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**BEST ACHIEVING**  
COUNCIL OF THE YEAR



**Barry Keel**  
Chief Executive

Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA

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

Date 10 October 2011

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## **CITY COUNCIL**

### **ORDER OF PROCEEDINGS**

**Date:** Monday 10 October 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.

**Barry Keel**  
Chief Executive

# **CITY COUNCIL**

**ORDER OF PROCEEDINGS CITY COUNCIL 10.10.11**

**AGENDA**

**PART I – PUBLIC MEETING**

# **CITY COUNCIL MEETING ORDER OF PROCEEDINGS**

10 October 2011



**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, Vicar of St Jude's Church, Beaumont Road. The Lord Mayor's Chaplain, Reverend Karl Freeman, Vicar of Emmanuel Church is unable to attend the meeting today.

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 AND OTHER PROCEDURES**

Would you please note that –

- Toilets are situated at the front of the Council House at the foot of the stairs.
- If the fire alarm sounds, make your way immediately out of the public gallery through the exit at the back (the door through which you entered). For those in the Council Chamber the exit is through the doors at the back of the Chamber and down the stairs to the front of the Council House. The assembly area is to the right as you exit the Council House. For the mobility impaired, the assembly point is directly in front of the Council House car park.
- If you are in need of first aid, please make yourself known to any Council officer and the designated first aiders will be contacted.
- 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 Browne and Davey.

**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 meeting of the Council held on 25 July 2011 are approved.

**4 ANNOUNCEMENTS**

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

- Deaths of servicemen from the 1<sup>st</sup> Battalion The Rifles and 42 Commando

**(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.

| <b>Question No</b>   | <b>Question By</b> | <b>Chair of the</b> | <b>Subject</b>                         |
|--|--------------------|---------------------|--|
| 4 (11/12)  | Mr R Keats         | Planning Committee  | Planning Committee on 22 December 2011 |
| Will the Chair accept that the 22 December is a totally unreasonable date on which to consider the Waste to Energy Application and will he promise to choose an alternative. |                    |                     |  |

**Response:**

Full Council agree the schedule of Planning Committee meetings for the year ahead. As Chair of the Planning Committee it is my responsibility, taking account of advice I receive from officers, to set the dates for any additional committee dates needed so that we can deal with the planning applications made to the Local Planning Authority in an efficient and effective manner – and our reputation for so doing is well known.

I have previously stated that the date is not set in tablets of stone and depends on the applicant submitting more information in relation to the Regulation 19 letter - which they have done. The adequacy of their response is currently being considered by the public, by consultees and by our planning officers.

cont'd.....

In considering an appropriate date I am also aware that the Highways Agency have imposed an Article 14 Direction which effectively prevents a decision being made by the Planning Committee before 20<sup>th</sup> December 2011 – and this Direction has still not been withdrawn.

Finally, it depends on our planning officers being given an opportunity to try to negotiate a suitable and adequate Section 106 package that enhances any likely benefits and mitigates the likely impacts of the proposed development, in the community interest. This has to be undertaken prior to any officer recommendation being made to the Planning Committee.

I am receiving regular progress reports on all these matters. I will keep this issue under review during October and November to see whether the planning application is ready to be presented to the Planning Committee in December as our planning officers go through their process of assessing all aspects of the application including the views expressed by local people.

However, I must point out that the 22<sup>nd</sup> December 2011 is a normal working day and there is no reason why the Planning Committee should not meet on a normal working day.

| <b>Question No</b>  | <b>Question By</b> | <b>Chair of the</b> | <b>Subject</b>   |
|---|--------------------|---------------------|--|
| 5 (11/12)   | Mr D Lloyd         | Planning Committee  | Public consultation on the Waste to Energy application |
| Does the Chair of the Planning Committee agree with most people in Plymouth that the public consultation on the Waste to Energy Application has been totally inadequate and what action will he take to remedy this.  |                    |                     |  |
| <b>Response:</b>  |                    |                     |  |
| I am aware that the applicant has made extensive efforts to organise community events, meetings and exhibitions as well as developing a detailed web site in order to ensure that the community are aware of the application and have the opportunity to comment upon it. |                    |                     |  |
| cont'd....  |                    |                     |  |

The initial assessment of our planning officers is that the application has been made in a manner that is consistent with our Statement of Community Involvement. This process is continuing as public notice has recently been given about the receipt of additional information and local people, including those who have already made representations, have been invited to consider the information and whether their concerns have now been adequately addressed.

