

## **Cabinet**

**Tuesday 23 August 2011**

### **PRESENT:**

Councillor Mrs Pengelly, in the Chair.

Councillor Fry, Vice Chair.

Councillors Ball, Bowyer, Monahan, Ricketts and Wigens.

Also in attendance: Barry Keel (Chief Executive), Adam Broome (Director for Corporate Support), Carole Burgoyne (Director for Community Services), Paul Barnard (Acting Director for Development and Regeneration), Peter Aley (Assistant Director for Safer Communities), Malcolm Coe (Assistant Director Finance Assets and Efficiencies), James Coulton (Assistant Director for Culture, Sport and Leisure), Patrick Hartop (Senior Policy, Performance and Partnership Adviser), Clive Perkin (Assistant Director for Transport), Chris Trevitt (Assistant Head of Asset Management) Tom Westrope (Spatial Planning Officer).

Apologies for absence: Councillors Jordan, Michael Leaves and Sam Leaves.

The meeting started at 2 pm and finished at 3.20 pm.

*Note: At a future meeting, the Cabinet 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.*

### 29. **DECLARATIONS OF INTEREST**

There were no declarations of interest in accordance with the code of conduct from Cabinet Members in relation to items under consideration at this meeting.

### 30. **MINUTES**

Agreed that the minutes of the meeting held on 12 July 2011 are confirmed as a correct record.

### 31. **QUESTIONS FROM THE PUBLIC**

Nine questions were submitted from Mr Else in accordance with paragraph 10 of the Constitution, as set out below.

In the absence of Mr Else, the questions and the responses were circulated and written responses would be provided to him.

Question No	Question By	Cabinet Member	Subject
1 (11/12)	Mr B Else	Councillor Fry	Units 1-13, 80 The Ride PL9 7JS
<p>Reference ELECTORS QUESTION for Units 1-13, 80 The Ride PL9 7JS, 20th June 2011, replied to by Councillor Fry. Can PCC clarify these points?</p> <p>A wheeled axel is fitted to static caravans so they can comply with planning regulations. How does a '<b>touring caravan</b>' differ from any other caravan and not conflict planning consent? Please define '<b>touring caravan</b>'.</p>			
<p><b>Response:</b></p> <p>The legal definition of a caravan applies to all types of caravan; namely to caravans used as permanent residential accommodation for Gypsy and Traveller sites and park home estates and to caravan accommodation used for holiday purposes. So far as the law is concerned, a park/mobile home, a caravan holiday home, touring caravan or Gypsy and Traveller home are all capable of coming within the legal definition of a caravan provided they retain the element of mobility. Mobility, in this context, means that the caravan must be capable of being moved when assembled from one place to another.</p> <p>Section 29 (1) of the Caravan Sites and Control of Development Act 1960 (as amended) defined a caravan as:</p> <p>"... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any other vehicle so designed or adapted but does not include</p> <p>(A) Any railway rolling stock which is for the time being on rails forming part of a system, or</p> <p>(B) Any tent</p>			

Question No	Question By	Cabinet Member	Subject
2 (11/12)	Mr B Else	Councillor Fry	Units 1-13, 80 The Ride PL9 7JS
<p>Reference ELECTORS QUESTION for Units 1-13, 80 The Ride PL9 7JS, 20th June 2011, replied to by Councillor Fry. Can PCC clarify these points?</p> <p>If additional '<b>touring caravans</b>' are allowed, should that have been stated in the original consent as the site was built to house nomads?</p>			

**Response:**

This and the other related questions raise issues of possible breaches of planning control which will require further research. This has been referred to the Planning Compliance Team who will commence an investigation.

I will provide full written responses to this and other questions at the earliest opportunity when further enquiries have been completed.

