

City Council

Monday 6 December 2010

PRESENT:

The Lord Mayor, Councillor Mrs Aspinall, in the Chair.
The 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, Foster, Mrs Foster, Fry, Gordon, Haydon, Jordan, King, Martin Leaves, Michael Leaves, Sam Leaves, Lock, Lowry, McDonald, Monahan, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Mrs Pengelly, Rennie, Reynolds, Ricketts, Roberts, Smith, Stark, Mrs Stephens, Stevens, Thompson, Tuohy, Vincent, Mrs Watkins, Wheeler, Wigens, Wildy, Williams and Wright.

Apologies for absence: Councillors James, Fox, Dr. Mahony and Dr. Salter

The meeting started at 2 pm and finished at 6.35 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.

60. 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 Beer	Minute 68 -Three Year Review of Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Personal	Employee of Devon and Cornwall Police
Councillor Coker	Minute 68 -Three Year Review of Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Personal and prejudicial	Licence holder
Councillor King	Minute 68 -Three Year Review of Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Personal and prejudicial	Licence holder

Councillor Martin Leaves	Minute 68 –Three Year Review of Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Personal and prejudicial	Hackney Carriage driver
Councillor Sam Leaves	Minute 68 –Three Year Review of Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Personal and prejudicial	Husband is a Hackney Carriage driver
Councillor Lowry	Minute 68 –Three Year Review of Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Personal and prejudicial	His sister runs an off licence
Councillor Stevens	Minute 68 -Three Year Review of Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy	Personal and prejudicial	Employee of Devon and Cornwall Police

61. **MINUTES**

Agreed that the minutes of the meeting, held on 11 October 2010, are confirmed as a correct record.

ANNOUNCEMENTS

62. **Lord Mayor**

The late Graham Horler

The Lord Mayor referred to the recent death of Graham Horler, a former councillor from 2000 to 2003.

Agreed that the Council's condolences are sent to his wife.

The late Councillor David Viney

The Lord Mayor reported, with great sadness, the recent death of Councillor David Viney and referred to his funeral on Tuesday 7 December 2010, at 11.30 am at St Andrew's Minster Church.

A former Lord Mayor, Deputy Lord Mayor and councillor, David Viney died suddenly on 26 November 2010, aged 75, following a heart attack.

David was born in Pontypridd, Wales, and later moved to Tiverton where he met his wife, Pauline. They later moved to Plymouth where David worked for Norwich Union. He was a family man with two sons and three grandsons.

He joined the Council in 1976 as a ward representative for the Dunstone Ward, and remained a councillor with only a two year break, between 1995 and 1997. In July 1995 he was awarded the honour of Honorary Alderman. He was re-elected to the Council in 1997 and was Deputy Lord Mayor for the year 1993/94 and Lord Mayor for 2001/02. David was also a member of the National Joint Council for Manual Workers, working nationally. During his service on the Council, he sat on most of the committees. Notably, he was chair of the Personnel Committee, Environmental Services Committee, Sustainable Communities Overview and Scrutiny Panel, Growth and Prosperity Overview and Scrutiny Panel and Plymouth CityBus. Following the adoption of executive arrangements, he was Portfolio Holder for Transport, Housing and Related Regeneration from 2002 - 2003. David was currently serving on the Health and Adult Social Care Overview and Scrutiny Panel, Devon and Somerset Fire and Rescue Authority, Morley Centre Management Committee and Mount Batten Sailing and Water Sports Centre Board of Directors.

The Lord Mayor also referred to the assistance he had given to her about the role of Lord Mayor.

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

63. **The Leader and Cabinet Members**

Devonport Park - Plymouth Environmental Volunteer group of the year runner up cup, Community Project of the Year through the Association of Project Management and the Creating Excellence Award

Councillor Michael Leaves reported that the Devonport Park Friends group had worked with the Council during the last five years and had helped the Council to secure Heritage Lottery Funds to restore the park. They had provided volunteer time to hold events in the park and undertake some of the restoration works. Twelve of the volunteers had gained qualifications in gardening to NVQ Level 1 through the project. This year the Friends won the Plymouth Environmental Volunteer group of the year runner up cup and helped the Council to win the category of Community Project of the Year through the Association of Project Management and the Creating Excellence Award for the restoration works to date on Devonport Park.

