

# City Council

Monday 3 December 2012

## PRESENT:

The Lord Mayor, Councillor Wright, in the Chair.

The Deputy Lord Mayor, Councillor Singh, Vice Chair.

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Casey, Churchill, Coker, Damarell, Darcy, Philippa Davey, Sam Davey, Drean, Evans, K Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, James, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, Dr. Mahony, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Parker, Penberthy, Mrs Pengelly, Rennie, Ricketts, Dr. Salter, John Smith, Peter Smith, Stark, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Wigens and Williams.

Also in attendance: Tracey Lee (Chief Executive), Tim Howes (Assistant Director for Democracy and Governance), Judith Shore (Democratic and Member Support Manager), Nicola Kirby (Senior Democratic Support Officer (Cabinet), Gemma Pearce (Team Leader, Democratic Support) and Katey Johns (Democratic Support Officer).

Apologies for absence: Councillors Browne, Mrs Dolan, Jarvis, McDonald and Monahan

The meeting started at 2.00 pm and finished at 5.32 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.*

## 57. TRACEY LEE

The Lord Mayor introduced councillors to Tracey Lee, the council's new Chief Executive and formally welcomed her to the council and to this, her first meeting of the City Council.

## 58. MINUTES

Agreed that the minutes of the Extraordinary General Meeting and the ordinary meeting of council held on 24 September 2012 are confirmed as a correct record.

## 59. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the code of conduct from councillors in relation to items under consideration at this meeting –

| Name                | Item                                    | Interest | Reason                                       |
|---------------------|---|----------|--|
| Councillor Damarell | Minute 63 – Capital Programme Approvals | Personal | Representative on the Marine Academy Trust   |
| Councillor Jordan   | Minute 63 – Capital Programme Approvals | Personal | Chair of one nursery and director of another |

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

The report of the Director for Corporate Services was submitted on current vacancies on committees, outside bodies etc. and changes to committees that have been made.

Agreed that the following appointments are made –

|    | <b>Committee / Outside Body</b>                    | <b>Membership</b>   | <b>Appointments</b>  |
|----|--|---|--|
| a. | Lord Mayor Selection Committee                     | Six councillors (3 Labour Group and 3 Conservative Group)<br><br>Cllrs Mrs Aspinall, Evans and Vincent appointed            | Councillors Darcy, Sam Leaves and Mrs Pengelly                         |
| b. | Careers South West<br>(new councillor appointment) | One councillor  | Councillor Damarell  |
| c. | North Yard Community Trust (new body)              | Four councillors comprising two from St Budeaux ward, one from Ham ward and one from Devonport ward                         | Councillors Damarell, Bowie, Tuohy and Stevens                         |
| d. | PLUSS Organisation Ltd                             | One councillor (vacant) and one deputy (Councillor Mrs Aspinall).<br><br>One vacancy following resignation of Cllr McDonald | Member: Councillor Mrs Aspinall<br><br>Deputy: Councillor Tuffin       |
| e. | Tamar Estuaries Consultative Forum                 | Two councillors: Councillors Murphy and Wheeler   | Councillor Vincent to replace Councillor Murphy                        |
| f. | Standards Advisory Group (informal)                | Six councillors (three from each political group)   | Councillors Ball, Dr Mahony, Mrs Pengelly, Rennie, Stevens, Jon Taylor |

The appointment of the following named substitutes notified to the Assistant Director for Democracy and Governance were noted –

|    | <b>Committee, Outside Body etc</b>          | <b>Membership</b>   |
|----|---|---|
| g. | Dartmoor National Park Forum                | Named substitutes: Councillor Mrs Aspinall for Councillor Mike Fox and Councillor Parker for Councillor Wheeler |
| h. | Devon Investment and Pension Fund Committee | Named substitutes: Councillor Fox for Councillor Peter Smith and Councillor Dr Mahony for Councillor Stark.     |

## 61. ANNOUNCEMENTS

### (i) **Bishop Nick McKinnel**

The Lord Mayor congratulated Bishop Nick McKinnel on his recent ordination as the Anglican Bishop of Crediton at Southwark Cathedral. Bishop McKinnel had been a long-serving Rector of the Minster Church of St Andrew and, on behalf of the Council and past Lord Mayors, thanks were extended to him for all his help, advice and support particularly with regard to civic functions at the Minster Church and he was wished well in his new role.

