



**Oversight and Governance**

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## **CITY COUNCIL – SUPPLEMENT PACK**

Monday 18 September 2023  
2.00 pm  
Council House, Plymouth

**Members:**

Lord Mayor, Chair

Deputy Lord Mayor, Vice Chair

Councillors Allen, Aspinall, Mrs Beer, Bingley, Blight, Briars-Delve, Mrs Bridgeman, Carlyle, Coker, Dr Cree, Cresswell, Dann, Darcy, Dingle, Evans OBE, Finn, Gilmour, Goslin, Harrison, Haydon, Hendy, Holloway, Hulme, Krizanac, Laing, Loveridge, Lowry, Lugger, Dr Mahony, McLay, McNamara, Moore, Murphy, Nicholson, Noble, Partridge, Patel, Penberthy, Penrose, Poyser, Raynsford, Reilly, Rennie, Ricketts, Salmon, Smith, Sproston, Stephens, Stevens, Stoneman, Tippetts, Tofan, Tuffin, Tuohy and Wakeham.

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

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**Tracey Lee**  
Chief Executive

## City Council

- 7. Medium Term Financial Strategy 2023/24 - 2027/28 (Pages 1 - 30)**
- 10. Recommendations from Audit and Governance Committee on Stage One Constitutional changes (Pages 31 - 76)**

**13. Motions on notice**

To consider motions from councillors in accordance with Part B, paragraph 14 of the Constitution.

- 13a Impact of Vaping on Young People (Pages 77 - 78)**
- 13b Motor neurone disease (MND) (Pages 79 - 80)**
- 13c Nursery Provision (Pages 81 - 82)**
- 13d Online Meetings (Pages 83 - 84)**
- 13e The formation of a Strategic Working Group to progress the re-opening of Plymouth Airport (Pages 85 - 86)**
- 13f Recognizing the Importance of Outdoor Play in Child Development and the Need for a City-Wide Play Strategy (Pages 87 - 88)**
- 13g Council tax exemption for foster carers (Pages 89 - 90)**

# City Council



Date of meeting:	18 September 2023
Title of Report:	<b>Medium Term Financial Strategy 2023/24 – 2027/28</b>
Lead Member:	Councillor Mark Lowry (Cabinet Member for Finance)
Lead Strategic Director:	David Northey (Interim Service Director for Finance)
Author:	David Northey, (Interim Service Director for Finance) and Stephen Coker, Lead Accountancy Manager (CEO & CCS)
Contact Email:	<a href="mailto:David.northey@plymouth.gov.uk">David.northey@plymouth.gov.uk</a>
Your Reference:	
Key Decision:	No
Confidentiality:	Part I - Official

## Purpose of Report

Under the Council's Financial Regulations, the Responsible Financial Officer (Section 151 officer) is required to report the medium term budget prospects. Council is asked to consider the Medium Term Financial Strategy for the period 2023/24 to 2027/28.

The Medium Term Financial Strategy (MTFS) reflects the latest funding projections and sets out the forecasted budget shortfall in each year. The Strategy does not set out projected savings over the plan period; savings required for 2024/25 will be incorporated into the annual budget to be presented to Council in February 2024 and incorporated into future MTFS reports.

The Strategy is recommended by Cabinet to Council.

## Recommendations and Reasons

That Council approves the Medium Term Financial Strategy 2023/24 – 2027/28.

*Reason: The MTFS forms a key part of the budget setting process, which itself is essential to maintain financial control.*

## Alternative options considered and rejected

None: This is the Council's first MTFS since November 2018 and in need of an update - our Financial Regulations require us to produce regular reports on our finance resources.

## Relevance to the Corporate Plan and/or the Plymouth Plan

The report is fundamentally linked to delivering the priorities within the Council's Corporate Plan. Allocating limited resources to key priorities will maximise the benefits to the residents of Plymouth.



**Sign off:**

Fin	CH 01.09. 23 1103	Leg		Mon Off	LS/00 0013 12/1/ AC/1/ 9/23	HR		Assets		Strat Proc	
Originating Senior Leadership Team member: David Northey (Interim Service Director for Finance)											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 30/08/2023											
Cabinet Member approval: Councillor Mark Lowry (Cabinet Member for Finance) after discussion with Cabinet colleagues. Date approved: 30/08/2023											

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# Plymouth City Council

## ***MEDIUM TERM FINANCIAL STRATEGY***

### **2023/24 – 2027/28**

### **CITY VISION: Britain's Ocean City**

One of Europe's most vibrant waterfront cities, where an outstanding quality of life is enjoyed by everyone

**Plymouth**  
Britain's Ocean City







**Councillor Tudor Evans OBE**  
**Leader of Plymouth City Council**

“As part of our Manifesto commitment we made the following priorities. These cover the things that are important to the residents of Plymouth; working with the Police to tackle crime and anti-social behaviour; fewer potholes, cleaner, greener streets and transport; building more homes for both social rent and affordable ownership; green investment, jobs, skills and better education; working with the NHS to provide better access to health, care and dentistry; keeping children, adults and communities safe. This MTFs will provide the financial framework to deliver our commitments and our work to ease the cost of living crisis for the people of Plymouth”



**Councillor Mark Lowry**  
**Cabinet Member for Finance**

“The financial outlook will continue to be tough due to the ongoing reductions of financial support from Government and the impact of national issues outside of our control, including inflation. However despite these challenges we will ensure we deliver on our promise of building a better Plymouth as we maximise the limited resources to provide value for money across all services. This Strategy is key in setting out our financial assumptions as we set about bringing stability to the City’s finances whilst maintaining our ambitions. The Capital Programme remains a cornerstone of our financial strategy despite the impact of the current high interest rates”



**Tracey Lee**  
**Chief Executive of**  
**Plymouth City Council**

“The Medium Term Financial Strategy shows how our commitment to service improvements link to the City; people’s jobs, homes, health and how we will pay for the services we provide. Local Authority finances are not getting any easier, with reduced funding and increased costs, and we are not alone in facing these challenges. We must work hard to overcome these pressures whilst continuing to provide over 300 core services ”



**David Northey**  
**Service Director for Finance (Section 151**  
**Officer) - Interim**

“To ensure we meet the needs of Plymouth residents for high quality services despite the difficult financial environment, we need a strong, robust Medium Term Financial Strategy. By providing a financial framework within which financial stability can be both achieved and sustained, this will enable the Council’s strategic priorities and services to be delivered.”



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## Introduction

The Medium Term Financial Strategy (MTFS) links the revenue budget, capital programme, treasury management strategy and capital strategy. It provides the strategic framework to achieve long term financial sustainability for the Council, taking into account known and anticipated pressures together with local and national and international issues which impact on finances. The Strategy helps the Council to respond to internal and external influences, including rising costs and additional demand. It is a key document of our financial and service planning and runs in parallel with the annual budget setting process.

The MTFS enables integrated service and financial planning over the medium term. It provides the framework within which decisions relating to future service delivery can be made. It does not replace the detailed annual budget which will continue to be reviewed over the period and the Council is required to set the level of council tax on an annual basis.

The 2023/24 local government finance settlement was for 1 year only, however the accompanying policy statement published in December 2022 outlined the core principles to be applied for 2024/25, providing some degree of certainty over government funding for that year, with no indication on the quantum of funding thereafter. For 2024/25, the core council tax referendum principles will continue the same as 2023/24 and the referendum limit for increases to council tax will remain at 3% per year. In addition, local authorities with social care responsibilities will be able to increase the adult social care precept by up to 2% per year. Any changes to the local government finance system, including the re-setting of business rates baselines and any change to the proportion of locally retained rates, have been deferred to beyond the life of this parliament. In addition, the adult social care charging reforms have been delayed for 2 years and the funding that had been set aside for this has been repurposed. Any decisions on the funding to be made available for implementing the reforms have also been deferred to the next parliament. It remains to be seen whether such funding will be sufficient to meet the costs. The high levels of inflation and energy prices, increased interest rates and major demand pressures being felt across adults and children's social care plus the continuing homelessness demand remain key factors in the sustainability of local government finance.

This MTFS covers a 5 year period from 2023/24 to 2027/28, recognising that the 2023/24 financial year is already set as an approved budget, whilst latter years are provided for illustrative purposes only. It is prepared in the context of continuing one year financial settlements from central government, as the long-awaited review of funding is still outstanding. With a strategy in place, we can ensure the annual budgets are prepared in line with the Plymouth priorities, whilst identifying sustainable, alternative and increased sources of income. This is particularly important during the current period when the Council continues to face the twin challenges of reducing resources and increasing demand for services, as well as significant external pressures

## Financial Principles

1. The Council will achieve a balanced budget each year, and managers must contain their expenditure within their approved budget.
2. Services will be charged for under the Council's agreed Fees and Charges Policy, with annual increases for inflation.
3. Provision for pay inflation will be made centrally and allocated to service budgets when agreed.
4. Specific grants will be included in service budgets. Any later reduction in a grant must be absorbed by the service budget, except in exceptional circumstances.
5. In-year savings will be reported separately as part of the finance monitoring cycle. Savings will be deducted from service budgets in the year of implementation.
6. Service departments are expected to meet the capital financing costs of projects. Corporate or cross cutting schemes may be funded centrally.

7. ICT expenditure is financed by service departments. Corporate or cross cutting schemes will be funded centrally.

**Financial Objectives**

1. Ensure the Council sets a balanced and sustainable budget
2. Generate the maximum possible funding towards delivering the priorities as set out in the Corporate Plan
3. Ensure that the Council manages and monitors its financial resources effectively so that spending commitments do not exceed the resources available in each service area; where ring-fenced government funding is reduced, the service area takes action to reduce expenditure accordingly
4. Prioritise capital projects based on the delivery of measurable outcomes whilst being aware of the revenue impact of borrowing costs; ensuring projects are considered in the context of delivering against the Corporate Plan.
5. Council Tax will be set in accordance with central government limits.
6. Maximise current income opportunities whilst continuing to maximise savings and explore new income and savings opportunities
7. Work towards the ambition of a general fund revenue (working) balance of at least 5% of net expenditure to protect the long term financial health and viability of the council

**Corporate Plan**

The vision for our city remains for Plymouth to be one of Europe’s most vibrant waterfront cities, where an outstanding quality of life is enjoyed by everyone. The MTF5 is framed by the council’s Corporate Plan and how we will achieve the vision.

Tackling crime and anti-social behaviour, filling in potholes, creating cleaner streets, building new homes, green investment, jobs and skills and better access to healthcare and dentistry are front and centre of the administration’s vision for Plymouth’s future.

At the heart of the plan is the council’s ambition to make Plymouth a fairer, greener city where everyone does their bit, making Plymouth a great place to grow-up and grow old, whilst minimising the impact of the cost of living crisis.

This will be achieved through continuing to work with partners across the city and using evidence and our experience to make intelligent decisions. The plan outlines six priorities and the things both the council and others in the city are doing to achieve them. There is a strong recognition of the importance of the work of other organisations the council works with in delivering a city where people age well, where older residents are supported and empowered to live life to the fullest.

**OUR PLAN**  
BUILD A BETTER PLYMOUTH

**CITY VISION: Britain's Ocean City**  
One of Europe's most vibrant waterfront cities, where an outstanding quality of life is enjoyed by everyone

**OUR MISSION:** Making Plymouth a fairer, greener city, where everyone does their bit

**WE BELIEVE IN:**

- DEMOCRACY**  
Because we listen and hear what people want
- RESPONSIBILITY**  
Because we care about the impact of our decisions and actions
- FAIRNESS**  
Because we want to address inequality and inequity in our city
- CO-OPERATION**  
Because we achieve more together than we would alone

**WE WILL:**  
Make Plymouth a great place to grow up and grow old  
Minimise the impact of the cost of living crisis

**OUR PRIORITIES:**

- Working with the Police to tackle crime and anti-social behaviour
- Fewer potholes, cleaner, greener streets and transport
- Build more homes - for social rent and affordable ownership
- Green investment, jobs, skills and better education
- Working with the NHS to provide better access to health, care and dentistry
- Keeping children, adults and communities safe

**DOING THIS BY:**

- Providing quality public services
- Trusting and engaging our communities
- Focusing on prevention and early intervention
- Spending money wisely
- Empowering and engaging our staff
- Being a strong voice for Plymouth

[www.plymouth.gov.uk/ourplan](http://www.plymouth.gov.uk/ourplan)

## **National Context**

This MTFS is set within the context of national economic and public expenditure plans and takes into account the national legislation setting out the Council's ability to borrow and to raise income from Council Tax and other sources.

### **Cost of Living**

The Institute for Government describes the 'cost of living crisis' as the fall in 'real' disposable incomes (that is, adjusted for inflation and after taxes and benefits) that the UK has experienced since late 2021.

Since inflation peaked at 11.1% in October 2022 the rate has been gradually coming down, although it spiked up a little in February 2023. The latest forecasts from the Bank of England and the Office for Budget Responsibility both expect inflation to fall sharply this year, but the latest forecast from the Bank implies it will not return to the 2% target until 2024.

Cost pressures have been apparent since mid-2021, driven by a range of issues from depleted gas supplies in Europe to semiconductor shortages in Asia. Impacts from both the pandemic and Brexit increased prices, but the main contribution to higher prices has been the Russian invasion of Ukraine. The biggest impact has been on gas prices, as Russia has dramatically reduced gas sales in particular to Europe.

Although the cost of living crisis affects all residents, it is expected that more deprived households are experiencing the biggest impact on their family budgets. As the cost of living increases, disposable income reduces and more households start to face serious choices around heating, eating and debt. Even when inflation falls, we are left with a gap between income and outgoings which will leave many people in the city with little or no disposable income potentially for years to come. Plymouth City Council has convened a working group to consider what the issues are that people face, what is already in place to support them, and what more needs to happen.

### **Reform of local Government funding**

In July 2016 the Government began a fundamental review of how local authorities are funded. Two consultation papers were issued on Fair Funding and 100% Business Rates Retention (BRR). These were to be two of the biggest changes to local Government finance in decades. The purpose of fair funding was to design a fairer, transparent and less complex methodology for allocating resources to local government and BRR was to meet the government's commitment to allow local government to retain 100% of business rates collected locally. The changes proposed would inevitably have a significant impact on the Council's budgets, but as at the time of writing these proposals have not been implemented.

### **Working together to grow the wider economy**

Heart of the South West LEP (Local Enterprise Partnership): Somerset Council is the Accountable Body, and following the Government's announcement in August 2023 that it will cease to sponsor or fund Local Enterprise Partnerships from April 2024, we are seeking clarity on a number of issues. The technical guidance provided makes a clear statement that Government expects any reserves or assets built up using public funds should remain within the public domain (i.e., transferred to the relevant local authority) where there are no existing arrangements. It also set out a clear timeline for LEPs and their Accountable Body to agree the transfer of assets by March 2024.

We are now working closely with Devon and Torbay colleagues on the Devon Devolution Deal to understand and agree the financial implications for the future.

Plymouth City Council continues to play the key role of administrator of the Devon Business Rates Pool.

## Plymouth and South Devon Freepport



The Plymouth and South Devon Freepport will supercharge the South West economy by building on our region's unique national capabilities in marine, defence and space technology. Our outstanding location means the Freepport is prime for growing marine autonomy, renewables and innovative businesses. The Plymouth and South Devon Freepport will attract new investment and provide supply chain opportunities, embedding our commitment to tackle climate change, deliver clean growth and marine decarbonisation. We will provide innovation, investment and infrastructure to build a more resilient, sustainable, and productive economy and upskill the local workforce for the high quality future proof jobs the Freepport will bring.

### Autumn Statement 2022

The government published the Autumn Statement 2022 on 17 November 2022, setting out spending plans for the 2 year period 2023/24 to 2024/25 and guidelines for the medium term. The key points relevant to local government were:

#### Adult Social Care:

- Additional grant funding of £1 billion for 2023/24 and £1.7 billion the year after.
- The implementation of the Dilnot Adult Social Care reforms has been delayed for 2 years. Funding set aside for these reforms in 2023/24 and 2024/25 will be paid to local authorities (£1.3 billion in 2023/24 and £1.9 billion in 2024/25).
- NHS budget to be increased for the next two years by £3.3 billion in each year.

The Government will implement a skills reform programme. This will be coupled with an increase of the school's budget with an additional £2.3 billion to be invested per annum for the next two years.

There will be no cuts to the funding allocations announced in the Spending Review 2021. Growth in spending from 2025/26 will increase at 1% per year.

Departmental budgets have been adjusted to remove compensation for the Health and Social Care Levy (no longer going ahead from April 2023).

Councils will be given the power to increase core council tax by up to 3% without the need for a local referendum. Local authorities with social care responsibilities will be able to increase the adult social care precept by up to 2% per year (a combined maximum increase of up to 5% per annum).

£1 billion investment to continue the Household Support Fund for an extra year.

