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BEST ACHIEVING
COUNCIL OF THE YEAR



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Date

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CITY COUNCIL

ORDER OF PROCEEDINGS

Date: Monday 20 June 2011

Time: 2.00 pm

Venue: COUNCIL HOUSE, PLYMOUTH (next to the Civic Centre)

Members:

Councillor Brookshaw, Chair

Councillor Delbridge, Vice Chair

Councillors Mrs Aspinall, Ball, Mrs Beer, Berrow, Bowie, Bowyer, Mrs Bowyer, Mrs Bragg, Browne, Casey, Churchill, Coker, Davey, Mrs Dolan, Drean, Evans, K Foster, Mrs Foster, Fry, Gordon, Haydon, James, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lock, Lowry, Dr. Mahony, McDonald, Monahan, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Penberthy, Mrs Pengelly, Rennie, Reynolds, Ricketts, Dr. Salter, Singh, John Smith, Peter Smith, Stark, Stevens, Thompson, Tuffin, Tuohy, Vincent, Wheeler, Wiggins, Wildy, Williams and Wright.

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

Members and officers are requested to sign the attendance list at the meeting.

Please note that unless the chair of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in meetings.

Barry Keel
Chief Executive

CITY COUNCIL

ORDER OF PROCEEDINGS 20.6.11

AGENDA

PART I – PUBLIC MEETING

CITY COUNCIL MEETING ORDER OF PROCEEDINGS

20 June 2011



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

Before the start of the meeting and in the absence of the Lord Mayor's Chaplain, Reverend Karl Freeman, prayers will be said by the Reverend Steve Nichols, Curate of St Andrew's Church.

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

FIRE, EMERGENCY & 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

Councillors Ball, Mrs Bragg, James and Rennie.

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 an 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 meetings of the Council held on 11 April and 20 May 2011 are approved.

4 ANNOUNCEMENTS

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

Lord Mayor:

- **New Councillors:**

The Lord Mayor will welcome Councillors Casey, Churchill, Davey, Penberthy, Singh, John Smith and Tuffin to this, their first meeting of the City Council in the Council Chamber.

- **Queen's Birthday Honours List**

The Lord Mayor will congratulate the Plymouth people named in the Queen's Birthday Honours.

- **Order of agenda items**

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

(Note: There is a limit of three 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.

There are two questions for today's meeting.

Question No	Question By	Cabinet Member	Subject
1 (11/12)	Mr F Sharpe	Councillor Jordan	Plymstock Swimming Pool
As there is no sign of any 106 funding from the proposed Sherford Development now and for the foreseeable future for a Plymstock Swimming Pool please can residents of the two Plymstock wards have an update regarding a site and a Swimming Pool?			
Response: The City Council's position on this remains that a swimming pool to serve the Plymstock area will be provided by the developer as and when the development proceeds on the Sherford site.			

Question No	Question By	Cabinet Member	Subject
2 (11/12)	Mr B Else	Councillor Fry	Planning consent for caravans at The Ride
<p>PCC contravenes planning consent, allowing more than 13 caravans on The Ride. These pitches are designed for 1 caravan.</p> <p>Compliance would mean no overspill of vehicles and materials, no need to provide additional site parking as proposed in 'The Saltram Master Plan'.</p> <p>Will PCC enforce planning consent?</p>			
<p>Response:</p> <p>Planning permission was granted in 2001 (01/00200) for a Gypsy site at the Ride allowing 13 caravans/mobile homes to be stationed there (additional touring caravans would not be in conflict with this). Unauthorised encampments in the vicinity are dealt with through our normal enforcement procedures, leading to eviction.</p> <p>Parking next to the Ride, which may occur from time to time (not necessarily connected with the Gypsy site) would not be a planning matter in itself. Within the Saltram Countryside Park Masterplan the 'Ride' is detailed as a key project. This identifies a number of improvements including re-routing the footpath along the edge of the estuary, new and improved car parking opposite the waste site and a new landscaped area that includes natural play features and a small catering facility.</p> <p>The proposed re-routing of the footpath / road by the Gypsy site and associated landscaping would provide extra space adjacent to the site. We included this in the illustrative design shown within the Masterplan because discussions with a number of parties indicated that extra space would alleviate some of the existing issues. This, as with all the projects, is however subject to a full technical assessment, consents and funding. 96% of respondents to the Masterplan consultation supported the 'Ride' project.</p>			

6 TO DEAL WITH ANY BUSINESS FROM THE LAST COUNCIL MEETING, IF ANY.

There are no items of business outstanding.

