

City Council

Monday 2 August 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, Martin Leaves, Michael Leaves, Sam Leaves, Lock, Lowry, Dr. Mahony, McDonald, Monahan, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Mrs Pengelly, Rennie, Reynolds, Ricketts, Roberts, Dr. Salter, Smith, Stark, Mrs Stephens, Stevens, Thompson, Vincent, Viney, Mrs Watkins, Wheeler, Wigens, Wildy, Williams and Wright.

Apologies for absence: Councillors Jordan, King and Tuohy.

The meeting started at 2.10 pm and finished at 6.24 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.

25. 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 Mrs Bragg	Minute 35 – Notice of Motion No 4 – Building Schools for the Future	Director of the Marine Academy	Personal
Councillor Stark	Minute 35 – Notice of Motion No 4 – Building Schools for the Future	Governor at All Saints Church of England Academy	Personal
Councillor Wildy	Minute 35 – Notice of Motion No 4 – Building Schools for the Future	Partner is a trustee at Lipson Community College	Personal
Councillor Williams	Minute 35 – Notice of Motion No 4 – Building Schools for the Future	Director of All Saints Church of England Academy	Personal

26. **MINUTES**

The minutes of the meeting held on 5 July 2010 were signed as a correct record.

ANNOUNCEMENTS

27. **Lord Mayor**

The Lord Mayor referred to the death of Alderman Mrs Betty Easton OBE who passed away on 10 July 2010. Alderman Mrs Easton served as a Councillor from 1973 to 1995, representing Plymstock Radford Ward. She was chairman of the Public Services Committee for 14 years and was elected Lord Mayor in 1991. She became an Honorary Alderman in July 1995.

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

28. **Chief Executive**

Appointments to committees, outside bodies etc.

Agreed that –

(1) the following appointments are approved -

	Organisation	No. of Members	Term of Office	Appointments/ Nominations
1	Devon Investment and Pension Fund Committee	Two Councillors and two substitutes	Continuing membership until such time as the member resigned or is replaced by Council	Councillor Smith (to be reviewed at the next meeting)
2	Devon Sea Fisheries Committee	Two Councillors	Continuing membership until such time as the member resigned or is replaced by Council	Councillor Mrs Bowyer

(2) the Leader, Opposition Leader, Deputy Leaders, Chief Whips and responsible staff to meet outside the Council meeting, to resolve the process for appointments to outside bodies;

(3) the membership of the Supporting Members' Group is noted as follows –

Councillor Dann to replace Councillor Rennie.

29. **Cabinet Member**

Councillor Mrs Watkins (Cabinet Member for Children and Young People) confirmed the Council's position that leisure passes for children and young people were not being withdrawn. Councillor Evans requested a transcript.

30. **QUESTIONS BY THE PUBLIC**

There were no questions from the public for this meeting.

TO DEAL WITH ANY BUSINESS FROM THE LAST COUNCIL MEETING

31. **General Questions**

Further to minute 21 (4) of the last meeting, Councillor Stevens referred to his request for an all party briefing from the Leader and Chief Executive on the World Cup visit and sought an update. Councillor Mrs Pengelly reported that a briefing pack would be circulated to all Members by the end of the meeting.

ITEMS REFERRED FROM CABINET

32. **Local Development Framework: Adoption of Planning Obligations and Affordable Housing Supplementary Planning Document First Review**

Councillor Fry submitted the Planning Obligations and Affordable Housing Supplementary Planning Document, First Review (Cabinet minute 23 referred) for adoption. The motion was seconded by Councillor Lock,

Following a vote, it was Agreed that –

- (1) the Planning Obligations and Affordable Housing Supplementary Planning Document, First Review is adopted;
- (2) Councillor Evans is provided with a breakdown of the £1.3m negotiated tariff; indicating how much was single pot, and Councillors Evans and Stevens discuss the issues at their next meeting with Assistant Directors in the Development and Regeneration Directorate.

33. **Overview and Scrutiny Annual Report**

Councillor James submitted the Overview and Scrutiny Annual Report for noting.

The Lord Mayor drew attention to an error on page 4 of the report where 2010 should read 2009. She advised the Council that the submission of a flawed report was not acceptable and she would discuss the matter with Councillor James, for the future.

Agreed that the Overview and Scrutiny Annual report is noted.

34. **Amendment to the Overview and Scrutiny Panel's Terms of Reference**

Councillor James submitted the amendment to the Overview and Scrutiny Panels' Terms of Reference (Overview and Scrutiny Management Board minute 24 referred) for approval. The motion was seconded by Councillor Ball.

Following a vote, it was Agreed that the amendment to the Overview and Scrutiny Panels' Terms of Reference is approved and the constitution amended accordingly.

