

# Public Document Pack



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(Cabinet)

## **CITY COUNCIL ORDER OF PROCEEDINGS - CIRCULATED AT MEETING**

**DATE: MONDAY 6 DECEMBER 2010**  
**TIME: 2.00 PM**  
**PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)**

### **Members –**

The Lord Mayor, Councillor Mrs Aspinall, Chair  
Deputy Lord Mayor, Councillor Coker, Vice Chair  
Councillors James, K Foster, Mrs Beer, Bowyer, Mrs Bowyer, Brookshaw, Browne, Dann, Mrs Dolan, Drean, Evans, Mrs Foster, Fox, Fry, Gordon, Jordan, King, Martin Leaves, Michael Leaves, Bowie, Lock, Lowry, Dr. Mahony, McDonald, Monahan, Mrs Nelder, Nicholson, Mrs Nicholson, Mrs Pengelly, Rennie, Ricketts, Roberts, Dr. Salter, Smith, Stark, Stevens, Vincent, Mrs Watkins, Wheeler, Wiggins, Wildy, Ball, Berrow, Mrs Bragg, Delbridge, Sam Leaves, Reynolds, Mrs Stephens, Thompson, Tuohy, Murphy, Haydon, Williams and Wright

**BARRY KEEL**  
**CHIEF EXECUTIVE**

**CITY COUNCIL**

**COUNCIL ORDER OF PROCEEDINGS FOR MEETING ON 6 DECEMBER 2010**



**MEETING OF THE CITY COUNCIL  
6 December 2010**

**ORDER OF PROCEEDINGS**

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

Before the start of the meeting, prayers will be said by the Reverend Tim Smith, the Lord Mayor's Chaplain, Vicar of St Jude's Church, Beaumont Road.

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

**FIRE, EMERGENCY & OTHER PROCEDURES**

Would you please note that –

- Toilets are situated at the front of the Council House at the foot of the stairs.
- If the fire alarm sounds, make your way immediately out of the public gallery through the exit at the back (the door through which you entered). For those in the Council Chamber the exit is through the doors at the back of the Chamber and down the stairs to the front of the Council House. The assembly area is to the right as you exit the Council House. For the mobility impaired, the assembly point is directly in front of the Council House car park.
- If you are in need of first aid, please make yourself known to any Council officer and the designated first aiders will be contacted.
- unless the Chair agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used during meetings.
- Smoking is not permitted within the Council House building.

**1 APOLOGIES FOR ABSENCE**

Councillors James, Dr Mahony and Dr Salter.

**2 DECLARATIONS OF INTEREST**

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

Councillors are reminded that interest may be personal or prejudicial, in accordance with the Local Government Code of Conduct, or in accordance with Section 106 of the Local Government Finance Act, 1992.

In declaring a personal interest, councillors are advised that they must also declare the nature of that interest.

**3 MINUTES**

**PAGES 1 – 20**

The Lord Mayor will move that the minutes of the meeting of the Council held on 11 October 2010 are approved.

**4 ANNOUNCEMENTS**

**(a) The Lord Mayor or the Chief Executive**

**The late Councillor David Viney**

A former Lord Mayor, Deputy Lord Mayor and councillor, David Viney died suddenly on 26 November 2010, aged 75, following a heart attack.

David was born in Pontypridd, Wales, and later moved to Tiverton where he met his wife, Pauline. They later moved to Plymouth where David worked for Norwich Union. He was a family man with two sons and three grandsons.

He joined the Council in 1976 as a ward representative for the Dunstone Ward, and remained a councillor with only a two year break, between 1995 and 1997. In July 1995 he was awarded the honour of Honorary Alderman. He was re elected to the Council in 1995 and was Deputy Lord Mayor for 1993/94 and Lord Mayor for 2001/02. David was also a member of the National Joint Council for Manual Workers, working nationally. During his service on the Council he served on most of the Committees. Notably he was chair of the Personnel Committee, Environment Services Committee, Sustainable Communities Overview and Scrutiny Panel, Growth and Prosperity Overview and Scrutiny Panel and Plymouth CityBus. Following the adoption of executive arrangements, he was Portfolio Holder for Transport, Housing and Related Regeneration from 2002 - 2003. David was currently serving on the Health and Adult Social Care Overview and Scrutiny Panel, Devon and Somerset Fire and Rescue Committee, Morley Centre Management Committee and Mount Batten Sailing and Water Sports Centre Board of Directors.

