

# City Council

Monday 5 July 2010

## PRESENT:

Lord Mayor, Councillor Mrs Aspinall, in the Chair.  
Deputy Lord Mayor, Councillor Coker, Vice Chair.  
Councillors Ball, Mrs Beer, Berrow, Bowie, Bowyer, Mrs Bowyer, Mrs Bragg, Brookshaw, Browne, Dann, Delbridge, Mrs Dolan, Drean, Evans, K Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, James, Jordan, King, Martin Leaves, Michael Leaves, Sam Leaves, Lock, Lowry, Dr. Mahony, McDonald, Monahan, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Rennie, Reynolds, Ricketts, Roberts, Dr. Salter, Smith, Stark, Stevens, Thompson, Tuohy, Vincent, Viney, Mrs Watkins, Wheeler, Wogens, Wildy, Williams and Wright.

Also in attendance: Adam Broome (Director for Corporate Support), Tim Howes (Assistant Director for Democracy and Governance), Judith Shore (Democratic and Member Support Manager), Nicola Kirby (Senior Democratic Support Officer (Cabinet)).

Apologies for absence: Councillors Mrs Pengelly and Mrs Stephens.

The meeting started at 2.00 pm and finished at 6.45 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.*

## 8. DIRECTOR FOR CORPORATE SUPPORT

The Lord Mayor reported that Adam Broome, Director for Corporate Support, was in attendance today, in place of the Chief Executive.

## 9. DECLARATIONS OF INTEREST

In accordance with the Code of Conduct, the following declarations of interest were made in relation to items at this meeting -

Name	Item	Interest	Reason
Councillor Bowyer	Minute 17 – Notice of Motion no 1 – withdrawal of the St Budeaux and Weston Mill taxibus service	Shareholder of taxibank plc	personal
Councillor Mrs Bowyer	Minute 17 – Notice of Motion no 1 – withdrawal of the St Budeaux and Weston Mill taxibus service	Shareholder of taxibank plc	personal

Councillor Martin Leaves	Minute 17 – Notice of Motion no 1 – withdrawal of the St Budeaux and Weston Mill taxibus service	taxi driver	personal and prejudicial
	Minute 19 – Notice of Motion no 3 – buses – loss of service	family member is an employee of CityBus	personal and prejudicial
Councillor Mike Leaves	Minute 17 – Notice of Motion no 1 – withdrawal of the St Budeaux and Weston Mill taxibus service	family member is a taxi driver	personal and prejudicial
	Minute 19 – Notice of Motion no 3 – buses – loss of service	family member is an employee of CityBus	personal and prejudicial
Councillor Sam Leaves	Minute 17 – Notice of Motion no 1 – withdrawal of the St Budeaux and Weston Mill taxibus service	husband is a taxi driver	personal and prejudicial
	Minute 19 – Notice of Motion no 3 – buses – loss of service	family member is an employee of CityBus	personal and prejudicial
Councillor Vincent	Notice of Motion no 3 – buses – loss of service	employee of CityBus	personal and prejudicial

## 10. MINUTES

The minutes of the meeting held on 26 April and 21 May 2010 were signed as a correct record.

## ANNOUNCEMENTS

### 11. Lord Mayor

#### *Armed Forces Week*

The Lord Mayor referred to the Armed Forces Week held in June and, on behalf of the Council, congratulated Commander Charles Crichton, various partners, Councillors Brookshaw and Jordan, the armed forces and cadets on the successful event.

#### *Adult Social Care Services - Dignity in Care Award*

The Lord Mayor advised councillors that Plymouth had fought off fierce competition from across the country to win a coveted Dignity in Care award which recognised staff in caring professions who go the 'extra mile' to respect people's dignity in care home settings. Plymouth's award was in recognition of its cutting edge work to ensure the highest possible standards in the city's 160 care homes.

The award was for two specific areas of work – the Dignity in Care Home Forum and the Care Home Practitioners, both designed to provide practical support to care home managers and to share best practice.

The councillors joined with the Lord Mayor in congratulating the Adult Social Care Team on their success and thanked them for coming to the meeting.

## 12. Chief Executive

Appointments to committees, outside bodies, etc.