Devonport Park's restoration was due for completion in September 2011 and the works included the restoration of all the park's historic memorials, fountains, lodge and railings as well as the development of a multi-use Park Pavilion and new children's play area.

The Council congratulated everyone concerned on these tremendous achievements.

Efford Building Communities Initiative - Creating Excellence Award

Councillor Fry reported that the Efford Building Communities Initiative, run by the Neighbourhood Regeneration Team, focused on improving the neighbourhood and involving the community. It was given a Commendation for Exemplary Practice. The Council congratulated the team on this award.

National Leaving Care Awards

Councillor Mrs Watkins advised that a promising local sportswoman and one of our participation officers were honoured at the recent National Leaving Care Awards.

Diane Neza, touted as a possible contender for the 2012 Olympics, had been given the honour of outstanding sportsperson, for her achievements in the field of javelin throwing. Jo Short (part of the 16 plus team), also won the national category honouring local authority workers, for her work supporting local young people.

The Council congratulated them on their awards.

Local Authority Building Control, National Building Excellence Awards

Councillor Fry reported that the Council's Planning Service had been awarded the national award for the Ker Street Phase One Development, under the category for Best Social / Affordable Housing Development.

The project to redevelop housing in Ker Street was part of the Devonport regeneration scheme and included 48 different sized houses that reflected the grand Georgian setting, a new street layout and remodelled public space.

The excellent teamwork, established between Plymouth City Council's Building Control team, Midas Homes and Fred Champion Groundworks was highlighted.

The Council congratulated the team on this achievement.

64. 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.

Mr West attended the meeting and asked the following question. Councillor Michael Leaves responded as set out below.

Question No	Question By	Cabinet Member	Subject
4 10/11	Mark West	Councillor Michael Leaves	Waste to energy incinerator in the dockyard, North Yard

1. What is the full impact assessment to the local community of the siting of a waste to energy incinerator in the dockyard, North Yard, including social and environmental impact of lorries, fumes, noise and traffic danger?
2. How does this positively impact on the drive for 80% recycling of Plymouth Waste?

Response to item 1:

If the North Yard solution is successful, a full environmental impact assessment will be prepared by the contractor and submitted as part of their planning application. This environmental assessment will include an assessment of all the relevant environmental factors including those mentioned and will be a public document.

This document will be fully considered as part of the planning application process by various statutory consultees and organisations involved including the Environment Agency and highway authorities and their responses will be considered along with community views as part of the planning determination.

Response to item 2:

The Council's Municipal Waste Management Strategy 2007 - 2030 was adopted in April 2007 following consultation with the community and other interested parties. The Strategy adopted a combined recycling and composting rate of 39% with intermediate targets of 30% by 2010 (already achieved) and 33% by 2015. However, the Council will seek to improve upon these figures where practicable to do so.

The Municipal Waste Management Strategy evaluated a range of possible options for managing the City's Municipal waste. The preferred option was chosen following a series of workshops and consultation exercises. The adopted preferred option includes an Energy from Waste solution for the final treatment of non-recycled waste. This option was shown to increase recycling and composting, reduce the impact on the environment from CO² emissions and meet legal requirements to divert biodegradable waste from landfill.

Evidence from other countries in Europe with Energy from Waste facilities indicates that recycling and energy recovery are not mutually exclusive options but are part of a structured approach to managing waste effectively. This is also supported by evidence in this country in areas where modern Energy from Waste facilities exist. The role that energy recovery has to play in the future has already been endorsed by the Coalition Government.

The Council is confident that the Municipal Waste Management Strategy sets out a positive programme which increases recycling, recovers value from non-recycled material and offers a cost effective service to residents of the City.

The Municipal Waste Management Strategy and all the supporting documents are available from the Council's website. Hard copies are available in the libraries and a copy can be supplied on a CD upon request.

The Council has not made a commitment to recycle and compost 80% of Plymouth's waste but would be interested to know the source of this information.

