integrated commissioning arrangements are founded in a section 75 Agreement between the Clinical Commissioning Group and Plymouth City Council that was agreed by Cabinet on 10 March.

Question No	Question By	Cabinet Member	Subject
Q19/ 14-15	Hannah Lewis	Question asked of Councillor Lowry (Cabinet Member for Finance) and Councillor McDonald (Cabinet Member for Children, Young People and Public Health). Answered by Councillor Penberthy as within his portfolio.	Child Poverty

How is the council going to meet its target to reduce child poverty when there appears to be no budget for it?

Response:

In line with the Child Poverty Strategy for Plymouth 2013-16, the Council has not designated a discrete budget but is delivering against its objectives across Council budgets. Here are some examples:

- Implementation of the national living wage for all Council employees and temporary staff.
- Plymouth has not closed a single Children's Centre: £1.5 million of their collective budget is spent directly on tackling child poverty including school readiness, raising aspirations and confidence, worklessness, money advice, and basic skills for parents.
- Capital commitment of £1.75m to develop early years' provision, ensuring we have enough early education places for vulnerable 2 year olds.
- Creation of a £20 million investment fund to invest in Plymouth's economy, as part of the city's Plan for Jobs.
- Free wifi is now available in all Plymouth libraries.
- £430,000 of our housing commissioned services is allocated to our most vulnerable families and children.
- Fuel poverty is addressed through the Plymouth Energy Community which has provided tariff guidance to over 600 households, offering more than £130,000 in savings, and the Fuel Debt Advice service which has helped to clear nearly £25,000 of debt locally.
- The 1000 Club supports young people into employment. Membership now exceeds 1000 local businesses with a target to provide an additional 1250 opportunities for young people this year.
- Taking action to house 21% of families on the priority housing waiting list in brand new, energy efficient homes.

Question No	Question By	Cabinet Member	Subject
Q21/ 14-15	Robert Plumb	Councillor Vincent (Cabinet Member for Environment)	Greenfield Sites to the North of Tamerton Foliot
<p>Noting that the draft Plymouth Plan (Part 1) supports major development on brownfield land and on the E and NE fringes of the city rather than elsewhere: specifically how is the Council aiming to protect our community from unsustainable development on greenfield sites to the north of Tamerton Foliot (e.g. at Allern Lane).</p>			
<p>Response: The Plymouth Plan does not prioritise greenfield sites, and would not support unsustainable development in this location. It supports the use of brownfield land for major development, particularly residential development. Policy 42 makes clear that the Plan will give priority to development on previously developed sites.</p> <p>Strategic Objective 8 also makes clear that the Council will give priority to meeting its housing need within its administrative boundaries before considering jointly with South Hams District Council the opportunities for meeting needs in the urban fringe. If it is necessary to work with South Hams to find opportunities in the urban fringe, we would look to the north and north eastern fringes for sustainable locations to meet our housing need.</p> <p>Policy 43 then goes on to state that, if required, opportunities for sustainable growth will be explored at Woolwell and Newnham to meet such need.</p> <p>Therefore, with regard to greenfield sites at Tamerton Foliot, the Plymouth Plan does not support major development in this part of the city or in adjacent parts of South Hams.</p> <p>If any sites are proposed for development outside of the administrative boundary, South Hams have a duty to work with us on ensuring the development proposals are sustainable.</p>			

Question No	Question By	Cabinet Member	Subject
Q23/ 14-15	Brian Else	Councillor Vincent (Cabinet Member for the Environment)	Saltram Quay
<p>Would you agree that there are safety concerns with the new slope onto Saltram Quay. Cyclists, especially young and night users could come down it and straight into the river, onto the concrete gangplank or drop 4 feet onto rocks and estuary mud.</p>			
<p>Response: No, I would disagree there are safety concerns with this solution. This scheme involves the reinstatement of an historic footpath link, which will be considerably widened to 3 metres, with a slope of wildflowers between the edge of the ramp and the Quay itself.</p>			

This will mean there are no more risks to the young than exist with the Quay already, which is accessible to the public currently.

Since we do not propose to light the route on public safety and environmental grounds there is not considered to be a risk for night users.

Question No	Question By	Cabinet Member	Subject
Q20/ 14-15	Aaron Smith	Councillor Lowry (Cabinet Member for Finance)	Revenue Budget Cuts
The revenue budget for 2014/15 is £204.68 million but there is already an overspend of £2.55 million. How on Earth is the council going to cut it to £178.40 million in 2018/19 without cuts to jobs and services as well as further increases in Council Tax?			
Response:			
The Council is being proactive in managing down the projected 2014/15 overspend which, at the end of January 2015, had reduced to £1.3m. We continue to strive to deliver as near as possible to a balanced budget at the end of the year.			
We have clearly set out our plans to deliver a balanced budget in 2015/16 and beyond within our published budget papers which include financial savings and income generation that will be generated from our Transformation Programme			

Question No	Question By	Cabinet Member	Subject
Q16/ 14-15	Ryan Aldred	Councillor Lowry (Cabinet Member for Finance)	Use of the Council's Reserves
Why is the council not making full use of its £10.4 million working reserves to protect jobs and services? Could you not use that money to protect jobs and services whilst simultaneously lobbying the government to restore the council's funding to pre-2010 levels?			
Response:			
We have used our reserves in the past and are likely to do so this year and given the cuts from government will likely need to do so in future years. We try and retain a modest reserve of 5 percent which is less than average. We are lobbying, and continue to lobby, government for fairer funding for Plymouth and retain a focus on protecting jobs. I refer to our budget papers published in December 2014 and February 2015.			