MOTIONS ON NOTICE

35. **Motion on Notice No 4 - Building Schools for the Future**

In accordance with the Rules of Procedure, the following motion (No 4 10/11) was moved by Councillor Wildy and seconded by Councillor Evans –

'Council notes the Government's withdrawal of the above programme.

1. Council further notes that at present there are no plans regarding the rebuilding of Stoke Damerel Community College;
2. the provision designated for refurbishment at Lipson Community College and the ICT suite for Woodview Learning Campus has been cancelled;
3. All Saints Academy and Marine Academy Plymouth are designated as 'to be discussed', presumably with Department for Education and Sponsors;

Students, parents, teachers and their communities have been left uncertain about the prospect for building programmes at all these schools.

In view of the above, Council resolves:-

1. to ask our Members of Parliament; Gary Streeter MP, Alison Seabeck MP and Oliver Colvile MP to lead a cross party delegation including City Councillors to meet with the Secretary of State at the earliest opportunity to ensure Plymouth's case receives proper consideration;
2. to campaign vigorously for the above schools to receive the funding previously allocated to enable them to provide high quality learning environments for our young people;
3. to involve all our partners, including the Academy Sponsors; Faith Groups; Children's Trust; Local Strategic Partnership, Chamber of Commerce, the Plymouth Herald to gather City-wide support for this campaign.'

The following amendment was moved by Councillor Mrs Watkins -

'In the first number '3' delete the words – 'are designated as 'to be discussed', presumably' and insert –

'and this Council is currently in discussion'

Delete the paragraph starting 'Students, parents, teachers

'We recognise that there are students, parents and teachers who are disappointed at the Government's decision.

It is noted however, that although Government has cancelled the BSF Programme for those schemes which had not already reached the stage of financial closure, the new Minister has stated that the Schools Building Programme is currently under review and that new proposals will be brought forward in due course.'

Delete the proposed resolution 1 and insert –

'1. to continue working with elected MPs to ensure Plymouth's case receives proper consideration.'

In resolution 2, delete the words 'To campaign vigorously for the above schools to receive' and insert -

'Working with all key partners to follow all appropriate channels in our efforts to ensure that'

Substitute 'it' for 'them' after 'enable' and add the words 'is secured' at the end of the resolution.

So that the amended motion reads -

Council notes the Government's withdrawal of the above programme.

1. Council further notes that at present there are no plans regarding the rebuilding of Stoke Damerel Community College;
2. the provision designated for refurbishment at Lipson Community College and the ICT suite for Woodview Learning Campus has been cancelled;
3. All Saints Academy and Marine Academy Plymouth and this Council is currently in discussion with Department for Education and Sponsors.

We recognise that there are students, parents and teachers who are disappointed at the Government's decision.

It is noted that although Government has cancelled the BSF Programme for those schemes which had not already reached the stage of financial closure, the

new Minister has stated that the Schools Building Programme is currently under review and that new proposals will be brought forward in due course.

In view of the above, Council resolves:-

1. to continue working with elected MPs to ensure Plymouth's case receives proper consideration.
2. working with all key partners to follow all appropriate channels in our efforts to ensure that the funding previously allocated to enable it to provide high quality learning environments for our young people is secured.'

The amendment was seconded by Councillor Bowyer.

The validity of the amendment was challenged and the Assistant Director for Democracy and Governance confirmed that the amendment was in order.

Following a vote, the amendment was declared carried.

During the debate, the Leader raised the issue of councilors texting on mobile phones and the Lord Mayor advised that the matter would be pursued in the review of the constitution.

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

The vote was taken and the motion, as amended, was declared carried.

(Councillors Mrs Bragg, Stark, Wildy and Williams declared a personal interest in the above item)

36. **Motion on Notice No 5 - Leisure Passes for Children and Young People in Care**

Before the commencement of the item, the Leader invited Councillor Wildy to withdraw Motion of Notice No 5, in the light of the announcement by Councillor Mrs Watkins, referred to in minute 29 above. Councillor Wildy declined to do so.

In accordance with the Rules of Procedure, the following motion (No 5 10/11) was moved by Councillor Wildy and seconded by Councillor Bowie -

'We note the email sent to some elected members on 20 July 2010 that Leisure Centre passes enabling Children and Young People in the care of Plymouth City Council to attend Plymouth City Council Leisure Centres be removed by the end of July. Given that all Councillors are Corporate Parents and that the Plymouth Pledge explicitly states that Young People who have been in Care of Plymouth City Council for one month should receive a free Leisure pass.

Council resolves to request the cabinet and portfolio holder -

1. restore as from today the free Leisure Pass to Children and Young People in Care;
2. present to the next meeting of the Children and Young People Overview and Scrutiny Panel a model of how the free Leisure Pass for Children and Young People in Care will be funded;
3. confirms its commitment to honour all sections of the Plymouth Pledge.'

Councillor Ball moved, and Councillor Roberts seconded the motion that the vote is taken. The motion was put to the vote and declared carried.

