

City Council

Monday 26 April 2010

PRESENT:

Councillor K Foster, in the Chair.

Councillor Drean, Vice Chair.

Councillors Mrs Aspinall, Ball, Mrs Beer, Berrow, Bowie, Bowyer, Mrs Bowyer, Mrs Bragg, Brookshaw, Browne, Coker, Dann, Delbridge, Mrs Dolan, Evans, M Foster, Mrs Foster, Fox, Fry, Gordon, James, Jordan, Kerswell, King, Michael Leaves, Sam Leaves, Lock, Lowry, Dr. Mahony, McDonald, Monahan, Mrs Nelder, Nicholson, Mrs Nicholson, Mrs Pengelly, Purnell, Rennie, Reynolds, Ricketts, Roberts, Dr. Salter, Smith, Stark, Mrs Stephens, Stevens, Thompson, Tuohy, Vincent, Viney, Mrs Watkins, Wheeler, Wiggins and Wildy.

Apology for absence: Councillor Martin Leaves

The meeting started at 2.00 pm and finished at 6.05 pm.

Note: At a future meeting, the Council will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

112. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the Code of Conduct from Members in relation to items under consideration at this meeting –

Name	Item	Interest	Reason
Councillor Mrs Aspinall	Motion on Notice no. 10 (Contracts for Community Equipment Provision) Minute 129 refers	Dealings with PLUS as trustee of South West Institute for the Blind	Personal
Councillor Browne	Motion on Notice no. 10 (Contracts for Community Equipment Provision) Minute 129 refers	Director of PLUS	Personal
Councillor Dann	Motion on Notice no. 11 (Guaranteed work at Devonport Dockyard and Naval Base for 15 Years) Minute 130 refers	Husband is Devonport Dockyard employee	Personal
Councillor M Foster	Motion on Notice no. 11 (Guaranteed work at Devonport Dockyard and Naval Base for 15 Years) Minute 130 refers	In receipt of pension from Babcock International Group plc	Personal

Councillor Kerswell	Motion on Notice no. 10 (Contracts for Community Equipment Provision) Minute 129 refers	Dealt with PLUS on behalf of the South West Institute for the Blind	Personal
Councillor Lowry	Motion on Notice no. 11 (Guaranteed work at Devonport Dockyard and Naval Base for 15 Years) Minute 130 refers	Employee of Babcock at Devonport Dockyard	Personal
Councillor Nicholson	Motion on Notice no. 11 (Guaranteed work at Devonport Dockyard and Naval Base for 15 Years) Minute 130 refers	Employee of Babcock at Devonport Dockyard	Personal and prejudicial
Councillor Roberts	Motion on Notice no. 10 (Contracts for Community Equipment Provision) Minute 129 refers	Director of PLUS	Personal
Councillor Smith	Motion on Notice no. 11 (Guaranteed work at Devonport Dockyard and Naval Base for 15 Years) Minute 130 refers	Employee of Babcock at Devonport Dockyard	Personal

113. **MINUTES**

The minutes of the meeting held on 1 March 2010 were signed as a correct record.

ANNOUNCEMENTS

LORD MAYOR

114. **Michael Foot**

The Lord Mayor referred to the recent death of Michael Foot, Freeman of the City of Plymouth, former politician, journalist and author, on 3 March 2010, at his home in London after a long period of ill health.

The Lord Mayor indicated that Michael Foot was born at Lipson Terrace in Plymouth, on 23 July 1913 and was educated at Plymouth College Preparatory School, later going on to read Philosophy, Politics and Economics at Oxford.

In November 1935, only a few months after joining the Labour Party, he stood as a candidate in a by-election at Monmouth and became a Member of Parliament for Plymouth Devonport in 1945.

His father, Isaac Foot, was himself a Liberal MP for Bodmin and Lord Mayor of Plymouth.

During the Plymouth campaign, he met his future wife, Jill Craigie, who was making a film in the city about the rebuilding of heavily bombed Plymouth. She died in 1999.

As MP for Plymouth, he fought for cash to rebuild the blitzed centre of the city and lost his seat in Plymouth Devonport in 1951 to Joan Vickers. However throughout his life he retained a connection with the City through his passion for Plymouth Argyle.

He rose to Deputy Leader of the Labour Party from 1976 to 1980, becoming Leader of the Party in 1980 to 1983, and remained MP for Ebbw Vale until 1992.

Members of the Council stood, in silence, for one minute as a mark of respect.