The Council will be asked to stand in silence, for one minute, as a mark of respect.

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

- Devonport Park - Plymouth Environmental Volunteer group of the year runner up cup, Community Project of the Year through the Association of Project Management and the Creating Excellence Award
- Efford Building Communities Initiative - Creating Excellence Award
- Local Authority Building Control, National Building Excellence Awards
- National Leaving Care Awards

*(Note: There is a limit of 3 minutes for each announcement at (b) above)*

**5 QUESTIONS BY THE PUBLIC**

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

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
4 10/11	Mark West	Councillor Michael Leaves	Waste to energy incinerator in the dockyard, North Yard
<p>1. What is the full impact assessment to the local community of the siting of a waste to energy incinerator in the dockyard, North Yard, including social and environmental impact of lorries, fumes, noise and traffic danger?</p> <p>2. How does this positively impact on the drive for 80% recycling of Plymouth Waste?</p>			

**Response to item 1:**

If the North Yard solution is successful, a full environmental impact assessment will be prepared by the contractor and submitted as part of their planning application. This environmental assessment will include an assessment of all the relevant environmental factors including those mentioned and will be a public document.

This document will be fully considered as part of the planning application process by various statutory consultees and organisations involved including the Environment Agency and highway authorities and their responses will be considered along with community views as part of the planning determination.

**Response to item 2:**

The Council's Municipal Waste Management Strategy 2007 - 2030 was adopted in April 2007 following consultation with the community and other interested parties. The Strategy adopted a combined recycling and composting rate of 39% with intermediate targets of 30% by 2010 (already achieved) and 33% by 2015. However, the Council will seek to improve upon these figures where practicable to do so.

The Municipal Waste Management Strategy evaluated a range of possible options for managing the City's Municipal waste. The preferred option was chosen following a series of workshops and consultation exercises. The adopted preferred option includes an Energy from Waste solution for the final treatment of non-recycled waste. This option was shown to increase recycling and composting, reduce the impact on the environment from CO<sup>2</sup> emissions and meet legal requirements to divert biodegradable waste from landfill.

Evidence from other countries in Europe with Energy from Waste facilities indicates that recycling and energy recovery are not mutually exclusive options but are part of a structured approach to managing waste effectively. This is also supported by evidence in this country in areas where modern Energy from Waste facilities exist. The role that energy recovery has to play in the future has already been endorsed by the Coalition Government.

The Council is confident that the Municipal Waste Management Strategy sets out a positive programme which increases recycling, recovers value from non-recycled material and offers a cost effective service to residents of the City.

The Municipal Waste Management Strategy and all the supporting documents are available from the Council's website. Hard copies are available in the libraries and a copy can be supplied on a CD upon request.

The Council has not made a commitment to recycle and compost 80% of Plymouth's waste but would be interested to know the source of this information.

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
5 10/11	Angela Prince	Councillor Monahan	Proposed closure of Welby
<p>How does the Council believe it is supporting and promoting individual choice and control for learning disabled individuals by choosing to ignore the opposition expressed, by a majority of service users and carers, during the public consultation regarding the proposed closure of Welby?</p>			
<p><b>Response:</b></p> <p>There are over 1000 people in the city with learning disabilities supported by the council, of those there are 40 families who use Welby. We acknowledged in the Cabinet report that people wanted Welby to remain open, however people with learning disabilities and some other family carers also wanted more choice and control over the range and availability of short break service provision. We reflected all of these themes in the Cabinet paper.</p> <p>The council through Adult Social Care will work with carers to continue to ensure that their eligible and assessed need for carers support is met.</p>			