Government had been consulting on a rent cap for housing. The Statement set this cap at 7% for 2023/24

## Local Economy

Plymouth is 'Britain's Ocean City' and the largest urban area southwest of Bristol, with a population of 264,700, and 115,000 jobs, making it a key location for growth. The city has an annual total Gross Value Added (GVA) of £5.44bn (2021), an increase from £5.03bn in 2020. Following years of sustained output and growth Plymouth's productivity gap with the national average was narrowing up until 2018. However, the impact of the Covid-19 pandemic has widened this gap and the city's productivity has still yet to return to pre-pandemic levels. Plymouth's GVA per hour worked now stands at the equivalent to 81.5 per cent of the UK average (2021). Plymouth has three significant economic strengths to draw on to address this low productivity and help grow the economy: marine and defence industries, particularly marine autonomy applications; health technologies and immersive digital technology. These represent the city's high potential opportunities to work with Government to attract significant inward investment, and to build global trade and research links that deliver higher value jobs for the city, and the wider region. They are the city's future priority growth areas and the labour market and business environment is being developed to capitalise on these.

Key city economic data:

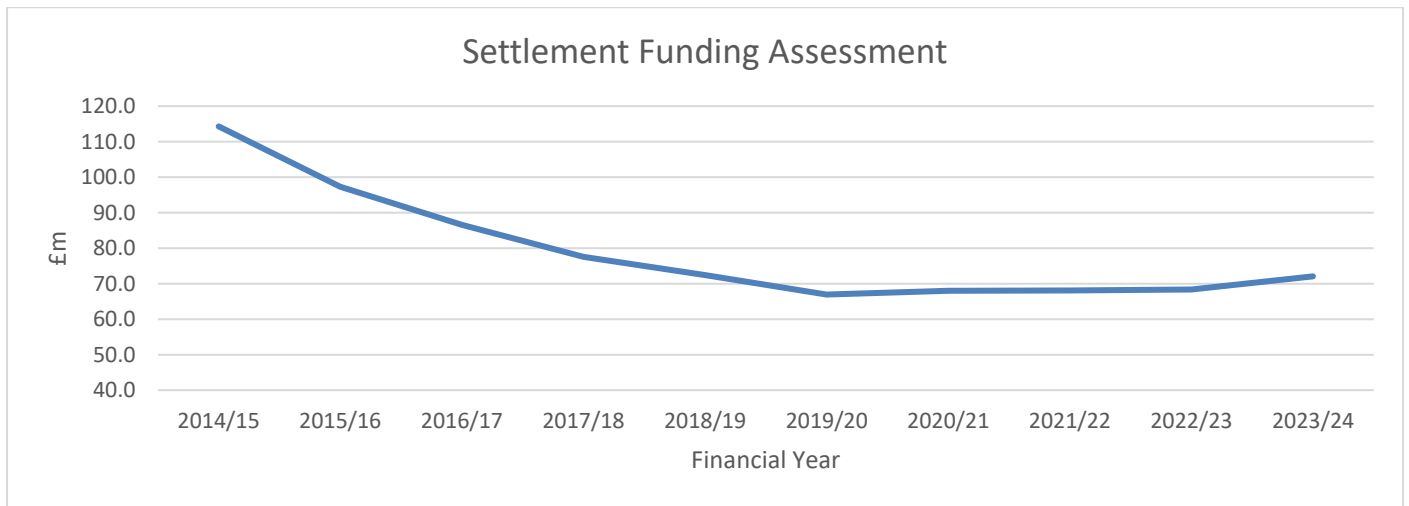
- Plymouth's annual total GVA is £5.44 billion (2021).
- 115,200 jobs in 2021.
- 169,653 people in the city are of working age population (64.1 per cent) which is higher than both the England and South West averages (Census 2021).
- Plymouth has a slightly lower employment rate than nationally (73.6 per cent compared to 75.6 per cent in 2022). However the estimate of the city's unemployment rate remains lower than the national average and is now below the pre-pandemic level seen in March 2020 (3.3 per cent compared to 3.7 per cent nationally).
- Wages in the city are lower than nationally with Plymouth workers receiving £553.40 per week compared to over £642.20 (full-time workers by place of residence, 2022).
- In 2022, the maximum wages of the lowest paid 20 per cent of workers saw a significant increase of 22 per cent to £286.20 per week while the highest paid 80 per cent of workers saw an increase of 4.6 per cent to £682.20 per week. As a result the wage gap shrunk from 2021 to 2022.
- Census 2021 data shows that nearly half of all Plymouth residents (16+) have a Level 3 qualification or above (49.2 per cent) broadly in line with the South West and England (51.6 per cent and 50.8 per cent respectively). Currently 17.3 per cent of Plymouth residents hold no qualifications compared to England 18.1 per cent. This is significantly lower than the number of Plymouth residents with no qualifications in 2011 (22.3 per cent compared to 22.4 per cent in England, Census 2011).
- Plymouth has more apprentices (7.2 per cent) than both England (5.3 per cent) and the South West (6.0 per cent).

## Local Financial Forecast

### Settlement Funding Assessment

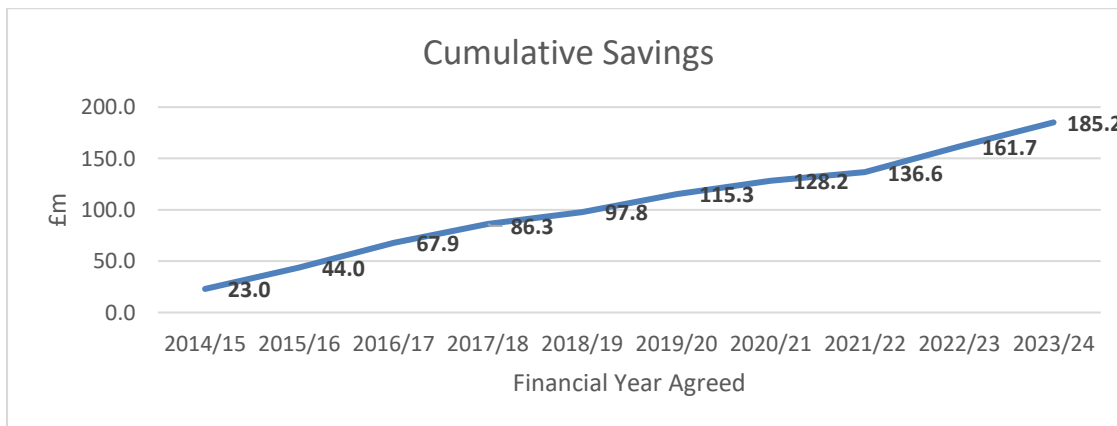
The settlement funding assessment is the Government's measure of funding required by a local authority to meet net revenue expenditure after allowing for income generated from council tax. It is used to distribute revenue support grant to local authorities. In line with the Government's plans in the previous decade to reduce public sector spending, the settlement funding assessment was reduced over a number of years to 2019/20, and hence the amount of revenue support grant distributed to local authorities. For 2023/24 there has been an inflationary increase in the SFA, with real-terms additional resources announced in the 2022 Autumn Statement being allocated via specific grants rather than being applied to the SFA. The inflationary uplifts applied since 2020/21 don't go very far in restoring the reductions made in previous years.

The chart below shows the settlement funding assessment for Plymouth City Council since 2014/15.



### Savings

In response to the reducing Government funding, plus additional expenditure pressures, the council has agreed a cumulative total of £185.2m savings in the period 2014/15 to 2023/24.





It is becoming more and more difficult to sustain this level of savings required to balance the annual budgets. We are facing increasing cost pressures reflecting general inflation and the cost of living crisis, plus increasing demand on our statutory services including in particular but not exclusively adult and children's social care plus homelessness. We will continue to make savings from delivery efficiencies and grant and income maximisation, to protect the delivery of essential services.

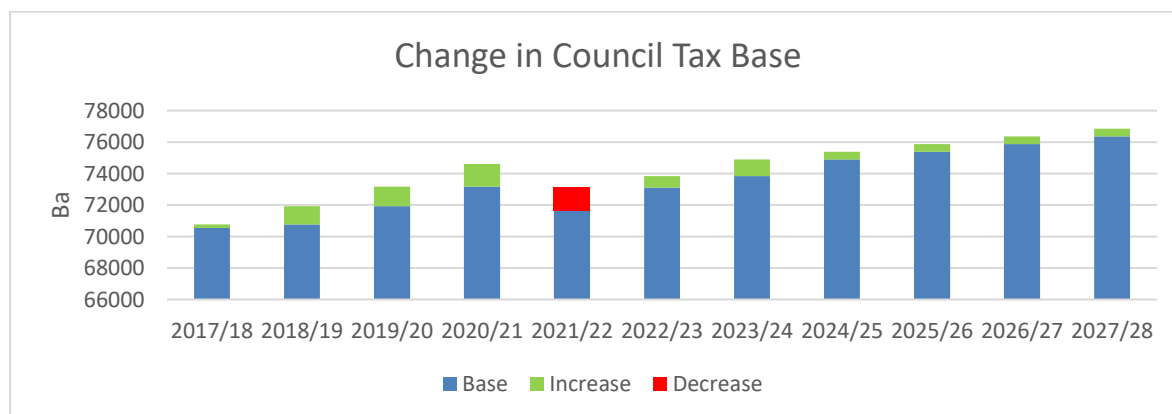
## Council Resources

### Council Tax and Adult Social Care Precept

In the local government finance settlement local authorities were given the ability to apply an increase in core council tax of up to 3% and an increase in the adult social care precept of up to 2% for 2023/24 without the need for a local referendum. These increases were applied in 2023/24. The Autumn Statement 2022 stated that the 3% core and 2% adult social care precept increases would also be available in 2024/25. The Government have assumed we will maximise this when referencing Council's Core Spending Power. For Plymouth, every quarter percent (0.25%) increase in the Council Tax would yield an additional £0.330m in 2024/25.

The council tax base that has been assumed for each financial year is detailed in Table I. The tax base for future years includes assumptions about growth in the number of residential properties and the impact of the cost of living crisis on the number of local council tax support claimants (LCTS). The 2021/22 tax base assumed an increase in the number of LCTS claimants due to the pandemic, however this was not as severe as anticipated, hence there was a 'bounce back' effect in 2022/23.

The Full Council meeting in January 2023 approved the Council Tax Base report for 2023/24. It set the number of Band D equivalent properties at 74,891, an increase of 1,061 on 2022/23. The rise in the tax base for 2023/24 primarily reflects the increase in the number of properties within the City, offset by an increase in the number of residents claiming Council Tax Support. The assumed collection rate continues at 97.5%; this is realistic and prudent due to the current economic climate.



### Council Tax Income

	2023/24 Budget £m	2024/25 Forecast £m	2025/26 Forecast £m	2026/27 Forecast £m	2027/28 Forecast £m
Council Tax - General	128.13	136.33	142.74	148.03	153.03
Council Tax - Adult Social Care Precept	2.50	2.64	1.40	1.45	1.50
<b>Total Council Tax Income</b>	<b>130.63</b>	<b>138.98</b>	<b>144.14</b>	<b>149.48</b>	<b>154.53</b>

## Council Tax Discounts and Premiums

Changes contained in the Levelling Up and Regeneration Bill are currently making its way through Parliament. The Bill sets out changes impacting on council tax collection in relation to second homes and long term empty dwellings. The Bill proposes to allow billing authorities to reduce the period before which a premium can be charged for empty homes and introduces the ability to charge a premium for properties which are furnished but not occupied as a primary residence.

The Levelling Up and Regeneration Bill has been brought forward with the intention to address geographical disparities between different parts of the UK. The specific provisions around council tax are primarily aimed at allowing councils to raise additional revenue and to acknowledge the impact that second and empty homes can have on some communities, with a view that especially in the case of empty properties this would incentivise property owners to bring those properties back into use at the earliest opportunity.

At present an empty homes premium can only be charged in respect of dwellings which are unoccupied and substantially unfurnished. This term is not defined by legislation and instead use must be made of case law. Dwellings which are no one's sole or main residence and furnished are classed as second homes. The Levelling Up and Regeneration Bill will introduce powers for billing authorities to apply a premium to dwellings which have no resident and are "substantially furnished". The maximum council tax charge in these cases would be a standard 100% plus a further 100% premium, resulting in a total council tax charge of 200%.

The Bill was due to be approved before 31 March 2023 which, allowing for the twelve month lead-in time, would have allowed the Council to implement the new charges from April 2024. Given the delay in parliament, the earliest implementation would now be April 2025. It is forecast this additional charge would see an additional £1m of council tax income each year. No provision has been made in this MTFS but the position will be kept under review.

## Business Rates

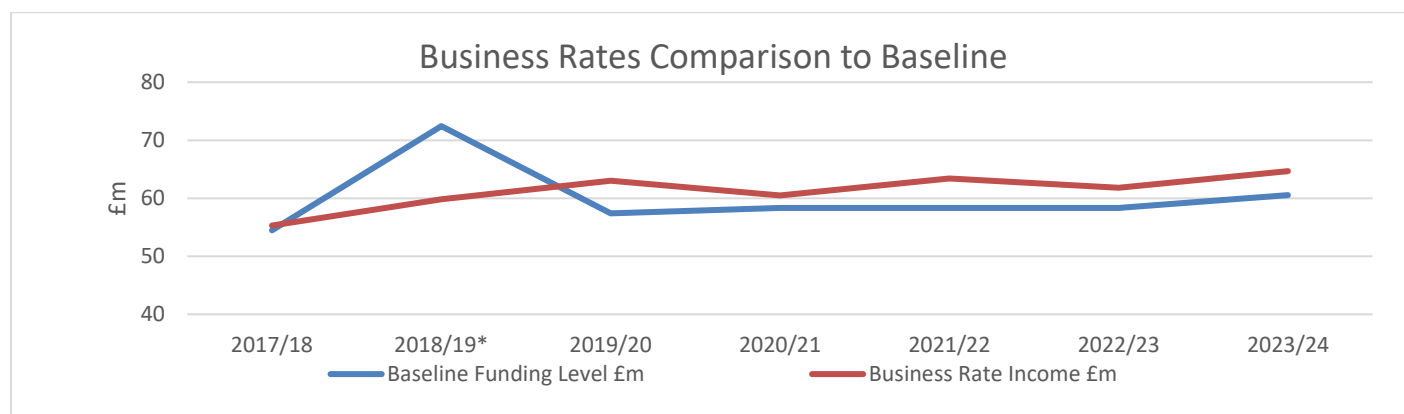
Under the Government's funding arrangements for local authorities the business rate retention scheme means councils retain a proportion of their business rates, including growth, which is currently 49% of receipts. Authorities also take the risk of reductions in business rates during times of recession, although there are 'safety net' arrangements in place to protect against very large reductions. Local authorities are compensated by way of S31 grant for reductions to business rates arising from changes in Government policy since the retention scheme was introduced e.g. additional reliefs and a lower uplift or freezing of the business rates multiplier.

The final calculation of resources from Business Rates is determined by the completion of the Government return NNDRI (National Non Domestic Rates). The timing of this report sits outside of the budget setting timetable, and 2023/24 was particularly difficult to predict due to the uncertainty of inflation on the multiplier, the impact of the three-year business rates revaluation exercise and the first year without the complexities of Covid grant payments to business rate payers.

### Business Rates Comparison to Baseline

	2017/18	2018/19*	2019/20	2020/21	2021/22	2022/23	2023/24
Baseline Funding Level £m	54.477	72.436	57.400	58.335	58.335	58.335	60.518
Business Rate Income £m	55.308	59.801	63.011	60.467	63.435	61.839	64.677

\* 2018/19 was the 100% Business Rates Pilot year



## Government Grants

### Revenue Support Grant (RSG)

Revenue Support Grant is a central government grant given to local authorities which can be used to finance revenue expenditure on any service. The amount of Revenue Support Grant to be provided to authorities is established through the local government finance settlement.

In past years, RSG has been a major source of funding for the Council however since the austerity measures in the previous decade were introduced this grant has been reduced drastically. In comparison to 2013/14 which is the first year of a straight comparison, with the introduction of rates retention, the authority's RSG was £76.6m. In 2023/24 this is now £11.562m. The increase from the previous year's allocation £10.045m includes rolled in grants totaling £0.497m. Excluding this the increase represents a CPI increase of 10.1% (£1.020m). The MTFs assumes inflationary uplifts in RSG for 2024/25 onwards based on the assumed increase in the business rates multiplier.

### New Homes Bonus (NHB)

The allocation for New Homes Bonus payment in 2023/24 is £0.022m. It reflects the Government changes which is now simply a one-year retrospective payment and it should be noted this allocation settlement is for one year only and there is still no indication of what the replacement will be.

### Public Health Grant

The Public Health grant is another key source of income and is used to improve the health of the population, and in particular to tackle large differences in health outcomes that we see between local areas.

	2017/18 £m	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m	2022/23 £m	2023/24 £m
Public Health Grant allocations	15.735	15.330	14.925	15.322	15.504	15.940	16.460

This Government Grant supports the Council's public health responsibilities. Grant conditions apply including responsibilities for 0-5 children services.

Grant funds may only be spent on activities whose main purpose is to improve the public health of our local population. This includes some specific requirements around health improvement, sexual health, drug and alcohol services, children and young people's PH services, NHS Health checks and health protection, as well as providing healthcare public health advice to support the commissioning of health and wellbeing services.

## Financing the Council

### Financial Planning Assumptions

The Medium Term Financial Strategy is based on the national and local economic context and local strategic direction. This table below sets out the Council's key funding assumptions, with percentages indicating the year-on-year changes. The resultant impact on the resources are set out in a later table.

A key assumption is that the Devon-wide Business Rates Pool continues into future years covered by the MTFs, however there is still uncertainty as to whether Rate Pools will remain, particularly if there is a fundamental review of the rating system. This would generate an additional £1m of business rates each year.