### (ii) **Appointment of Assistant Directors**

Following three appointments made by the Chief Officers Appointments Panel, the Lord Mayor welcomed Judith Harwood (Assistant Director for Education, Learning and Family Support) and Andrew Stephens (Assistant Director for Customer Services). He also referred to Alison Botham (Assistant Director for Children's Social Care) who it was hoped would be joining the council shortly.

### (iii) **British Cycling**

The Lord Mayor presented Councillor Davey (Cycling Commissioner for the Council) with a signed Team GB jersey in recognition of the contribution that the city had made to increasing cycling in the UK.

British Cycling and Plymouth City Council were working together to deliver a range of initiatives, including Sky Ride Local and helping to get more people into cycling.

Thanks also went to the officers in the Transport and Infrastructure Department and Jim Woffenden and Katrice Deves attended to represent the department.

### (iv) **Fairtrade City Status**

The Lord Mayor reported that Plymouth had had its Fairtrade City Status renewed.

Officers and members had been working with Plymouth's Fairtrade Network to renew interest in Fairtrade as part of the city's commitment to fairer, co-operative market opportunities for the producers of over 4,000 Fairtrade products that were now available in the UK.

A two-year action plan had been set out on how Plymouth could be part of a network of people and organisations working together on a global scale to get a better deal for farmers and workers in the developing world. The action plan detailed five clear commitments to Council support, retailer and community opportunities, promotional projects and partnership working.

The Lord Mayor presented the certificate to Councillor Penberthy (Cabinet Member for Cooperatives and Community Development).

**(v) Transport Resilience**

The Leader referred to the recent extreme weather and reported that a joint letter from local authorities in the south west, the Heart-of-the South West Local Transport Body and local enterprise partnerships had been sent to the Transport Minister with regard to recent flooding and disruption of rail and road services. Fast, reliable transport links were essential for the delivery of economic growth and investment in the transport infrastructure had been requested.

**(vi) City of Culture**

The Leader advised the City Council that agreement had been given to a contribution of £20,000 for Plymouth to submit an expression of interest to become a City of Culture. The University of Plymouth had also agreed to a £20,000 contribution but both contributions were subject to match funding from the Culture Board and the private sector. If the city was successful in achieving the status, it would be a catalyst for major events but the nature of the competition would need to be assessed before committing further money.

**(vii) City Deal**

The Leader reported that the initial draft expression of interest for the City Deal had been submitted. Plymouth had been invited to set out the key challenges that the city faced but there would be no new cash or promise of extra funding. The objective was to drive growth across the peninsula and, if successful, a way forward would be agreed with other stakeholders.

**(viii) Movember**

The Leader referred to Movember, where, during November each year, moustaches were grown with the aim of raising vital funds and awareness for men's health, specifically prostate cancer and testicular cancer. He paid tribute to the 'mo sisters' (Paula Hindmarsh, Kathy Williams, Di Byrne, Alicia Coumbe, Jill King, Stephanie Day, Councillors Mrs Aspinall and Williams) for raising over £600 through sale of false moustaches and cakes.