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
3 (11/12)	Mr B Else	Councillor Fry	Units 1-13, 80 The Ride PL9 7JS
Reference ELECTORS QUESTION for Units 1-13, 80 The Ride PL9 7JS, 20th June 2011, replied to by Councillor Fry. Can PCC clarify these points?			
If 13 means more than 13, what is the maximum number of caravans that could be housed on the site?			
<b>Response:</b>			
This and the other related questions raise issues of possible breaches of planning control which will require further research. This has been referred to the Planning Compliance Team who will commence an investigation.			
I will provide full written responses to this and other questions at the earliest opportunity when further enquiries have been completed.			

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
4 (11/12)	Mr B Else	Councillor Fry	Units 1-13, 80 The Ride PL9 7JS
Reference ELECTORS QUESTION for Units 1-13, 80 The Ride PL9 7JS, 20th June 2011, replied to by Councillor Fry. Can PCC clarify these points?			
Does PCC set a benchmark with <b>13 meaning more than 13</b> , and the term ' <b>touring caravan</b> ' or are there other cases where this principle applies?			
<b>Response:</b>			
This and the other related questions raise issues of possible breaches of planning control which will require further research. This has been referred to the Planning Compliance Team who will commence an investigation.			
I will provide full written responses to this and other questions at the earliest opportunity when further enquiries have been completed.			

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
5 (11/12)	Mr B Else	Councillor Fry	Units 1-13, 80 The Ride PL9 7JS
<p>Reference ELECTORS QUESTION for Units 1-13, 80 The Ride PL9 7JS, 20th June 2011, replied to by Councillor Fry. Can PCC clarify these points?</p> <p>Extra parking outside the site would indicate that extra space was needed within the site, space taken up by the 'Council's policy of housing more than 1 caravan per pitch has led to overcrowding. If the over crowding was addressed would there be need for an additional car park?</p> <p><b>Response:</b> This and the other related questions raise issues of possible breaches of planning control which will require further research. This has been referred to the Planning Compliance Team who will commence an investigation. I will provide full written responses to this and other questions at the earliest opportunity when further enquiries have been completed.</p>			

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
6 (11/12)	Mr B Else	Councillor Fry	Units 1-13, 80 The Ride PL9 7JS
<p>Reference ELECTORS QUESTION for Units 1-13, 80 The Ride PL9 7JS, 20th June 2011, replied to by Councillor Fry. Can PCC clarify these points?</p> <p>How does the creation of an extra parking facility not conflict with planning consent condition 6?</p> <p><b>Response:</b> This and the other related questions raise issues of possible breaches of planning control which will require further research. This has been referred to the Planning Compliance Team who will commence an investigation. I will provide full written responses to this and other questions at the earliest opportunity when further enquiries have been completed.</p>			

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
7 (11/12)	Mr B Else	Councillor Fry	Units 1-13, 80 The Ride PL9 7JS
<p>Reference ELECTORS QUESTION for Units 1-13, 80 The Ride PL9 7JS, 20th June 2011, replied to by Councillor Fry. Can PCC clarify these points?</p> <p>In your reply to my question you say <u>'discussions with a number of parties indicated that extra space would alleviate some of the existing issues.'</u> Can you say who these parties are and what the issues are?</p>			
<p><b>Response:</b> This and the other related questions raise issues of possible breaches of planning control which will require further research. This has been referred to the Planning Compliance Team who will commence an investigation. I will provide full written responses to this and other questions at the earliest opportunity when further enquiries have been completed.</p>			

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
8 (11/12)	Mr B Else	Councillor Fry	Units 1-13, 80 The Ride PL9 7JS
<p>Reference ELECTORS QUESTION for Units 1-13, 80 The Ride PL9 7JS, 20th June 2011, replied to by Councillor Fry. Can PCC clarify these points?</p> <p>Under local planning policy AIR2.2, the public car park the site was built on should have been replaced. How does PCC qualify not providing replacement public parking that it should supply, while finding additional private car park spaces for its tenants?</p>			
<p><b>Response:</b> This and the other related questions raise issues of possible breaches of planning control which will require further research. This has been referred to the Planning Compliance Team who will commence an investigation. I will provide full written responses to this and other questions at the earliest opportunity when further enquiries have been completed.</p>			

