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Date 30 January 2012

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CITY COUNCIL – ORDER OF PROCEEDINGS

Date: Monday 30 January 2012

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

30.1.12 ORDER OF PROCEEDINGS

CITY COUNCIL MEETING ORDER OF PROCEEDINGS

30 January 2012



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 Lord Mayor's Chaplain, Reverend Karl Freeman, Vicar of Emmanuel Church, Compton Avenue.

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 Bowie, Mrs Nelder and Tuffin.

2 MINUTES

PAGES 1 – 18

The Lord Mayor will move that the minutes of the meetings of the Council held on 5 December 2011 are approved.

3 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.

4 APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC

PAGES 19 - 20

1. Councillor Berrow notified the Assistant Director for Democracy and Governance on 11 January 2012 that he had resigned from the Conservative Group and subsequently indicated that he had joined the United Kingdom Independence Party (UKIP). The process followed, as a result of the change, is set out on pages 19 and 20 of the Council agenda.

Following consultation with the Leader, Councillor Mrs Pengelly, no changes are proposed to the committee or outside body membership. Councillor Berrow was a member of –

- the Growth and Prosperity Overview and Scrutiny Panel; and
- the Support Services Overview and Scrutiny Panel.

He was also appointed as the Council's representative on the Plymouth Citizens' Advice Bureau Trustee Board.

The Council is asked to note this information.

2. The City Council is asked to consider the following vacancies -

	Committee / Outside Body	Membership	Appointments
a.	Lord Mayor Selection Committee	Six councillors (three conservative and three labour members)	Councillors Browne, Churchill, Mrs Pengelly
b.	Elize Hele and John Lanyon Foundations	Current members: Councillors Casey, Lowry and Dr Mahony	Lorraine Parker to replace Councillor Casey
c.	Municipal Charities of Plymouth	Current members: Councillor Casey, Fred Brimacombe, Michael Fox and Betty Gray	Councillor Penberthy to replace Councillor Casey

3. The City Council is asked to note the following nominations notified to the Assistant Director for Democracy and Governance -

	Appointments Panel	Membership
d	23 January 2012 am	Councillors Ball, Bowyer, Evans, Fry, Lowry, Mrs Pengelly and Peter Smith. (Substitute: Councillor Williams)
e	23 January 2012 pm	Councillors Bowyer, Evans, Fry, Lowry, Mrs Pengelly, Peter Smith and Wogens (Substitutes: Councillor Michael Leaves and Williams)
f	26 January 2012	Councillors Bowyer, Evans, Fry, Mrs Pengelly, Peter Smith, Wildy and relevant Cabinet Member (Councillor Jordan / Monahan / Sam Leaves). (Substitute: Councillor Williams)

4. The City Council is asked to note the following resignation –

	Committee	Membership
g	Planning	Resignation of Councillor Churchill

5 ANNOUNCEMENTS

(a) **The Lord Mayor, Chief Executive, Director of Corporate Services or Assistant Director for Democracy and Governance**

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

6 QUESTIONS BY THE PUBLIC

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

There are two questions for today's meeting.

Question No	Question By	Relevant Cabinet Member	Subject
8 (11/12)	Mr B Kerr	Councillor Mrs Pengelly, Leader	Prayers
Is the council going to continue to have prayers during scheduled times for council meetings? This is asked as many people would see this as an exclusionary practice against people of different faiths and no faith, and paints the city as backward in a modern world			

Response:

There is no constitutional requirement for the council to have prayers prior to the commencement of the formal council meeting, but it is the practice of Lord Mayors to have their chaplain in attendance to say them. There is no reason why a future Lord Mayor might choose not to have prayers at the meeting, although I would expect that such a decision would be considered by the council as a whole.

Since the prayers are not part of the formal meeting then neither councillors nor the public need be present (and some already choose not to attend) consequently no one is excluded from the meeting.

Question No	Question By	Relevant Cabinet Member	Subject
9 (11/12)	Mr F Sharpe	Councillor Fry, Cabinet Member for Planning, Strategic Housing and Economic Development.	Sherford development

Please could residents of Elburton and Plymstock be given a presentation by Plymouth City Council before Sherford comes before the Council in February 2012 plus details of what South Hams Council has passed regarding Sherford.

Response:

Yes, planning officers will give a presentation to the next available meeting of the Elburton and District Residents Association prior to the Sherford planning application being reported back to Planning Committee on 8th March 2012.

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

7 Sex Establishment Licensing Policy

PAGES 21 – 78

The Lord Mayor will invite Councillor Michael Leaves (Cabinet Member for Community Services (Street Scene, Waste and Sustainability)) to present the Cabinet recommendations on the Sex Establishment Licensing Policy (Cabinet minute 104 of the Cabinet meeting held on 17 January 2012 refers).

The Lord Mayor will invite the Council to vote on the following Cabinet recommendations

–

(1) to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by s.27 Policing and Crime Act 2009, which shall come into force on the 5 March 2012;

(2) to adopt the Sex Establishments Licensing Policy contained in Appendix A of the written report subject to recommendation (2) of Cabinet to include Option 1 as follows (Hours of Operation on page 44 refer) –

‘The Council will apply hours of operation that are commensurate to the existing use of the area and its effect on the locality. There shall normally be no operation of licensable activities on Sundays and Good Friday (06.00 am to Midnight), Christmas day or Easter Sunday. Alternative opening restrictions may be put into place dependant on the character of each locality and representations received’;

(3) to approve the scheme of delegation contained in Appendix B of the written report;

(4) to approve the following fees and charges -

- Application Fee £3900
- Variation Fee £ 800
- Annual Renewal Fees £3200
- Transfer £750

**8 Tamar Bridge and Torpoint Ferry Joint Committee:
Revenue Estimates and Capital Programme 2012/13 to
2015/16**

**PAGES 83 - 98 and
SUPPLEMENT
PAGES 1 - 4**

The Lord Mayor will invite Councillor Martin Leaves (Joint Chair of the Tamar Bridge and Torpoint Ferry Joint Committee) to propose the recommendations from the Tamar Bridge and Torpoint Ferry Joint Committee: Revenue Estimates and Capital programme 2012/13 – 2015/16 (Tamar Bridge and Torpoint Ferry Joint Committee minute 22 of the meeting held on 2 December 2011 refers).