**ITEMS REFERRED FROM CABINET, OVERVIEW AND SCRUTINY
MANAGEMENT BOARD AND OTHER COMMITTEES**

7 Transfer of SWRDA Property Assets PAGES 21 – 26

Subject to the outcome of a proposal to change the order of the agenda (item 4 refers), this item may be moved to the end of Part I.

The Lord Mayor will invite Councillor Fry (Deputy Leader) to propose an amendment to the capital programme for the transfer of SWRDA assets. (Cabinet minute 6 refers). Background, confidential information detailed at item 17 (Part II) also refers.

The Lord Mayor will invite the Council to vote on the recommendation to amend the capital programme, as required, arising from the acquisition of the proposed Plymouth Asset Package from the SWRDA.

8 Acquisition of Derriford Business Park PAGES 27 – 32

Subject to the outcome of a proposal to change the order of the agenda (item 4 refers), this item may be moved to the end of Part I.

The Lord Mayor will invite Councillor Fry (Deputy Leader) to propose necessary amendments to the capital programme to allow the acquisition of Derriford Business Park. (Cabinet minute 7 refers). Background, confidential information detailed at item 17 (Part II) also refers.

The Lord Mayor will invite the Council to vote on the recommendation to amend the capital programme to allow the acquisition of Derriford Business Park.

9 Medium Term Financial Strategy 2011 - 2015 PAGES 33 – 66

The Lord Mayor will invite Councillor Bowyer (Cabinet Member for Finance, Property and People) to present the Medium Term Financial Strategy 2011 - 2015 for adoption (Cabinet minute 9 refers).

The Lord Mayor will invite the Council to vote on the recommendation to adopt the Medium Term Financial Strategy 2011-2015.

10 Amendments to the Capital Programme PAGES 67 – 70

The Lord Mayor will invite Councillor Bowyer (Cabinet Member for Finance, Property and People) to present the amendments to the capital programme for approval. (Cabinet minute 8 refers).

The Lord Mayor will invite the Council to vote on the recommendation to approve the five year capital programme, amended for new approvals, shown below –

	2011/12	2012/13	2013/14	2014/15	Total
	£000	£000	£000	£000	£000
Capital Budget Approved at Full Council Feb 2011	85,201	18,488	5,660	5,829	115,178
Additional Schemes Approved at Full Council April 2011	4,174	1,114	677	337	6,302
Capital Budget Approved at Full Council April 2011	89,375	19,602	6,337	6,166	121,480
	0	0	0	0	
Impact of Closedown 2010/11 – Year End Reprofiling	8,841	0	0	0	8,841
Changes to Variations, Virements and Reprofiling (see appendix G)	(2502)	2,345	448	0	291
New Approvals (see below)	1,597	0	1,021	0	2,618
	0	0	0	0	
Revised Capital MTFF to be Approved	97,311	21,947	7,806	6,166	133,230

New Scheme	£000
<u>Public Transport initiative 1</u> - Local Road Network, Park and Ride & Parking asset management. This project will be financed from the enforcement of the chattels Mortgage from the original Dft grant conditions (relating to the purchase of 6 buses for the George Junction Park and Ride), which required First to pay this sum if retaining the buses	200
<u>Public Transport initiative 2</u> - Management of the interface between Plymouth's local and strategic road network. This project will be financed from the enforcement of the chattels Mortgage from the original Dft grant conditions (relating to the purchase of 6 buses for the George Junction Park and Ride), which required First Bus Company to repay this sum if retaining the buses	461
<u>Horsham & Staddiscombe Sports Improvements</u> - Fully S106 funded. PCC Land. Works involve improving playing pitches and extending car parks	130
<u>Transport Minor Infrastructure Works</u> – These projects will be funded from S106 monies.	88
<u>Children's Basic Need</u> – Additional S106 funding	535
<u>Children's Basic Need</u> – Phase 1 year 3 projects	1,021
<u>Stoke Damerel</u> - Changing Rooms & Car Park	91
<u>Ford Primary</u> – Works to classrooms & hall	32
<u>Stuart Road</u> – Fire Escape Works	60
Total New Schemes for Approval	2,618

II MOTIONS ON NOTICE

There are three motions on notice.

- (a) **Motion on Notice No 1 (11/12)** **PAGE 3 of the first supplement**

INCAPACITY BENEFIT

Casework has revealed that Incapacity Benefit claimants are having benefit withdrawn, with immediate effect, by letter, which then invites them for an interview to review their eligibility, often three or four weeks later.

Council is concerned about the effect on claimants and especially on claimants with mental health incapacity. Anecdotal evidence suggests that when these interviews occur, claimants with mental health issues are being asked inappropriate questions.

Council asks the portfolio holder to conduct an immediate study of the scope and nature of this issue, to assess its implications on claimants, the Council and other provider partners and report to the Cabinet within the month.