Question No	Question By	Cabinet Member	Subject
Q15/ 14-15	John G. Williams	Councillor Lowry (Cabinet Member for Finance)	Council Tax Liability Order Charges
<p>Whereas other local authorities employ lawyers to represent them in court over Council Tax liability, this Authority does not.</p> <p>Notwithstanding this, national figures place charges levied by this Authority in the upper quartile, which seems hard to justify.</p> <p>Does the Authority make a profit from the costs it claims here?</p>			
<p>Response:</p> <p>Plymouth City Council reduced its Liability Order charge from £83 to £60 in 2013/14 which benchmarks favourably against other councils within the region. The cost is broken down as £40 per account to issue the summons with an additional £20.00 per account to obtain the order.</p> <p>The charge reflects recovery activity undertaken by council staff which includes preparing documentation, presenting and attending the Court. The council does not make a profit from these charges.</p>			

RECOMMENDATIONS FROM CABINET, CO-OPERATIVE SCRUTINY BOARD AND OTHER COMMITTEES

7 Barbican Cumulative Impact Policy PAGES 15 – 42 (AND SUPPLEMENT PAGE 1)

The Lord Mayor will invite Councillor Vincent (Cabinet Member for the Environment) to present the proposal to amend the Statement of Licensing Policy to include an extended Barbican Cumulative Impact Area as outlined in the map contained in Appendix 3 to the Cabinet report. (Cabinet minute 142 refers).

The Lord Mayor will invite the City Council to approve the amendment of the Statement of Licensing Policy to include an extended Barbican Cumulative Impact Area as outlined in the map contained in Appendix 3 to the Cabinet report.

8. City Centre Business Improvement District Veto PAGES 43 – 44 and SUPPLEMENT PAGES 3 AND 4)

The Lord Mayor will invite Councillor James (Chair of the Co-operative Scrutiny Board) to present the recommendations of the Co-operative Scrutiny Board on whether the Council should exercise its power of veto following consideration of the outcome of the ballot on the renewal of the City Centre Business Improvement District, by the Working Plymouth Scrutiny Panel. (Working Plymouth Scrutiny Panel minute 40 refers).

The Lord Mayor will invite the City Council to agree that the power of veto, as per Regulation 12 of the Business Improvement District (England) Regulations 2004, is not exercised.

9. Lord Mayoralty 2015/16**PAGE 45**

The Lord Mayor will invite Councillor Evans (Chair of the Lord Mayor's Selection Committee) to present the recommendation of the Lord Mayor's Selection Committee (Lord Mayor's Selection Committee minute 4 refers).

10. Appointment of the Council's Section 151 Officer (Assistant Director for Finance)

The Lord Mayor will advise Members that this item has been withdrawn from today's agenda.

11 MOTIONS ON NOTICE**(11.1) Land Disposals****PAGES 47 - 48**

The Lord Mayor will invite the City Council to vote on the Motion on Notice –

'Following the Labour Council's decision in 18 December 2014 to market and dispose of various green open spaces across Plymouth for housing development, the Council resolves to abandon disposals where the majority of community representations oppose such a sale.'

Proposed by Councillor Patrick Nicholson

Seconded by Councillor Dr Mahony

(11.2) Car Parking**PAGES 49 - 50**

The Lord Mayor will invite the City Council to vote on the Motion on Notice –

'Council resolves to instruct the Labour Council to review car parking provision on the Barbican before agreeing to sell off the Martin's Gate car park at Bretonside.

The Council further resolves to freeze car parking charges in the City until April 2016 and to continue to maintain free parking at district car parks such as Devonport, Stoke, Whiteleigh, Crownhill, Plympton and Plymstock.'

Proposed by Councillor Ricketts

Seconded by Councillor Mrs Bowyer

(11.3) Transit Site**PAGES 51 - 52**

The Lord Mayor will invite the City Council to vote on the Motion on Notice–

'This Council instructs the Cabinet Member for Co-operatives, Housing and Community Safety to bring forward a clear action plan to establish a transit site for Gypsies and Travellers to reduce the costs of unauthorised encampments falling as a burden on local taxpayers.'