This MTFs works towards restoring a minimum 5% Working Balance. This reserve was steadily built up over the years and stood at £9.4 million as at March 2017. It currently stands at £8.7m. This equates to approximately 4.0% of the Council's net revenue budget. By 2027/28 this would need to be £11.8m, an increase of £2.9m to equate to 5%, which is about the average for Unitary Councils.

### Key Funding Assumptions

2023/24	Item	2024/25	2025/26	2026/27	2027/28
£1,719.81	Increase in Core Council Tax Charge	2.99%	1.99%	1.99%	1.99%
£33.40	Increase in Adult Social Care Precept	2.00%	1.00%	1.00%	1.00%
74,891	C. Tax Base (No. of Band D equivalents)	75,386	75,873	76,361	76,848
49.9p	Increase in Small Business Rates Multiplier	5.41%	0.57%	0.02%	0.66%
£11.562m	Increase in Revenue Support Grant*	5.41%	0.57%	0.02%	0.66%
£15.077m	Increase in Top Up Grant	5.41%	0.57%	0.02%	0.66%
£1.685m	Reduction in New Homes Bonus	-99%	-100%	0%	0%

### Key Financial Planning Considerations

- Continuing one-year Revenue Support Grant settlement, with annual inflation uplift.
- The cap on council tax increases, reflecting central Government's direction of the confirmed 2.99% for 2024/25, will revert to 1.99%.
- The forecast, reflecting central Government's direction, assumes there will be a further 2% Adult Social Care precept in 2024/25 with 1% modelled for future years. The final decision on core Council Tax and ASC Precept changes will require Full Council approval as part of the annual budgets.
- Uncertainty to future funding due to the delay in 100% Business Rates Retention. Assumption is the current system remains, with assumed annual inflation uplift.
- Reductions in other Government grant funding without matching reductions and responsibility for related services provision.
- Uncertainty about any future Fair Funding Review.
- A continuing range of increasing costs in order to meet the demands on the Council and maintain key services, particularly in Adult Social Care, Children's Social Care and Homelessness.
- Increased costs of meeting new initiatives.
- General inflation relating to external spend and contracts have not been accounted for on the understanding that smarter procurement practices will continue to contain significantly increased spending.

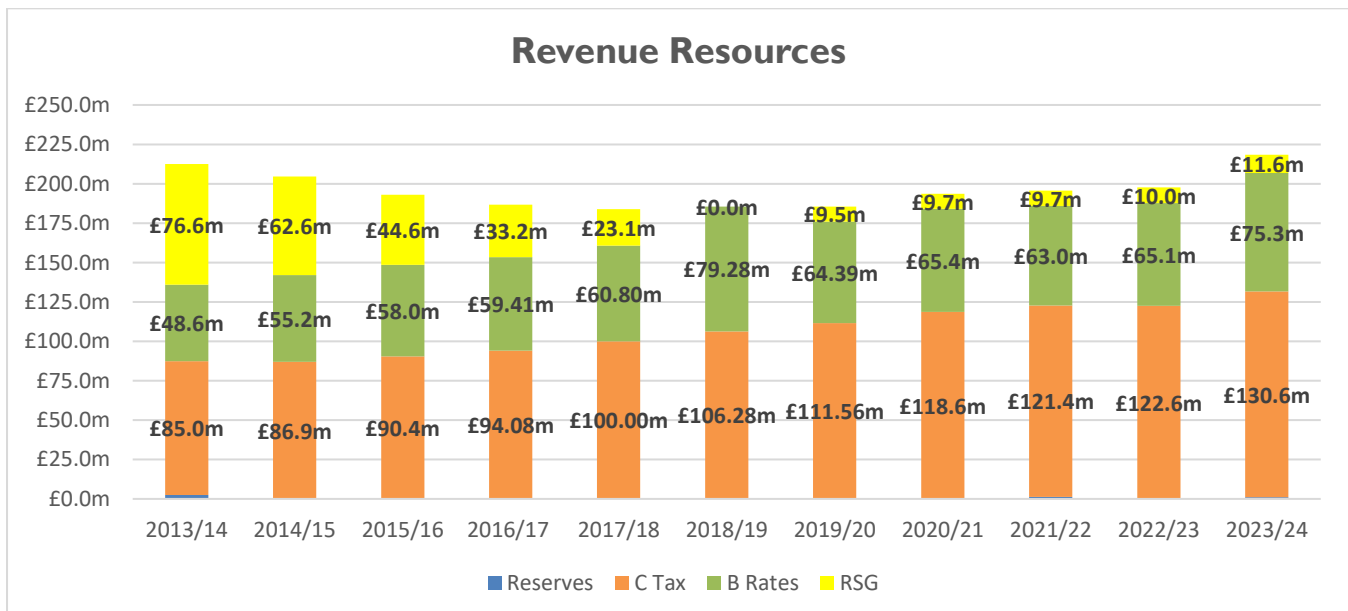
**Revenue Resources**

Plymouth City Council, in line with all other Local Authorities, continues to face diminishing resources and increasing demand and costs. Council Tax assumptions reflect a steadily increasing tax base, and the levying of an additional 2.99% Council Tax increase in 2023/24 plus an additional 2% Adult Social Care precept, reflecting Government policy. The Business Rates forecast assumes a full growth dividend. It is expected that Devon Business Rates pooling gains will continue.

It is very clear that the strategy since the start of the austerity period in 2010/11 for local government, has been to shift the funding resources from national to local sources. A comparison between 2013/14 key resources, when the current funding system was introduced, and 2023/24 shows the movement.

Resource	2013/14	2023/24	2013/14	2023/24
RSG	£76.6m	£11.6m	36.0%	5.3%
Business Rates	£48.6m	£75.3m	40.0%	34.5%
Council Tax	£85.0m	£130.5m	22.9%	59.8%
Reserves	£2.4m	£1.0m	1.1%	0.4%
Total	£212.6m	£218.4m	100%	100%

The scale of the funding reductions is the financial challenge facing the Council over the next four years. Although the core central funding from the Revenue Support Grant is increasing in line with inflation, this is not enough to cover the growing cost pressures. This MTFS has the expectation this will continue in the medium term, although it is likely to move towards zero in the longer term.



## **Treatment of Specific Grant Funding**

### **Housing Benefit Subsidy**

Normal housing benefit payments are subsidised at 100%. Housing Benefit Subsidy Grant is estimated to be £58m for 2024/25, down from the high of £79m in 2018/19. However overpayments attract only a 40% subsidy rate.

### **Dedicated Schools Grant**

The largest specific grant that the Council receives is the Dedicated Schools Grant (DSG) which is a net £81m for 2023/24 and £260m gross including monies allocated for academies. The funding is spent either directly by Schools, (Primary, Secondary and Special), through their formula allocations, or by the authority on their behalf. The Schools Forum, (a representative group of Head Teachers and relevant stakeholders), are consulted on the local authority's formula distribution and the amounts administered centrally.

Any over or under spends on the DSG are carried forward to the following financial year with a neutral impact on the Council's general fund. However, accumulated school balances do form part of the Council's overall reserves and provisions.

### **Pupil Premium**

In addition to the Dedicated Schools Grant the Council also receives additional schools funding through the Pupil Premium. This allocates additional funding to schools that have pupils who are eligible for free school meals; looked after by the City Council; have parents who are currently serving in the armed forces.

### **Better Care Fund (BCF) and Improved Better Care Fund (iBCF)**

Since 2015, the BCF has been crucial in supporting people to live healthy, independent and dignified lives, through joining up health, social care and housing services seamlessly around the person. This vision is underpinned by 2 core objectives, to 1) enable people to stay well, safe and independent at home for longer; and 2) provide people with the right care, at the right place, at the right time

The BCF achieves this by requiring integrated care boards (ICBs) and local government to agree a joint plan, owned by the health and wellbeing board (HWB), and governed by an agreement under section 75 of the NHS Act (2006). This continues to provide an important framework in bringing local NHS services and local government together to tackle pressures faced across the health and social care system and drive better outcomes for people. 94% of local areas agreed that joint working had improved as a result of the BCF in 2021 to 2022.

The Improved Better Care Fund was first announced in the 2015 Spending Review. This is paid as a Specific Grant to us as the local authority with a condition that it is pooled into the existing local BCF plan with the Clinical Commissioning Group (CCG). This is additional funding for the provision of adult social care and this is therefore not an on-going revenue stream and cannot be subsumed into "business as usual" to close the funding gap for adult social care. There are clear ministerial guidelines on the areas this money can be used for and Plymouth City Council, working in partnership with key stakeholders such as NHS Devon will ensure the funds are invested in transforming the social care system and reducing delayed transfers of care.

## Income Collection

The 2023/24 revenue budget and MTFS assumptions are based on achieving the collection targets as set out. Bad debt provisions are kept under regular review by the Section 151 Officer.

These collection rates have been achieved through the Covid-19 and subsequent financial years. They will be kept under monthly review.

Type of debt	Target %
Council Tax	97.5
Business Rates	97.5
Commercial Rents	97.5
Sundry Debt	97.5

## Right-sizing the Budget

Additional costs accepted within the MTFS are exceptional in nature with the inherent assumption that spending departments will absorb the increased cost of service demand and inflation through proactive management action and efficiencies through “business as usual” operations. A clear business case must be approved through the Corporate Management Team (CMT) in order to incorporate future year funding allocations.

Utilities have been a significant additional cost in recent years. However, through office rationalisation, carbon reduction investment and recent falling prices, we have been able to reduce the additional 2023/24 budget allocation in our MTFS going forward. The additional costs and adjustments within the 2023/24 to 2027/28 MTFS are detailed below. These are additional costs which are kept under constant review as part of on-going budget monitoring, but are seen as required to meet budget requirements.

Additional Costs – right-sizing the budget	2024/25 £m	2025/26 £m	2026/27 £m	2027/28 £m
Salary and Pension inflation	4.000	3.090	3.183	3.278
Schools PFI (Private Finance Initiative)	0.181	(0.014)	-	-
Revenue costs arising from capital investment	1.171	0.364	(0.183)	-
Repay S106 monies	0.590	-	-	-
Replenish Working Balance	0.750	-	-	-
National Living Wage	2.648	3.027	3.230	3.446
One-off 2023/24 Budget allocations - reverse	1.495			
<b>Total</b>	<b>10.835</b>	<b>6.467</b>	<b>6.230</b>	<b>6.724</b>

## Salary and Pension Inflation

Pay awards have been significantly increased over recent years, including a prolonged period of uncertainty for 2023/24 which is still to be settled. A one per cent increase in our payroll roughly equates to circa £1m added revenue spend within our base budget. Looking forward, we have assumed a three per cent award for each year, although with inflation expected to reduce, the later years could be settled at below this mark. No additional funding has been allocated towards our pension deficit following the buy-out in 2019/20.



### **Schools PFI (Private Finance Initiative)**

A Private Finance Initiative (PFI) is a long-term contract between a private party and a government entity (in this case Plymouth City Council) where the private sector designs, builds, finances and operates a public asset and related services. In a PFI contract the private party bears the risks associated with construction and maintenance and management responsibility, and remuneration is linked to performance. The additional £0.181m, reducing by fourteen thousand in 2025/26 will ensure the overall resources match the total costs of the project.

### **Revenue costs arising from capital investment**

£1.171m has been included in 2024/25 for the revenue costs arising from capital investment decisions in previous years. Included as an example is the reinstatement of an additional £0.250m to finance £2m of Climate Fund resources. Borrowing costs associated with investment projects such as this follow the “Invest to save” principle and are expected to be repaid by the project. For some specific projects, there will be the potential need for gap funding of projects in the short term that will provide longer term benefits through potential increased council tax and NNDR. There will be other cases where investment is required, such as Transport projects, Schools and Health and Safety, where there is no financial payback. The loan repayments will be funded corporately. The cost of replacing our current stock of ICT equipment, covering desktop and laptop equipment and printers etc. will fall on revenue resources rather than the capital programme.

### **Repay S106 monies**

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as S106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. In previous years, in order to bridge the budget funding gap, monies have been borrowed from the rolling S106 reserve, with a clear indication to repay in full when practicable. The MTFs includes an allocation to the base budget of £0.590m in 2024/25. This will stay in the base for five years, totalling an allocation of £2.950m and be withdrawn from 2028/29 when the original drawdown has been fully replenished.

### **Replenish Working Balance**

The required additional contribution starting in 2024/25 and running for four years will see the Working Balance restored to the sector average 5% of the annual net budget. This commitment was made as part of the 2023/24 budget setting process.

### **National Living Wage**

The council is committed to passing on to our adult and children’s social care providers the additional cost of the annual review, and increase, of the National Living Wage (NLW). There was a larger than expected rise from April 2023 to £10.42/hr. The latest modelling suggest a 4.6% increase to £10.90 from April 2024. This increasing cost is shown separately in our additional costs analysis but in reality is a key driver in the increasing costs of providing our adult social care packages and services.

For our own workforce, the Council pays the Foundation Living Wage which is also currently projected to be £10.90 from April 2024.

### **One-off 2023/24 Budget allocations - reverse**

To balance the 2023/24, a number of one-off adjustments (savings) were made. In order to right-size the base budget going forward, these need to be added back in 2024/25. This sum of £1.495m includes

reinstatement of £1m for the Minimum Revenue Requirement (MRP) “holiday” in 2023/24 and one-off savings, mainly held within the Place Directorate.

<b>SENSITIVITY TO 1% CHANGE IN INFLATION ASSUMPTIONS</b>	<b>£m</b>
Pay Award	1.000
National Living Wage	0.575
Interest Rate changes to borrow £1m	0.010
General Contract Inflation (excluding Social Care contracts)	0.100

### **Capital Budget and Programme**

Planned capital expenditure and the associated financing is detailed within the budget report approved by Council in February 2023. Amendments to the budget are approved by Council on a quarterly basis, with a full updated programme being prepared for approval by Council in February 2024. The programme has been reviewed and re-profiled in light of the economic environment (increasing inflation and interest rates) and changing priorities.

At the end of quarter one (June 2023) the amended Capital Programme for the period 2023/24 to 2027/28 stands at £556.722m. This includes approved projects £338.052m plus future funding assumptions £218.670m. The £338.052m consists of three main components; grant funding received from other organisations, but mainly government departments £100.080m (29.6%); borrowing funded by departments £121.594m (35.7%) and borrowing funded from corporate resources £94.528m (28%). The remaining 7.3% comes from funds released by the sale of assets, known as capital receipts £10.094m and contributions from other organisations, mainly developers £11.756m.

Officers will remain proactive at securing external grant funding wherever possible in order to continue to deliver significant, ambitious capital investment in the city. The budget will be continually updated as further details of funding are made available.

Projects seeking to fund proposals from service borrowing will be required to meet the principle of “Invest to save”. Business cases will evidence that a loan to fund capital spend can be repaid from the net revenue benefits achieved from the investment, as evidenced in a discounted cash flow.

We remain committed to a significant capital investment programme. The Council will engage with partners in major regeneration of the city, not only contributing towards improvements, but also to sustain local work opportunities, for example, the construction industry. We will ensure that we maximise the outcomes and revenue savings generated through capital investment. For example, we will grow businesses in the city and build more houses to generate business rate income, and Council tax.

### **Key Financial Strategies**

#### **Treasury Management**

The Treasury Management practices, principles and schedules are in place to ensure the Council’s Treasury Management Policy Strategy is adhered to and that working practices are in place to meet the approved strategy. It is reviewed annually and affects the Council’s budget in terms of borrowing costs and investment returns. The Treasury Management Strategy sets the authorised limits and operational boundaries within which investment and borrowing decisions are taken and risks managed. Effective treasury management will provide support towards the achievement of its business and service objectives.

We maintain regular engagement with our Treasury Management advisors, Arlingclose, and constantly seek their advice on our strategic direction and key operational decisions.

Full Council will receive reports on its treasury and investment management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and

an annual report after its close, in the form prescribed in its treasury management practices and investment management practices.

#### **Borrowing Limits**

The Council must have regard to the Prudential Code when setting its Authorised Borrowing Limit, which essentially requires it to ensure that total capital investment remains within sustainable limits and, in particular, that the impact upon its future Council Tax and Council rent levels is acceptable.

#### **Minimum Revenue Provision (MRP) Policy**

The Council is required to put aside cash each year from its revenue budget to provide for the repayment of loans taken out to finance capitalised expenditure. The Government's Capital Financing Regulations place the duty for an authority to make an amount of Minimum Revenue Provision which it considers to be "prudent". The prudent provision is to ensure that debt is repaid over a period reasonably in line with that over which the assets provides benefits.

#### **Flexible use of Capital Receipts**

A Flexible Use of Capital Receipts Strategy was submitted to Council as part of the 2023/24 budget process. Flexible use supports local authorities to deliver more efficient and sustainable services by allowing local authorities to spend up to 100% of their fixed asset receipts (excluding Right to Buy receipts) on the revenue costs of transformation projects.

### **The Councils Reserves**

The Council has created a number of specific reserves and provisions in order to plan in advance for known and anticipated future revenue costs. We will regularly review the appropriateness and use of these reserves throughout each financial year. As a minimum, all specific reserves will be reviewed on an annual basis in as part of the end of year accounting closedown.