In the absence of Angela Prince and Mr Sharpe, the following questions and responses were circulated -

Question No	Question By	Cabinet Member	Subject
510/11	Angela Prince	Councillor Monahan	Proposed closure of Welby
<p>How does the Council believe it is supporting and promoting individual choice and control for learning disabled individuals by choosing to ignore the opposition expressed, by a majority of service users and carers, during the public consultation regarding the proposed closure of Welby?</p>			
<p>Response: There are over 1000 people in the city with learning disabilities supported by the Council, of those there are 40 families who use Welby. We acknowledged in the Cabinet report that people wanted Welby to remain open, however people with learning disabilities and some other family carers also wanted more choice and control over the range and availability of short break service provision. We reflected all of these themes in the Cabinet paper.</p> <p>The council through Adult Social Care will work with carers to continue to ensure that their eligible and assessed need for carers support is met.</p>			

Question No	Question By	Cabinet Member	Subject
610/11	Mr Sharpe	Councillor Mrs Watkins	Proposed transfer of Downham School Plymstock

Please could it be disclosed if the proposed transfer of Downham School Plymstock to Estover will still go ahead in 2011 and if so when the Downham school site will be declared surplus to requirements.

Response:

The transfer of Downham to the Tor Bridge site (Estover Campus) is subject to a Cabinet report being presented on 14 December 2010. At present the secondary unit of Downham has been completed but the primary element will not be completed until summer 2012 when the Primary School is opened. It is felt that it is in the best interests of the children, families and the staff at the school to move all concerned together, it is therefore now proposed that this be deferred to September 2012 and this will be subject to authorisation by Cabinet for full consultation.

In relation to the site we are awaiting new regulations in the new year from the Department for Education regarding disposal of sites and declaring land surplus to requirements as indicated in the Schools White Paper 2010 – The Importance of Teaching.

Agreed that written responses are sent to the questioners who were absent.

RECOMMENDATIONS FROM CABINET, OVERVIEW AND SCRUTINY MANAGEMENT BOARD AND THE AUDIT COMMITTEE

65. **Joint Performance and Finance Report**

At the start of the item, Councillor Evans referred to the rejection of his motion on notice on the waste to energy plant and drew the Council's attention to a previous motion submitted to the City Council on 26 April 2010.

Agreed that the advice provided to Councillor Evans and the Lord Mayor, on the reasons for ruling the motion out of order, is repeated by the Assistant Director for Democracy and Governance, in writing, to Councillor Evans.

Councillor Bowyer moved the proposal to add two new schemes to the capital programme 2010/11 as contained in recommendation (2) of Cabinet minute 72.

Councillor Sam Leaves seconded the proposal.

Following a vote, it was Agreed that the following new schemes (included in the latest forecast) are added to the capital programme for 2010/11 -

- (a) Brickfields improved Athletics facilities £0.133m;
- (b) reinstatement of playing fields at Lipson Vale £0.407m.

66. **Medium Term Financial Strategy 2010 - 2014**

Councillor Ball (Vice Chair of the Overview and Scrutiny Management Board) (in the absence of Councillor James (Chair)) presented minute 60 of the Overview and Scrutiny Management Board, for noting.

Councillor Bowyer moved the Medium Term Financial Strategy 2010/14 for approval (Cabinet minute 73 refers), subject to the amendment of the strategy by the deletion of the words 'awareness sessions at Area Committees' on page 53 of the agenda papers, under 'Consultation', as reported to the Overview and Scrutiny Management Board.

The motion was seconded by Councillor Ball.

Councillor Bowyer indicated that the strategy would be kept under review in the light of further information on the financial settlement, grants etc. A further report would be submitted to the City Council in due course.

Following a vote, it was Agreed that the updated Medium Term Financial Strategy, for the period 2010 to 2014, was adopted, as submitted (with Cabinet's amendment) and amended by the deletion of the words 'awareness sessions at Area Committees' on page 53 of the agenda papers.

67. **Treasury Management Strategy 2010/11 - mid year review**

Councillor Berrow (Chair of the Audit Committee), presented the report on the mid year review of the Treasury Management Strategy 2010/11 for noting, in accordance with Treasury Management Practice note 6 (Audit Committee minute 52 refers).

Councillor Stark seconded the proposal.

During the discussion, reference was made to the internal audit six monthly progress report submitted to the Audit Committee (minute 55 refers), relating to information management, and to the interest linked to the Icelandic Bank investments.

The report was noted by the City Council.

68. **Three Year Review of Licensing Act 2003 Statement of Licensing Policy, including Cumulative Impact Policy**

In the absence of the Deputy Lord Mayor, it was Agreed that Councillor Mrs Nelder was appointed to act in the role of Deputy Lord Mayor, for this item.