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
6 10/11	Mr Sharpe	Councillor Mrs Watkins	Proposed transfer of Downham School Plymstock
<p>Please could it be disclosed if the proposed transfer of Downham School Plymstock to Estover will still go ahead in 2011 and if so when the Downham school site will be declared surplus to requirements.</p>			
<p><b>Response:</b></p> <p>The transfer of Downham to the Tor Bridge site (Estover Campus) is subject to a Cabinet report being presented on 14 December 2010. At present the secondary unit of Downham has been completed but the primary element will not be completed until summer 2012 when the Primary School is opened. It is felt that it is in the best interests of the children, families and the staff at the school to move all concerned together, it is therefore now proposed that this be deferred to September 2012 and this will be subject to authorisation by Cabinet for full consultation.</p> <p>In relation to the site we are awaiting new regulations in the New Year from the Department for Education regarding disposal of sites and declaring land surplus to requirements as indicated in the Schools White Paper 2010 – The Importance of Teaching.</p>			

**ITEMS REFERRED FROM CABINET, OVERVIEW AND SCRUTINY  
MANAGEMENT BOARD AND AUDIT COMMITTEE**

**6 Joint Finance and Performance PAGES 21 - 22**

The Lord Mayor will invite Councillor Bowyer to present the proposal to add two new schemes to the capital programme 2010/11 as contained in recommendation (2) of Cabinet minute 72.

The Lord Mayor will invite the Council to vote on the recommendation to approve that the following new schemes (included in the latest forecast) are added to the programme for 2010/11 -

- (a) Brickfields improved Athletics facilities £0.133m;
- (b) reinstatement of playing fields at Lipson Vale £0.407m.

**7 Medium Term Financial Strategy 2010-2014 PAGES 23 to 56**

The Lord Mayor will invite Councillor Ball (Vice Chair of the Overview and Scrutiny Management Board) (in the absence of Councillor James (Chair)) to present minute 60 of the Overview and Scrutiny Management Board for noting.

The Lord Mayor will then invite Councillor Bowyer to present the Medium Term Financial Strategy 2010/14 for approval (Cabinet minute 73 refers), subject to the amendment of the strategy by the deletion of the words 'awareness sessions at Area Committees' on page 53 of the agenda papers, under 'Consultation', as reported to the Overview and Scrutiny Management Board.

The Lord Mayor will invite the Council to vote on the proposal to adopt the updated Medium Term Financial Strategy, for the period 2010 to 2014, as submitted (with Cabinet's amendment) and amended by the deletion of the words 'awareness sessions at Area Committees' on page 53.

**8 Treasury Management Strategy 2010/11 – Mid Year Review PAGES 57 to 134**

The Lord Mayor will invite Councillor Berrow (Chair of the Audit Committee), to present the report on the Treasury Management Strategy 2010/11 for noting, in accordance with Treasury Management Practice note 6 (Audit Committee minute 52 refers).

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



**9 Three Year Review of Licensing Act 2003 Statement PAGES 135 to 238  
of Licensing Policy, including Cumulative Impact Policy**

The Lord Mayor will invite Councillor Michael Leaves, to present the draft Statement of Licensing Policy (Cabinet minute 74 refers) for approval and apply the Special Policy on Cumulative Impact to Union Street (including Derry's Cross), the Barbican, North Hill, Mutley Plain and Stoke Village.

The Lord Mayor will invite the Council to vote on the proposals to adopt the draft Statement of Licensing Policy and apply the Special Policy on Cumulative Impact to Union Street (including Derry's Cross), the Barbican, North Hill, Mutley Plain and Stoke Village.

**10 MOTIONS ON NOTICE**

There are no motions on notice.

**TO CONSIDER ANY OTHER BUSINESS SPECIFIED IN THE SUMMONS  
TO THE MEETING, OR MATTERS TAKEN AS A MATTER OF URGENCY**

**11 Changes to Executive Arrangements PAGES 239 – 246  
AND SUPPLEMENT**

The Lord Mayor will invite the Assistant Director for Democracy and Governance to present the reports and recommendations on Changes to Executive Arrangements. Councillor Mrs Pengelly will be invited to move the recommendations for approval.