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
9 (11/12)	Mr B Else	Councillor Fry	Units 1-13, 80 The Ride PL9 7JS
Reference ELECTORS QUESTION for Units 1-13, 80 The Ride PL9 7JS, 20th June 2011, replied to by Councillor Fry. Can PCC clarify these points?  Is PCC policy of housing extra caravans on The Ride done to save monies by absorbing potential illegal pitches that are expensive to remove?			
<b>Response:</b> "The Ride does not play any part in our procedures for managing 'illegal pitches', which we refer to as unauthorised encampments. Our agreed procedure for managing unauthorised encampments is published on our website <a href="http://www.plymouth.gov.uk/revised_gt_ue_procedures">http://www.plymouth.gov.uk/revised_gt_ue_procedures</a> . We used these procedures to remove 2 caravans which were illegally parked on temporarily vacant pitches at the Bayview Caravan Site on the Ride as recently as January 2011."			

32. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

33. **PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTION FOR HOUSES IN MULTIPLE OCCUPATION**

The Director for Development and Regeneration submitted a written report -

- (a) on a proposal to take measures to increase the level of planning control over houses in multiple occupation (HMO) in certain parts of the city;
- (b) indicating that the designation of an Article 4 Direction (A4D) would result in the withdrawal of the permitted development rights for specified types of development, requiring planning permission to be sought from the local planning authority;
- (c) advising that the option of using an A4D to give greater control over HMOs was recently consulted upon in the Sustainable Neighbourhoods Development Plan Document consultation and received support, although some landlords were opposed to it;
- (d) indicating that although A4Ds could not be applied retrospectively, additional restrictions would aid in achieving the goal of better balanced communities and would ensure that further areas of the city would not exceed significantly harmful concentrations of HMOs;
- (e) informing Cabinet Members that there were two types of directions, an immediate A4D and a non-immediate A4D. An immediate A4D

would expose the Council to potentially considerable financial risks from disadvantaged landowners;

- (f) indicating that the proposed non-immediate A4D would cover the area recommended in the Arup report including Mutley and Greenbank, and the City Centre. It would also provide controls in Stonehouse, Stoke, Peverell, Beacon and Pennycross, Hartley and Mannamead, Higher Compton, Efford, Lispson and Laira, Mount Gould and East End.

Agreed that –

- (1) a non-immediate Article 4 Direction is made, to control changes of use to Class C4 (Houses in Multiple Occupation) as set out in detail in the Appendix to the written report, pursuant to Article 4(1) of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), to come into force no sooner than 12 months after notice of the withdrawal of permitted development rights is given;
- (2) officers are instructed to serve notice locally and notify the Secretary of State in accordance with The Town and County Planning (General Permitted Development) Order 1995 (as amended), and Annex A of the 'Department for Communities and Local Government Replacement Appendix D to Department of Environment Circular 9/95: General Development Consolidation Order 1995 (978 0117531024)', November 2010;
- (3) authority is delegated to the Cabinet Member for Planning, Strategic Housing and Economic Development to determine whether to confirm the Article 4 Direction, taking into account any representations received during the six week consultation period, or to instruct further consultation should material changes to the Direction be appropriate as a result of consultation;
- (4) officers are instructed to prepare supporting planning guidance to amplify existing policy in relation to changes of use to Houses in Multiple Occupation, including necessary evidence gathering and consultation;
- (5) officers are instructed to refer the report to Planning Committee for information;
- (6) officers are instructed, in the event that an Article 4 Direction is confirmed, to carry out a review of the Article 4 Direction's area and effect for consideration by Cabinet, 12 months after a Direction comes into force.