115. **Former Councillor Miller MBE**

The Lord Mayor also informed the Council of the resignation of former Councillor Miller due to ill health.

Councillor Miller was born on 23 March 1915 in Stonehouse and served as a JP for 17 years from 1968 to 1985. He successfully stood for election in the Efford Ward in 1981, as a Labour Co-operative Councillor for Devon County Council, and was re-elected for many years. He served on Plymouth City Council from 1997 when Plymouth became a Unitary Authority and was Lord Mayor of Plymouth from 2004 – 2005.

The Lord Mayor, on behalf of the Council, thanked Claude Miller for his outstanding service over so many years, in particular, for his services to the City Council and it was Resolved that the Council's best wishes are sent to him.

116. **City Council Elections**

The Lord Mayor referred to the forthcoming City Council elections on 6 May and indicated that a number of councillors would be standing for re-election but that Councillor Purnell was standing down.

Councillor Purnell had served on the City Council since 1995, representing the Honicknowle Ward. She was Cabinet member for performance, personnel and best value from 2003 to 2005 and then Cabinet member for children's services from 2005 to 2007.

The Lord Mayor, on behalf of the Council, thanked Councillor Purnell for her services to the Council and in particular for her work on children's services. The Council's best wishes were also extended to her for the future.

Councillor Purnell thanked the Council for their good wishes and wished everyone well.

LEADER

117. West End Scheme

The Leader advised the Council that the West End scheme had been short listed for an award which recognised outstanding street scenes. She thanked all those who had been involved in the scheme, with particular reference to the Council's highways and transportation teams, and wished everyone success for the final stage of judging.

118. Municipal Journal Awards: Best Achieving Council of the Year Award

The Leader advised the Council that Plymouth was one of six finalists for the Municipal Journal's prestigious "Best Achieving Council of the Year Award". She extended sincere thanks to all staff working for the City Council and its partners, acknowledging the tremendously hard work by everyone in order to achieve this result.

119. QUESTIONS BY THE PUBLIC

The Lord Mayor indicated that there were two public questions to be considered at the meeting in accordance with paragraph 10 of the Constitution. Mr Cook was in attendance and asked the following question, to which Councillor Bowyer responded as set out below -

Question No	Question By	Cabinet Member	Subject
13 09/10	Mr R Cook	Councillor Bowyer	Contributions to voluntary organisations /registered charities
I request, under the requirements of the FOIA, that Plymouth City Council name the voluntary organizations / registered charities to which it contributed in the last financial year.			
Response: The Council has made contributions to the following not-for-profit organisations in 2009/10; Help the Heros Rotary District Conference 'Contributions' has been defined as donations made by the council where there is no contract in place or specific conditions attached to the payment. The Council uses many other voluntary organisations/registered charities (along with private organisations) for the provision of services. However, we do not classify these organisations by type i.e. charity, private organisation etc.			

In the absence of Mr Sharpe, the following question and response was circulated -

Question No	Question By	Cabinet Member	Subject
14 09/10	Mr Sharpe	Councillor Jordan	Swimming pool in the Dunstone district
<p>According to the Dunstone Ward election material it is anticipated that a swimming pool for public use will start this year in the Dunstone district. Is it true or false, and does Dunstone district include outside the Dunstone Ward and into the South Hams.</p>			
<p>Response: The Sherford development is due to commence in 2010, with the swimming pool provision due for completion in phase one.</p> <p>The swimming pool facility within the development will be located in Dunstone ward, Plymstock , and not in the South Hams.</p>			

Resolved that a written response is sent to Mr Sharpe.

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

There was no business outstanding.

TO DETERMINE RECOMMENDATIONS FROM CABINET, OVERVIEW AND SCRUTINY MANAGEMENT BOARD OR OTHER COMMITTEES

121. **Lord Mayoralty 2010/11**

In accordance with Article 5.1.1 of the constitution, Councillor Mrs Pengelly submitted minute 3 of the Lord Mayor Selection Committee, prior to the Annual Meeting. The motion was seconded by Councillor Evans.

Following a vote, it was Resolved that the recommendation is accepted.

Councillor Mrs Aspinall (Lord Mayor designate) responded and thanked councillors for their support.

122. **Local Development Framework: Adoption of City Centre and University Area Action Plan**

Councillor Fry submitted the City Centre and University Area Action Plan (Cabinet minute 152 referred) for adoption. The motion was seconded by Councillor Ball.

Following a vote, it was Resolved that the City Centre and Area Action Plan is adopted.