62. **QUESTIONS BY THE PUBLIC**

One question had been received from a member of the public in relation to a matter which in the opinion of the Lord Mayor, was relevant to the business of the meeting, in accordance with paragraph 10 of the Constitution.

| <b>Question No</b>   | <b>Question By</b> | <b>Cabinet Member</b>                 | <b>Subject</b>          |
|--|--------------------|---------------------------------------|-------------------------|
| Q7/12-13   | Mr Sharpe          | Councillor Peter Smith, Deputy Leader | Plymstock Swimming Pool |
| Seeing nothing is happening at Sherford and Plymstock Residents have never voted for a swimming pool connected to Sherford when do Plymstock residents get plan B for a Plymstock Swimming Pool announced please.  |                    |                                       |                         |
| <b>Response:</b><br>The Sherford development has yet to commence but forms part of the strategic plans for Plymouth and South Hams. It has effectively been voted on by Plymstock residents through the plans put to the electorate by the previous administration and by previous Planning Committees under the last Conservative Council. A detailed Section 106 legal agreement reflects the requirements of the two Planning Committees for a swimming pool which would be delivered as part of that development. If a planning application is received for another swimming pool in the Plymstock area then this would be considered on its own planning merits against the relevant Local Development Framework. |                    |                                       |                         |

In the absence of the questioner, the question and response were circulated and a written response would be sent to Mr Sharpe.

## **RECOMMENDATIONS FROM CABINET**

### 63. **Capital Programme Approvals**

Councillor Lowry (Cabinet Member for Finance) presented the written report of the Director for Corporate Services seeking approval of new capital schemes over £0.5m which had been considered by Cabinet on 13 November 2012 for inclusion in the council's capital programme. (Cabinet minutes 88, 88a, 90, 90a, 91 and 91a refer)

The proposal was seconded by Councillor Williams.

Agreed the new capital schemes for investment as detailed below, amounting to £14.459m:

| Scheme   | £      |
|--|--------|
| Two Year Old Nursery Places  | 1.750m |
| Coastal Communities Scheme (subject to successful grant application) | 1.327m |
| Local Transport Plan capital grant forecast 2015/16                  | 4.829m |
| Marine Academy Primary Free School Places                            | 3.866m |
| Replacement of Minibuses   | 0.980m |
| Replacement of Plant and Equipment                                   | 1.707m |

64. **Gambling Act 2005 - Three Year Review of the Statement of Principles**

Councillor Vincent (Cabinet Member for Environment) presented the Cabinet recommendation to adopt the City Council's Gambling Act Statement of Licensing Policy, following a three year review. (Cabinet minute 84 referred). The policy would commence on 31 January 2013.

The written report of the Director for Place to Cabinet, was also submitted.

The proposal was seconded by Councillor Williams.

Agreed that the Gambling Act Statement of Licensing Policy is adopted as contained in Appendix B to the written report.

65. **THE 2013 REVIEW OF PARLIAMENTARY CONSTITUENCIES IN ENGLAND**

The Assistant Director for Democracy and Governance submitted a written report on revised proposals published by the Boundary Commission for England relating to the review of parliamentary constituency boundaries as it affected the City of Plymouth. The City council was invited to consider any representations it wished to make in respect of those revised proposals before 10 December 2012.

A motion was moved by Councillor Evans as follows -

1. This Council objects in the strongest possible terms to the Boundary Commission proposals for the redrawing of Parliamentary Boundaries relating to the City of Plymouth in so far as they concentrate on numbers of voters and electoral quotas rather than seeking to retain community ties between wards and the local authority.
2. The Boundary Commission is therefore requested to maintain the existing Parliamentary Boundaries relating to the City of Plymouth.

Following a request for an adjournment to allow councillors to consider the motion, the Lord Mayor adjourned the meeting for five minutes.

The motion was seconded by Councillor Peter Smith.

During the debate, issues raised included that –

- the proposals would effectively remove the Moor View Ward from Plymouth;
- the proposals would reduce the number of Members of Parliament nationally, rationalise the size of constituencies and were proposed following a consultation process;
- the city boundary would not change and at present Plympton and Plymstock were within a constituency including areas of south west Devon;
- there was no rationale for the proposals;
- representations had been made in relation to previous proposals which linked part of the city to Okehampton;

- representation of the Moor View Ward, which included the hospital, teaching establishment and arterial routes, could be diminished with the extent of the proposed constituency;
- the proposals did not take into account the views of people and in the event of growth and increasing population, a further review would be required.