**GYPSY AND TRAVELLER SITES**

The Directors for Community Services and Development and Regeneration submitted a written report -

- (a) setting out a clear strategic direction to meet the locally assessed needs for Gypsy and Traveller sites in the short, medium and long term, to comply with the Plymouth Core Strategy Policy commitments and to enable compliance with the Coalition Government's emerging national policy for Gypsy and Traveller sites;
- (b) indicating that the identified need was for approximately 50 pitches, as set out in the Plymouth Core Strategy Policy CS17;
- (c) on problems and costs associated with unauthorised encampments and developments, which rose to 40 cases during 2010, at an estimated current cost of circa £200,000 for dealing with them;
- (d) advising that the Coalition Government had allocated £60m to fund the provision of new Gypsy and Traveller sites through the National Affordable Homes Framework and Plymouth Community Homes had submitted a bid to develop a transit site subject to agreement with the City Council to develop and manage it;
- (e) indicating that through the site assessment work undertaken, officers had identified land in City Council ownership at Broadley Park Roborough, within South Hams, as the most suitable location for a transit site;
- (f) informing Cabinet Members that, following extensive earlier consultations with local communities, and in the light of representations received, it was proposed that two sites at Mowhay Road, adjacent to the St Budeaux By-Pass should be supported in principle, to meet the locally assessed need;
- (g) indicating that Broadley Park and the two sites off the St Budeaux By pass (Mowhay Road), along with sites that already had planning permission at Ridge Road and Military Road, would provide a sufficient number of pitches to meet the identified need;
- (h) advising that, consequently, all other sites previously suggested, no longer needed to be pursued;
- (i) the decision was a key decision but had not appeared in the Forward Plan and had been dealt with under the procedure for urgent key decisions.



Agreed that –

- (1) in principle, support is given the identification of sites at Mowhay Road, St Budeaux By pass, Military Road, Efford and Broadley Park for meeting Plymouth's identified need for Gypsy and Traveller sites;
- (2) officers are instructed to undertake a tendering process with the view to selecting a preferred bidder to acquire a lease to develop the site at Military Road, Efford as a Gypsy and Traveller site;
- (3) officers are instructed to submit a planning application at Broadley Park, Roborough as the location for a transit Gypsy and Traveller site, subject to funding being allocated from the Plymouth's Affordable Homes funding bid;
- (4) officers are instructed to undertake further assessments of delivery options for the two sites at Mowhay Road, St Budeaux By-pass (Mowhay Road) including the taking of appropriate measures to secure delivery through funding bids.

35. **JOINT FINANCE AND PERFORMANCE REPORT Cabinet Decisions**

The Corporate Management Team submitted a written report on the first monitoring report for 2011/12 and outlining the performance and finance monitoring position of the Council, as at the end of June 2011.

Agreed that –

- (1) the variations to capital spend and re-profiling are approved as detailed in Table 6 in the written report;
- (2) approval is given to the Blue Badge administration fee increase to £4.60 plus VAT, with effect from 1 January 2012;
- (3) approval is given to the budget virements as detailed in Figure 9 of the written report;
- (4) savings in the insurance premiums are clawed back from departmental budgets and held in corporate items pending the annual review of reserves and provisions.

35a **JOINT PERFORMANCE AND FINANCE REPORT Recommendation to City Council**

Agreed that the City Council is Recommended to approve the new capital schemes for investment as detailed in Table 5 amounting to £2.851m additional capital spend for 2011/12 –

£000	£000	£000	£000	Schemes
11/12	12/13	13/14	14/15	
2,135	-	-	-	Purchase of replacement refuse vehicles
140	-	-	-	Aiming High for Disabled Children
50	700	-	-	Capitalised maintenance works to West Hoe Pier
160	398	-	-	Saltram Countryside Park - Phase I
100	176	1,029	1,542	Plymouth Connect Local Sustainable Transport schemes
89	-	-	-	Royal Parade Pedestrian Crossing
65	-	-	-	Honicknowle Multi Use Games Area (MUGA) and Plan Hub
50	-	-	-	Neswick Street (Stonehouse) Play Area
13	-	-	-	Radford Quarry
14	-	-	-	Russell Avenue Tennis Courts
35	-	-	-	Brickfields Athletics Stand
<b>2,851</b>	<b>1,274</b>	<b>1,029</b>	<b>1,542</b>	<b>Total of new Schemes for approval in Oct 2011</b>