The Lord Mayor will invite the Council to vote on the proposals to approve -

1. That the Council adopts the Leader and Cabinet model of governance as set out in Local Government Act 2000 (as amended).

2. That the Council do not undertake a referendum on the adoption of those arrangements.

3. That the Council instructs the Monitoring Officer to draw up the proposed changes to the Constitution, the timetable for implementation and any transitional arrangements to give effect to the above decisions. Further, once those proposals have been drawn up, to make them available to the public and advertise that they are available.

**12 Appointment to Committees, Outside Bodies etc****PAGES 247 - 248**

	<b>Organisation</b>	<b>No. of Members</b>	<b>Appointments / Nominations</b>
1	Neighbourhood Board for Devonport	Two councillors – one vacancy	Councillor Mrs Dolan
2	Plymouth Charity Trust	Four representatives – one vacancy	Chris Robinson
3	Plymouth Foyer / Devon and Cornwall Housing Association	One councillor (Councillor Mrs Stephens) on the Plymouth Foyer Advisory Board and two councillors (Councillors Delbridge and Lock) on the Devon and Cornwall Housing Association	No action and therefore no change to representation.
4	Devon and Severn Inshore Fisheries and Conservation Authority – Shadow Authority	Request for the appointment of a substitute councillor (in the absence of Councillor Delbridge)	Councillor Mrs Bowyer (substitute)

In addition to those indicated on the report in the Council agenda, the following change of membership is proposed -

A	Tamar Estuaries Consultative Forum	Two councillors: Councillors Delbridge and Mrs Dolan	Councillor Mrs Nicholson to replace Councillor Delbridge
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B	Devon and Somerset Fire and Rescue Authority	Three Conservative councillors: Councillors Martin Leaves and Mrs Nicholson – one vacancy One Labour councillor: Councillor Gordon	Councillor Drean
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C To report the following vacancies -

- Health and Adult Social Care Overview and Scrutiny Panel (the Assistant Director for Democracy and Governance will be notified of the change of panel membership);
- Morley Centre Management Committee;
- Mount Batten Sailing Water Sports Centre – Board of Directors.

The proposal is to defer the vacancies on the above outside bodies to the next meeting of the City Council.

(5) To note that the following changes of Committee membership have been notified to the Monitoring Officer -

	<b>Committee</b>	<b>Change of Membership</b>
B	Overview and Scrutiny Management Board – nominated substitutes	Councillor Gordon has replaced Councillor Coker (Health and Adult Social Care OSP). Councillor Coker has replaced Councillor McDonald (Customer and Communities OSP). Councillor Lock has replaced Councillor Thompson (Support Services OSP)
C	Corporate Parenting Group  Six Conservative places: Councillors Mrs Bowyer, Delbridge, Fox, Roberts, Stark, Mrs Stephens  Agreed by the Corporate Parenting Group that Councillor Mrs Watkins should be a member of the Group. Therefore, to preserve the political proportionality, one Conservative group member is asked to stand down.	Councillor Mrs Watkins to replace Councillor Fox

### **QUESTIONS BY MEMBERS**

#### **13 General Questions**

Questions to the Leader, Cabinet Members and Committee Chairs covering aspects for their areas of responsibility or concern by councillors in accordance with paragraph 12 of the Constitution on the basis of 1 minute for the question and 2 minutes for the reply. The same for supplementary questions.

*(Note: There is a 30 minute time limit on this item)*

#### **14 Forward Plan**

**PAGES 249 - 274**

Councillor Mrs Pengelly will introduce the Forward Plan.

*(Note: There is a 5 minute time limit on this introduction)*

Councillors may ask questions specific to the Forward Plan of the Leader / Cabinet Members on the basis of 1 minute for the question and 2 minutes for the reply. There are no supplementary questions.