As Local Planning Authority we have also made extensive efforts to publicise the planning application and encourage local people and other stakeholders to make comments upon it.

I therefore do not consider that the consultation on the application has been inadequate.

## **TO DETERMINE RECOMMENDATIONS FROM CABINET AND THE OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

### **6 Capital Programme Approvals**

**PAGES 21 – 28**

The Lord Mayor will invite Councillor Bowyer (Cabinet Member for Finance, Property and People) to propose the new capital schemes for investment (Cabinet minutes 35a, 38, 40 (of the Cabinet meeting held on 23 August 2011) and 53, 54 and 59 (of the Cabinet meeting on 13 September 2011) refer).

The Lord Mayor will invite the Council to vote on the recommendations –

- (1) to approve the new capital schemes for investment as detailed in the written report, amounting to £3.351m additional capital spend for 2011/12 (as set out on page 22 of the agenda papers);
- (2) that officers report back to Cabinet and the City Council on the current most efficient method of funding the five year capital programme based on existing spending plans.

### **7 Revocation and replacement of bylaw to provide possibility of allowing cycling in parks and recreation grounds where stated**

**PAGES 29 - 38**

The Lord Mayor will invite Councillor Wigens (Cabinet Member for Transport) to propose the revocation and replacement of a bylaw to provide for the possibility of allowing cycling in parks and recreation grounds, where stated. (Cabinet minute 41 refers).

The Lord Mayor will invite the Council to vote on the recommendation to revoke and replace the bylaws which apply to the parks in Schedules 1 and 2 in Annex 1 to the written report, with an amended version whose wording opens up the possibility of permitting safe and considerate cycling where it is deemed appropriate following consultation with the relevant Council departments, Ward members and user groups.

The wording for both bylaws will be slightly amended to read as follows –

"Providing that the Council indicates that cycling is permitted where indicated in the park by means of a notice, surface markings, direction sign for cycles or "cycling permitted" sign,

then this bylaw shall not be deemed to prohibit the riding of cycles in a manner which is judged not to endanger or cause a nuisance to other park users."

**8 Recommendations (if any) from the Cabinet meeting on 10 October 2011**

**SECOND SUPPLEMENT**

• **Plymouth Argyle Football Club**

The Lord Mayor will invite the Leader (Councillor Mrs Pengelly) to propose the Cabinet recommendation suggesting that Council agree that an Extraordinary General Meeting of the City Council is called on 18 October 2011, to start at 4pm, to consider the possibility of the purchase of the freehold of Home Park by the Council on a commercial basis (Cabinet minute 62 a) refers).

The Lord Mayor will invite the Council to vote on the proposal for an Extraordinary Meeting of the City Council to be held on 18 October 2011, starting at 4pm, to consider the possibility of the purchase of the freehold of Home Park, to enable completion of the purchase without further delay.

• **Services for Children and Young People Basic Need Programme**

The Lord Mayor will invite Councillor Sam Leaves (Cabinet Member for Children and Young People) to propose the amendments to the capital programme relating to the expansion of five primary schools and the inclusion of condition allocations for general condition in schools and Boringdon Primary Schools. (Cabinet minute 63 a) refers).