Proposed by Councillor Mrs Beer

Seconded by Councillor Churchill

(11.4) Towns against Tax Dodging**PAGES 53 - 54**

The Lord Mayor will invite the City Council to vote on the Motion on Notice–

‘The council notes:

- (a) It has been estimated that the UK Treasury loses as much as £12 billion to tax dodging by multinational companies every year. Developing countries lose three times more to tax havens than they receive in aid each year - enough to give a basic education to the 57 million children currently missing out.
- (b) The UK has a particular responsibility to end tax dodging, as it is responsible for 1 in 5 of the world’s tax havens in the British Overseas Territories and Crown Dependencies.
- (c) The use of tax havens by UK companies is rife, with 98 of the FTSE 100 companies routinely using tax havens.
- (d) Large multinational companies pay as little as 5% in corporate taxes globally, while smaller businesses pay up to 30%.

This council believes:

- (1) As a local authority we have a duty to provide the best possible public services.
- (2) Our ability to provide quality local services would be significantly enhanced by the increased revenues from the government tackling tax dodging.
- (3) All who benefit from public spending should contribute their fair share.
- (4) The UK must take a lead role in creating a fairer tax system and combatting tax dodging.

This council resolves:

- a) To support the campaign for tax justice, supporting the motion:

“While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK government must listen to the strength of public feeling and act to end the injustice of tax dodging by large multinational companies, in developing countries and the UK.

This Council resolves to write to the political party leaders to call on them to pledge support for a Tax Dodging Bill in the first 100 days of parliament after the general election.”

Proposed by Councillor Philippa Davey

Seconded by Councillor Lowry

(11.5) Land Registry Proposals for Local Land Charges**PAGES 55 - 56**

The Lord Mayor will invite the City Council to vote on the Motion on Notice –

‘This Council notes that its Legal Service operates one of the most efficient Local Land Charges departments in the country (as recognised in 2013 by the Local Land Charges Institute) which generates much needed income for the Authority.

This Council is disappointed and concerned that:

- (a) despite widespread opposition from a variety of organisations including: the LGA; District Councils’ Network; Association of Independent Search Agents; and the Local Land Charges Institute, the Government is pushing ahead with its planned transfer of responsibility for Local Land Charges Registers to HM Land Registry;
- (b) the Infrastructure Act, which puts the legislative framework in place to enable a future transfer, received Royal Assent on 12 February 2015 but did not undergo pre-legislative scrutiny;
- (c) the consultation by the Land Registry and subsequent Government response overlooked the substantial opposition to the proposed transfer across business, local authorities and the property sector;
- (d) from the Land Registry’s inadequate consultation it is evident that there is no clear detailed implementation plan for these changes;
- (e) any transfer will have an adverse impact on this Council and the customers it serves, not least because of the requirement to provide data for a centralised register during the transition period, despite the withdrawal of funding for such service provision from Government.

Accordingly

- (1) given the genuine concerns that this Council has previously raised with Government regarding the need to fragment a system which is currently operating effectively; and
- (2) the adverse financial impact that this will have on the Council at a time when budgets are already under immense pressure:

This Council mandates the Chief Executive to:

- a) raise its opposition to the Government’s proposals with local MPs
- b) writes to the Secretary of State requesting that the proposed transfer is stopped.

Proposed by Councillor Evans

Seconded by Councillor Stevens

(11.6) Any further motions on notice – European referendum**SUPPLEMENT PAGE 5**

The Lord Mayor will invite the City Council to vote on the Motion on Notice –

‘In light of growing support for the devolution of powers to local authorities and the European drive to take powers away from local authorities, this Council welcomes the pledge by David Cameron who, if re-elected as Prime Minister in May, has stated that he will hold a referendum on our country’s future in Europe.’

Proposed by Councillor Churchill

Seconded by Councillor Ball

(11.6) Any further motions on notice - MPs

SUPPLEMENT PAGE 5

The Lord Mayor will invite the City Council to vote on the Motion on Notice –

‘Plymouth City Council believes that Members of Parliament should be full time MPs and not hold second jobs outside their work as MPs.

Councils like Plymouth need the best possible access to its MPs in order to campaign for and on behalf of local residents and the City.

Council resolves to support the public’s call to ban MPs from holding second jobs, including paid directorships and consultancies outside Parliament.’

Proposed by Councillor Stevens

Seconded by Councillor Evans

**12 DRAFT CALENDAR OF MEETINGS OF THE COUNCIL AND COMMITTEES
2015/2016**

SUPPLEMENT PAGES 9 TO 11

The Lord Mayor will invite the Councillor Peter Smith to propose the draft Calendar of Meetings of the Council and Committees for 2015/16 for approval.

The Lord Mayor will invite the Council to agree the Calendar of Meetings of the Council and Committees 2015/16.

**13 REPORT OF THE LEADER ON URGENT CABINET AND
KEY DECISIONS PAGE 57**

The Lord Mayor will invite Councillor Evans to present the written report on urgent Cabinet and key decisions.

The Lord Mayor will invite the Council to note the report.

14 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)

15 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 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.