### 36. FUTURE OF CIVIC CENTRE

The Directors for Corporate Support and Development and Regeneration submitted a written report providing an update on the options regarding the future of the Civic Centre following the soft marketing testing undertaken earlier this year.

The report outlined the background to the issues around the Civic Centre site, detailed the assumptions that had been made, the options that were available and evaluated those options to give a recommended way forward.

The attention of Cabinet Members was drawn to the separate confidential report referred to in minute 43 below.

Agreed that -

- (1) approval is given to the recommended action, to put the Civic Centre out to an OJEU procurement, with a view to the Council taking a leaseback of reduced space in a refurbished building;
- (2) prior to OJEU, the officers will continue to explore the opportunity for freehold disposal;
- (3) this decision is referred to the Overview and Scrutiny Management Board, for comment.

37. **INCAPACITY BENEFIT**

Further to minute 17 of the City Council (Motion on notice no 1 (11/12) - incapacity benefit) where the portfolio holder was asked to conduct an immediate study of the scope and nature of this issue, to assess its implications on claimants, the Council and other provider partners and report to the Cabinet within the month, the Director for Community Services submitted a written report indicating that -

- (a) incapacity benefit would be phased out nationally by 2014 and claimants were being assessed on their availability to work and for entitlement to other benefits;
- (b) the change would effect over 10,000 people in the Plymouth area and reassessment letters were beginning to be sent out. The process was at an early stage and the impact on claimants was difficult to assess at present;
- (c) a variety of national and local work was underway to support claimants through the incapacity benefit change process;
- (d) the Council commissioned services from a number of voluntary sector organisations which included advice and support for those going through the process;
- (e) the Council was also undertaking a needs assessment to inform commissioning of advice and support services from 2012/13 and this would take into account needs associated with incapacity benefit changes.

Agreed that -

- (1) the current position with regard to the migration of claimants from incapacity benefit together with support services available, is noted;
- (2) officers are asked to keep the situation under review and take this into account in service planning.

38. **PLYMOUTH CONNECT - LOCAL SUSTAINABLE TRANSPORT FUND**

The Director for Development and Regeneration submitted a written report indicating that

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- (a) following approval, in March 2011, for the submission of a bid for funding from the Department for Transport's Local Sustainable Transport Fund for the Plymouth Connect Scheme costing £6.359m, the Department of Transport had advised that the Council had been successful in securing the £4.33 million of capital and revenue funding sought from the Local Sustainable Transport Fund between 2011/12 and 2014/15;
- (b) the balance of the funding consisted of £0.75m from the Section 106 Agreement for the Morley Park development and an allocation of £1.21m from the Council's Local Transport Plan Capital Programme Integrated Block between 2011/12 and 2014/15;
- (c) Plymouth Connect consisted of a package of walking and cycling infrastructure improvements along the Eastern Corridor, linking to the Waterfront and to Devonport and Stonehouse;
- (d) design and development work associated with the highway infrastructure improvements and personalised travel planning was programmed to commence from October 2011, with delivery during 2012/13 through to 2014/15.

Agreed that –

- (1) the report is noted;
- (2) Plymouth Transport and Highways develop and deliver the Plymouth Connect scheme on the basis of the outline set out in the officer's written report.