*(Note: There is a 15 minute time limit on these questions)*

**CITY OF PLYMOUTH**

**Subject:** Changes in Executive Arrangements  
**Committee:** Council  
**Date:** 6 December 2010  
**Cabinet Member:** Council Leader  
**CMT Member:** Director for Corporate Support / Monitoring Officer  
**Author:** Tim Howes, Assistant Director for Democracy and Governance and Monitoring Officer  
**Contact:** Tel. 01752 305403  
e-mail: tim.howes@plymouth.gov.uk  
**Ref:** TH  
**Part:** 1

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**Executive Summary:**

The main report sets out the framework for decision making following the consultation into the required changes to the Council's executive arrangements resulting from the Local Government and Public Involvement in Health Act 2007. The main report only included information which was available at the date of writing the report. The results of the consultation and the consequent formal recommendation, are set out in this supplementary report.

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**Corporate Plan 2010 – 2013 as amended by the four new priorities for the City and Council:**

See main report

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**Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

See main report

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**Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.**

See main report

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**Recommendations & Reasons for recommended action:**

Obviously it is a matter for the Council to determine what is proposed however on balance the following recommendations may be something that Council may wish to consider.

It is recommended:

1. That the Council adopts the Leader and Cabinet model of governance as set out in the Local Government Act 2000 (as amended).
2. That the Council do not undertake a referendum on the adoption of those arrangements.
3. That the Council instructs the Monitoring Officer to draw up the proposed changes to the Constitution, the timetable for implementation and any transitional arrangements to give effect to the above decisions. Further, once those proposals have been drawn up, to make them available to the public and advertise that they are available.

The reason for this recommendation is that taking into account the consultation results, the Council's recent performance, costs and likely future options for changes to executive arrangements and other matters, this model would be most likely to assist in securing continuous improvement in the way the Council's functions are exercised giving regard to economy, efficiency and effectiveness.

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**Alternative options considered and reasons for recommended action:**

The alternative options are set out in the body of the main report.

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**Background papers:**

The legislative requirements (forming the background to this report) are set out in the main report.

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**Sign off:**

Fin	DJN 101 1.01 0	Leg	103 20/ DVs .	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member : Tim Howes											

1. Consultation

- 1.1. The Council was obliged to take reasonable steps to consult the local government electors for, and other interested persons in, the authority's area. There is no prescription on what form that consultation should take.
- 1.2 In October 2010 the Council agreed to consult on proposals for these new executive arrangements. The preferred option to put out for consultation was the Leader and Cabinet model. In advance of the Council meeting, the Herald had already reported on the recommendations from Cabinet and therefore brought the matter effectively into the public domain. This avoided the need for a separate public advertisement. The publication and consultation that has been undertaken is:
- Public reports to both Cabinet and Council
  - Issuing of press releases regarding proposals to the local media on the 1<sup>st</sup> and 12<sup>th</sup> October 2010
  - Publishing the proposals on the Council's web-site with a "news story" on the 12<sup>th</sup> October with a link through to the survey.
  - Providing information for articles in the Herald and other media
  - An on-line consultation process
  - Direct consultation with members of the Plymouth 2020 Executive
- 1.3. As stated, a public consultation process was set up on the Council's web-site. Unfortunately, the link to the consultation portal was lost during part of the consultation period. The link was re-established on the 15<sup>th</sup> November and the consultation process extended to the 5<sup>th</sup> December. The Herald and other media raised the profile of this public consultation resulting in increased interest in the matter.
- 1.4. In the absence of web-consultation, the public have of course been able to contact the council direct on the matter by e-mail and post.
- 1.5. The results of the public consultation (on-line, by e-mail and post) are that there were 347 responses with 72% in favour of a directly elected Mayor and Cabinet, and 28% in favour of a Strong Leader and Cabinet.
- 1.6. Set out in appendix A, is a summary of the comments made by consultees.