The Lord Mayor will invite the Council to vote on the recommendations to amend the capital programme to include –

- (1) the overall allocation of £6.82m as follows -

| <b>Name of School</b>                           | <b>Phase 1 Cost/£M</b> | <b>Phase 2 Cost/£M</b> |
|---|------------------------|------------------------|
| Holy Cross Catholic (Community) Primary School  | £0.80                  | £0.80                  |
| Salisbury Road (Community) Primary School       | £1.59                  |                        |
| Stoke Damerel (Community) Primary School        | £1.98                  |                        |
| St Joseph's Catholic (Community) Primary School | £0.64                  | £0.85                  |
| St Peter's C of E (Community) Primary School    | £0.16                  |                        |
| <b>Total</b>                                    | <b>5.17</b>            | <b>1.65</b>            |
| <b>Grand Total of £6.82m</b>                    |                        |                        |

- (2) the condition allocations of £500k for general condition works in schools and of £1.5m (spread over three years starting 2011/12) for the replacement of temporary accommodation at Boringdon Primary School.

**9 Localities and Neighbourhood Working Review**

**PAGES 39 - 66**

The Lord Mayor will invite Councillor Jordan (Cabinet Member for Community Services (Safer and Stronger Communities and Leisure, Sport and Culture)) to propose the recommendations from Localities and Neighbourhood Working Review. (Cabinet minute 50a refers).

The Lord Mayor will invite the Council to vote on the recommendations to -



- (1) discontinue Locality Teams, set up as part of Locality and Neighbourhood Working arrangements in February 2010 and rescind the lead ward councillor decision. A member of the Council's Senior Management Team (SMT) should be nominated for each ward within the city, with designated duties with respect to support for ward councillors and neighbourhood working, subject to the SMT Members' role being to support and guide Neighbourhood Liaison Officers and not overlap their role (scrutiny recommendation 2);
- (2) commend revised arrangements to Plymouth 2020 partnership and, subject to agreement, to publicise to and brief relevant stakeholders from all agencies and residents (scrutiny recommendation 6);
- (3) subject to Health and Wellbeing Board arrangements being confirmed, the Shadow Health and Wellbeing Board takes responsibility for ensuring that neighbourhood level interaction takes place with key health agencies (scrutiny recommendation 9);
- (4) plans are put in place to adopt the proposed boundary changes set out in the overview report (Appendix A and Figure 1 in the officer's report refers) (scrutiny recommendation 10);
- (5) the Constitution is updated to reflect revised member and officer accountability arrangements for neighbourhoods and wards (scrutiny recommendation 13).

**10 Overview and Scrutiny Annual Report 2010/11**

**PAGES 67 – 76**

The Lord Mayor will invite Councillor James (Chair of the Overview and Scrutiny Management Board) to present the Overview and Scrutiny Annual Report 2010/11 to the City Council.

The Lord Mayor will invite the Council to note the 2010/11 annual report.

**MOTIONS ON NOTICE**

There are two motions on notice today.

**11 Planning Application 11/00750/FUL  
Motion on Notice No 11 (11/12)**

**PAGE 77**

**Planning Application 11/00750/FUL**

Plymouth City Council notes that planning application 11/00750/FUL is scheduled to be considered by the Planning Committee on 22 December 2011, just three days before Christmas Day. We recognise that this is among the most controversial planning applications in Plymouth for many years, with hundreds of Plymothians wanting to witness the decision. Three days before Christmas Day is wholly unsuitable for Plymothians, especially those with young families, to have to attend a Planning Committee meeting.

We note the confusion surrounding the decision to choose 22 December. Our Constitution states that the Chair of the relevant Committee shall decide, but the Chair of the Planning Committee states "The decision was not made by me. It was put to me by Paul Barnard, the Council's head of planning".

We further note that every four weeks the Chair of the Planning Committee states he is "keen to receive feedback" on the workings of the Planning Committee and that this feedback is "invaluable".

We therefore urge the Chair of the Planning Committee to consult with all Planning Committee members to find an alternative date which would show a willingness to allow as many Plymothians as possible to observe this important decision.