123. **Local Development Framework: Adoption of Development Guidelines Supplementary Planning Document**

Councillor Fry submitted the Development Guidelines Supplementary Planning Document (Cabinet minute 153 referred) for adoption. The motion was seconded by Councillor Lock.

Following a vote, it was Resolved that the Development Guidelines Supplementary Planning Document is adopted.

124. **Councillor Call for Action Toolkit**

Councillor James submitted the Councillor Call for Action toolkit (Overview and Scrutiny Management Board minute 105 referred) for approval. The motion was seconded by Councillor Mrs Watkins.

Following a request by 10 Members for a recorded vote, there voted –

For the motion (35)

Councillors Ball, Mrs Beer, Berrow, Bowyer, Mrs Bowyer, Bragg, Brookshaw, Browne, Delbridge, Mrs Dolan, Drean, Michael Foster, Mrs Foster, Fox, Fry, James, Jordan, Michael Leaves, Sam Leaves, Lock, Dr Mahony, Monahan, Mrs Nicholson, Nicholson, Mrs Pengelly, Reynolds, Ricketts, Roberts, Dr Salter, Stark, Mrs Stephens, Thompson, Viney, Mrs Watkins and Wigans.

Against the motion (17)

Councillors Mrs Aspinall, Bowie, Coker, Dann, Evans, Gordon, Kerswell, Lowry, McDonald, Mrs Nelder, Purnell, Rennie, Smith, Stevens, Tuohy, Wheeler and Wildy.

Abstentions (1)

Councillor Vincent

Absent (2)

Councillors King and Martin Leaves

The Lord Mayor did not vote.

The Lord Mayor declared the motion carried and it was Resolved that the Councillor Call for Action toolkit is approved and included in the Council's Constitution.

125. **Terms of Reference - Standards Hearing Sub-Committee**

Councillor Dr Mahony submitted the terms of reference of the Standards Hearing Sub-Committee (Standards Committee minute 14 referred) for adoption. The motion was seconded by Councillor Mrs Stephens.

Councillor Evans subsequently moved the following amendment –

Final paragraph: page 18 (of the Council agenda)

Line 1: Delete ‘, where possible’

Line 2: Delete ‘three’. Insert ‘five’

Line 3: Insert after ‘members’, ‘of whom four shall be elected members’

Amended paragraph will read:

‘Membership of the Hearings Sub Committee is to comprise five members from the Standards Committee and have a quorum of five members of which four shall be elected members. The Chair will be an independent member of the Standards Committee. In line with guidance from the Standards for England, members who previously sat on the Assessment or Review Sub Committee of the same complaint are able to sit on the Standards Hearing Sub Committee.’

It was proposed, seconded and agreed that the meeting was adjourned in order to give members and officers an opportunity to consider the amendment.

Following the adjournment, the Chief Executive advised the Council that there was a potential issue relating to the proposed ratio of elected members in the amendment and recommended that the Council defer consideration of the item to enable officers to give further consideration to the issue.

The Chief Executive also reminded all members that he and his officers were always available to discuss any proposals or amendments, in advance of Council meetings.

Councillor Dr Mahony, subsequently withdrew his original motion and proposed that the matter was deferred for cross party discussion. This motion was seconded by Councillor Mrs Stephens.

Councillor Evans requested that formal legal advice was circulated, in writing, in advance of the cross party discussions.

Resolved that consideration of the proposed terms of reference of the Standards Hearing Sub-Committee (Standards Committee minute 14 refers) is deferred, pending cross party discussion, following written legal advice.

126. **Annual Review of Financial Regulations**

Councillor Sam Leaves submitted the updated Financial Regulations for approval (Audit Committee minute 54, as amended by the decision by the Director for Corporate Support, referred). The motion was seconded by Councillor Stark.

Following a vote, it was Resolved that the updated Financial Regulations are approved.

127. **MOTIONS ON NOTICE**

The Lord Mayor indicated that there were three motions on notice and with the agreement of Council, indicated that the motion on the incinerator proposal for Plymouth would be considered first.

128. **Motion on Notice No 12 09/10: Incinerator Proposal for Plymouth**

Councillor Gordon proposed, and Councillor Bowie seconded, the following motion -

Motion on Notice No 12 09/10

Incinerator Proposal for Plymouth

Council resolves to hold a public enquiry **before** a decision on the location of a waste incinerator is made.

