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Democratic and Member Support

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CITY COUNCIL

ORDER OF PROCEEDINGS

Monday 21 September 2015

2.00 pm

Council House (Next to the Civic Centre), Plymouth

Members:

The Lord Mayor, Councillor Dr. Mahony, Chair

The Deputy Lord Mayor, Councillor Ball, Vice Chair

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

The order of proceedings for the meeting is attached.

Tracey Lee

Chief Executive

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**CITY COUNCIL MEETING
ORDER OF PROCEEDINGS**

21 September 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 –

- Plymouth City Council believes in openness and transparency. Anyone who wishes to report on our public meeting is welcome and the meeting may be filmed, recorded or photographed, provided that doing so does not disturb the good order or conduct of the meeting.
- The meeting is being webcast, and your image may be captured by the cameras and broadcast live. A recording will be available on-line immediately following the meeting. If you do not wish to be filmed please inform a council officer before the start of the meeting.
- In the event of a fire alarm, please use the nearest available exit and gather at the front of the Council House on the other side of the car park. For those in public gallery please make your way 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.
- There are two sets of toilets in the Council House; one set is located on the lower ground floor and the others are on the first floor. There is a disabled toilet on the ground floor.
- During the meeting, please ensure any mobile phones are switched to silent mode.

1 APOLOGIES

Councillor James.

2 MINUTES**PAGES 1 – 12**

The Lord Mayor will move that the minutes of the meeting of the City Council held on 22 June 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 APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC

(1) The City Council is asked to consider the following appointment -

Voting on appointments: If there are three or more candidates for a position and none has more than half of the votes, the candidate with the fewest votes will be eliminated and a new vote taken. This will continue until one candidate has more than half the votes. (para 15.6 of Part B (Council Procedures) in the Constitution refers)

	Committees and Other Bodies	Membership	Nominations 2015/16
(a)	North Yard Community Trust	Councillors Bowie, Stevens, Tuohy and Wheeler	Councillor Kate Taylor to replace Councillor Stevens.
	Four ward councillors - two from St Budeaux, one from Devonport and one from Ham Ward.		

(2) The City Council is asked to note the following changes notified to the Head of Legal Services –

	Committee or Outside Body	Membership
(b)	Constitutional Review Group	Councillor Kate Taylor to replace Councillor Damarell
(c)	Licensing Committee	Councillor Jordan to replace Councillor Dreaan.

5 ANNOUNCEMENTS

(a) Lord Mayor

- Her Majesty Queen Elizabeth II
- Lord Mayor's father – Mr Richard Mahony (former councillor)
- Mr Ernest Alexander Colley (former councillor)
- Filming in the Council House
- Success of Plymouth Special Olympians
- Royal Town Planning Institute Award for the Plymouth Plan
- Observer Ethical Award for Plymouth Energy Community
- Refuse Re-Routing Project Award
- Dementia Friendly Award
- Brathay Apprentice Challenge 2015
- Customer Service Excellence Award for Libraries and Customer Services
- Best Small Business Engagement Programme
- Our Stars' Awards 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 three questions for today's meeting. 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
Q5/ 15-16	John Seamons	Councillor Evans (Leader)	Use of Mobility Scooters
<p>Disability and the use of mobility scooters has increased, whilst many drivers have little/no training causing a danger to themselves and the public. Enforcing speed limits, compulsory training and dealing with offenders appropriately will encourage the sensible use, keeping users and the public safer.</p> <p>What are PCCs plans regarding this?</p>			
<p>Response:</p> <p>There is no legal requirement for someone to have undertaken training, or undertake any exam, in relation to the use of mobility scooters. The Council encourage all users of mobility scooters take the opportunity to develop their knowledge and skills around the safe use of mobility scooters, for both themselves and other people.</p> <p>Shop Mobility in Plymouth, located within Mayflower East and Drakes Circus car parks, provide mobility scooters and train users before the customer take the scooters. Customers can contact Lesley Hargreaves at Access Plymouth, Mayflower East Car Park on telephone number 600633 or email lesleypctsm@gmail.com for details.</p>			

Question No	Question By	Cabinet Member	Subject
Q 6/ 15-16	Ms A Casey	Councillor Evans (Leader)	Planning Committee Joint Chairs
<p>I see now joint political leadership which will help towards the council's commitment to Planning Committee being non-political.</p> <p>However, can I ask why in the past have the chairperson and vice-chair been of the same political party and an extra member on the committee from the ruling group?</p>			
<p>Response:</p> <p>There is no political alliance between the two largest political parties on Plymouth City Council as suggested by your question.</p>			