Agreed that –

(1) the following appointments are approved -

	<b>Committee / Board</b>	<b>Membership</b>	<b>Appointment</b>
1	Joint Scrutiny Review of Waste Project	3 councillors from each of Plymouth City, Devon County and Torbay Borough Councils. Nominations were referred from the Overview and Scrutiny Management Board	Members of the Growth & Prosperity Overview & Scrutiny Panel: Councillors Nicholson (Chair), Mrs Nelder (Vice-Chair) and Berrow

	<b>Organisation</b>	<b>No. of Members</b>	<b>Term of Office</b>	<b>Appointments / Nominations</b>
2	Marine Academy Plymouth – Director	one councillor – new appointment	Continuing membership until such time as the member resigns or is replaced by Council	Councillor Mrs Bragg
3	Estover / Leigham / Mainstone Management Committee	one councillor	Annual appointment	Councillor Delbridge
4	Plymouth Community Homes Board	four councillors	Continuing membership until such time as the member resigns or is replaced by Council	Councillor Fox to replace Councillor Lock
5	Supporting People Commissioning Body	one councillor	Continuing membership until such time as the member resigns or is replaced by Council	Councillor Browne to replace Councillor Mrs Bowyer

(2) the following appointments are deferred for further consideration -

	<b>Organisation</b>	<b>No. of Members</b>	<b>Term of Office</b>	<b>Appointments / Nominations</b>
6	Devon Investment and Pension Fund Committee	two councillors and two substitutes	Continuing membership until such time as the member resigns or is replaced by Council	one councillor and a substitute to be appointed
	<b>Organisation</b>	<b>No. of Members</b>	<b>Term of Office</b>	<b>Appointments / Nominations</b>
7	Devon Sea Fisheries Committee	two councillors	Continuing membership until such time as the member resigns or is replaced by Council	one councillor to be appointed

(3) the following changes of Committee membership, notified to the Monitoring Officer, are noted -

	<b>Committee</b>	<b>Change of Membership</b>
8	Customers and Communities Overview and Scrutiny Panel	Councillor Delbridge replaced Councillor Roberts
9	Devon Audit Partnership	Councillor Jordan substituted for Councillor Sam Leaves at the meeting of the 24 June.

### 13. **Deputy Leader**

*The UK's 'Best Achieving Council of the Year'*

The Deputy Leader referred to the award won by the Council as the UK's best achieving council in the 2010 Municipal Journal Achievement Awards.

This was the top award of 14 that were presented, and Michael Portillo, presenting the award, said that the best achieving council award was for the crème de la crème for local authorities and there had been a very impressive array of finalists.

He went on to say that "The winner is a council which has not always been in the national limelight. The judges were surprised and impressed by the breadth of its improvement and the pride that's been created in this city through its community leadership. Its creativity during a difficult period has been inspiring and the judges are convinced that it will continue to be outstanding."

The judges said the Council had: "delivered an unprecedented programme of change as part of its improvement journey".

The Deputy Leader, on behalf of the Council, extended the Council's thanks to all the staff for their hard work and also congratulated councillors on the achievement.

### *OFSTED Inspection*

The Deputy Leader advised the Council that, in May this year, the Council received the excellent results of the Ofsted and CQC inspection, that looked at how well we take care of our looked after children and safeguard all children and young people in the city.

Plymouth was one of the first cities in the country to receive overall ratings of 'good' for both areas of the inspection and the authority achieved the most 'outstanding' grades of any Council that was inspected at the time.

Inspectors scrutinised Plymouth's performance over an intensive 40 day period, and awarded us with 'outstanding' performance grades in partnership working, leadership and management, user engagement and the city's ambition and prioritisation.

This was a great achievement for Council staff and members, and all those working with children and young people across the city.

The Deputy Leader also referred to the work undertaken by the Council as corporate parents and indicated that 'The Pledge', a DVD put together by young people in care, would be shown to councillors on another occasion.

## 14. **QUESTIONS BY THE PUBLIC**

The Lord Mayor indicated that there were three public questions to be considered at the meeting in accordance with paragraph 10 of the Constitution. In the absence of Mr Sharpe and Mr Emery, the following questions and responses were circulated -

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
1 10/11	Mr F Sharpe	Councillor Brookshaw	Plymstock swimming pool.
Please could Plymstock residents receive an update regarding a proposed site and building of a Plymstock swimming pool. If nothing is currently set in stone please could arrangements be made for a public meeting in Plymstock to help move this project forward. Thanks.			
<b>Response:</b> As has been previously stated the Council has published its Swimming Pool Facilities Strategy 2006-2016 which clearly states that the provision of a swimming pool for the east of the city, including Plymstock, will be part of the development within the City Council boundary at Sherford. This will be largely funded from the developer contributions and thus provide an extremely cost-effective solution to servicing the needs of the Plymstock, Elburton and Sherford communities.			