(See also minute 35a)

39. **PLYMOUTH CITY AIRPORT**

The Director for Development and Regeneration submitted a written report advising Cabinet Members that -

- (a) Plymouth City Airport was owned by Sutton Harbour Holdings Limited and was held on two related leases from the City Council for 150 years from April 2004;
- (b) under the terms of the lease Plymouth City Airport was entitled to close the airport in the event that it was not viable for its Principle Purpose, defined as a public airport providing passenger air services on a regular and commercial basis to members of the public;

- (c) Plymouth City Airport Limited served a Non-Viability Notice on the Council on 24 December 2010 which gave 12 months' notice of closure of the airport and the Council needed to respond to the Notice as soon as practicable, but in any event no later than the expiry of the Notice which would be on 23 December 2011;
- (d) in order to inform its decision on how to respond to the Notice, the City Council had commissioned three pieces of work -
  - (i) with Plymouth Chamber of Commerce, an economic study of Plymouth City Airport and options for its future, carried out by Berkeley Hanover Consulting Limited (the study was circulated to Cabinet Members);
  - (ii) due diligence on company accounts of Plymouth City Airport Limited, carried out by auditors, Grant Thornton UK LLP;
  - (iii) soft market testing of potential scheduled air services using smaller aircraft (20-seat aircraft rather than the 50-seat aircraft in the ASW fleet) and alternative airport operators, carried out by Oriens Advisers Limited;
- (e) the decision was a key decision but had not appeared in the Forward Plan and had been dealt with under the procedure for urgent key decisions.

The attention of Cabinet Members was drawn to the separate confidential report referred to in minute 45 below.

Agreed that –

- (1) the Council accept the Notice of Non-Viability, dated 24 December 2010, that Plymouth City Airport Limited/Sutton Harbour Holdings Limited wish to close Plymouth City Airport for its principal use of providing public commercial air services;
- (2) the Council enter into discussions with Plymouth City Airport Limited/Sutton Harbour Holdings Limited with the aim of securing continued use of the airport for FOST and search and rescue on a temporary basis whilst future options are considered;
- (3) the area covered by the Derriford and Seaton Area Action Plan is amended so as to exclude Plymouth Airport, as identified in the report, and to incorporate this change in a revised Pre-Submission Draft of the Area Action Plan for further consultation;
- (4) until such time as the Core Strategy Review (Plymouth Plan) is submitted for public examination, officers are instructed to continue to apply the Council's current planning policies and guidance for Plymouth Airport, including:

- Adopted Core Strategy: Area Vision 9 (2) and Vision Diagram, Strategic Objective 14 (Delivering Sustainable Transport), Policy CS27 (Supporting Strategic Infrastructure Proposals) and Policy CS28 (Local Transport Considerations);
  - Interim Planning Statement 16 (Plymouth Airport);
- (5) officers are instructed to work with partners to develop the case for better and more regular rail connectivity and infrastructure provision; lobbying ministers on these matters and preparing the evidence base to inform the Department for Transport of the requirements to be included in the ITT for the new Great Western franchise.

#### 40. **ROYAL PARADE CROSSING REVIEW**

The Director for Development and Regeneration submitted a written report on a review of the Royal Parade pedestrian crossing with the police, following a recent court case into a fatal collision between a pedestrian and a heavy goods vehicle.

The outcome of the review, supported by the police, was that the crossing itself was working appropriately, but that a series of measures to improve the environment around the crossing, and increase its 'visibility' could be undertaken.

The total cost of the proposals was £0.089m and capital funding would need to be made available for this work to be completed in the current financial year.

Agreed that the following works are introduced in an incremental, phased manner, to enhance the setting and visibility of the crossing -

- (1) provide a surface contrast to funnel pedestrians to the area between the road studs demarking the crossing. This would be delivered by introducing a buff surface for the length of the zig zags either side of the crossing – highlighting the crossing;
- (2) changing the colour of the poles to aid identification and location for crossing;
- (3) change the tactile paving to burnt red;
- (4) introduce seating or planters on the pavement areas either side of Royal Parade to provide a visual pointer towards the crossing point;
- (5) review the light timings to seek a reduction in the call time and duration of the green man, to make the crossing more appealing to users;

- (6) discuss with the Department for Transport the provision of count down signs to make the crossing more appealing and better inform users.