#### **Unusable Reserves**

The Council holds a number of unusable reserves in the Balance sheet. Some are required to be held for statutory reasons and some are needed to comply with proper accountancy practice. The largest balance is the Asset Revaluation Reserve at £295m; the revaluation reserve contains the gains made by the Council arising from increases in the value of its Property, Plant and Equipment. Unusable reserves also includes the accounting valuation of the pension fund. The large movement between the last two years from a negative balance of £24m to the March 2023 positive balance of £322m is largely explained by the change in the pension valuation from an accounting deficit of £383m to the revised £37m. The Pensions Reserve absorbs the timing differences arising from the different arrangements for accounting for post-employment benefits and for funding benefits in accordance with statutory provisions.

#### **Usable Reserves**

The Council also holds a number of Usable Reserves which are those reserves that the Council may use to provide services, subject to the need to maintain a prudent level of reserves and any statutory limitations on their use (for example the Capital Receipts Reserve may only be used to fund capital expenditure or repay debt, or with Council approval to finance transformation projects).

**Main reserves held at the end of the 2022/23 financial year.**

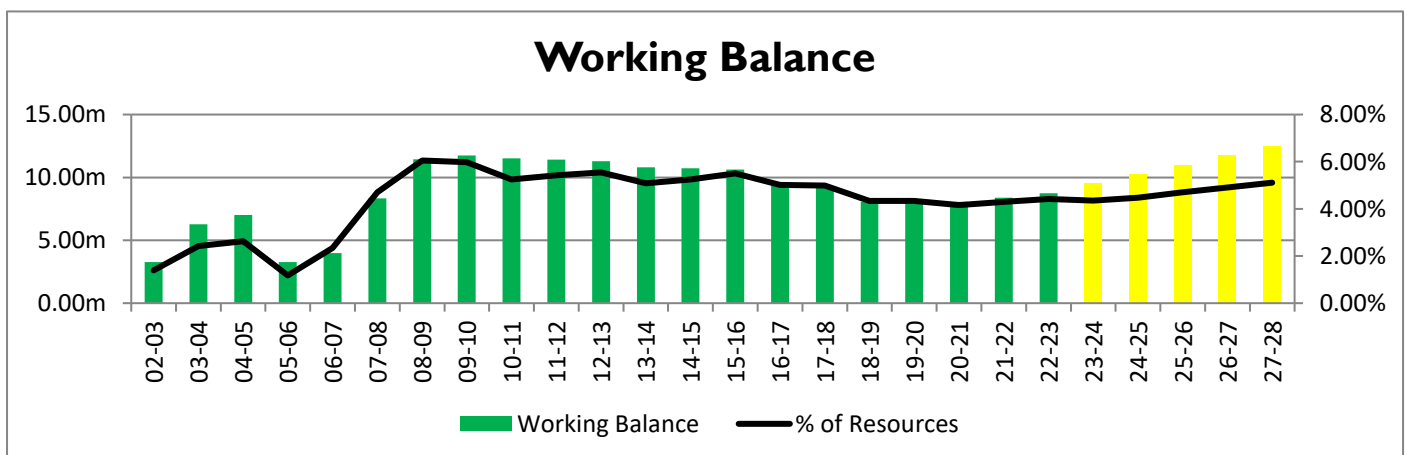
Reserves	31 March 2022 £m	31 March 2023 £m
General Fund Balance (Working Balance)	8.743	8.743
Earmarked General Fund Reserves	79.750	43.469
Capital Receipts Reserve	16.982	17.207
Capital Grants and Contributions Unapplied	18.669	45.874
<b>Total Usable Reserves</b>	<b>124.144</b>	<b>115.293</b>
<b>Total Unusable Reserves</b>	<b>(24.136)</b>	<b>322.115</b>
<b>Total Reserves</b>	<b>100.008</b>	<b>437.408</b>

Reserve use and retention is an important part of the medium term financial strategy.

A brief description of the purpose of each of our significant reserves and provisions is as follows:

**General Fund Balance (Working Balance)**

The Council's Working Balance is the revenue reserve that is put aside to cover any significant business risks that might arise. As previously stated, this MTFS works towards restoring a minimum 5% Working Balance. Given the significant constraints that will be placed on public sector spending for the foreseeable future, the Council's reserves should be adequate to cover potential risks. Plymouth has significantly improved its approach to risk management over recent years. Our strategic and operational risk registers are comprehensive and are regularly reported to, discussed and challenged by senior officers and members. Given the size of the financial challenges in this MTFS it is even more appropriate that we are working to restore our working balance. The green shaded areas are actuals; the yellow are forecast balances.

**Earmarked General Fund Reserves**

Provide financing for future expenditure plans and policy initiatives. The main earmarked reserves and their purpose are as follows:

**Education Carry Forwards** – A number of reserves are held on behalf of several educational establishments which operate under devolved budgets, whereby any surpluses or deficits are carried forward to the following financial year.

**School Budget Share** – Represents unspent balances at the year-end against schools' delegated budgets. The 31 March 2023 balance relating to the School budget share was £3.662m (31 March 2022: £2.926m).

**PFI Reserve** – The Council receives PFI credits towards the schools PFI contract at Wood View Campus in equal instalments over the course of the contract. Credits received in excess of costs are carried forward in a reserve to meet future expenditure, thus smoothing expenditure and income over the term of the contract.

**Collection Fund Reserve** – The Collection Fund Reserve holds balances to 'smooth' the impact and movement of COVID-19 grant funding for Business Rates and Council Tax across multiple financial years.

### **Financing and Investment Income and Expenditure**

This contains corporate items of income and expenditure arising from the Council's involvement in financial instruments and similar transactions involving interest or the unwinding of discounts. This heading also includes the income and expenditure relating to investment properties.

### **Financial outlook for 2024/25 and after**

The 2023/24 local government finance settlement was for 1 year only, however the accompanying policy statement published in December 2022 outlined the core principles to be applied for 2024/25, providing some degree of certainty over government funding for that year.

The 2022 Autumn Statement outlined local government resources for 2023/24 and 2024/25, with no indication on the quantum of funding thereafter. Any changes to the local government finance system, including the re-setting of business rates baselines and any change to the proportion of locally retained rates, have been deferred to beyond the life of this parliament. In addition, the adult social care charging reforms have been delayed for 2 years and the funding that had been set aside for this has been repurposed. Any decisions on the funding to be made available for implementing the reforms have also been deferred to the next parliament. It remains to be seen whether such funding will be sufficient to meet the costs.

The high levels of inflation and energy prices, increased interest rates and major demand pressures being felt across adults and children's social care remain key factors in the sustainability of local government finance.

### **Medium Term Financial Forecast**

The Council's current forecast financial position is detailed below and includes the implications of the local government finance settlement. It will be reviewed each year of budget setting to reflect any new pressures, changes in funding assumptions and any revision to the Council's Corporate Plan.

The forecasted resources and right-sizing additional costs and adjustments are set out in the report.

In addition we need to take into account the following demand-led cost pressures, currently under review. These are the current known pressures and other areas of pressure in the defined areas and other potential areas may materialise and we need to monitor closely going forward, taking particular account of the impact of any emerging pressures in 2023/24 on the assumptions for 2024/25.

Adult Social Care – Modelling of the current increases in both demand and costs indicate the requirement for a further allocation of £5.047m in 2024/25 with further allocations as set out in the table. Homelessness – we are experiencing increasing demand and increasing costs, with households in Bed & Breakfast as at March 2023 totaling 222, an increase from the previous year’s high of 151, with a further 35 families in B&B.

Emergency accommodation is an expensive but necessary option. This is projected to require an additional £3.287m in 2024/25 to provide adequate budget going forward. Children’s Social Care - £3m reflecting increased costs and demand pressures. Home 2 School Transport - we are experiencing additional cost every year for Home to School transport. Despite putting an additional £1m into the 23/24 budget, we are still estimating nearly £1m overspend in 23/24 due to increase in costs and volume. Increases in fuel costs, lack of mini bus/taxi drivers and an increase in pupils attending independent

Pressure	2024/25	2025/26
Adult Social Care	5.047	3.543
Homelessness	3.287	
Children’s social care	3.000	
Home 2 School Transport	1.000	
SEND (DSG amendment)	0.500	
Energy – Corporate Estate (reduce costs)	(2.000)	(2.000)
<b>Sub Total</b>	<b>10.834</b>	<b>1.543</b>

special schools outside the county are contributing to the increase. The SEND service is experiencing increasing costs particularly in the 0-25 team and administration. £0.5m will correct the budget. These additional cost have been offset by a £2m reduction to the budget allocation for the corporate estate’s energy costs. The 2023/24 budget included an additional £4m uplift to the budget; with prices starting to come down and predictions of further reductions the MTFs reduces this uplift over the following two years.

Feeding these into our financial model together with the right-sizing adjustments and revised resources gives us the following position.

	2023/24 £m	2024/25 £m	2025/26 £m	2026/27 £m	2027/28 £m
RSG	(11.562)	(12.188)	(12.257)	(12.259)	(12.340)
Council Tax	(130.625)	(138.979)	(144.138)	(149.480)	(154.525)
Business Rates	(75.253)	(77.728)	(77.406)	(77.409)	(77.516)
Reserves	(1.000)	-	-	-	-
<b>Core Resources</b>	<b>(218.440)</b>	<b>(228.894)</b>	<b>(233.801)</b>	<b>(239.149)</b>	<b>(244.381)</b>

Expenditure b/forward	218.440	218.440	240.109	248.119	258.130
Add Right-sizing costs / adjustments	-	10.835	6.467	6.230	6.724
Add Demand-led pressures	-	10.834	1.543	3.781	4.035
<b>Total Net Expenditure</b>	<b>218.440</b>	<b>240.109</b>	<b>248.119</b>	<b>258.130</b>	<b>268.889</b>
<b>Forecast shortfall</b>	<b>-</b>	<b>11.215</b>	<b>14.318</b>	<b>18.981</b>	<b>24.580</b>

<b>Forecast Shortfall</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Brought Forward shortfall	-	-	11.215	14.318	18.981
In Year shortfall	-	11.215	3.103	4.664	5.526
<b>Total</b>	-	<b>11.215</b>	<b>14.318</b>	<b>18.981</b>	<b>24.508</b>

The table above sets out the current overall position, which shows the Council is required to achieve annual savings of around £4m from 2025/26 after achieving savings of £11.2m in 2024/25. This is still a significant budget shortfall to address over the medium term and no uncommitted reserves available to help with this. Cost pressures, particularly within demand-led services, that were already being faced by the Council have been exacerbated by high levels of inflation, increased pay costs and high energy prices. The MTFS already includes additional funding for 2024/25 announced in the November 2022 Autumn Statement, so there is no expectation of further new government funding in that or later years.

Work will continue to reduce and mitigate both the right-sizing additional pressures and the demand-led service area pressures detailed above to address the budget gap.

## **Closing the financial gap and Medium Term Financial Plan**

The MTFS highlights a budget shortfall of £11.2m in 2023/24 rising, without mitigations to £24.5m by 2027.28. Local Government is changing rapidly as traditional sources of funding are reducing and the demand for our services is increasing. We know we cannot continue to deliver services in the same way we have done in the past and our transformation portfolio is taking a pioneering and ambitious approach to addressing these challenges while seeking to improve outcomes for Plymouth citizens.

This means providing services in new ways, joining up with partners wherever possible, investing in ways of doing things more efficiently, making the most of our assets, raising income by taking a more commercial approach and a focus and clarity on our organisational purpose.

Our current areas of focus to close the forecast financial gap, after a robust challenge of all of the additional cost pressures and resource assumptions, are:

In the Children's Directorate we will focus on:

- meeting the needs of children and young people in our care in less expensive residential settings and with foster carers and family and friends where children can live safely in Plymouth and closer to their school and community
- supporting children, young people and families through locality based early help services that meet their needs without the need for statutory social work intervention and helping partners to provide help and support for families at the earliest point of need at the lowest point of intervention
- meeting the Council's statutory requirements for home to school transport that meets children's needs as cost effectively as possible

The Place Directorate will continue to prioritise growth and ensure the delivery of frontline services to meet the needs of residents across the city by maximising income. In addressing year-on-year budgetary pressures, all income streams and potential grants will be sought to reduce the continual pressures on revenue budgets, with further work building on past successes in relation to efficiency and commercialisation initiatives to the overall benefit of council revenue.



In the People Directorate, the Community Connections department is continuing to work on reducing demand for homelessness services through early intervention and prevention including ensuring assessment processes are robust. Work is also on-going to increase access to alternative provision to help reduce reliance on high cost nightly paid accommodation and supporting delivery of increased affordable provision to support move on from temporary accommodation.

The Adult Social Care and Strategic Commissioning department are working closely with system partners increasing the focus on improving access to health care and outcomes for those leaving hospital. Also working to increase the system's intermediate care capacity and capability to manage higher demands and complexity more effectively, improving people's independence and reducing long term needs; and supporting our care markets and voluntary organisations to develop the range of skills and services required to meet these higher demands and complexities.

Transformation Portfolio and Corporate Support Services, as well as playing a key role in supporting the demand-led services with financial, legal, procurement and HR expertise, will be reviewing their own operating models.

The HR and OD Service has been working with the Corporate and Senior Leadership teams to prioritise the critical areas of work which will support the organization to work much more efficiently with the resources it has, including ensuring that our culture is developed to achieve a 'one team approach' to ensure we deliver vital services to our communities and residents whilst building the people management capability to manage performance ensuring that everyone is clear about what is expected of them and the priorities we must deliver over the next 3 years. The HR and OD emphasis will also be on reducing the demand for HR heavy case work support by coaching and mentoring managers to be confident to deal with performance issues proactively and at the earliest opportunity. We will refocus our learning and development on our critical skills gaps ensuring that we maximize the apprenticeship levy funding to upskills and bring new talent into the organization.

The Transformation department will also be supporting the other services, whilst focusing on two prime projects. "New Ways of Working" is focused on the council's accommodation rationalisation and delivery of the financial savings from the exit of both Windsor House and Midland House. It is important to complete this work in order not to create a bigger shortfall in our budget. "One Council" will focus on Intelligent Automation, the website upgrade and Cyber Security.

## **Conclusion**

The financial risks facing the Council in the medium term are assessed within the MTFs. This includes assessing the risks around Government funding and other income streams of the Council, the subsequent budget shortfalls that the Council would then face and overall local and national economic factors which can affect the financial stability of the Council. The cost of living crisis, including energy costs, has increased the level of risk faced by the Council, both in the cost pressures faced and the economic impact on income streams. In setting the annual budget and the MTFs the Council will ensure potential risks are assessed and actively managed so that their impact is minimised or can be contained within Contingencies, Balances or Earmarked Reserves as is necessary. In year, the Council will monitor its revenue and capital budgets on a monthly basis and report to Cabinet on a quarterly basis.

The key factors that could have a material effect on the financial position of the Council include:

- Wider economic changes and government policy and funding reforms
- Unmanaged service pressures; increases in demand and unachieved savings targets
- General inflation assumptions
- Impact of National Living Wage
- Projected income levels from fees & charges
- The level of contingencies and reserves in any one period
- Treasury Management and interest rate changes

The MTFS highlights the budget shortfalls from 2024/25 onwards and the need to take action to ensure the Council can continue to be financially sustainable over the medium term. The current forecast position is extremely challenging, with additional budgetary pressures, particularly in children's social care, adult social care and homelessness all growing faster than the funding available.

The Council continues to improve its financial and governance arrangements. Financial Management has improved, performance management has improved, scrutiny has developed and an independent audit and governance committee is operating well.

The Council's medium term strategy focuses on joining up the individual elements to ensure effective, integrated monitoring and management of:

- Corporate Plan and Priorities
- Benchmarking spend and key performance indicator information
- Revenue budget and spending linked to priorities
- Delivery against revenue delivery plans
- Delivery of the capital programme

The cost of living crisis that is being experienced nationally has only made the cost pressures being felt in 2023/24 more acute. At this stage, savings have not been identified to help offset the future pressures. With reserves having been depleted to balance the 2022/23 Outturn and little opportunity to replenish in the short term, we will require robust challenge of the additional pressures before accepting them into future budgets plus urgent action will need to be taken to find solutions for addressing the future years' budget shortfalls. An MTFS does not replace the annual budget setting process; it supplements and sets out a future view of risks and opportunities. The final say on key elements, including any changes to the Council Tax, including the Adult Social Care precept, rests with Full Council at the February budget meetings each year.



## Medium Term Financial Strategy

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# City Council



Date of meeting: 18 September 2023  
 Title of Report: **Stage One - Constitutional Changes**  
 Lead Strategic Director: Giles Perritt (Assistant Chief Executive)  
 Author: Ross Jago, Head of Governance Performance and Risk  
 Contact Email: Ross.jago@plymouth.gov.uk  
 Your Reference: ConstI.23/24  
 Key Decision: No  
 Confidentiality: Part I - Official

## 1. Purpose of Report

1.1. At the 5 September 2023 meeting of the Audit and Governance Committee, the committee amended and approved recommendations in respect of changes to the following sections of the constitution –

- Part A – Articles
- Part B - Council Procedure
- Petition Scheme / Guidance

1.2. These documents were reviewed by officers and Councillors considered revisions at informal sessions held on the 15 and 17 August 2023.

