

# City Council

Monday 26 October 2009

## 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, M Foster, Mrs Foster, Fox, Fry, Gordon, James, Jordan, Kerswell, Martin Leaves, Michael Leaves, Sam Leaves, Lock, Lowry, McDonald, Miller MBE, Monahan, Mrs Nelder, Mrs Nicholson, Mrs Pengelly, Purnell, Rennie, Reynolds, Ricketts, Roberts, Dr. Salter, Smith, Stark, Mrs Stephens, Stevens, Thompson, Tuohy, Vincent, Viney, Mrs Watkins, Wheeler, Wigen and Wildy.

Apologies for absence: Councillors Evans, Dr. Mahony and Nicholson

The meeting started at 5.00 pm and finished at 6.50 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.*

## 52. DECLARATIONS OF INTEREST

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

Name	Minute No. and Subject	Reason	Interest
Councillor Bowie	53 – Housing Stock Transfer	Leases Council Garage	Personal
Councillor Dann	53 – Housing Stock Transfer	Member of Plymouth Community Homes Board	Prejudicial
Councillor Jordan	53 – Housing Stock Transfer	Owens a former Council Property	Personal
Councillor Kerswell	53 – Housing Stock Transfer	Council Tenant	Personal
Councillor McDonald	53 – Housing Stock Transfer	Member of Plymouth Community Homes Board	Prejudicial
Councillor Rennie	53 – Housing Stock Transfer	Council Tenant	Personal
Councillor Roberts	53 – Housing Stock Transfer	Owens a former Council Property	Personal
Councillor Thompson	53 – Housing Stock Transfer	Member of Plymouth Community Homes Board	Prejudicial
Councillor Tuohy	53 – Housing Stock Transfer	Council Tenant	Personal
Councillor Vincent	53 – Housing Stock Transfer	Owens a former Council Property	Personal
Councillor Mrs Watkins	53 – Housing Stock Transfer	Member of Plymouth Community Homes Board	Prejudicial
Councillor Mrs. Dolan	54 – Motion on Notice No. 4 09/10 (Plymouth Citybus Shareholding)	Director of Plymouth Citybus Limited	Prejudicial
Councillor Drean	54 – Motion on Notice No. 4 09/10 (Plymouth Citybus Shareholding)	Director of Plymouth Citybus Limited	Prejudicial
Councillor M. Foster	54 – Motion on Notice No. 4 09/10 (Plymouth Citybus Shareholding)	Director of Plymouth Citybus Limited	Prejudicial
Councillor Martin Leaves	54 – Motion on Notice No. 4 09/10 (Plymouth Citybus Shareholding)	Relative employed by Plymouth Citybus Limited	Prejudicial

Councillor Michael Leaves	54 – Motion on Notice No. 4 09/10 (Plymouth Citybus Shareholding)	Relative employed by Plymouth Citybus Limited	Prejudicial
Councillor Sam Leaves	54 – Motion on Notice No. 4 09/10 (Plymouth Citybus Shareholding)	Relative employed by Plymouth Citybus Limited	Prejudicial
Councillor Stark	54 – Motion on Notice No. 4 09/10 (Plymouth Citybus Shareholding)	Director of Plymouth Citybus Limited	Prejudicial
Councillor Vincent	54 – Motion on Notice No. 4 09/10 (Plymouth Citybus Shareholding)	Employee of Plymouth Citybus Limited	Prejudicial
Councillor Viney	54 – Motion on Notice No. 4 09/10 (Plymouth Citybus Shareholding)	Director of Plymouth Citybus Limited	Prejudicial

### 53. HOUSING STOCK TRANSFER

The Lord Mayor called on the Head of Legal Services to highlight alterations which had been made to the report's recommendations since its publication. The Head of Legal Services reported that minor amendments had been made to recommendations 1) and 4) and these amendments were as set out within the meeting's Order of Proceedings.

Councillor Brookshaw submitted the recommendations contained in the report, as amended, for approval and the proposal was seconded by Councillor Bowyer.

Councillor Wildy, having been seconded by Councillor Smith, proposed an amendment in respect of recommendation 3) to include an additional recommendation 3a) –

“the funding gap of £3m has been noted and that concrete and specific assurances are hereby given that no elected member of this Council will be subject to penalties regarding the above-mentioned £3m funding gap”.

In order to consult and seek further advice on the proposed amendment, the Head of Legal Services requested an adjournment.

The meeting adjourned at 5.20 pm and reconvened at 5.45 pm.

The Chief Executive stated he understood the amendment had been proposed because Members had concerns about personal liability. He therefore confirmed the advice previously provided by Anne Adamthwaite of Anthony Collins Solicitors and the Head of Legal Services that, if Members had acted in good faith, and in accordance with advice from officers, there was no risk of personal liability.

Having regard to the advice given by Council Officers and Anthony Collins Solicitors, Councillor Wildy withdrew her proposed amendment.

Resolved that –

- (1) having regard to the advice of the Chief Executive in an e-mail earlier today, the transfer of the Council's housing stock to Plymouth Community Homes currently scheduled to take place on 16 November 2009 under the terms of the transfer contract and associated documentation be approved, subject to the Council obtaining all necessary consent and final agreement on terms;
- (2) officers seek Secretary of State's consent to the disposal and transfer;
- (3) the Director for Corporate Support continues to exercise his delegated authority, in consultation with the Corporate Impact Project Board, to continue to negotiate and resolve matters outstanding;

- (4) the final transfer contract would be signed by the Leader and the Chair of Plymouth Community Homes on 13 November 2009 but completion would take place on or around 16 November 2009 be noted;
- (5) officers' continued work to address the revenue/capital funding issue described within the report be noted.

(Councillors Dann, McDonald, Thompson and Mrs. Watkins, having declared prejudicial interests in respect of the above item, withdrew from the meeting).

(Councillors Bowie, Jordan, Kerswell, Rennie, Roberts, Tuohy and Vincent declared personal interests in respect of the above item).

**54. MOTION ON NOTICE (PLYMOUTH CITYBUS SHAREHOLDING)**

In accordance with the Rules of Procedure, the following Motion (No. 4 09/10) was moved by Councillor Stevens and seconded by Councillor Lowry –

Plymouth City Council notes the willingness of Councillor Ian Bowyer to disclose Cabinet plans for money realised from the sale of the Plymouth Citybus shareholding in The Herald of 30 September 2009 and the comments of Mr John Preece in the Herald of 1 October 2009.

Recalling the Leader of Plymouth City Council's commitment to a full and open debate on the future of Plymouth Citybus, officers are instructed to issue immediately a full report giving the up to date status of the valuation and bidding process, including decisions on all bids received, the reasoning behind the decisions, as well as full details of the Cabinet's plans for any profit realised as outlined by Councillor Bowyer in the media.

We believe it to be grossly discourteous for developments to be highlighted via the media alone, and call on Councillor Bowyer to apologise to all concerned.

Following a vote, the motion was declared lost.

(Councillors Mrs. Dolan, Drean, M. Foster, Martin Leaves, Michael Leaves, Sam Leaves, Stark, Vincent and Viney, having declared prejudicial interests in respect of the above item, withdrew from the meeting).

(Councillor James, having been proposed by Councillor Stevens and seconded by Councillor Lowry, was appointed Vice-Chair for the above item).

**55. EXEMPT BUSINESS**

There were no items of exempt business.