Councillor Wiggins will refer to the written report of the Director of Place and Director of Corporate Services (on pages 1 – 4 of the supplement) and will move the recommendations in the written report (on page 2 of the supplement) as an amendment.

The Lord Mayor will invite the Council to vote on the amendment that -

- (1) the ongoing work of the Member/Officer workshops on budget forecast issues are noted and that the preferred option is reported to Cabinet prior to any decision being made;
- (2) the revenue and capital budgets for 2012/13, proposed by the Tamar Bridge and Torpoint Ferry Joint Committee are approved by the Council;
- (3) all schemes included in the capital programme beyond 2013 are submitted to Cabinet supported by robust business cases.

9 PAY POLICY STATEMENT

PAGES 99 – 108

The Lord Mayor will invite the Assistant Director for Democracy and Governance to present the written report of the Chief Executive on the Pay Policy Statement and will seek a proposal from the Council.

The Lord Mayor will invite the Council to vote on the recommendation in the written report to approve the statement (if moved and seconded).

10 CONSTITUTION

PAGE 109

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

The Lord Mayor will invite the Council to vote on the proposals set out in the written report (if moved and seconded) to revise the financial regulations to set an upper limit on revenue expenditure and virements at £100,000.

MOTIONS ON NOTICE

There are four motions on notice today.

**11 Changes to Child Benefit
Motion on Notice No 16 (11/12)**

PAGE 111

CHANGES TO CHILD BENEFIT

Council notes the recent announcement by the Coalition Government regarding legislation on Child Benefit.

Council recognises that the proposed changes are likely to penalise some families in Plymouth and could affect the Growth Agenda.

Council therefore resolves to request the Leader to write to the Chancellor on behalf of Plymouth City Council, requesting him to reconsider the proposed legislation on Child Benefit.

Proposed by Councillor Wildy
Seconded by Councillor Davey

12 Any further motions submitted

**(a) Councillors Involvement in Section 106 Agreements
Motion on Notice No 17 (11/12)**

**PAGE 5 OF THE
SUPPLEMENT**

COUNCILLORS INVOLVEMENT IN SECTION 106 AGREEMENTS

Plymouth City Council believes its Planning system must be seen to be acting in the interests of Plymouth, including agreed Planning Obligations and Gains.

Whilst recognising that each must comply with council planning documents, policies and guidance and Regulation 122 of the Community Infrastructure Levy Regulations 2010, contributions made under Section 106 of the Town and Country Planning Act must be seen to mitigate the effects of developments.

To this end, the allocation of any such contributions recommended as part of the Planning permissions will be subject to consultation with the relevant Ward Councillors at an early stage in the consideration of the application and before the decision is put before the Planning Committee or taken by an Officer under delegated authority.

Proposed by Councillor Stevens
Seconded by Councillor Tuffin

**(b) Assistance for those affected by Welfare Benefit and Tax
Credit Reforms
Motion on Notice No 18 (11/12)**

**PAGE 7 OF THE
SUPPLEMENT**

**ASSISTANCE FOR THOSE AFFECTED BY WELFARE BENEFIT AND TAX
CREDIT REFORMS**

This Council notes that a number of changes in welfare benefits and tax credit systems will be implemented over the next 12 months.

The Government intends to make the following savings through these changes:

- CPI indexation (£5.8 bn)
- Tax Credit changes (£4.51 bn)
- Housing Benefit reform (£2.02 bn)
- Child Benefit (£2.42 bn)
- Contributory Employment Support Allowance (ESA) time-limit (£2bn)
- Disability Living Allowance reform (£1.2 bn)
- Council Tax Benefit (£0.49 bn)
- Benefits cap (£0.27 bn)
- End to 'asset –based welfare' (£0.6 bn)
- Social Fund reforms

Inevitably there will be confusion and distress caused to people who have their benefits cut, whilst the cost of living continues to rise.

This Council resolves to –

Actively promote information about the changes in welfare benefits and tax credits and signpost those likely to be affected to appropriate organisations such as the CAB in order that they may provide advice and support.

Proposed by Councillor Williams
Seconded by Councillor Rennie

(c) **Appointment of Chief Constable
Motion on Notice No 19 (11/12)**

**PAGE 9 OF THE
SUPPLEMENT**

APPOINTMENT OF CHIEF CONSTABLE

Council notes the decision by the DC and IoS Police Authority to defer a decision on replacing Stephen Otter, the Chief Constable with a permanent replacement until after the forthcoming Police Commissioner elections.

Council also notes that, according to media reports, this decision is being reconsidered.

Council believes the best interests of policing in Plymouth and the force area are best served by a permanent appointment and requests our PA rep to lobby for the earliest possible permanent replacement.

Proposed by Councillor Evans
Seconded by Councillor Williams

13 QUESTIONS BY COUNCILLORS

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

(Note: There is a 45 minute time limit on this item)

14 EXEMPT BUSINESS

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

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