Following a debate and a request by 10 Members for a recorded vote, there voted –

For the motion (18)

Councillors Mrs Aspinall, Bowie, Coker, Dann, Evans, Gordon, Kerswell, Lowry, McDonald, Mrs Nelder, Purnell, Rennie, Smith, Stevens, Tuohy, Vincent, Wheeler and Wildy.

Against the motion (32)

Councillors Ball, Bowyer, Mrs Bowyer, Brookshaw, Browne, Delbridge, Mrs Dolan, Drean, Michael Foster, Mrs Foster, Fox, Fry, James, Jordan, Michael Leaves, Sam Leaves, Lock, Dr Mahony, Monahan, Mrs Nicholson, Nicholson, Mrs Pengelly, Reynolds, Ricketts, Roberts, Dr Salter, Stark, Mrs Stephens, Thompson, Viney, Mrs Watkins and Wiggins.

Abstentions (0)

Absent (5)

Councillors Mrs Beer, Berrow, Mrs Bragg, King and Martin Leaves

The Lord Mayor did not vote.

The Lord Mayor declared the motion lost.

Councillor Evans subsequently requested a transcript of the debate on this item.

129. **Motion on Notice No 10 09/10: Contracts for Community Equipment Provision**

Councillor Evans proposed and Councillor Wildy seconded the following motion -

Motion on Notice No 10 09/10

Contracts for Community Equipment Service

This Council notes the awarding of new contracts for community equipment provision, replacing those previously awarded to PLUSS.

It further notes that these contracts failed to offer guarantees of continued employment to employees with disabilities and will result in the closure of the linked facility at Belliver.

Council therefore requests the Overview and Scrutiny Management Board to investigate why no satisfactory Equalities and Disabilities Impact Assessment relating to current employees was undertaken.

Following a debate, the motion was put to the vote and declared lost.

(Councillor Kerswell declared a personal interest in the above item and withdrew from the meeting)

(Councillors Mrs Aspinall, Browne and Roberts declared personal interests in the above item).

130. **Motion on Notice No 11 09/10: Guaranteed Work at Devonport Dockyard and Naval Base for 15 Years**

Councillor Evans proposed, and Councillor Stevens seconded, the following motion -

Motion on Notice No 11 09/10

Guaranteed Work at Devonport Dockyard and Naval Base for 15 Years

Plymouth City Council welcomes the announcement of the signing of the ToBA (Terms of Business Agreement) between the M.O.D. (Ministry of Defence) and Babcock International Group PLC.

The agreement confirms Babcock as the MOD's key support partner in the maritime sector and underpins the delivery of key aspects of the MOD's Defence Industrial Strategy.

Under the ToBA, Devonport is confirmed as the UK centre of

excellence for deep maintenance of major surface warships. This is in addition to its existing role as the sole site for the refitting of the Royal Navy's nuclear powered submarines, which the ToBA recognises by designating Babcock as its primary submarine support partner. The ToBA covers the fifteen year period between 2010 and 2025 and also extends Babcock's management roles at the Clyde and Devonport Naval Bases.

Council thanks the local MP's for the hard work they have put in to secure the ToBA, thus guaranteeing the Dockyard and the Naval Base a 15 year period of stability.

Councillor Fry subsequently moved the following amendment –

Final Paragraph

Insert the words "Council officers, members and' after the words 'Council thanks'

So that the amended final paragraph would read:

Council thanks Council officers, members and the local MP's for the hard work they have put in to secure the ToBA, thus guaranteeing the Dockyard and the Naval Base a 15 year period of stability.

The amendment was seconded by Councillor Ball and subsequently accepted by Councillor Evans.

The motion, as amended, was put to the vote and the Lord Mayor declared the motion, as amended, carried.

(Councillors Dann, M Foster, Lowry and Smith declared personal interests in the above item and withdrew from the meeting).

Councillor Nicholson declared a personal and prejudicial interest in the above item).

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

131. **Final Minutes of Area Committee Meetings for Approval**

Before the item was considered, the Lord Mayor reminded the Council that the minutes of the Area Committees were before Members for confirmation as a correct record only and matters referred to in the minutes were not open for discussion.

Councillor Bowyer submitted the final minutes of the Area Committees for approval as a correct record as follows -

Area Committee	Date of Meeting
Budshead, Honicknowle and Southway Area Committee	10 March 2010

Compton and Peverell Area Committee	22 March 2010
Devonport, Stoke and St Peter and the Waterfront	30 March 2010
Drake, Efford and Lipson, Sutton and Mount Gould	18 March 2010
Eggbuckland and Moorview	23 March 2010
Ham and St Budeaux	31 March 2010
Plympton Area Committee	8 March 2010
Plymstock Area Committee	15 March 2010

Councillor Mrs Dolan seconded the motion.