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
2 10/11	Mr J C Emery	Councillor Brookshaw	Locality Working
<p>Five months after Council approved Locality Working and the decommissioning of Area Committees, when will Locality Working</p> <ul style="list-style-type: none"> <li>• Be implemented?</li> <li>• Co-ordination Teams appointed?</li> <li>• Members and procedures for PACT meetings published?</li> <li>• The operational structure published?</li> <li>• Ward councillors and electorate informed?</li> <li>• Cabinet and scrutiny responsibilities defined?</li> </ul> <p><b>Response:</b>  Locality working is being implemented (from June 2010). The first round of Neighbourhood meetings is almost completed and Locality Teams appointed, led by senior managers.</p> <p>Neighbourhood meetings (based on the PACT model) do not have “members”. They are public meetings at which priorities are identified, facilitated by the police and the council, and to which ward councillors are invited. Procedures are explained at the meetings.</p> <p>The arrangements for Localities working is described in the report published with the agenda for the cabinet meeting on 19<sup>th</sup> January 2010 (which contains diagrams and maps).</p> <p>Ward councillors are being invited to neighbourhood meetings as part of the process and these meetings are also advertised by the police so that members of the public can attend. Details of meetings which have been arranged can be found on Devon &amp; Cornwall Constabulary’s website. Further updates on Locality working will be issued eg on websites and via the media, as appropriate.</p> <p>Cabinet and Full Council were responsible for agreeing Locality working in January / February 2010, following consideration of recommendations from the Overview &amp; Scrutiny Management Board. The Board will shortly consider a recommendation to undertake further Scrutiny of Localities implementation during 2010/11.</p> <p>Locality working is new and evolving. Not all aspects are fully functional yet but we expect it to evolve and grow over time.</p>			

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
3 10/11	Mr J C Emery	Councillor Bowyer	Decommissioning of Area Committees
<p>The decommissioning of Area Committees involved the loss of the franchise to question elected members in open forum on highway matters, traffic orders, street naming, planning, corporate plans, works, goods, services, spending plans on playgrounds and on planning matters. Why are these functions not available under Locality Working?</p>			

**Response:**

Locality working is a new approach to delivering services in a joined up way for the customer and improving the way we engage with communities across the city. The neighbourhood meetings (based on the "PACT" model) which are now being held, jointly hosted by the police and the council, allow the public to identify priorities in each of Plymouth's 43 neighbourhoods. Our consultation showed that there is overwhelming support for public engagement at the neighbourhood level.

Ward councillors are invited to the neighbourhood meetings and can also raise issues with the relevant service or team.

In addition, councillors can be held to account by questioning them directly on ward matters. All members can be contacted by letter and via e-mail through following the links on the Council's website, and also, many councillors hold "surgeries" where ward issues can be raised.

Further, it is open for residents to write directly to the Leader and Cabinet members on particular issues of concern.

Finally, a member of the public can ask questions or speak at Planning, Licensing and Cabinet meetings as well as using this present process where the public can raise questions at Council.

Given the above, I do not accept that the decommissioning of Area Committees has led to "the loss of the franchise to question elected members in open forum on highway matters, traffic orders, street naming, planning, corporate plans, works, goods, services, spending plans on playgrounds and on planning matters."

Agreed that written responses are sent to the questioners.

## **TO DEAL WITH ANY BUSINESS FROM THE LAST COUNCIL MEETING**

### **15. Terms of Reference - Standards Hearing Sub Committee**

Further to minute 125 (09/10) of the last meeting, Councillor Bowyer submitted the report of the Director for Corporate Support and moved the recommendation in the report for approval. The motion was seconded by Councillor Fry.

Following a vote, it was Agreed that the report is noted and the change to the constitution is accepted.

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

### **16. Annual Report on Treasury Management Activities for 2009/10**

Councillor Berrow (Chair of the Audit Committee) presented the Annual Report on Treasury Management Activities for 2009/10 and the recommendations of the Audit Committee (minute 8 refers), for approval. The motion was seconded by Councillor Stark.

Following a request from Councillor Evans for more detail on capitalisation directions, the Director for Corporate Support reported.

Following a vote, it was Agreed that the Annual Report is accepted and the final Minimum Revenue Provision Policy for 2009/10 is approved as follows -

#### Supported Borrowing

For borrowing supported by Revenue Support Grant the Council will continue to use the current method of 4% of the adjusted Non-HRA capital financing requirement.

#### Unsupported Borrowing

For new borrowing under the prudential system for which no Government support is being given and is therefore self-financed, MRP will be made in equal annual instalments over the life of the asset.

#### Capitalisation Directions

For capitalisation directions on expenditure incurred since 1 April 2008 MRP will be made in equal annual instalments over 20 years in line with DCLG guidance.