## Appendix A

<b>Strong Leader</b>
Mayoral systems do not work and are too expensive
Current model has served City well under Labour and Conservative administrations
We need strong leadership and not conflict between a Mayor and cabinet
The set-up and on-going costs of a Mayor are not justified
The strong leader and cabinet model is cheaper and avoids confusion with Mayor/Lord Mayor
Mayoral systems are too expensive
The leader can be removed, but the Mayor cannot
Mayor model too expensive in the present climate
Mayors are an old-style management/governance model.
May be conflict between Mayor and majority party on the Council
Mayor would most likely be business person with own agenda
Elected Mayors have not been the success that people think.
Council's preference is the least costly, and is most democratic and accountable option
A Mayoral election would be a waste of cost and time, the present system could be improved
The current arrangements work well and the tradition of Lord Mayor should not be lost
Mayoral systems have failed elsewhere in the country
I do not like the idea that an elected Mayor cannot be removed for four years – especially if they are doing a bad job
An elected Mayor could have other interests that do not have the benefits of Plymouth people in mind
Elected Councillors can be removed more easily and are more accountable to the electorate
Possible unsuitable selections for Mayor based on celebrity
Mayoral model would lead to more bureaucracy and two visions for the City
We have already rejected the Mayoral model once, there should be no change without a new referendum
One person should not hold all the power – a career politician only interested in themselves
With a good cabinet and strong leader, decisions are likely to be more sensible
We need egos to be kept in check
More transparency in cabinet, decision making and appointments would give the public more confidence
Cost of Mayor would increase Council Tax and cutting services to pay for this extravagance
Why should we pay for another politician?
If Councillors can't do their job they should be sacked
Mayor would have dictatorial powers and be answerable to no one except every 4 years.
<b>Mayor</b>
A directly elected Mayor is more democratic
The residents would elect the Leader rather than a political party
The City needs someone strong, impartial and politically unchained
This system has worked well elsewhere like Torbay, London, Middlesborough and other cities (including in California).
A Mayor has no "baggage".

A Mayor is responsible to the people a Leader is responsible to the party.
It would stop political bickering and have one honest statement
People should have a "direct" say
It would bring an independence to the authority
Leader and executive are not accountable to the electorate
The Leader and party can hold power indefinitely
This would give the City a real choice and allow the leader to be a suitable person
This would avoid the need for an unelected Chief Executive and top level of management
The Mayor would put the City's interests first and not be dragged down by petty party politics
A Mayor will be able to remain focused and drive a single-vision
One person for the voice of the city
The position of Mayor would offer a fresh start and attract a new type of individual with charisma and talent
An elected Mayor would be easier to remove
The present 3-party in-fighting has made the present system untenable
The Mayor can pick a Cabinet from all the parties' not just one.
It concentrates power in executive hands and avoids party and locality conflicts undertaken at the expense of the City.
This new and vibrant model may re-energise people and increase engagement in local democracy
This would bring "fresh blood" and a new perspective
Political parties have failed to engage local voters resulting in low turnout
A Mayor that is elected can keep on winning if they deliver for the people of Plymouth
I think that this model has worked well in other cities and should help drive regeneration and improvement of the city
We need a strong business approach to running the city
More accountability with the electorate able to vote on a proper mandate
Present system has petty arguments and empire building
A Mayor would have to accept responsibility for the outcome of their decisions
Install someone with knowledge and ability to move us from being a provincial backwater
Would like to see someone more accountable
We need an experienced and successful business person to run the city in the same way
Current system of governance and decision making is obviously not working
Current arrangement is unresponsive, relatively anonymous and unaccountable
Leader is elected by local ward, but influence and decisions affect us all
Elected Mayors are incredibly effective, much more independent in terms of scope
Directly voting in the person to lead us is a fantastic chance for democracy in the city
Mayor embodies the place and gives it a face and be a champion
I want to have a say as to who leads my city
An opportunity to inject gravitas, personality and perhaps stability into strategic development of city
Since the national coalition, good to expand cooperative working to local government
We are too entrenched in party politics, need clear vision of thought and action from a Mayor
Mayor selected on passion and love of city with less political bias than a party leader
Better opportunity to drive through difficult issues which may be fudged by party pressure on leader