Councillor Michael Leaves, moved the draft Statement of Licensing Policy (Cabinet minute 74 refers) for approval and to apply the Special Policy on Cumulative Impact to Union Street (including Derry's Cross), the Barbican, North Hill, Mutley Plain and Stoke Village.

Councillor Mrs Bowyer seconded the proposal.

Following a vote, it was Agreed that the draft Statement of Licensing Policy is adopted and that the Special Policy on Cumulative Impact will apply to Union Street (including Derry's Cross), the Barbican, North Hill, Mutley Plain and Stoke Village.

(Councillors Coker (Deputy Lord Mayor), King, Martin Leaves and Sam Leaves having declared an interest in the item, withdrew from the meeting).

(Councillor Stevens declared a personal interest initially and during the course of the debate, changed the nature of his declaration from personal to personal and prejudicial, and withdrew from the meeting).

(During the debate, Councillor Lowry declared a personal and prejudicial interest and withdrew from the meeting).

(Councillor Mrs Beer declared a personal interest in the above item).

69. **MOTIONS ON NOTICE**

There were no motions on notice.

70. **CHANGES TO EXECUTIVE ARRANGEMENTS**

The Assistant Director for Democracy and Governance presented the reports and recommendations on changes to executive arrangements. Councillor Mrs Pengelly moved approval of the recommendations set out in the supplementary report of the Assistant Director for Democracy and Governance.

Councillor Jordan seconded the proposal.

Councillor Evans moved the following amendment –

‘Delete recommendation 2 and insert new recommendation 2 –

That in the light of flawed consultation on the matter, the council agrees to hold a confirmatory referendum on the matter on the day of the national referendum on AV and the local elections on 5 May 2011.

Add new 4 -

That an all party Democracy Commission, comprising members and interested members of the local community be created immediately to review the Council's scheme of delegation for its efficiency, effectiveness and fairness in promoting good governance of this Authority. The commission should present its finding to the last council before the referendum referred to in 2 above.’

Councillor Dann seconded the amendment.

The Lord Mayor adjourned the Council meeting so that officers could consider the amendment. The Council reconvened and following a debate, the amendment was put to the vote and declared lost.

The City Council then debated the substantive motion and, following a request by 10 Members for a recorded vote, there voted –

For the motion (30)

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

Against the motion (19)

Councillors Bowie, Coker, Dann, Evans, Gordon, Haydon, Lowry, McDonald, Murphy, Mrs Nelder, Rennie, Smith, Stevens, Tuohy, Vincent, Wheeler, Wildy, Williams and Wright.

Abstentions (2)

Councillor Berrow and Lord Mayor

Absent (5)

Councillors Fox, James, King, Dr Mahony and Dr Salter.

The Lord Mayor declared the motion carried and it was Agreed that the Council -

- (1) adopts the Leader and Cabinet model of governance as set out in Local Government Act 2000 (as amended);
- (2) does not undertake a referendum on the adoption of those arrangements;
- (3) instructs the Monitoring Officer to draw up the proposed changes to the Constitution, the timetable for implementation and any transitional arrangements to give effect to the above decisions. Further, once those proposals have been drawn up, to make them available to the public and advertise that they are available.

71. **APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC**

Agreed that appointments to committees and outside bodies are determined as follows -

	Organisation	No. of Members	Appointments / Nominations
1	Neighbourhood Board for Devonport	Two councillors – one vacancy	Councillor Mrs Dolan
2	Plymouth Charity Trust	Four representatives – one vacancy	Chris Robinson
3	Plymouth Foyer / Devon and Cornwall Housing Association	One councillor (Councillor Mrs Stephens) on the Plymouth Foyer Advisory Board and two councillors (Councillors Delbridge and Lock) on the Devon and Cornwall Housing Association	No action and therefore no change to representation
4	Devon and Severn Inshore Fisheries and Conservation Authority – Shadow Authority	Request for the appointment of a substitute councillor (in the absence of Councillor Delbridge)	Councillor Mrs Bowyer (substitute)
5	Tamar Estuaries Consultative Forum	Two councillors: Councillors Delbridge and Mrs Dolan	Councillor Mrs Nicholson to replace Councillor Delbridge
6	Devon and Somerset Fire and Rescue Authority	Three Conservative councillors: Councillors Martin Leaves and Mrs Nicholson – one vacancy One Labour councillor: Councillor Gordon	Councillor Dreaan