#### PFI/Leases

MRP in respect of PFI and leases brought on Balance Sheet under the 2009 SORP and IFRS will be based on a charge equal to the amount that has been taken to the Balance Sheet to reduce the liability.

## **MOTIONS ON NOTICE**

### **17. Motion on Notice No 1 - Withdrawal of the St Budeaux and Weston Mill Taxibus Service**

In accordance with the Rules of Procedure, the following motion (No 1 10/11) was moved by Councillor Wheeler -

'This Council notes with disappointment the withdrawal of the St Budeaux and Weston Mill taxibus service, to take effect from 6<sup>th</sup> August. No discussion took place with the Council prior to notice being given to the Traffic Commissioner, so no prior discussion over a replacement service has been possible. The Council further notes the content of the leaflet that the operator is distributing, with its implication that the withdrawal is the fault of the Council for providing no subsidy.

Prior to the introduction of this service, the previous taxibus service received a small Council subsidy. This had to be withdrawn when Taxifast registered its commercial service.

With the introduction of this service 4 years ago, the other weekday services that operated along parts of these routes have been withdrawn. This means that residents, including elderly and disabled people, have no alternative than to pay the cost of a taxi to get to the doctors' surgeries or to shops.

The Council resolves -

- (1) to request the present operator to consider an extension to the withdrawal date to allow discussions to take place with other operators so that a reliable service may be provided to take the place of the current operation;
- (2) to open discussions as a matter of urgency with other potential operators;
- (3) to consider offering subsidy to support a replacement service;
- (4) to offer publicity regarding the Council's responsibility for supporting the present service, to correct the publicity being distributed by the present operator.'

A motion was moved and seconded for Councillor Wheeler to have an extension for a further period of five minutes to present the motion. The motion was put to the vote and declared lost.

The motion on notice was seconded by Councillor Evans.

Following a vote, the motion was declared lost.

(Councillors Martin Leaves, Mike Leaves, Sam Leaves having declared an interest, withdrew from the meeting during consideration of the above item).

18. **Motion on Notice No 2 - Budget Measures**

In accordance with the Rules of Procedure, the following motion (No 2 10/11) was moved by Councillor Evans and seconded by Councillor Williams -

'THIS COUNCIL

Notes that the Government -

- (1) plans to reduce the deficit much further and faster than the Labour Government with a consequent threat to the recovery and greater damage to public services;
- (2) has imposed additional in year cuts to local council programmes costing this council £1.8 million;
- (3) has chosen to increase VAT, a regressive tax bearing hardest on the least well-off;
- (4) has frozen child benefit, cut disability benefit and housing benefit, abolished free swimming, and abandoned the free school meals programme which would have helped 500,000 children;
- (5) and in so doing has penalised people on low and middle incomes while doing little to ensure that the well-off bear their fair share.

This Council resolves to –

- (a) call on the Government to re-think its regressive budget measures, which will hit hardest those who can least afford it;
- (b) consult with local councillors and the communities which they represent prior to implementing any changes to any frontline services;
- (c) work with its strategic partners to identify ways in which the Plymouth economy can be protected from the cuts to the public sector and the rise in VAT, which is likely to cost the economy in the region of £200 million over the next four years.

Following a vote, the motion was declared lost.

19. **Motion on Notice No 3 - Buses - Loss of Service**

In accordance with the Rules of Procedure, the following motion (No 3 10/11) was moved by Councillor Evans –

'Council notes recent changes to Citybus routes 28b, 45, 46 and 47 and the withdrawal of 146, 147, 247 and 246 announced in the press. These changes result in loss of services in areas where car ownership is amongst the lowest in the City.

Council resolves that in future Citybus and First should consult widely with the travelling public and councillors before advertising any changes to bus services.'

During the mover's speech, Councillor Ball moved a point of order to question why a seconder had not been sought. The Assistant Director for Democracy and Governance advised that it was in order for Councillor Evans to explain the motion.

The motion was subsequently seconded by Councillor Wildy.

The following amendment was moved by Councillor Nicholson -

'The Council write to CityBus and First to request, whilst acknowledging that they have to make commercial decisions, that in future, they always undertake meaningful discussions with the public, the City Council and Councillors well before changes are implemented.'

The validity of the motion was challenged and the Assistant Director for Democracy and Governance confirmed that the motion was in order. Following further challenges, the Lord Mayor adjourned the meeting to clarify the motion.

When the meeting reconvened, Councillor Nicholson confirmed that the intention of the amendment was to delete the original motion and insert his amendment. The amendment was seconded by Councillor Viney.

Councillor Ball subsequently moved and Councillor Mrs Beer seconded a motion that the vote is taken. This motion was put to the vote and agreed.