Councillor Wildy was invited to sum up and following a vote the motion was declared lost.

37. **Motion on Notice No 6 - Consultation Programme on Changes to Service Delivery**

In accordance with the Rules of Procedure, the following motion (No 6 10/11) was moved by Councillor Williams and seconded by Councillor Stevens -

'This Council notes that:-

This Council is going to face significant budget pressures following the Coalition Government's emergency budget in July and the Comprehensive Spending Review in October 2010.

That significant changes to the way in which we deliver services will need to be investigated in order to respond to budget pressures.

This Council resolves:

To consult with service users, local councillors and the community prior to any changes to service delivery being implemented.

That Officers bring forward a report to Scrutiny showing how the consultation programme will be implemented prior to Comprehensive Spending Review in October 2010.'

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

38. **COMPULSORY PETITIONS SCHEME**

The written report of the Director for Corporate Support was submitted on the Compulsory Petitions Scheme and Councillor Bowyer submitted the recommendations in the report for approval. The motion was seconded by Councillor Fry.

It is recommended that the Council –

- (i) designates the Assistant Director of Democracy and Governance as the Council's Petitions Officer;
- (ii) adopts the Petition Scheme attached at Appendix 1;
- (iii) create an on-line petition scheme by the 15th December 2010; and
- (iv) agree to amend the Constitution to include the petition scheme.

The following amendment was moved by Councillor Lowry –

'Page 19 paragraph 4 after, if your petition contains at least 2,500 signatures, delete the figures 2,500 and insert 1,000.'

The amendment was seconded by Councillor Stevens.

During the debate, Councillor Bowyer undertook to revisit the scheme in 12 months time.

Following a vote, the amendment was declared lost.

During the debate on the substantive motion and in response to a point of order by Councillor Evans, the Assistant Director for Democracy and Governance reported that the review of the Constitution would be submitted to the City Council in December 2010 and indicated the consultation proposals.

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

Following a vote, the motion was declared carried and it was AGREED that –

- (1) the Assistant Director of Democracy and Governance is designated as the Council's Petitions Officer;
- (2) the Petition Scheme is adopted as attached at Appendix 1;
- (3) an on-line petition scheme is created by the 15 December 2010;
- (4) the Constitution is amended to include the petition scheme.

39. **General Questions**

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

	From	To	Subject
1	Councillor Evans	Councillor Monahan	Regarding a chair lift at Stirling House being funded from the operational risk register.
2	Councillor Bowie	Councillor Bowyer	Funding allocation for early years provision in Barne Barton.
3	Councillor Smith	Councillor Brookshaw	Provision of an ice skating facility in the city.
4	Councillor Evans	Councillor Mrs Pengelly	Date for a memorial for the late Freeman Michael Foot.
5	Councillor Bowie	Councillor Mrs Watkins	Regarding when early years will restart in Barne Barton including information on venue and location within Barne Barton.
6	Councillor Evans	Councillor Mrs Pengelly	Removal of the Devon and Cornwall Police Authority and replacement with an elected police commissioner
7	Councillor Rennie	Councillor Wiggins	Request for a crossing at Lipson Road
8	Councillor Wildy	Councillor James	Cross party working.
9	Councillor Evans	Councillor Brookshaw	Big screen promoting local artists.

The Cabinet Members undertook to provide written responses to questions 1, 2 and 5 above.

With regard to question 6 above, Councillor Mrs Pengelly undertook to report further to the City Council, if lobbying to retain the police authority was unsuccessful.

With regard to question 7 above, Councillor Wiggins advised Councillor Rennie to put the matter in an email to him.

With regard to question 9 above, Councillor Brookshaw undertook to liaise with Councillor Smith.

40. **Forward Plan**

The Leader introduced the Forward Plan and referring to the item on City Priorities, indicated that there would be consultation on the priorities.

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

	From	To	Subject
1.	Councillor Williams	Councillor Sam Leaves	Lack of items in the forward plan.
2.	Councillor Lowry	Councillor Bowyer	Medium Term Financial Strategy – inadequate consultation and requesting that each Councillor should be given a full brief.
3.	Councillor Wildy	Councillor Mrs Pengelly	City Priorities – consultation period.
4.	Councillor Evans	Councillor Bowyer	Medium Term Financial Strategy – date of decisions and current position.
5.	Councillor McDonald	Councillor Mrs Pengelly	City Priorities – consider the opportunity to share this with localities and neighbourhoods.
6.	Councillor Williams	Councillor Bowyer	Forward Plan – making it more accessible to the public.
7.	Councillor Evans	Councillor Bowyer	Medium Term Financial Strategy – how was the Cabinet Member to be held to account as current document was based on old assumptions?

With regard to question 5 above, Councillor Mrs Pengelly undertook to consider the proposals.