Following a request from ten councillors for a recorded vote, there voted –

For the motion (28)

*Councillors Mrs Aspinall, Bowie, Casey, Coker, Damarell, P. Davey, S. Davey, Evans, Fox, Gordon, Haydon, Lowry, Murphy, Mrs Nelder, Parker, Penberthy, Rennie, Singh, J. Smith, P. Smith, Stevens, J. Taylor, K. Taylor, Tuffin, Tuohy, Vincent, Wheeler and Williams.*

Against the motion (23)

*Councillors Ball, Mrs Beer, Bowyer, Mrs Bowyer, Churchill, Darcy, Drean, Foster, Mrs Foster, Fry, James, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Dr Mahony, Nicholson, Mrs Nicholson, Mrs Pengelly, Ricketts, Dr Salter, Stark and Wigans.*

Abstentions (1)

*The Lord Mayor*

The following members were absent (5)

*Councillor Browne, Mrs Dolan, Jarvis, McDonald and Monahan.*

Following the vote, the motion was agreed.

## **MOTION ON NOTICE**

### 66. **Loan Sharks**

Councillor Penberthy moved and Councillor Evans seconded the following motion -

‘Council:

- Notes and welcomes the UK-wide campaign to end ‘legal loan sharking’.
- Believes that the lack of access to affordable credit is socially and economically damaging. Unaffordable credit is causing a myriad of unwanted effects such as poorer diets; colder homes; rent, council tax and utility arrears; depression (which impacts on job seeking behaviour) and poor health.
- Further notes that unaffordable credit is extracting wealth from the most deprived communities.

- Believes it is the responsibility of all levels of government to try to ensure affordable credit for all, and therefore pledges to use best practice to promote financial literacy and affordable lending. This will help to ensure that wealth stays in the local economy.
- Also pledges to promote credit unions, community based organisations offering access to affordable credit and promoting saving, in Plymouth.
- Calls on the government to introduce caps on the total lending rates that can be charged for providing credit.
- Calls on the government to give local authorities the power to veto licences for high street credit agencies where they could have negative economic or social impact on communities.'

An amendment was moved and seconded to allow Councillor Penberthy an extension of time to present the motion.

During the debate, issues raised included that –

- pay day loans were a scourge on society with interest rates of 100 per cent or more plunging people into a downward spiral of debt;
- the council was committed to and people were urged to use credit unions where loans would be made at a reasonable rate;
- thanks were extended to the City of Plymouth Credit Union (01752 201329), the Plough and Share Credit Union (01837 658123), the Hope Credit Union (01752 301871) and the Citizen's Advice Bureau for their work;
- work done nationally and especially the amendment from the House of Lords, were welcomed although pressure needed to be maintained to protect vulnerable people;
- there should be a licensing system to regulate loans and a veto on high street credit agencies;
- with the government's introduction of welfare reforms, the need for credit unions would rise;
- regulation of private individuals collecting payments was also sought in association with the police;
- schools needed to be more proactive although credit unions were now working with schools;
- credit unions also needed investment;
- information on credit unions would be put on the council's website and work was being undertaken to provide leaflets and pamphlets.

Following a vote the motion was agreed.