Before the vote was taken, Councillor Nicholson was invited to sum up.

The amendment was then put to the vote and declared carried (and became the substantive motion).

Following a request from Councillor Wildy, it was Agreed that notice would be given when there was 30 seconds remaining on the five minute time limit for a speech.

Councillor Wildy subsequently moved a further amendment to insert the following words at the beginning of the motion agreed by the City Council, so that the amendment read –

'In view of changes to services across the city which affect many members of the public this Council resolves to write to CityBus and First to request, whilst acknowledging that they have to make commercial decisions, that in future, they always undertake meaningful discussions with the public, the City Council and councillors well before changes are implemented.'

The amendment was seconded by Councillor Tuohy.

Councillor Ball moved, and Councillor Wiggins seconded the motion that the vote is taken.

Following a vote, the amendment was declared carried.

Before the vote was taken on the substantive motion, Councillor Evans was invited to sum up.

The vote was taken and the motion was declared carried.

(Councillors Martin Leaves, Mike Leaves, Sam Leaves and Vincent, having declared an interest, withdrew from the meeting during consideration of the above item).

## **ANY OTHER BUSINESS SPECIFIED IN THE SUMMONS TO THE MEETING**

### **20. Report on key decision taken by Cabinet under special urgency provisions**

In accordance with paragraph 17.2 of the Constitution, the Deputy Leader reported to the Council, for noting, the decision taken by Cabinet, on 8 June, concerning an extension to a contract for agency staff procurement and the reasons for urgency, which had been agreed with the Chair of the Overview and Scrutiny Management Board.

Councillor Mrs Watkins seconded the proposal.

During the discussion, the Assistant Director for Democracy and Governance reminded councillors of the constitutional requirements for reporting the decision.

Following a vote, the report was noted.

## QUESTIONS BY MEMBERS

### 21. 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 -

	<b>From</b>	<b>To</b>	<b>Subject</b>
1	Councillor Bowie	Councillor James	Announcement of the Council of Europe's Parliamentary Assembly support for a ban on mosquito devices
2	Councillor Evans	Councillor Mrs Watkins	The loss of funding for the Building Schools for the Future programme for Lipson, Stoke Damerel and Sir John Hunt schools and uncertainty of the funding for Tamarside college.
3	Councillor Vincent	Councillor Wigens	The incorrect marking of residents' parking bays.
4	Councillor Stevens	Councillor Fry	Request for an all party briefing from Leader and Chief Executive on the World Cup visit
5	Councillor Wildy	Councillor Mrs Watkins	The loss of funding for the Building Schools for the Future programme for Lipson, Stoke Damerel and Sir John Hunt schools.
6	Councillor McDonald	Councillor Bowyer	Request for publication of waiting times for housing benefit claimants and for consideration to be given to the impact of the delay on claimants.
7	Councillor Wheeler	Councillor Wigens	The potential for refunds arising from the incorrectly marked residents' parking bays.
8	Councillor Wildy	Councillor Brookshaw	Allocation of liaison officers to neighbourhoods and lack of progress on locality working, having regard to the advice given on case work.

9	Councillor Dann	Councillor Fry (also addressed to Councillors Bowyer and Mrs Watkins)	Written response requested on an economic impact assessment on the loss of funding for the Building Schools for the Future programme
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With regard to question (1) above, Councillor James undertook to write to the pupils of Tamarside Community College, who drew the issue to the attention of the City Council, with the good news and thanking them for their good work in having Plymouth named in the report of the former Children's Commissioner for England.

With regard to question (4) above, and in the absence of the Leader and the Chief Executive at the meeting, Councillor Evans was advised to make the request direct to them.

With regard to question (6) above, Councillor Bowyer undertook to consider the request for publication of waiting times and to provide a response to Councillor McDonald.

With regard to question (9) above, the Lord Mayor indicated that a written response would be provided to Councillor Dann.

## 22. Forward Plan

The Deputy Leader introduced the Forward Plan and questions were asked of the Deputy Leader and Cabinet Members as follows –

	<b>From</b>	<b>To</b>	<b>Subject</b>
1	Councillor Evans	Councillor Fry	Local Development Framework items – no proposals included to address consequences of loss of regional planning arrangements
2	Councillor Lowry	Councillor Bowyer	Medium Term Financial Strategy – with changing financial position, requested that amendments were reported to political groups prior to Council
3	Councillor Evans	Councillor Fry	Local Development Framework: Adoption of Planning Obligations and Affordable Housing Supplementary Planning Document - report to Audit Committee showing monies received for the local development tariff