Question No	Question By	Cabinet Member	Subject
Q7/15-16	Mr A Kerswell	Councillor Evans (Council Leader)	Legal Action against OPOB (our place our base)
<p>How much money did the council spend on the court case by taking legal action against OPOB (our place our base), along with what was the outcome of such action to have any benefit to the residents of Plymouth, and why compensation had to be paid out of the council's coffers.</p>			
<p>Response:</p> <p>The Council can issue a Community Protection Notice (a CPN) to any individual aged over 16 years of age, or a body such as a Company, if satisfied on reasonable grounds that</p> <p>(1) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and</p> <p>(2) the conduct is unreasonable.</p> <p>A CPN is not to be confused with a PIN – which is a Police Information Notice. A PIN can be served by the Police on individuals whose course of conduct towards another is considered by the Police to be such as to cause that person to feel afraid, alarmed or distressed. The conduct complained of must be such that a reasonable person would think it amounted to or involved harassment.</p> <p>Whilst it would be inappropriate to publicly discuss details surrounding the legal proceedings, I can confirm that the Council issued a CPN against Mr Gibson and OPOB News Limited resultant from their persistent and numerous on – line activities which was having a detrimental effect on the lives of some Council employee's and was causing alarm and distress to members of the public.</p> <p>The Council incurred costs of less than £500 in acting as Respondent to Appeals against the CPNs bought by Mr Gibson and OPOB News Limited. The Appeals against the CPNs were withdrawn by Mr Gibson and OPOB News Limited and there was no compensation awarded as has been suggested by the questioner. Accordingly, the CPN's remain in place against Mr Gibson and OPOB News Limited.</p>			

7 CORPORATE PLAN SECOND YEAR REVIEW

PAGES 15 – 26

The Lord Mayor will invite Councillor Evans (Leader) to present the Corporate Plan Second Year Review. (Cabinet minute 28 refers).

The Lord Mayor will invite the City Council to approve the second year update of the Corporate Plan 2013/14 – 2016/17.

**8. CAPITAL AND REVENUE MONITORING REPORT PAGES 27 – 42
2015/16 QUARTER ONE**

The Lord Mayor will invite Councillor Lowry (Cabinet Member for Finance) to present the Capital and Revenue Monitoring Report 2015/16 for Quarter One. (Cabinet minute 30 refers).

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

9. ANNUAL SCRUTINY REPORT 2014/15 PAGES 43 - 64

The Lord Mayor will invite Councillor Mrs Aspinall (Vice Chair of the Co-operative Scrutiny Board) to present the Annual Scrutiny Report 2014/15 (Co-operative Scrutiny Board minute 8 refers).

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

10. PLYMOUTH PLAN PART ONE PAGES 65 - 218

The Lord Mayor will invite Councillor Coker (Cabinet Member for Strategic Transport and Planning) to present the Plymouth Plan Part One. (Cabinet minute 29 refers).

The Lord Mayor will invite the Council to formally approve the Plymouth Plan Part One as part of the Council's Policy Framework.

**11. CONSTITUTIONAL CHANGES IN RELATION TO PAGES 219 - 248
CONTRACT STANDING ORDERS AND FINANCIAL
REGULATIONS**

The Lord Mayor will invite Councillor Lowry (Cabinet Member for Finance) to propose the constitutional changes to Contract Standing Orders and Financial Regulations. (Audit Committee minute 12 and Constitutional Review Group minute 7 refers).

The Lord Mayor will invite the Council to agree that –

- (1) the Contract Standing Orders, which form Part H of the Constitution, are updated in line with the Public Contracts Regulations 2015 and in support of our localism agenda, as detailed in appendices 1 and 2.
- (2) the Financial Regulations, which form Part H of the Constitution, are updated in line with purchase order authorisation and purchase card limits, as detailed in appendices 3 and 4.

12. MOTION ON NOTICE**Defending the Right to Strike****SUPPLEMENT**

Council notes that:

- In July 2015 the Conservative government announced its intention to change legislation affecting trade unions and their members to make it harder to win ballots for industrial action. This will only be lawful if there is a 50% turnout among trade union members entitled to vote in addition to a simple majority voting for industrial action.
- No such thresholds apply to elections in local government, for police and crime commissioners, or in European or Westminster elections.
- The government has refused the request of trade unions to make electronic balloting legally permissible and increase turnout this way.
- Trade unions take industrial action for a wide range of reasons including defending wages and pensions, conditions at work as well as health and safety.

Council believes that:

- The right to strike and protest are fundamental rights that should be respected in a free and democratic society.
- The Conservative government's bill will undermine constructive employment relations and that harmonious industrial relations are achieved by meaningful engagement and not additional legal restrictions to trade union members.
- The government's Trade Union Bill is part of a disturbing trend to erode civil liberties and inhibit the right to speak out or protest against the government.
- The Conservative government's Trade Union Bill is a politically motivated attack on trade unions and could have negative consequences for wider civil society.

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

Council agrees to –

- (1) write to the Secretary of State for Business, Innovation and Skills stating this council's opposition to their Trade Union Bill and to participate in any consultations.
- (2) support the South West Trades Union Congress and civil liberties groups in campaigning to defend the right to strike and oppose the Trade Union Bill.
- (3) continue to value the importance of meaningful workforce engagement and representation.

Proposed by Councillor Kate Taylor

Seconded by Councillor Jon Taylor

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 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.