1.3. Amended parts of the constitution are appended to the report, and changes are as follows –

## 2. Part A – Articles

Changes	Why	Paragraph
Article 1 - Changes to clarify the purpose of the constitution	Identifies principles and purpose of the constitution	1.3
Article 2 - Change title of Article to "Councillors"	This article concerns councillors and should not refer to co-opted members	
Article 2 - Co-opted and Independent Members	Move the requirements of Co-optees and Independent members to relevant Terms of Reference	2
Article 2 - Term of Office of the Leader - move to article 6 (Cabinet)	Relevant in Article 6 concerning the Cabinet / Executive	6.4 – 6.8
Article 2 - Term of Office of the Lord Mayor - move to Article 5 (Lord Mayor)	Relevant in Article 5 concerning the Lord Mayor	5.5

Article 2 - Roles and Functions of Councillors - Additions to Councillor Roles	Clarify the extent of the Councillor Role	2.6
Article 2 - Rights and Duties - Remove reference to Co-Opted members, to be included in relevant committees terms of reference	This article concerns the rights and roles of Councillors	To be included in the Terms of Reference to which appointments relate
Article 2 - Rights and Duties - Remove reference to mobile phones	Legal requirement to allow the use of phones / recording devices (unless part II) - covered in the code of conduct for members	Removed
Article 3 - Removed the right to ask the council to respond to a petition	Notwithstanding any scheme published in the constitution, the legal requirement for a petition scheme has been repealed	Removed
Article 4 - Addition of the Annual Budget Meeting	Clarifies Existing process	4.1
Article 4 - Functions of Council - Amended to reflect the relevant legislation	Clarifies legal position with reference functions of Council	4.3-4.4
Article 5 - Removal of process for recommending LM - Move to LM Selection Committee ToR	To clarify process in relevant ToR	To be included in the Terms of Reference
Article 5 - Incapacity of LM - Moved from Article 2 and amended by the audit and governance committee to provide clarity on process in the event of the incapacity of the LM.	Moved from article 2	5.5
Article 6 - Election of new Leader - Following discussion clarifies how a new leader may be elected.	Members Request	6.5
Article 6 - Leader / Deputy / Cabinet. Clarified the Council Meeting at which the Leader can be appointed following incapacity / resignation	Clarification	6.4-6.6
Article 6 - Deputy Leader - remove reference to suspension	Ability to suspend removed by the localism act	Removed
Article 6 - Cabinet to remain delegated in the event the leader resigns until a new Scheme of Delegation is published	Clarifies Existing process	6.12
Article 6 - Appointment of Acting Leader - Amended following discussion	Member Request	6.13
Article 7 - No change		
Article 8 - No Change		

Article 9 - Joint arrangements - Additions to reflect powers to promote wellbeing (Localism Act)	Reflects the legislation	Para 9
Article 10 - Officers - Makes Statutory post holders explicit	Reflects the legislation	10.4
Article 11 - Consider revisions to Key Decision Thresholds	Exclusion of grant funding - Decisions to receive grant funding will not be treated as key decisions, unless the terms of the grant agreement have a significant impact on more than two wards as determined by the Monitoring Officer.	11.6
Article 12	No change	
Article 13	No change	
Article 14	No change	

### Part B – Council Procedures

Changes	Why	Paragraph
Addition of Annual Budget meeting	Clarifies Existing Process	9
Annual Budget Meeting to be held in Advance of the Statutory Deadline for Council Tax	Clarifies Existing Process / Member Request	9
Urgent Announcements from LM / Statutory Officer Urgent Announcements Only at Annual Budget Meeting	Members Request	9
Added the word "budget" to recommendations from Cabinet / Scrutiny	Members Request	9
Questions		
Absence of a Motion on Notice Proposer	To confirm process if a proposer is absent.	15.4-15.6
Reports to note	Clarifies existing process that recommendations to note do not require a vote, although one may be called for.	19.5
Process for Developing the Policy / Budget Framework	Removes requirement to "consult" / Cabinet member remains required to canvass views of stakeholders	27.1 – 27.2

### 3. Petition Scheme / Guidance

3.1. A new petition scheme is appended to the report. There have been no changes to thresholds for petitions to be heard at committee meetings and council.

3.2. The new scheme also requires the use of the Council's e-petition system to ensure that the validity of signatures can be undertaken in line with the requirements of the scheme.

### Recommendations and Reasons

That Council approves the amendments to Part A, Part B and Petition Scheme Guidance.

Reason: Changes to the constitution are recommended by Audit and Governance Committee to Full Council to address immediate changes to improve the efficiency of Council meetings and the clarity of procedure.

### Alternative options considered and rejected

None – the review of the constitution is a response to issues identified through the municipal year/ 2022/23.

### Relevance to the Corporate Plan and/or the Plymouth Plan

Effective decision and good governance impacts upon all aspects of the Corporate Plan. Proposed changes to the constitution will ensure efficient governance processes in support of the Corporate Plan.

### Implications for the Medium Term Financial Plan and Resource Implications:

None as a result of this report.

### Financial Risks

None as a result of this report.

### Carbon Footprint (Environmental) Implications:

None as a result of this report.

### Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

*\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

None as a result of this report.

### Appendices

*\*Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Part A Articles							
B	Part B Council Procedures							
C	New Petition Scheme							



**Background papers:**

\*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)						
	If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
	1	2	3	4	5	6	7

**Sign off:**

Fin	DJN. 23.2 4.10 4	Leg	LS/00 0010 75/A C/25/ 8/23	Mon Off	Click here to enter text.	HR	Click here to enter text.	Asset s	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: Giles Perritt											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 07/09/2023											

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PLYMOUTH CITY COUNCIL CONSTITUTION

**PART A: ARTICLES OF  
THE CONSTITUTION**

## **I. Article I – The Constitution and Rule Book**

### **Powers of the Council**

1.1. The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### **The Constitution**

1.2. This Constitution, and all its appendices, is the Constitution and rule book of Plymouth City Council.

### **Purpose of the Constitution**

1.3. The purpose of the Constitution is to:

- provide a framework for the democratic process to allow the Council clear leadership for the city;
- enable decisions to be taken efficiently and effectively
- support the active involvement of citizens in the process of local authority decision-making
- ensure that high standards of probity and ethics are evident in decision-making and all activities of the Council
- assist the Council to undertake proper consultation and take professional advice;
- create a powerful and effective means of holding decision-makers to public account
- ensure no-one reviews or scrutinises their own decisions;
- assist Councillors to represent their constituents effectively;
- provide a means of improving services.

### **Interpretation and Review of the Constitution**

1.4. When the constitution and the law allow the Council to do more than just one thing, the Council will do what is closest to the purposes stated above.

1.5. At Council, the Lord Mayor's interpretation of the constitution will be final. When interpreting the constitution, the Lord Mayor will consider the purpose of the constitution and the advice of the Monitoring Officer.

1.6. If the constitution has no procedures for a meeting, or if there is a gap in the procedures for the meeting, the chair will decide what to do. This must be consistent with the purpose of the constitution.

1.7. The constitution will be reviewed in accordance with Article 13.

## **2. Article 2 – Councillors**

### **Composition and Eligibility**

2.1. The Council has 57 councillors, representing 20 wards. Each ward has three councillors except Drake, Plympton Chaddlewood and Plympton Erle, with two councillors each.

2.2. Anyone who is over 18 and a Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community and is either -

- registered as a local government elector; or
- has occupied land in the city as owner or tenant for the previous 12 months or worked in the city for the previous 12 months or resided in the city for the previous 12 months is eligible to hold the Office of Councillor.

### **Election and Terms of Office of Councillors**

#### **Councillors**

2.3. A Council election takes place on the first Thursday in May every year except in years when there are county council elections in the rest of England. A third of the seats are up for election each time, this is known as election by thirds.

2.4. Councillors serve for four years. They become Councillors on the fourth day after being elected. Their term of office ends four years later, on the fourth day after the elections.

2.5. A Councillor may resign their position at any time by giving written notice to the Returning Officer (Chief Executive) or designee. The resignation will take effect when the notice is received.

### **Roles and functions of all Councillors**

2.6. Key Roles all Councillors will undertake:

- Collectively set the policies which are matters for full Council;
- Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making
- Provide political leadership;
- Take part in decision making;
- Take part in Councillor development and training;
- Represent people in their wards – this may involve balancing different interests;
- Deal with casework for people in their wards;
- Attend Council and committee meetings;
- Work to improve Council services;
- Be available to and to actively represent the Council on other bodies.

### **Rights and duties**

2.7. Councillors will have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

- 2.8. Councillors will not make public, information which is confidential or exempt without the consent of the Council, relevant committee or authorised Councillor or officer, or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- 2.9. For the purposes of this Constitution, the terms “confidential” and “exempt” information are as defined in the Access to Information Rules in Part F of this Constitution.

### **Conduct**

- 2.10. Councillors, co-opted and independent members will at all times act in accordance with and observe the “The Councillors Code of Conduct” and the “Protocol on Councillor/Officer Relations” as set out in Part G of this Constitution.

### **Allowances**

- 2.11. Councillors and co-opted or independent members will be entitled to receive allowances in accordance with the Councillors’ Allowance Scheme set out in Appendix One to this Constitution.

### 3. Article 3 – The Public and the Council

3.1. Members of the public have the rights to information and to participate which are explained in more detail in the Access to Information Rules in Part 4(2) of this Constitution. Members of the Public have the following rights -

3.2. **Voting:** Those registered on the electoral roll have the right to vote at local elections;

3.3. **Participation:** members of the public have the right to:

- attend Council, Cabinet, Overview and Scrutiny and Committee meetings, except when exempt or confidential items are discussed ([see Access to Information Rules Part F](#));
- speak at a Council / Council meeting to ask a question.

3.4. **Information:** members of the public have the right to:

- look at the Forward Plan, which shows what key decisions and private decisions will be taken by the Cabinet in the next 28 days
- look at agendas, reports, minutes and background papers unless they are exempt from publication in accordance with Part F – agendas, reports and minutes are available on the Council's website
- look at the register of Councillors' interests – this is available for inspection online, on each Councillor's page, at [www.plymouth.gov.uk](http://www.plymouth.gov.uk)
- inspect the Council's accounts at an advertised time and comment to the external auditor

3.5. **Complaints:** members of the public have the right to:

- complain to the Council, under its complaints procedure which is available to the public;
- complaint to the Local Government Ombudsman, after using the Council's own complaints scheme;
- complain to the Monitoring Officer about a breach by a councillor of the Code of Conduct.

#### The Public's Responsibilities

3.6. Members of the public are expected to conduct themselves in an appropriate and respectful manner.

3.7. Members of the public must not be violent, abusive or threatening to Councillors or officers and must not willfully harm articles owned by the Council, Councillors or officers.

3.8. The public rights of participation are dependent upon:

- refraining from causing damage to property;
- respecting the diversity and equality of all sections of the community
- respecting the integrity of the roles that Councillors and professional officers of the Council are required to undertake; and
- avoiding language, making statements or behaviours that are racist, derogatory or offensive, such conduct can amount to a criminal offence and may also amount to slander or libel.

#### 4. Article 4 – The Full Council

##### Full Council Meetings

4.1. There are four types of Council meeting:

- The Annual meeting;
- Ordinary meetings;
- Extraordinary meetings;
- Annual Budget Meeting

4.2. All meetings of Full Council will be conducted in accordance with the Council Procedure Rules in Part B of this Constitution.

##### Functions, Powers and Responsibilities of the Full Council

4.3. Full Council has a number of specific functions allocated as set out in the [Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000](#). Details of the functions that are dealt with by the Council are set out in Part B.

4.4. Some functions are the responsibility of the Council as a whole. This includes approval of:

- **The Policy Framework:** this is made up of a series of statutory plans and strategies (list found in Appendix One);
- **The Budget:** this includes the allocation of financial resources to the Corporate Priorities, services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits

4.5. Other functions may be taken by Full Council or by a committee of sub-committee of full Council, such as regulatory work ( Planning and Licensing Committees) and legal and governance work, (for example Audit and Governance Committee).

4.6. Details of how the Council has delegated its remaining functions to Committees or allocated them to Officers are set out in Part E – Other Statutory Functions, Committees, Joint Committees and Committee Procedures



## **5. Article 5 – Lord Mayor and Chair of the Council**

### **Appointment of the Lord Mayor**

5.1. The Lord Mayor and the Deputy Lord Mayor will be elected by the Council annually.

### **Role and functions of the Lord Mayor**

5.2. The Lord Mayor, and in their absence the Deputy Lord Mayor, represents the Council at civic and ceremonial events.

5.3. The Lord Mayor, and in their absence the Deputy Lord Mayor, chairs Council meetings. In chairing Council, the Lord Mayor will:

- Uphold and promote the purpose of the Constitution
- Where required at a meeting of Council, interpret the Constitution
- Conduct business efficiently but pay attention to the rights of all Councillors and the interests of local people and communities

5.4. The Lord Mayor does not usually vote and as far as possible should remain impartial and apolitical, as well as chair the meeting effectively, efficiently and with respect. In the event of a tied vote the Lord Mayor may exercise a casting vote.

### **Resignation**

5.5. If the Lord Mayor resigns or dies the Deputy Lord Mayor will act as Lord Mayor until the next appropriate Meeting of the Council where a new Lord Mayor will be elected by the Council.

### **Incapacity**

5.6. If the Lord Mayor is incapacitated the Deputy Lord Mayor will act in their place until the Lord Mayor is able to return to the role.

## **6. Article 6 – The Leader, Deputy Leader and Cabinet**

### **Role and Responsibility**

- 6.1. Some of the Council's functions are the responsibility of the Leader set down in law.
- 6.2. The responsibilities of the Leader must either be dealt with by them or delegated to the Cabinet, a committee of Cabinet, an individual Cabinet member or an officer, subject to any restrictions in law on delegations.
- 6.3. Full details of how the Leader has decided to allocate these responsibilities are set out in the Leader's scheme of delegation.  
<https://www.plymouth.gov.uk/aboutcouncil/councilconstitution>

### **Leader**

- 6.4. The Leader is a Councillor who is elected by the Full Council, usually at its annual meeting. The Leader will hold office until :
- They resign from the office; or
  - They are incapacitated or through death;
  - They are no longer a Councillor.
  - They are removed from office by resolution of the Council.
- 6.5. If the Leader stops being the leader as a result of any of the above, the Deputy Leader will act as Leader until the next meeting of the Council, which has been called in line with statutory requirements, where an agenda item to elect a new Leader will be included. The Leader may not be elected at the Annual Budget Meeting or an Extraordinary Meeting called for any other purpose.
- 6.6. The Leader has responsibility for
- appointing members of the cabinet
  - delegating executive responsibilities to the cabinet
  - delegating executive functions to committees carrying out executive functions
  - delegating executive responsibilities to individual Cabinet members
  - delegating and allocating executive responsibilities to officers
  - Allocating executive responsibilities when no-one has responsibility for them.

### **Deputy Leader**

- 6.7. The Deputy Leader is nominated by the Leader of the Council. The Deputy Leader will hold office until:
- They resign from the office; or
  - They are incapacitated or through death;
  - They are no longer a Councillor; or
  - They are removed from office by the Leader who must give written notice of any removal to the Monitoring Officer. The removal will take effect two working days

after receipt of the notice by the Monitoring Officer.

- 6.8. In addition to any delegations in the Leaders Scheme of Delegation the Deputy Leader shall deputise for the Leader as appropriate.

## **The Cabinet**

### **Form and Composition**

- 6.9. The Cabinet will consist of the Leader, and Deputy Leader (who may also hold a portfolio), together with Cabinet members. Cabinet members will be appointed by the Leader and notified to the Council. In accordance with the Local Government Act 2000 (Part II Sec. 11 Para. 8) the Cabinet may not consist of more than 10 Councillors (including the Leader).
- 6.10. No member of Cabinet will serve on Overview and Scrutiny Committees.
- 6.11. No member of cabinet will serve as the Lord Mayor or Deputy Lord Mayor
- 6.12. In the event that the Leader resigns, is removed by Council or otherwise incapacitated to the extent they can no longer perform the role of Leader, the delegations to the Cabinet and Cabinet Members remain in place until the publication of an amended scheme of delegation.
- 6.13. In the event of the resignation or death of both the Leader and Deputy Leader, the Monitoring Officer will request that the remaining Cabinet members appoint an Acting Leader from the Cabinet who shall serve until the next Ordinary Meeting of the Council where a new Leader is elected.

### **Proceedings of the Cabinet**

- 6.14. Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part C of this Constitution.

### **Assistant Cabinet Members**

- 6.15. An Assistant Cabinet Member may be appointed by the Leader through inclusion in their scheme of delegation. An Assistant Cabinet member may support a Cabinet Member or Cabinet Members by assisting them with any function, except decision-making.

## **7. Article 7 – Overview and Scrutiny Committees**

### **Appointment of the Overview and Scrutiny Committees**

7.1. The Council will appoint a number of Overview and Scrutiny Committees to discharge the functions conferred by Section 21 of the Local Government Act 2000, Health and Social Care Act 2012, National Health Service Act 2006, the Police and Justice Act 2006 and any subsequent regulations.

### **Proceedings of the Overview and Scrutiny Committees**

7.2. The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedures in Part D of the Constitution.

**8. Article 8 – Other Committees and Quasi-Judicial Committees**

**Other Committees and Quasi-Judicial Committees**

8.1. The Council will appoint a number of standing committees the roles and responsibilities of which are set out in Part E.