Councillor Wildy referred to the minutes of the Devonport, Stoke and St Peter and the Waterfront Area Committee, and proposed the following amendments –

(i) **Minute 59 - Policing Issues**

To substitute 'Inspector Ian Milligan' for 'Inspector Ian Mulligan' appearing in the first line of the minute.

(ii) **Minute 60 – Locality Working**

As the Area Committee had accepted that lead members were yet to be determined, it was proposed to delete the final sentence in paragraph (vii) of the preamble, so that the paragraph reads –

- (vii) issues regarding the format of the report were noted and the committee was advised that there were no changes from the proposals put forward at full council.

Councillor Mrs Dolan, Chair of the Devonport, Stoke and St Peter and the Waterfront Area Committee, indicated that she agreed with Councillor Wildy's proposal.

Councillor Dr Salter referred to the minutes of the Plympton Area Committee, and proposed the following amendment –

Minute 59 – Langage Power Station

To substitute 'Sparkwell' for 'Sparkwood' appearing in paragraph (vii) of the preamble.

Councillor Nicholson, Chair of the Plympton Area Committee, indicated that he agreed with the proposal.

Following a vote, it was Resolved that the proposed amendments were agreed and the minutes of the Area Committees, as listed above and amended, were approved as a correct record.

At the conclusion of the item, Councillor Wildy indicated that she had received correspondence about street naming and numbering proposals, indicating that comments would be submitted to the next Area Committee, and asked that officers were advised of the revised arrangements as soon as possible.

132. **Housing Tenancies Appeals Committee**

Councillor Bowyer submitted the recommendations in the report of the Assistant Director for Democracy and Governance proposing the deletion of the Housing Tenancies Appeals Committee.

The proposal was seconded by Councillor Brookshaw.

Following a vote, it was Resolved that the Housing Tenancies Appeals Committee is deleted.

133. **Programme of Ordinary Meetings of the Council and Committees etc. for the Period up to the Next Annual Meeting**

Councillor Bowyer submitted the draft programme of meetings for the City Council and Committees 2010/2011 for approval subject to the amendments set out in the appendix circulated and the deletion of the Licensing Sub (Miscellaneous) on 3 May 2010.

The proposal was seconded by Councillor Fry.

Following a vote, it was Resolved that the programme of meetings for the City Council and Committees 2010/2011 was approved, as amended.

QUESTIONS BY MEMBERS

134. **General Questions**

In accordance with paragraph 12 of the constitution, the following questions were asked of the Leader, Cabinet Members and Committee Chairs covering aspects of their areas of responsibility -

	<i>From</i>	<i>To</i>	<i>Subject</i>
1	Councillor Wheeler	Councillor Wiggins	Go Ahead registration changes to bus services at Woodford
2	Councillor Smith	Councillor Jordan	Further to the public question from Mr Sharpe, location of the swimming pool was queried
3	Councillor Purnell	Councillor Monahan	Announcement by Conservative Party on potential closure of teacher training facilities

4	Councillor Coker	Councillor Mrs Dolan	Responses to matters arising from Devonport, Stoke and St Peter and the Waterfront Area Committee – risk assessment / planters at Stoke Village
5	Councillor McDonald	Councillor Fry	Phase 3 (secondary glazing) of the private sector housing improvements at Stonehouse
6	Councillor Wheeler	Councillor Mrs Pengelly	Sale of CityBus to Go Ahead and undertaking not to withdraw services for six months
7	Councillor McDonald	Councillor Fry	Section 106 agreement relating to Royal William Yard for provision of bus service when 75% occupied

With regard to question (4) above, Councillor Mrs Dolan undertook to pursue the responses.

With regard to question (7) above, Councillor Fry undertook to ask officers to respond.

135. **Forward Plan**

The Leader introduced the Forward Plan.

Questions were asked of the Leader and Cabinet Members as follows –

<i>From</i>	<i>To</i>	<i>Subject</i>
Councillor Wildy	Councillor Mrs Pengelly	Format of Forward Plan

The Leader undertook to review the format of and public accessibility to the Forward Plan, in consultation with the opposition party.

136. **VOTE OF THANKS**

The Lord Mayor thanked Council members for their co-operation during the municipal year and also thanked officers for their help and advice.