- (7) the vacancies of one place on each of the outside bodies below are deferred to the next meeting of the City Council –
- Morley Centre Management Committee;
 - Mount Batten Sailing Water Sports Centre – Board of Directors.
- (8) the vacancy on the Health and Adult Social Care Overview and Scrutiny Panel is noted and the Assistant Director for Democracy and Governance will be notified of the change of panel membership;
- (9) the following changes of committee membership, notified to the Monitoring Officer, are noted -

	Committee	Change of Membership
•	Overview and Scrutiny Management Board – nominated substitutes	Councillor Gordon has replaced Councillor Coker (Health and Adult Social Care OSP). Councillor Coker has replaced Councillor McDonald (Customer and Communities OSP). Councillor Lock has replaced Councillor Thompson (Support Services OSP)
•	Corporate Parenting Group Agreed by the Corporate Parenting Group that Councillor Mrs Watkins should be a member of the Group. Therefore, to preserve the political proportionality, one Conservative group member is asked to stand down.	Councillor Mrs Watkins to replace Councillor Fox

QUESTIONS BY MEMBERS

72. 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 Bowyer	Seeking a meeting to discuss whether it was appropriate for the Bruce Hales order to receive tax relief.
	Councillor Bowyer undertook to deal with the matter, and to meet, if necessary.		
2	Councillor Williams	Councillor Jordan	Content of councillors' websites
	A written response to be provided to Councillor Williams.		
3	Councillor Wildy	Councillor Mrs Watkins	Withdrawal of the educational maintenance allowance.

4	Councillor McDonald	Councillor Monahan	Closure of Welby home.
5	Councillor Dann	Councillor Mrs Watkins	Impact of withdrawing specialist sport provision grant and asking whether a meeting had been held with the Prime Minister.
6	Councillor Wildy	Councillor Mrs Watkins	Seeking a guarantee that concessionary fares would not be reduced for young people.
A written response to be provided to Councillor Williams.			
7	Councillor Dann	Councillor Mrs Watkins	Impact of withdrawal of the specialist sport provision on teachers, coaches and children.
A written response to be provided to Councillor Dann.			
8	Councillor Smith	Councillor Brookshaw	Surplus property declaration on all weather pitches at Manadon re public access, pricing structure and clause on the sale of the land.
A written response to be provided on the possibility of including a clause to prevent the subsequent sale of the land.			
9	Councillor Williams	Councillor Monahan	Closure of Welby - submission of information to scrutiny and Cabinet.
10	Councillor Wildy	Councillor Mrs Watkins	Plan B for Stoke Damerel School, following demise of Building Schools for the Future

11	Councillor Evans	Councillor Fry	In accordance with the Waste Development Plan document, when was study on environmental impact and transport implications commissioned, how long will it take and who will have access to them.
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73. **Forward Plan**

The Leader introduced the Forward Plan.

Questions were asked of the Leader and Cabinet Members on the South West Devon Waste Partnership as follows –

	From	To	Subject
1	Councillor Williams	Councillor Michael Leaves	Seeking a review of the process and referral to the City Council.
2	Councillor Evans	Councillor Mrs Pengelly	Decision giving the executive responsibility to agree the site.
	A written response will be provided Councillor Evans providing the minute.		
3	Councillor Stevens	Councillor Michael Leaves	Preference for wide range of opinion and discussion at City Council?
4	Councillor Evans	Councillor Michael Leaves	If no authority for the decision, will Council be recalled?
5	Councillor Wheeler	Councillor Michael Leaves	What precautions have been taken to meet expectations of tenderers, to receive planning permission and a waste licence?
6	Councillor Evans	Councillor Michael Leaves	Separation of responsibilities between Councillors Fry, Michael Leaves and Lock.

7	Councillor Wheeler	Councillor Michael Leaves	Cost of delays and likelihood of contractors receiving planning permission and a waste licence.
8	Deputy Lord Mayor (Councillor Coker)	Councillor Michael Leaves	Discussion at Council to enable electorate to hear elected representatives present their views.