(See also minute 35a)

41. **REVOCATION AND REPLACEMENT OF BYLAW TO PROVIDE POSSIBILITY OF ALLOWING CYCLING IN PARKS AND RECREATION GROUNDS WHERE STATED**

The Director for Development and Regeneration submitted a written report -

- (a) advising Cabinet Members that the recently adopted Third Local Transport Plan had a strong focus on enabling people to take up more physically active travel as part of a healthier lifestyle and opening up cycling routes through parks was also echoed by Plymouth's Green Infrastructure Delivery Plan;
- (b) on proposals to revoke two existing bylaws and replace them with versions which were consistent with respect to cycling through parks and recreation grounds. It was proposed that both bylaws were amended to open up the possibility of allowing cycling in certain parks whilst reducing or removing the need for excessive signage and to increase powers that are available to tackle inconsiderate cycling;
- (c) the proposal to revoke and replace the existing bylaws would not in itself affect the legality of cycling in the parks, but it would make it possible for the Council to permit cycling in certain parks if deemed appropriate after risk assessment and consultation with relevant Council departments, Ward Members and park user groups. In such locations, signs or notices would be installed or amended to indicate that cycling was permitted;
- (d) once approved by the City Council, a bylaw would be prepared, sealed and advertised. A copy of the bylaw would then be held on deposit at the Council offices for at least 28 days for members of the public to view and make any formal objections. Following the deposit period and the consideration of any objections, the bylaw would be submitted to the Secretary of State for Communities and Local Government for confirmation. The Secretary of State fixes the date on which the bylaw comes into effect.

Agreed that the City Council is Recommended to revoke and replace the bylaws which apply to the parks in Schedules 1 and 2 in Annex 1 to the written report, with an amended version whose wording opens up the possibility of permitting safe and considerate cycling where it is deemed appropriate following consultation with the relevant Council departments, Ward members and user groups.

The wording for both bylaws will be slightly amended to read as follows –

"Providing that the Council indicates that cycling is permitted where indicated in the park by means of a notice, surface markings, direction sign for cycles or "cycling permitted" sign, then this bylaw shall not be deemed to prohibit the riding of cycles in a manner which is judged not to endanger or cause a nuisance to other park users."

42. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

43. **FUTURE OF CIVIC CENTRE**

With reference to minute 36 above, the Directors for Corporate Support and Development and Regeneration submitted a written report on the future of the Civic Centre, including confidential background information.

44. **MOUNT EDGCUMBE PROPERTY OPTIONS**

The Director for Community Services submitted a written report on Mount Edgcombe property options, as recommended by the Mount Edgcombe Joint Committee of 22 July 2011 (minute 14 refers). The recommendations also required the approval of Cornwall Council.

Agreed that –

- (1) approval is given to the release of Picklecombe Cottage, subject to an acceptable price being received, this to be agreed by the joint chairs in consultation with the relevant Cabinet Members and the Directors of Finance of the constituent authorities;
- (2) the additional land leading to the waterfront, in front of the property, is included to maximise receipts;
- (3) any capital receipt from Picklecombe Cottage is ring-fenced for investment into the park, to generate further revenue savings; this being a special case and not to be seen as setting a precedent;
- (4) the capital is used to maximise the revenue savings and income generation opportunities in the park, the exact projects to be decided on the basis of individual business plans, and the overall business plan for the park;
- (5) the full business cases is brought to the joint committee and Cabinet for consideration as soon as possible to ensure the savings required in the 2011/12 financial year can be achieved.



45. **PLYMOUTH CITY AIRPORT**

With reference to minute 39 above, the Director for Development and Regeneration submitted a written report on Plymouth City Airport, including confidential background information.