## **9. Article 9 – Joint Arrangements**

### **Powers to promote wellbeing**

9.1. In order to take the reasonable action needed in order to promote the economic, social or environmental wellbeing of the area the Council and the Leader, as appropriate, may:

- Enter into arrangements, agreements or partnerships with any person or body;
- Co-operate with, facilitate or co-ordinate the activities of any person or body; and
- Exercise on behalf of that person or body any functions of that person or body.

### **Joint Arrangements**

9.2. The Council may establish joint arrangements with one or more local authorities to exercise functions of Full Council of any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

9.3. The Leader may establish joint arrangements with one or more local authorities to exercise the executive functions in any of the participating authorities, or to advise the leader. A non-executive Councillor of the Council may be appointed to such body where that body is providing an advisory function only. The above arrangements may involve the appointment of a joint committee with one or more local authorities.

9.4. Appointment of Councillors to the joint arrangement shall be made by the Council or the Leader, as appropriate.

9.5. Details of any joint arrangements including any delegations to joint committees are set out in Part E of this Constitution.

### **Delegation to and from other Local Authorities**

9.6. Full Council may delegate or accept the delegation of non-executive functions to or from another Local Authority.

9.7. The Leader (or such person as they delegate to) may delegate or accept the delegation of Cabinet (executive) functions to or from another Local Authority.

### **Contracting out**

9.8. The full Council and the Cabinet may contract out some of their functions to other organisations under the Deregulation and Contracting Out Act 1994 or under an agency agreement provided there is no delegation of the County Council's discretionary decision making powers.

### **Access to information**

9.9. The Access to Information Rules in Part F of this Constitution apply to any joint or partnership arrangements.

## 10. Article 10 – Officers

### Structure

- 10.1. The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- 10.2. The Head of Paid Service will determine, publicise and maintain a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

### Statutory Posts and Chief Officers

- 10.3. Statutory posts of the Council are designated as follows:

Post	Legislation	Designation
Head of Paid Service	Local Government and Housing Act 1989 – Section 4	Chief Executive
Monitoring Officer	Local Government and Housing Act 1989 – Section 5	Head of Legal Services
Chief Financial Officer (Responsible Finance Officer)	Local Government and Housing Act 1989 -	Service Director for Finance (Section 151 officer)
Director of Adult Social Services	Local Authority Social Services Act 1970 (amended by the Children Act 2004)	Strategic Director for People
Director of Children’s Services	Children Act 2004 – Section 18	Strategic Director of Children’s Services
Director of Public Health	Health and Social Care Act 2012 – Section	Strategic Director of Public Health
Statutory Scrutiny Officer	Local Government Act 2000 – Section 9FB	Head of Governance, Performance and Risk
Data Protection Officer	General Data Protection Regulations (regulations 37 to 39) and Data Protection Act sections 69 to 71	Senior Information Risk Owner

### Functions of the Head of Paid Service

- 10.4. To report on the discharge of functions by the Council. The Head of Paid Service (Chief Executive), where appropriate to do so will report to Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- 10.5. Proper officer for access to information. The Proper Officer (Chief Executive or designee) will make sure that committee’ decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available.

- 10.6. Restrictions on functions. The Head of Paid Service may not be the Monitoring Officer or the Responsible Finance Officer.

**Functions in case of emergency.**

- 10.7. In cases of urgency or emergency the Head of Paid Service will take any action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.
- 10.8. The Head of Paid Service, in so acting, will consult the Leader or, in their absence, their designee and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.

**Functions of the Monitoring Officer**

- 10.9. To maintain the Constitution. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available to Councillors, staff and the public. The Monitoring Officer will review the operation of the Constitution.
- 10.10. To ensure lawfulness and fairness of decision-making. After consulting with the Head of Paid Service and Responsible Finance Officer, the Monitoring Officer will report to Council if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 10.11. To contribute to Corporate Management. The Monitoring Officer will contribute to the Corporate Management of the Council, in particular through the provision of professional legal advice and democratic support.
- 10.12. To support standards. The Monitoring Officer or designee will contribute to the promotion and maintenance of high standards of conduct.
- 10.13. To conduct investigations. The Monitoring Officer or designee will conduct investigations into matters referred to them and make reports or recommendations based on the investigation.
- 10.14. To advise whether committee decisions are within the budget and policy framework. The Monitoring Officer will advise, as required, whether decisions of the Cabinet, committees or officers are in accordance with the budget and policy framework.
- 10.15. To provide advice. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- 10.16. Restrictions on posts. The Monitoring Officer cannot be the Responsible Finance Officer or the Head of Paid Service.

**Functions of the Responsible Finance Officer (Service Director for Finance: Section 151 Officer)**



- 10.17. To make sure decisions are lawful and financially prudent. After consulting with the Head of Paid Service and the Monitoring Officer, the Responsible Finance Officer will report to the Full Council and the Council's external auditor if he/she considers that any proposal, decision or course of action would incur unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.
- 10.18. To administer financial affairs. The Responsible Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- 10.19. To contribute to corporate management. The Responsible Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 10.20. To providing advice. The Responsible Finance Officer or designee will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- 10.21. Providing financial information. The Responsible Finance Officer or designee will provide financial information to the media, members of the public and the community.
- 10.22. Restrictions on Post. The Responsible Finance Officer cannot be the Monitoring Office. The Head of Paid Service and the Responsible Finance Officer can be the same person but the Responsible Finance Officer must be a qualified accountant.

### **Duty to provide sufficient resources to the Monitoring Officer and Responsible Finance Officer**

- 10.23. The Council will provide the Monitoring Officer and Responsible Finance Officer with such officers, accommodation and other resources sufficient to allow their duties to be performed.

### **Conduct of Officers Generally**

- 10.24. All officers will comply with the Officers Code of Conduct and the Councillor/Officer Protocol.
- 10.25. All officers must alert the Monitoring Officer and Responsible Finance Officer to issues of concern as soon as they come up. These will include legal, probity, vires and constitutional issues

### **Employment**

- 10.26. The recruitment, selection and dismissal of officers will comply with the Employment Standing Orders in Part H of this Constitution.

## 11. Article 11 – Decision Making and Delegation of Functions

### Responsibility for decision-making

11.1. The Council will issue and keep up to date a record of the responsibility of the Council, the Leader, the Cabinet, Committees, Cabinet members and individual officers for particular types of decisions or decisions relating to particular areas or functions at [www.plymouth.gov.uk/scheme](http://www.plymouth.gov.uk/scheme) of delegation

### Principles of decision making

11.2. All decisions of the Council will be made in accordance with the following principles:

- Proportionality (i.e. the action must be proportionate to the desired outcome);
- Consultation and due consideration of professional advice from officers;
- Respect for human rights;
- A presumption in favour of openness;
- Clarity of aims and desired outcomes; and
- Explaining what options are available and giving reasons for the decisions taken.

### Types of decision

11.3. The law divides a council's work into three categories:

- **Council responsibilities** – these are the responsibility of Council and are set out in section B or delegated to a Committees a sub committees or an officer;
- **Executive responsibilities** – these are the responsibility of the Leader and are set out in the Leader's scheme of delegation at [www.plymouth.gov.uk/scheme](http://www.plymouth.gov.uk/scheme) of delegation
- **Local choice responsibilities** – Council has decided that these will be the responsibility of the Leader.

### Full Council and Key Decisions

#### Full Council decisions:

11.4. Decisions relating to the Council Functions listed in Part B section I will be made by the Full Council and not delegated.

#### Key decisions:

11.5. Some decisions taken by the Cabinet, the Leader or Officers (through delegation) may be defined as a "key decision". A decision will be a "key decision" if it is an executive decision –

- Which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant: -
  - in the case of capital projects and contract awards, when the decision involves a new commitment to spend and/or save in excess of £3million in total; or
  - in the case of revenue projects when the decision involves entering into new

commitments and/or making new savings in excess of £1 million annually.

- OR which is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority. (“Significant Impact” in this respect is determined by the Monitoring Officer)

11.6. Decisions to receive grant funding will not be treated as key decisions, unless the terms of the grant agreement have a significant impact on more than two wards as determined by the Monitoring Officer.

11.7. A decision maker may only make a key decision in accordance with the requirements of the Council Procedure Rules set out in Part B of this Constitution.

### **Delegation of responsibilities**

11.8. Council delegates some of its responsibilities to a Committee or an officer. The Leader can delegate some of his or her responsibilities to the Cabinet a committee of Cabinet, an individual Cabinet member or an officer in accordance with the Leader’s scheme of delegation. Council and the Leader cannot delegate to each other.

### **How Delegation Works**

11.9. Council and the Leader can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

11.10. Council and the Leader can also decide to delegate further: responsibilities that the Leader has not already delegated can be delegated to the Cabinet a committee of the Cabinet, or to an officer; responsibilities that Council has not already delegated can be delegated to or a committee of Council or to an officer.

### **Interpreting the rules on delegation**

11.11. When a responsibility is delegated in this constitution, so is the authority to do anything necessary to carry it out (unless it was forbidden when the responsibility was delegated). Executive and council responsibilities are carried out on behalf of the council and in the council’s name.

### **Decision making by the Full Council**

11.12. Unless otherwise stipulated, the Council meeting will follow the Council Procedure Rules in Part B when considering any matter.

### **Decision making by the Leader and Cabinet**

11.13. Unless otherwise stipulated, the Cabinet will follow the Cabinet Procedure Rules in Part C when considering any matter.

### **Decision making by the Overview and Scrutiny Committees**

11.14. The Overview and Scrutiny Committees and sub-committees will follow the Overview and Scrutiny Procedure Rules in Part D when considering any matter.

**Decision making by other committees and sub-committees established by the Council**

11.15. Other Council committees and sub committees shall follow the Committee Procedure Rules when considering any matter.

**Decision making by Council bodies acting as tribunals**

11.16. The Council, a Councillor or an officer when acting as a tribunal or in a quasi-judicial manner and determining or considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the Human Rights Act 1998.

## **12. Article 12 – Finance, Contracts and Legal Matters**

### **Financial Management**

12.1. The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations.

### **Contracts**

12.2. Contracts made by or on behalf of the Council will comply with the Contract Standing Orders.

### **Legal Proceedings**

12.3. The management of the Council's legal affairs will be conducted in accordance with the Legal Standing Orders.

### **13. Article 13 – Review and Revision of the Constitution**

#### **Duty to monitor and review the Constitution**

13.1. The Council and Monitoring Officer will monitor and review the operation of the Constitution during the year in which ordinary elections to the Council are not held, to ensure that the aims and principles of the Constitution are given full effect.

#### **Protocol for monitoring and review of Constitution by Monitoring Officer**

13.2. A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations on ways the Constitution can be amended to better achieve its purpose.

13.3. In undertaking this task the Monitoring Officer or designee may:

- Observe meetings of different parts of the Councillor and officer structure;
- Undertake an audit trail of a sample of decisions;
- Record and analyse issues raised with them by Councillors, officers, the public and other relevant stakeholders; and
- Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

#### **Changes to the Constitution**

13.4. The Audit and Governance Committee can change the following parts of the Constitution:

- Part F – Access to Information Procedure Rules,
- Part G – Codes and Protocols apart from the Councillor Code of Conduct,
- Part H – Standing Orders and Regulations.

13.5. The Audit and Governance Committee can also make changes to the Council Procedures, the Budget and Policy Procedure Rules, the Call in Procedure Rules, the Cabinet Procedure Rules, the Overview and Scrutiny Procedure Rules and the General Rules applying to Committees.

13.6. The Audit and Governance Committee can refer any proposed changes to the Constitution to Council where considered appropriate.

13.7. The Monitoring Officer can change the constitution, in consultation with the appropriate Cabinet member and the Chief Executive, if it is to put right clerical mistakes, to make it follow or clarify the law, or to comply with Council or Audit and Governance Committee decisions to amend the constitution.

13.8. The Monitoring Officer can also change the Leader's Scheme Part C Responsibility for executive functions to reflect the wishes of the Leader.

13.9. Any other changes must be agreed by Council after considering a report from the Audit and Governance Committee or the Monitoring Officer.

**I4. Article 14 – Suspension, Interpretation and Publication of the Constitution****Suspension of the Constitution**

I4.1. Limit to suspension. The Articles of this Constitution may not be suspended.

**Procedure to suspend the rules of procedure.**

I4.2. A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution.

**Interpretation**

I4.3. The ruling of the Lord Mayor or Chair of a meeting as to the Rules of Debate or any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purpose of this Constitution.

**Publication**

I4.4. The Monitoring Officer will ensure that up-to-date copies of the Constitution are made available to Councillors, Officers and the public on request.

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PLYMOUTH CITY COUNCIL CONSTITUTION

**PART B: RESPONSIBILITY  
FOR COUNCIL  
FUNCTIONS, THE  
COUNCIL AND COUNCIL  
PROCEDURES**

## **I. RESPONSIBILITY FOR COUNCIL FUNCTIONS**

- 1.1. The Government has for the most part prescribed which functions the Council is to be responsible for. Where functions are not prescribed as the responsibility of the Council they will be determined by the Leader.
- 1.2. The Council delegates some of its responsibilities to a committee, a joint committee, or an officer. The Council can take back responsibilities it has delegated to a committee, a joint committee or an officer, or decide to delegate them on certain conditions.

## **2. DELEGATION BY COMMITTEES**

- 2.1. Committees can authorise a sub-committee or an officer to carry out their delegated responsibilities on their behalf.

## **3. COUNCIL FUNCTIONS**

### **FUNCTIONS THAT MAY ONLY BE EXERCISED BY THE COUNCIL**

#### **Procedural Functions**

- To adopt and uphold the Constitution of the Council;
- To agree the roles and responsibilities of all non-executive committees and keep them under review and to delegate non-executive functions to officers;
- To elect the Leader of the Council;
- To elect the Lord Mayor and Deputy Lord Mayor of the Council;
- To agree the composition and membership of all non-executive committees unless the function has been delegated by the Council;
- To adopt the Standing Orders and Financial Regulations for the Council and to keep them under review;
- To adopt a Code of Conduct for Councillors and any Councillor/Officer Protocols;
- To appoint any individual to any outside bodies not within the remit of the Cabinet and suspend and/or revoke any such appointment;
- To consider any report from the non-executive committees;
- To consider any matters referred to the Council for decision.

#### **Functions relating to the Budget, Policy, the Council and the City**

- To agree the Council's revenue and capital budgets;
- To set the Council Tax levels;
- To approve prudential indicators for capital;
- To take decisions about proposals which do not comply with the Policy Framework or Budget, unless they are urgent. The procedure for dealing with Urgent decisions that are outside the Policy Framework and Budget is in Part B.
- To agree the Council's Policy Framework and Budget; (Appendix I (2))
- To keep under review ward boundaries and to decide the Council's response to any proposals by the Local Government Boundary Commission affecting the authority's electoral boundaries;
- Any other matter by law required to be considered or determined by the Council;
- To promote or oppose local, personal or other Bills of Parliament;
- To determine the Council's scheme for Councillors' Allowances in Appendix I (1) after

- having regard to the Independent Remuneration Panel's report;
- To approve any application to the Secretary of State in respect of any housing land transfer;
- To appoint the Head of Paid Service;
- To receive any report by the Responsible Finance Officer;
- To receive any report by the Monitoring Officer;
- To receive any report by the Chief Executive;
- To make, amend, revoke or re-enact any byelaws to apply within the unitary boundaries.
- To receive any report of the Council's committees as appropriate.

## **Functions Relating to Elections and the Name and Status of Areas and Individuals**

- To change the name of the city under Section 74 of the Local Government Act 1972.
- To confer the title of Freedom of the City, Honorary Alderman, Honorary Recorder;
- To appoint any electoral registration officer under Section 8(2) of the Representation of the People Act 1983 (c.2)(c);
- To assign officers in relation to requisitions of the registration officer under Section 52(4) of the Representation of the People Act 1983;
- To appoint a returning officer for Local Government elections under Section 35 of the Representation of the People Act 1983;
- To provide assistance at European Parliamentary elections under Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c.10)(d);
- To divide constituencies into polling districts under Section 18 of the Representation of the People Act 1983;
- To divide wards and parliamentary constituencies into polling districts at local government elections under Section 31 of the Representation of the People Act 1983;
- To exercise all powers in respect of holding of elections under Section 39(4) of the Representation of the People Act 1983;
- To pay expenses properly incurred by electoral registration officers under Section 54 of the Representation of the People Act 1983;
- To fill vacancies in the event of insufficient nominations under Section 21 of the Representation of the People Act 1985;
- To declare vacancy in office in certain cases under Section 86 of the Local Government Act 1972;
- To give public notice of a casual vacancy;
- To determine fees and conditions for supply of copies of, or extracts from, elections documents under Rules 48(3) of the Local Elections (Principal Areas) Rules 1986 (S I 1986 (S I 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S I 1986/2215);
- To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 under Section 10 of the Representation of the People Act 2000 (c.2).

#### **4. COUNCIL PROCEDURE RULES**

- 4.1. All Meetings of the Full Council will follow standard rules of debate for the conduct of its business in order to facilitate debate in an open but orderly manner.