## 67. **QUESTIONS BY COUNCILLORS**

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 Fry   | Councillor Peter Smith | Had Councillor Smith undertaken discussions personally with the Americas Cup organisation?  |
|   | Councillor Smith responded that officers had but he had not.   |                        |   |
| 2 | Councillor Dr Salter   | Councillor Evans       | Member Support Officer appointed. Would Labour group councillors take a pay cut to pay for the post? Why would council tax payers be willing to pay?  |
|   | Councillor Evans responded that the service was available to all Conservative councillors. The assistance would enable members to provide a better service to constituents.  |                        |   |
| 3 | Cllr Nicholson   | Cllr Stevens           | What were the options if a planning application was refused? Could an application be resubmitted?   |
|   | Councillor Stevens responded that if an application was refused there was an appeal procedure. It was difficult to resubmit an application that had been refused.  |                        |   |
| 4 | Cllr Jordan  | Cllr Coker             | Why have you not put taxi marshalls in taxi ranks during the Christmas period as has been done previously? The issue had been raised by the police as a means of getting people away from the area quickly. |
|   | Councillor Coker responded that a written response would be provided.  |                        |   |
| 5 | Cllr James   | Cllr Williams          | What was being done to ensure a smooth transition of vulnerable children to adulthood? Did it include those with mental health disorders?   |
|   | Councillor Williams responded that a booklet was being produced and scrutiny would be asked to help develop a plan. It did include those with mental health disorders.   |                        |   |
| 6 | Cllr Darcy   | Cllr Stevens           | Why do you lead Planning Committee members? Would you review the footage of the committee and your charring skills?   |
|   | Councillor Stevens responded that the committee was open to wide ranging debate and councillors reached their own decision based on the evidence. If reviewed, footage would see other councillors behaving inappropriately. |                        |   |
| 7 | Cllr Nicholson   | Cllr Stevens           | Did he accept that the way that the committee was led on the Dean Park Road application was inappropriate?  |
|   | Councillor Stevens responded not at all.   |                        |   |

|    |   |                |   |
|----|---|----------------|---|
| 8  | Cllr Martin Leaves  | Cllr Penberthy | Were neighbourhood meetings open to all to attend? Why were residents asked to complete a form declaring their sexual orientation, faith, married status etc?   |
|    | Councillor Penberthy responded that neighbourhood meetings were open to all people. A written response would be provided to the supplementary question on the completion of forms.  |                |   |
| 9  | Cllr Fry  | Cllr Stevens   | Officers were recommending that the Planning Committee should be minded to refuse the Drake's Island planning application. You have said that applications cannot be resubmitted, was this incorrect?   |
|    | Councillor Stevens responded that it was not incorrect. There was a right of appeal if planning permission was refused. An application for Planning Committee could be withdrawn before 4pm on the day of the committee.<br><br>A supplementary question was started about the Planning Committee's possible decision and was ruled inappropriate following advice from the Monitoring Officer. |                |   |
| 10 | Cllr Mrs Bowyer   | Cllr Stevens   | Would you review the planning scheme of delegation to refer all officer applications to committee?  |
|    | Councillor Stevens responded no.  |                |   |
| 11 | Cllr Sam Leaves   | Cllr Williams  | What were the financial and legal implications of developing cooperative schools? Why was the Director for People encouraging schools to participate without facts?   |
|    | Councillor Williams responded that work was in progress. She could not give financial figures as the finances were held widely, not just with the Council. She would be delighted to invite Councillor Leaves to accompany them and suggested that the councillor read the Cabinet paper.   |                |   |
| 12 | Cllr Nicholson  | Cllr Stevens   | Councillors had signed up to the Nolan principles; how was that compatible with planning applications not being dealt with in an open, transparent and fair manner. He asked that the matter was referred to the Constitutional Review Panel. |
|    | Councillor Stevens responded that if there was any evidence of malpractice, it should be raised with the Monitoring Officer.  |                |   |