**Proposed by Councillor Stevens**  
**Seconded by Councillor Wildy**

**12 Further Motions on Notice (if any)**

**Proposed Repeal of the Activity Centre (Young Persons Safety) Act 1995**  
**Motion on Notice No 12 (11/12)**

**SUPPLEMENT**

**Proposed Repeal of the Activity Centre (Young Person's Safety) Act 1995**

This Council Notes

In March 1993 four teenagers from Southway School died in Lyme Bay. They died as a result of the criminal neglect of the people running the St. Alban's activity centre. Following this tragedy the local Labour MP David Jamieson, working with the parents and other organisations tabled a Private Members Bill, introducing the a licensing scheme for adventure activities. The Bill was accepted by the Government and gained Royal Assent in June 1995, as "The Activity Centres (Young Persons Safety) Act 1995.

The Government proposes to remove the licensing of adventure activities (trekking, water sports, caving and climbing) for young people under the age of 18 and instead introduce a code of practice that the HSE will oversee and monitor.

This Council requests:-

That a Council Officer be identified to work with the appropriate Portfolio Holder to prepare a response to the HSE and Minister on the proposals to repeal the Activity Centres (Young Person's safety) Act 1995.

That within the response this Council should strongly make the case for the retention of the licensing regime for adventure activities established under the Activity Centres (Young Person's safety) Act 1995.

**Proposed by Councillor Williams**  
**Second by Councillor John Smith**

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

**13 Statutory Review of Polling Districts, Places and Stations PAGES 79 – 90**

The Lord Mayor will invite the Assistant Director for Democracy and Governance to present his written report on the Statutory Review of Polling Districts, Places and Stations and will seek a proposal from the Council.

The Lord Mayor will invite the Council to vote on the proposals in the written report (if moved and seconded) to implement the Plymouth City Council Polling Arrangements Schedule 2011 (copy at Appendix A to the written report) with effect from 1 December 2011.

**14 Revised Constitution****PAGES 91 – 94**

The Lord Mayor will invite the Assistant Director for Democracy and Governance to present his written report on the progress of the review of the City Council Constitution.

The Lord Mayor will invite the Council to note the present position regarding the revised constitution.

**15 Appointments to Committees, Outside Bodies etc****PAGES 95 - 96**

The City Council is asked to consider the following appointments –

|    | <b>Committee</b>             | <b>Membership</b>   | <b>Appointments</b>              |
|----|------------------------------|---|----------------------------------|
| 1. | Joint Consultative Committee | Three councillors - two Conservative councillor vacancies | Councillors Browne and Dr Salter |

In accordance with minute 84 of the City Council meeting held on 1 February 2011, the City Council is asked to approve the following nomination –

|    | <b>Panel</b>                   | <b>Membership</b>   | <b>Appointments</b>  |
|----|--------------------------------|---|--|
| 2. | Independent Remuneration Panel | Three panel members - Paul Woods, Duncan Currall and Alan Wooderson | Fourth panel member - Sarah Lee - University of Plymouth, Peninsula Medical School |

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

|    | <b>Committee</b>                                      | <b>Change of Membership</b>                                |
|----|---|--|
| 3. | Licensing Committee Hackney Carriage                  | Councillor Mrs Nicholson has replaced Councillor Mrs Dolan |
| 4. | Children and Young People Overview and Scrutiny Panel | Councillor Mrs Dolan has replaced Councillor Mrs Nicholson |

**QUESTIONS BY MEMBERS****16 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)*

**17 Forward Plan**

**PAGES 97 to 116**

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)*

**18 JOINT PERFORMANCE AND FINANCE REPORT: PAGES 117 – 132  
DEPARTMENTAL DELIVERY PLANS AND BUDGETS**

The Lord Mayor will invite Councillor Bowyer (Cabinet Member for Finance, Property and People) to present the extract from the Joint Performance and Finance Report.

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

**19 EXEMPT BUSINESS**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

**20 SENIOR MANAGEMENT RESTRUCTURE (E1)**

**PAGES 133 – 138**

The Lord Mayor will invite the Chief Executive to present his written report on the Senior Management Restructure and will seek a proposal from the Council.

The Lord Mayor will invite the Council to vote on the proposals in the written report (if moved and seconded) as set out on page 134 on the agenda papers.