#### **5. NOTICE OF AND SUMMONS TO MEETINGS**

- 5.1. The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days<sup>1</sup> before a meeting, the Monitoring Officer will send a summons (an agenda) to every Councillor of the Council. The agenda will give the date, time and place of each meeting, specify the business to be transacted and will be accompanied by such reports as are available. Where appropriate, Councillors will, in addition/instead, be notified of the summons by email.

#### **6. TIME AND PLACE OF COUNCIL MEETINGS**

- 6.1. Ordinary meetings and the Annual Budget meeting usually start at 2pm. The times of extraordinary meetings are decided by the Monitoring Officer. Meetings are usually held in the Council Chamber in the Council House.
- 6.2. The annual meeting will usually start at 10:30 am at Plymouth Guildhall and will take place within 21 days of the retirement of the outgoing Councillors.

#### **7. ORDER OF BUSINESS AT ANNUAL MEETING OF COUNCIL**

- 7.1. The order of business will be to:
- a) elect the Lord Mayor and the Deputy Lord Mayor
  - b) elect the Leader (or agree the Leader if the Leader has previously been elected for a four-year term)
  - c) note the membership of the Cabinet
  - d) agree committees and their Councillors and appoint chairs and vice chairs
  - e) agree how Council responsibilities will be carried out
  - f) note how Executive responsibilities will be carried out
  - g) nominate or appoint representatives to outside bodies
  - h) adopt the constitution, if required
  - i) deal with any other business on the agenda

#### **8. ORDER OF BUSINESS AT ORDINARY MEETING OF COUNCIL**

- 8.1. At ordinary meetings the order of business will be to:
- a) elect the chair (if the Lord Mayor and Deputy are absent)
  - b) receive apologies for absence from Councillors
  - c) approve minutes of the last meeting as a correct record
  - d) receive declarations of interest from Councillors
  - e) make appointments to committees and outside bodies (unless the outside body's function relates to an executive function)
  - f) reply to questions by the public ( [see Part B](#))

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<sup>1</sup> A clear working day is defined as a complete period of 24 hours (excluding weekends and Bank Holidays) not including the day of publication of the agenda or the day/s on which the meeting takes place.

- g) receive announcements from the Lord Mayor, Head of Paid Service, Responsible Finance Officer and Monitoring Officer
- h) receive announcements from the Leader, Cabinet members, committee chairs (not to exceed 30 minutes in total)
- i) receive presentations of and responses to petitions ([see Part G](#))
- j) deal with any unfinished business from the last meeting
- k) respond to recommendations from the Cabinet
- l) respond to recommendations and reports from overview and scrutiny committees/sub-committees
- m) respond to recommendations from other Committees requiring Council approval
- n) respond to reports from the Chief Executive, Responsible Finance Officer or Monitoring Officer
- o) deal with motions on notice
- p) deal with any other agenda items
- q) deal with questions by Councillors to the Leader, Cabinet members and committee chairs about their areas of responsibility (Not to exceed 45 minutes in total).

## **9. ANNUAL BUDGET MEETING**

- 9.1. The Annual Budget meeting is called each year in February, in advance of statutory deadlines in relation to Council Tax, to consider approval of the Annual Budget for the following year. Items to be included on the agenda should be in relation to the budget which ensures that the full council is able to undertake its functions as described in Article Four.
- 9.2. At the Annual Budget meeting, the order of business will be-
  - a) elect the chair (if the Lord Mayor and Deputy are absent)
  - b) receive apologies for absence from Councillors
  - c) approve minutes of the last meeting as a correct record
  - d) receive declarations of interest from Councillors
  - e) receive urgent announcements from the Lord Mayor, Head of Paid Service, Responsible Finance Officer and Monitoring Officer
  - f) respond to budget recommendations from the Cabinet
  - g) respond to budget recommendations and reports from Overview and Scrutiny Committees/sub-committees
- 9.3. The Lord Mayor or the person presiding at the Council meeting may, with the agreement of the Council, vary the order in which business is considered at the meeting.

## **10. EXTRAORDINARY MEETINGS OF COUNCIL**

- 10.1. The following may call an Extraordinary Council Meeting (specifying the issues/terms to be covered at the meeting):
  - the Council by resolution
  - the Leader in consultation with the Leader of the largest opposition party
  - any ten Councillors who have signed a requisition and presented it to the Monitoring Officer
  - the Lord Mayor
  - two Cabinet members in accordance with the Call in Procedures in Part C section
  - the Chief Executive

10.2. Extraordinary meetings will only deal with the business they have been called for.

## **11. CHANGING THE ORDER OF BUSINESS**

11.1. The Monitoring Officer, in consultation with the Lord Mayor, can ask the Council to agree to change the order of business, except for the first item at the annual meeting. Council must give its consent.

## **12. CHAIR OF MEETING**

12.1. The person presiding at a meeting of the Council will exercise any power or duty of the Chair. If there is a gap in these procedures, the Lord Mayor, or the person presiding at the meeting, will decide what to do.

## **13. QUORUM**

13.1. The quorum is the minimum number of Councillors needed to conduct business at a meeting. For Council meetings this will be a quarter of the total number of Councillors.

13.2. If a quorum is not present at the start of a meeting, the meeting will be put back by 15 minutes. If there is still no quorum, the business will be deferred until a quorate meeting can be arranged. If a meeting becomes inquorate part of the way through, business will stop for five minutes. If there is still no quorum, the business will be deferred until a quorate meeting can be arranged.

## **14. DURATION OF MEETING**

14.1. The Council meeting will end at 7.30pm and the remaining business will be deferred to 6pm on the next day unless the Council decides otherwise.

## **15. QUESTIONS BY THE PUBLIC**

### **Asking questions at Council**

15.1. The public can ask questions at ordinary meetings of the Council. These can be addressed to the Leader, other Cabinet members or chairs of committees. Questions must be about something the Council is responsible for or something that directly affects people in the city. The public cannot ask questions at the Annual General Meeting or the Annual Budget Meeting.

### **Giving notice of questions**

15.2. The wording of questions must be given to the Monitoring Officer at least five complete working days<sup>2</sup> before the meeting. Each question must include the name and address of the person or organisation asking it and the name or position of the Councillor being asked it.

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<sup>2</sup> A clear working day is defined as a complete period of 24 hours (excluding weekends and Bank Holidays) not including the day of publication of the agenda or the day/s on which the meeting takes place.

### **Number of questions**

- 15.3. Members of the public cannot ask more than one question per meeting. Supplementary questions are not allowed.

### **Asking the question**

- 15.4. If the questioner is unable to be present they may nominate another person to ask their question. Such a nomination should be provided to the Monitoring Officer at least three days in advance of the meeting.
- 15.5. If the person asking the question is not present and has not nominated another person to ask their question then the question will not be heard.
- 15.6. All questions and responses will be included in the order of proceedings (handed out at the Council meeting) and published on the website after the meeting. The Monitoring Officer will have a reply sent to the questioner within 10 working days.

### **Length of questions**

- 15.7. Questions will be no more than 50 words.

### **Total length of questions**

- 15.8. Council will spend no longer than 10 minutes taking questions. If it cannot take all the questions, it will take them in the order that notice was given of them (except that those members of the public who have not already asked a question at previous Council meetings will be heard first) until there is no time left.

### **Written answers**

- 15.9. Written questions and answers will be included in the minutes of the meeting. (If a question is not taken, the Monitoring Officer will have a reply sent, within 10 working days, to the member of the public who would have asked the question.)

### **Discussion**

- 15.10. Councillors can only discuss the public questions or answers in Councillors' question time.

### **Suitability of questions**

- 15.11. The Monitoring Officer can reject a question if:

- it is not about something that the Council is responsible for or which affects the area
- it is defamatory, frivolous, trivial or offensive
- it requires the Council to make public exempt or confidential information

- 15.12. The Monitoring Officer will endeavour to assist members of the public to frame questions to comply with these rules; however, the Monitoring Officer's decision is final. If a question is rejected, reasons must be given.

## 16. QUESTIONS BY COUNCILLORS

### Questions without notice

- 16.1. A Councillor can ask a question without notice (under the appropriate agenda item) to the Leader or Cabinet members, or committee chairs on any aspect of their area of responsibility.

### Timing

- 16.2. Timing of questions will be one minute for a question, two minutes for a response and the same for supplementary questions. The overall time limit for all questions will be 45 minutes.

### Response and supplementary questions

- 16.3. An answer may take the form of a direct oral answer; a reference to a publication where the desired information is located; or a written answer circulated later to Councillors, within 10 working days where the reply cannot conveniently be given orally. All written answers will be published at the end of each month.
- 16.4. One supplementary question can be asked without notice. This must be addressed to the same Councillor as the first question and must arise directly from the first question or the reply. No further supplementary questions are allowed.

### Rejecting questions

- 16.5. The Lord Mayor can reject a question if:
- it is not about something that the Council is responsible for or which affects the area
  - it is defamatory, frivolous, trivial or offensive
  - it requires the Council to make public exempt or confidential information ([see Access to Information Rules](#))
- 16.6. The Lord Mayor's decision is final.

## 17. PRESENTATION OF MINUTES

- 17.1. Council Minutes will be published by Democratic Support as per their publishing protocols.
- 17.2. Items from Cabinet, Overview and Scrutiny Committees/sub-committees and other committees which require approval or confirmation from the Council will be placed on the Council's agenda.

## 18. MOTIONS ON NOTICE

### Giving notice of motions

- 18.1. Some motions may be moved without notice. For all other motions, the full wording must be received by the Monitoring Officer by 1pm on the fifth working day before the date of the meeting, with electronic confirmation from the Councillor moving the motion and the



Councillor seconding the motion. These motions will be reproduced on the agenda for the meeting.

### **Withdrawing a motion or moving it at a later meeting**

18.2. If, before a Council meeting, a Councillor proposing a motion wants to withdraw a motion or move it at a later meeting, they must write to (or email) the Monitoring Officer before the meeting begins.

### **Absence of the Proposer**

18.3. In the event that a proposer is not available to move the motion the seconder of the motion may move the motion and seek a seconder from the floor.

18.4. In the event that both the proposer and seconder are not available the Lord Mayor will invite the relevant political group to nominate another councillor to move the motion.

### **Listing motions on the agenda**

18.5. Motions will appear on the agenda in the order they were given to the Monitoring Officer. The Lord Mayor or the person presiding at the Council meeting may, with the agreement of the Council, vary the order in which motions are considered at the meeting.

### **Topic of motions**

18.6. Motions must be about things that the Council is responsible for or which affect the City (and are not found on the meeting agenda).

### **Rejecting motions**

18.7. The Monitoring Officer can reject a motion if:

- it is not about something for which the Council is responsible or which affects the City;
- it is potentially defamatory, frivolous, trivial or offensive
- it requires the Council to make public exempt or confidential information ([see Part F Access to Information Rules](#))

18.8. The Monitoring Officer's decision is final.

### **Motions without notice**

18.9. There is no need to give notice of motions to:

- a. appoint a Chair of the meeting;
- b. agree or correct the minutes;
- c. change the order of business;
- d. refer something somewhere else;
- e. agree or amend recommendations of the Cabinet and Council Committees or officers;
- f. to appoint members to a Committee or office created at the meeting;
- g. amend or change a motion;

- h. go to next business;
- i. move to a vote;
- j. continue the meeting beyond 7:30pm;
- k. suspend a Council procedure;
- l. hold a discussion in private (when allowed under the Access to Information Procedures;
- m. Give Council's agreement when it is required by the Constitution.

## **19. VOTING**

### **Majority vote**

- 19.1. Unless the constitution says otherwise, votes will be decided by a simple majority of Councillors in their seats and voting.

### **Lord Mayor's second or casting vote**

- 19.2. If there is the same number of votes for and against, the Lord Mayor will have a second or casting vote.

### **Method of voting**

- 19.3. Votes will be recorded through use of an electronic voting system, if the electronic voting system fails the Lord Mayor will ask for a show of hands.

### **Voting on appointments**

- 19.4. 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.

### **Reports to note**

- 19.5. Reports which contain only recommendations "to note" may not require a vote, unless a vote is called for by Councillors.

## **20. MINUTES**

### **Signing the minutes**

- 20.1. At the first ordinary meeting when the minutes are available, the Lord Mayor will move that the minutes are correct and sign them. Council will not discuss anything arising from the minutes.

### **No minutes at Annual or Extraordinary meetings**

- 20.2. Minutes are not signed at annual meetings or special meetings. They are signed at the next ordinary meeting instead.

## **21. RECORD OF ATTENDANCE**

- 21.1. A record of attendance at Council meetings is noted on the minutes of the meeting. A

record of attendance for all meetings is kept and accessible on the Council's website.

- 21.2. Councillors will be expected to remain in the meeting for its duration (exceptions being short personal breaks or leaving pursuant to a declaration of interest).

## **22. EXCLUSION OF PUBLIC**

- 22.1. Members of the public and press may only be excluded either in accordance with the Access to Information Rules of this Constitution ([see Part F](#)) or if they are disrupting the meeting.

## **23. COUNCILLORS' CONDUCT**

### **Standing to speak**

- 23.1. When they speak at Council, Councillors must (unless they cannot) stand and address the Lord Mayor. If more than one Councillor stands, the Lord Mayor will ask one of them to speak and the others must sit down. While a Councillor is speaking, other Councillors must sit unless they are making a point of order or personal explanation or point of clarification.

### **Forms of Address**

- 23.2. Councillors will refer to each other during the transaction of business by their respective titles of 'Lord Mayor', 'chair' or 'Councillor' as the case may be.

### **Chair standing**

- 23.3. If the Lord Mayor stands during a debate, any Councillor who is speaking must stop speaking and sit down. The meeting must be silent.

### **Councillor not to be heard further**

- 23.4. If a Councillor keeps on disrupting the meeting by behaving improperly, or offensively and deliberately obstructs business, the Lord Mayor may decide that the Councillor is not heard further.

### **Councillor to leave the meeting**

- 23.5. If the Councillor continues to disrupt the meeting, the Lord Mayor may decide that the Councillor leaves the meeting or that the meeting is adjourned.

### **General disturbance**

- 23.6. If there is general disturbance making it impossible for Council to do its business, the Lord Mayor may adjourn the meeting for as long as necessary.

### **Removal of member of the public**

- 23.7. If a member of the public is disrupting the meeting, the Lord Mayor may warn them. If they carry on disrupting the meeting, the Lord Mayor may have them removed and can

halt the meeting until they leave.

### **Clearance of part of meeting room**

23.8. If there is a general disturbance in a part of the meeting room open to the public, the Lord Mayor may call for that part of the room to be cleared.

## **24. SUSPENSION OF COUNCIL PROCEDURE RULES**

24.1. All the Council Procedures in this section can be suspended except those referring to:

- Right to have individual vote recorded
- No minutes at annual or special meetings
- Councillors conduct and
- General disturbance

24.2. Council Rules of Procedure may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors of the Council are present. Suspension can only be for the duration of the meeting.

## **25. CHANGES TO THESE PROCEDURES**

25.1. Any motion to change the procedures in this section must be proposed and seconded. After this, it will not be discussed until the next ordinary meeting of Council.

## **26. The Framework for Cabinet Decisions**

26.1. Council sets the policy framework and budget.

26.2. The Leader, Cabinet. Committees and officers must act within it.

## **27. PROCESS FOR DECISIONS IN RELATION TO THE BUDGET AND POLICY FRAMEWORK**

27.1. A timetable for any decisions relating to the budget and policy framework will be drafted, and will say what consultation there will be. At the end of the consultation, the Cabinet member will submit a report on the draft proposals to Cabinet.

27.2. The relevant Cabinet member will draft the initial proposals with the advice of officers and will canvass the views of interested local stakeholders including the relevant Overview and Scrutiny Committee.

27.3. The Cabinet member will submit a report on the draft proposals to Cabinet.

27.4. Any reports to the Cabinet must say what consultation there has been and what the results were. The Cabinet will consider the response to the consultation and draw up firm proposals. The report to Council will reflect any comments made during the consultation and the Cabinet's response.

27.5. The Cabinet's proposals will go to Council as soon as possible.

27.6. The Council may:

- Adopt the report and the proposals contained in it;
- Amend the proposals and adopt them;
- Refer the proposals back to the Cabinet for further consideration; or
- Substitute its own proposals for those of the Cabinet.

27.7. If Council accepts the Cabinet's proposals without any changes, the decision will come into force immediately.

27.8. If Council changes the Cabinet's proposals, it will be an in principle decision only. The Leader will be given a copy of an in principle decision. The in principle decision will come into force unless the Leader objects in writing to the Head of Legal Services within five clear working days, giving reasons.

27.9. If the Leader objects to an in principle decision, Council will meet again within 15 further days of the receipt of the Leader's objection. At the meeting, Council can accept the cabinet's proposals or change them, in the light of the Leader's objection which will be circulated in writing to the Council.

27.10. The Council's decision will come into force immediately

27.11. The Council must agree and set the level of Council Tax by the statutory deadline.

27.12. The decision shall be made public in accordance with the Access to Information Procedure Rules, and shall be implemented immediately.

27.13. In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with virement and in-year adjustments. Any other changes to the Budget and Policy Framework are reserved to the Council

## **28. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

28.1. The Cabinet, committees of Cabinet, individual members of Cabinet, committees and joint committees and any officers carrying out executive responsibilities can only take decisions if they are-

- in line with the policy framework and budget, or
- urgent decisions allowed under paragraph 4, or
- allowed under financial procedure rules, or necessary to obey the law or ministerial directions or government guidance.