Proposed by Councillor Mrs Aspinall
Seconded by Councillor Evans

- (b) **Motion on Notice No 2 (11/12)** **PAGE 5 of the first supplement**

CARE OF VULNERABLE ADULTS

Key City Council and Local Strategic Priorities for Plymouth are 'Reducing Inequalities' and 'Value for Communities'.

1. The Council notes the current financial difficulties in parts of the private care sector and recent criticism by 'The Health Service Journal' of the effectiveness of the Care Quality Commission, which has led to concern expressed by Government, with the result that guidelines are awaited on the setting up of local Safeguarding Boards for Vulnerable Adults.
2. Council therefore calls, in the meantime, upon the Cabinet Member for Health and Social Care (Councillor Grant Monahan) to take urgent action, via risk assessments, on the residential care sector within the City that care for residents funded by the City Council, so that Council can be reassured that standards of care are satisfactory.

Proposed by Councillor McDonald
Seconded by Councillor Evans

- (c) **Motion on Notice No 3 (11/12)** **PAGE 7 of the first supplement**

TRAFFIC MANAGEMENT

1. Council notes the traffic muddle within the Barbican and surrounding roads in the city as a result of necessary work to gas pipelines.
2. Council calls upon the portfolio holder for transport to reaffirm the overarching role of the Council, as Highway Authority, in reducing traffic muddle.

Proposed by Councillor McDonald
Seconded by Councillor Evans

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

12 Council's Constitution

PAGES 72 – 268 and PAGES 1 – 17 of the second supplement

The Lord Mayor will invite the Assistant Director for Democracy and Governance to present his written report on the Revised Council's Constitution and will seek a proposal from the Council.

The Lord Mayor will invite the Council to vote on the proposal in the written report (if moved and seconded) to –

- (1) Adopt the Constitution and its associated documents as attached;
- (2) Designate the following:
 - (a) The Head of Policy, Performance and Partnerships as the Council's Scrutiny Officer;
 - (b) The Assistant Director for Democracy and Governance as the Council's proper officer for the registration service;
- (3) Consider the current prescription regarding the chairs and vice-chairs of scrutiny panels, whether these should be amended, and resolve accordingly.
- (4) Note the Leader's scheme of delegation for executive functions 2011/12.

13 Appointment to Committees, Outside Bodies etc

PAGES 269-270

The City Council is asked to note that the following changes of Committee membership, have been notified to the Monitoring Officer -

	Committee	Change of Membership
1.	Licensing Committee (Miscellaneous)	Councillor McDonald has replaced Councillor Murphy
2.	Overview and Scrutiny Management Board	Councillor Reynolds has replaced Councillor Lock as a substitute member
3.	Support Services Overview and Scrutiny Panel	Councillor Stevens has replaced Councillor Tuffin
4.	Mount Edgcumbe Joint Committee	Councillors Wendy Foster and Browne have been appointed. Second Conservative substitute member is Councillor Lynda Bowyer
5.	SACRE	Councillor Mrs Aspinall has replaced Councillor Tuohy

The City Council is asked to consider the following appointments –

	Organisation	No. of Councillors	Term of Office	Appointments /Nominations 2010	Appointments /Nominations 2011
1.	Devonport Community Lands Trust	One councillor	Continuing membership until such time as the Member resigns or is replaced by Council	Cllr Mrs Dolan	Cllr Mrs Dolan Cllr Stevens
2.	Estover/Leigham/Mainstone Management Committee	One councillor	Annual appointment	Cllr Delbridge	Cllr Delbridge Cllr Wright
3.	Plymouth Foyer	One representative	Continuing membership until such time as the Member resigns or is replaced by Council	One vacancy	Tam McPherson Cllr Tuffin
4.	South West Councils (formerly SW Provincial Councils SWLGA)	One councillor (normally the Leader)	Continuing membership until such time as the Member resigns or is replaced by Council	Cllr Bowyer Cllr Wright	Continuing membership until such time as the Member resigns or is replaced by Council

QUESTIONS BY MEMBERS

14 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 one minute for the question and two minutes for the reply. The same for supplementary questions.

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

15 Forward Plan

PAGES 271 to 287

Councillor Mrs Pengelly will introduce the Forward Plan.

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

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

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

16 EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II PRIVATE MEETING

- 17 TRANSFER OF SWRDA PROPERTY ASSETS (E3) PAGES 9 to 21 of the first supplement**

Background information to agenda item 7 (pages 21 to 26 refer).

- 18 ACQUISITION OF DERRIFORD BUSINESS PARK (E3) PAGES 23 – 29 of the first supplement**

Background information to agenda item 8 (pages 27 to 32) .