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|----|---|------------------|---|
| 13 | Cllr Darcy  | Cllr Stevens     | Would you agree that the integrity of the council should not be compromised in relation to planning resources?  |
|    | Councillor Stevens responded that he was confident that the integrity of the council had not been compromised.<br>The Monitoring Officer drew members' attention to the risk of defamation and advised that any allegations should follow the proper procedure.                           |                  |   |
| 14 | Cllr K Foster   | Cllr Lowry       | Could the money spent on the Member Support Officer's salary be spent elsewhere?  |
|    | Councillor Lowry responded that the officer was seconded from another department in the Council and the salary was met from within existing budgets. The appointment enabled councillors to communicate more efficiently and effectively with constituents.                               |                  |   |
| 15 | Cllr Fry  | Cllr Evans       | He sought an apology for saying that someone else would do a quicker job than ward councillors.   |
|    | Councillor Evans questioned that the councillor was a faster typist.  |                  |   |
| 16 | Cllr Churchill  | Cllr Peter Smith | Was it acceptable for the phone line to be engaged for an hour when trying to make a Council tax payment?   |
|    | Councillor Smith responded that the councillor should have raised the issue at the time and it would have been investigated. No, an hour's wait was not acceptable.   |                  |   |
| 17 | Cllr Dr Mahony  |                  | What were the problems on the verification of ballot papers at the recent election?   |
|    | The Assistant Director for Democracy and Governance reported that no issues had been raised by Cornwall's Returning Officer in relation to the Plymouth verification.   |                  |   |
| 18 | Cllr Nicholson  | Cllr Coker       | Could ways be investigated to reduce the numerous speeding fines along Shapter's Way following the reduction of the speed limit?  |
|    | Councillor Coker responded that the signs complied with requirements. Two additional signs had been erected. It was under constant review and offences had lessened considerably.   |                  |   |
| 19 | Cllr Jordan   | Cllr Stevens     | Can you confirm that the Planning Committee gives reasons for refusal of an application? If the reasons could be addressed then another application could be submitted? |
|    | Councillor Stevens responded that reasons were given for refusal. If the committee refused an application against an officer's recommendation then the committee gave the reasons. Councillor Stevens was not aware of any legal reason why a further application could not be submitted. |                  |   |

|    |  |                  |  |
|----|--|------------------|--|
| 20 | Cllr Churchill   | Cllr Smith       | Rather than spend an hour on the phone trying to pay Council Tax, would it not have been better to employ someone to answer the phone?   |
|    | Councillor Smith responded that the Council ought to be encouraging the use of the internet etc as dealing with such transactions by phone cost the Council much more. |                  |  |
| 21 | Cllr Michael Leaves  | Cllr Vincent     | How many leaves had been recycled this year?   |
|    | Councillor Vincent responded that a written response would be provided.  |                  |  |
| 22 | Cllr James   | Cllr Coker       | Do you have any idea of the money from fines for the illegal use of bus lanes?   |
|    | Councillor Coker responded that there had been 18,685 notices issued.  |                  |  |
| 23 | Cllr Churchill   | Cllr Stevens     | Following the deferment of a planning application for a second time, was it correct that the committee would only be revisiting the reasons for deferment? Would the Planning Committee hear from residents on Thursday? |
|    | Councillor Stevens confirmed that it would save time. The Planning Committee would hear from residents and would come to a decision based on the evidence presented.   |                  |  |
| 24 | Cllr Foster  | Cllr Lowry       | Were you still looking at the costs of management and were front line staff protected?   |
|    | Councillor Lowry responded that management costs were being examined and front line staff would be protected. The details would be in Cabinet papers.                  |                  |  |
| 25 | Cllr Fry   | Cllr Peter Smith | Was the Big Wheel still being removed and when would it be completed?  |
|    | Councillor Smith responded that the Big Wheel would remain, subsequent to an agreement being reached with the new owner.   |                  |  |
| 26 | Cllr James   | Cllr Coker       | Where was the money going from the 18,000 penalty notices issued for driving in bus lanes?   |
|    | Councillor Coker responded that the money would be ringfenced to the transport section.  |                  |  |
| 27 | Cllr Ricketts  | Cllr Coker       | Were you sure about the figures?   |
|    | Councillor Coker responded that a high rate was predicted initially, numbers were falling.   |                  |  |