28.2. Any other decisions which are not in accordance with the policy framework and budget must be recommended to Council.

28.3. The Cabinet and any officers carrying out executive responsibilities will seek the Monitoring Officer or Responsible Finance Officer's advice if it is unclear whether proposals are in line with the policy framework or budget

## **29. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

29.1. The Cabinet, committees of Cabinet, individual members of Cabinet, committees and joint

committees or officers carrying out executive responsibilities can take a decision that is outside the policy framework or budget if:

- it is urgent;
- it is not practicable to arrange a Council meeting;
- the Chair of the relevant Overview and Scrutiny Committee and the Monitoring Officer (or designee) agrees that the decision is reasonable and that it is not in the interests of the Council or the public to delay it.

29.2. If the Chair of the relevant Overview and Scrutiny Committee is absent, the Lord Mayor can agree that the decision is urgent and, if both are absent, the Deputy Lord Mayor can give their agreement.

### **30. Recording Urgent decisions**

30.1. The record of the decision must say:

- why it was not practicable to arrange a meeting of Council;
- that the Chair of the relevant Overview and Scrutiny Committee (or Lord Mayor or Deputy Lord Mayor) and the Monitoring Officer (or designee) agreed that the decision was urgent;
- why the decision was considered to be urgent.

### **31. In-year changes to the budget and policy framework**

31.1. The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, committees or joint arrangements discharging executive functions must conform to it.

31.2. No changes to any policy or strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- Which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- Which are necessary to ensure compliance with the law, ministerial direction or government guidance;
- Which are necessary because the existing policy document is silent on the matter under consideration;
- Which relate to policy affecting schools, where the majority of school governing bodies agree with the proposed change.

31.3. The Call in Procedures deal with Call in of decisions outside the policy framework or budget ([see Part C](#)).

## PLYMOUTH CITY COUNCIL

### PETITION SCHEME

#### 1. SUBMITTING A PETITION TO THE COUNCIL

- 1.1. Plymouth City Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
- 1.2. Paper petitions are those prepared in the traditional way: a petition organiser creates a paper document that includes a proposed action. Residents physically write their name, address and signature on this document to show their support of the proposed action.
- 1.3. To help you organise paper petition, the Council has prepared a template which is available on our website.
- 1.4. Paper petitions can be sent to the Democratic Services Team.
- 1.5. e-Petitions are created, signed, and submitted entirely online. **E-petitions created or submitted through third party websites may not be accepted.** If you wish to start an e-petition, please use the Council e-petition system<sup>1</sup>.

#### 2. GUIDELINES FOR SUBMITTING A PETITION

##### 2.1. Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. This should state what action the petitioners wish the Council to take.
- The names and signatures of each person supporting the petition, together with the full addresses (including postcode) at which they live, work or study in Plymouth, regardless of age.
- Contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be published.
- If the petition does not identify a petition organiser, we will contact the first listed signatory to the petition to agree who should act as the petition organiser.

#### 3. Scope of Petition

##### 3.1. The Monitoring Officer may reject a petition if it:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is defamatory, frivolous; offensive; vexatious, abusive or otherwise inappropriate;
- is substantially the same as a petition which has been put at a meeting of the Council in the past 6 months;
- requires the disclosure of confidential or exempt information; or
- seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.

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<sup>1</sup> Link made will be made available subject to Council approval

- 3.2. In addition, there are some circumstances where petitions will not be dealt with under this Scheme. These include any matters relating to planning or licensing applications; where a separate consultation process is active; or other circumstances which, in the opinion of the Monitoring Officer would mean the petitions would better be dealt with using a different Council procedure.
- 3.3. The Council may seek to verify the authenticity of each entry on a petition by reference to existing information such as (where appropriate) the current electoral register or other relevant records. Entries which cannot be verified may not be counted for the purposes of determining whether a petition has exceeded a threshold set out in this scheme.
- 3.4. In the period immediately before an election or referendum, when certain legal restrictions apply, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.
- 3.5. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

#### **4. ACTION BY THE COUNCIL ON RECEIPT OF A PETITION**

- 4.1. An acknowledgement will be sent to the petition organiser within 10 working days of us receiving the petition. This will let them know what we plan to do with the petition and when they can expect to receive a formal response to it. If the petition needs more investigation, we will tell the petition organiser the steps we plan to take.
- 4.2. If we can do what the petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.
- 4.3. All petitions submitted with 25 or more signatures will receive a formal response from the relevant Director within 28 days of receipt. This will usually be the quickest way of addressing the issue.
- 4.4. If however, the petition meets the requirements to be debated at a meeting of Councillors under the provisions of this scheme, the petition will receive a formal response within 28 days from the meeting. If you request this option, the relevant Director may still write to you. You may choose not to proceed with presentation at a meeting if you feel their response resolves the matter.
- 4.5. The acknowledgment will confirm when and how your response will be sent and tell you when and where the meeting will take place (if applicable and if known at that stage).
- 4.6. To ensure that people know what we are doing in response to the petitions we receive, the details of all petitions submitted to the Council will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

#### **5. DEBATE BY ELECTED COUNCILLORS**

- 5.1. Subject to your petition containing sufficient signatures as set out below the petition will be presented to a meeting of Councillors at your request. There are several ways in which this can be done.



### **Debate at a Council Meeting**

- 5.2. If your petition includes the names, addresses and signatures of 5000 persons who live, work or study in Plymouth a debate will be held about the petition at a full Council meeting.

### **Officer evidence to the Overview and Scrutiny Committee**

- 5.3. If your petition includes the names, addresses and signatures of at least 2500 persons who live, work or study in Plymouth, you may request that a relevant senior officer give evidence at a public meeting of one of the Council's Overview and Scrutiny Committee.
- 5.4. For example, you may request that a senior officer explain progress on an issue, or the advice given to councillors to enable them to make a particular decision. The senior officers who may be called to give evidence under this procedure include the Head of the Paid Service (Chief Executive) and any of the Council's statutory or non-statutory Chief Officers (Directors).
- 5.5. You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee will also call the relevant Cabinet Member(s) to attend the meeting. Committee members will ask the questions at this meeting.

### **General guidance on requesting your petition be debated**

- 5.6. When determining whether a petition has met or exceeded a threshold set out in this scheme, the Council will only count signatories for which a local connection (i.e. that the signatory either lives, works or studies in Plymouth) can be evidenced from the information supplied. There is a risk that petitions created and/or submitted via third party e-petition websites may not satisfy this criterion so it is strongly recommended that e-petitions are created via the Council's own e-petition facility [\[link\]](#)
- 5.7. Similar petitions: In the event that 2 or more petitions which are substantially the same are received from different petition organisers, the Monitoring Officer may aggregate the number of valid signatures in each petition for the purpose of determining whether the threshold to trigger a Council debate of the matters raised has been reached if that is the wish of the petition organisers.

## **6. PETITIONS ON NON-COUNCIL FUNCTIONS**

- 6.1. If your petition is about something over which the Council has no direct control (for example the local railway or hospital) it is unlikely you will be able to present it to a Council meeting, but we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible may liaise with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.
- 6.2. If your petition is about something that a different authority is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other authority, but could involve other steps. In any event we will notify you of the action we have taken.

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# MOTION ON NOTICE



**Date of Council Meeting:** 18 September 2023

**Title of Motion:** Impact of Vaping on Young People

**Motion Narrative and Action Required:**

Vaping has become very popular as an aid to give up smoking but in recent times vaping has become an issue in our schools locally and across the country.

Young people are obtaining vapes and adding additional dangerous chemicals such as Spice and Cannabis, which are sadly sold at pocket money prices and given to young people. This is having a harmful impact on the growing minds of the City's young people.

Because of the new trend to vape, young people are using the habit not to give up smoking but to take up vaping having never smoked and to obtain, what some of them see as a benefit, of an additional drug.

This is having a clear impact in our schools with evidence of unruly behaviour by some students and an impact on young people's learning.

Council resolves:

1. To write to Neil O'Brien MP Minister for Primary Care and Public Health to ask for stricter controls on vape shops and vaping to ensure the same restrictions are applied as with cigarettes, particularly the warnings placed on packaging.
2. To request that the Government ban single use Vapes, that are attractive to young people and lobby our 3 local MPs to take this message to government.
3. To encourage the City Council's Public Protection Department and trading standards to continue to undertake random test purchases across Plymouth, to catch those who do sell to young people under the age of 18 years.
4. To continue to encourage schools to engage with parents to ensure they know the risks that vaping has on young people and the developing mind.
5. To request all education facilities with Plymouth to ban vapes within their premises.

**Proposer Email:** Cllr Mrs Terri Beer

**Seconder Email:** Cllr Patrick Nicholson

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# MOTION ON NOTICE



**Date of Council Meeting:** 18 September 2023

**Title of Motion:** Motor neurone disease (MND)

**Motion Narrative and Action Required:**

In June of this year I was contacted by a St Budeaux resident called Steve Wharton. Steve contacted me through his carer and was hoping I could help him raise awareness of an illness he had been diagnosed with called Motor Neurone Disease. In 2020, shortly after the birth of his second child, Steve started to walk with a limp and experienced weakness in his leg. Just 9 months later Steve was given the devastating news that he had MND. Just 18 months after being given this news Steve was left unable to speak and confined to his bed.

Few diseases are as devastating as Motor Neurone Disease. It is a rapidly progressing disease of the brain and central nervous system, which attacks the nerves that control movement so that muscles no longer work. This leaves people who live with MND trapped in a failing body, unable to move, swallow, and ultimately breathe.

A newer and more recent challenge for people living with MND has been the cost of living crisis. The Motor Neurone Disease Association recently produced a report that states that people living with MND have been disproportionately affected by the cost of living crisis. The many and numerous pieces of assistive equipment that is needed to keep MND sufferers alive are all run by electricity and the recent increases in electricity prices is causing many sufferers to rely on financial support grants. It is believed that families managing advanced MND can spend £800 - £900 a month on electricity for assistive equipment.

Council is therefore requested to;

1. ask the Leader to write to the Minister for Science, Research and Innovation and the Minister for Health and Secondary Care to request increased funding for MND research and to support the raising of awareness for this condition.
2. ask the Leader to write to the Minister for Disabled People, Health and Work to implement more targeted energy support for households affected by MND.
3. to request Plymouth City Council to review its policy regarding how people who are housebound are able to access the council's democratic processes.
4. to make Steve Wharton the Plymouth City Council Champion for those living with MND so he can work with the council to help raise awareness of this condition.

**Proposer:** Cllr Jon Dingle

**Seconder:** Cllr Sally Haydon

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# MOTION ON NOTICE



**Date of Council Meeting:** 18 September 2023

**Title of Motion:** Nursery Provision

**Motion Narrative and Action Required:**

This Council notes the importance of high quality nursery and childcare provision. It is important in terms of our youngest children's social emotional and educational development. Quality early-years provision is key to narrowing the gap in terms of educational and life chances in general.

High quality provision is also particularly important for our children with SEND (special educational needs). Quality early-years provision can help to ensure early support and intervention which is key to helping to ensure the best learning outcomes and social development and independence for these children.

Parents and carers in the workforce have to have confidence that their children are going to have consistent care that is also reliable. Childcare provision is going to be a key factor in terms of our local growth plans. Plymouth is a growing City with ambition and part of that is having a growing workforce of skilled people. Many will be parents and carers and they need to know that their child's care provision is not suddenly likely to close.

The Council also notes that the financial pressures on our nurseries have been increasing. This has become even more apparent with the cost of living crisis and inflation. In this month the average funding rates will increase for the under-fives. However, the Government's own figures show that there is a £1.8bn shortfall in the existing three and four year old offer. So a 6% increase in funding will not come anywhere near to easing the pressures on nurseries.

It is therefore not surprising that nurseries are closing - data from the National Day Nurseries Association shows there has been a 50% increase in the rate of nursery closures. In Eggbuckland ward in Plymouth Alexandra House Day Nursery very recently was nearly forced to close.

In March 2023 the Chancellor announced in his Spring Budget new reforms for childcare extending the childcare offer over a phased period from April 2024 which will include 15 hours for two year olds for eligible working parents. Through to September 2025 when it will include 30 hours free childcare for 9 month olds for eligible working parents. The increased demand for more childcare combined with the fact nurseries are closing means that the current early years policy and provision will not work without significant increased financial resources from Central Government.

This Council asks the Leader to write to the new Parliamentary Under-Secretary of State (Minister for Children, Families and Wellbeing) David Johnston OBE MP to make him aware of the situation and its potential impact on Plymouth Families and Households with children. As well as the impact on our local economy and the economic pressures being placed on nursery providers.

**Proposer:** Cllr Sally Cresswell

**Seconder:** Cllr John Stephens

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# MOTION ON NOTICE



**Date of Council Meeting:** 18 September 2023

**Title of Motion:** Online Meetings

**Motion Narrative and Action Required:**

Plymouth City Council recalls how well it, along with Local Government in general, adapted to online meetings during the COVID19 pandemic. We note the devolved administrations in Scotland and Wales now allow online participation by decision makers at formal meetings and believe this option should be extended to Councils in England.

The benefits of such flexibility include speedy responses to public health challenges, increased attendance by those who can't be present in the meeting room, better work/life balances and less required travelling. This may also widen the field of those willing to put themselves forward to election.

This council agrees to -

1. support the petition launched by the Association of Democratic Services Officers / Lawyers in Local Government with regard to remote and hybrid meetings.
2. to request the Leader write to the Secretary of State for Levelling Up, Housing and Communities calling on the Government to respond to the call for evidence which closed two years ago and change the law to allow councils the flexibility to hold such meetings when they deem appropriate within agreed rules and procedures.

**Proposer:** Cllr Eddie Rennie

**Seconder:** Cllr Bill Stevens

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**MOTION ON NOTICE**

**Date of Council Meeting:** 18 September 2023

**Title of Motion:** The formation of a Strategic Working Group to progress the re-opening of Plymouth Airport

**Motion Narrative and Action Required:**

Following Cabinet's commitment to the Council acquiring the lease of the airport, Plymouth City Council is resolved to take all necessary actions to return aviation to the site and to make substantive progress in this respect before the review of the Local Plan in 2024.

Therefore, Council recommends to Cabinet:-

1. To form a cross-party Strategic Working Group alongside other stakeholders to further the re-opening of the site for aviation.
2. The group will consider the current legal arrangement (in conjunction with Council Officers) to secure the return of the airport to public ownership so flights may be relaunched.

**Proposer:** Cllr Andy Luggar

**Seconder:** Cllr Bill Wakeham

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# MOTION ON NOTICE



**Date of Council Meeting:** 18 September 2023

**Title of Motion:**

Recognizing the Importance of Outdoor Play in Child Development and the Need for a City-Wide Play Strategy

**Motion Narrative and Action Required:**

This Council notes that:

- A central aim of our current Corporate Plan is 'to make Plymouth a great place to grow up and grow old'
- Outdoor play is crucial for children's overall development, fostering physical fitness, cognitive abilities, social skills, and emotional well-being. It promotes creativity, problem-solving, and resilience, while also encouraging a healthy and active lifestyle.
- Plymouth currently benefits from over 125 play parks, which cater to diverse age groups and offer various types of play equipment. These play areas are an essential community asset, contributing to the well-being of children and families across the city.
- There is a need to build upon legacy schemes (Improving Plymouth Play and Improving Outdoor Play Programme) to ensure that we continue to improve and expand outdoor play opportunities for all children in Plymouth.

This Council notes that by adopting a city-wide play strategy:

- Plymouth City Council would reaffirm its commitment to prioritise outdoor play as a key component of child development and well-being. And;
- By demonstrating a comprehensive and well-considered city-wide play strategy, the Council can attract external funding from various sources, maximizing the potential for investment in new and existing play facilities.

Therefore, this Council resolves that a Plymouth-wide play strategy is established and published by the end of January 2024, with this action being included in the work programme of the relevant scrutiny committee.

The strategy should, amongst other aims:

- Reaffirm our commitment to play in the Plymouth;
- Set out our priorities for continuing to improve the quality of current and future play opportunities in Plymouth;
- Highlight the links between play and other local and national policies and strategies for improving outcomes for our children and young people;
- Outline the case to ensure that adequate attention and resources are allocated to maintain and enhance existing play areas while creating new ones where necessary;

- Be informed by children's voices. Their voices, preferences, and ideas are crucial in creating play spaces that truly meet their needs and reflect their aspirations. As such, the strategy should incorporate mechanisms for meaningful engagement with children and their responsible adults, such as consultations, surveys, and involvement in decision-making processes.

**Proposer:** Cllr Lauren McLay

**Seconder:** Cllr Ian Poyser

# MOTION ON NOTICE



**Date of Council Meeting:** 18 September 2023

**Title of Motion:**

Council tax exemption for foster carers

**Motion Narrative and Action Required:**

Council recognises the valuable contribution foster carers make to our city, and the positive family support they offer to our looked after children.

To support those foster carers registered with Plymouth City Council the council resolves to provide a 100% council tax exemption to foster carers, who provide more than 182 days of foster care in the preceding council tax year, as additional support to help with the costs of providing foster care in their home.

**Proposer:** Cllr Charlotte Carlyle

**Seconder:** Cllr Ian Darcy

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